



PLANNING COMMISSION MEETING AGENDA
August 28, 2023
7:00pm

1) Call to Order

Chair Sandholm called the meeting to order at 7:02p.m.

In attendance: Commissioners: Chair Lora Sandholm, Michael Kirkwood, Steven Livermore, Damian Young, Tricia Taylor, and Lucas Rognli
Council Liaison: Mayor Lisa Whalen; Staff: Senior City Planner, Nickolas Olson
Absent: Zak Gangestad, Sarah Hussain and Heather Charles.

a) Approval of Agenda

Sandholm requested to move item 3E to item 3A. Sandholm also stated that the public hearing for item 3F will be opened and continue until the next meeting.

Motion by Young, seconded by Taylor to approve agenda with proposed changes.
Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

b) Approval of Minutes – June 26, 2023

Motion by Young, seconded by Taylor, to approve the June 26, 2023 minutes as presented.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

2) Business Items

a) Concept/Sketch Plan: Concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove; PUD – Planned Unit Development Zoning District; PID# 34-117-24-33-0052.

Senior Planner Nick Olson provided an overview. Highlights included:

- David Lau on behalf of Woodland Cove LLC has submitted an application for a concept/sketch plan review of a possible commercial development of Outlot C, Woodland Cove PUD.
- Woodland Cove is a 1,071 unit, 490 acre mixed use development and a total of 11 phases have been approved. Roughly 616 homes have received a permit or have been completed.
- The applicant submitted a concept for Outlot C that includes a space for three separate businesses and is seeking feedback from the Planning Commission and City Council for a future site plan submittal.

Applicant David Lau, 2640 Setter Cir, Mound, provided an overview of the concept plan.

Lau stated that the commercial development in the Woodland Cove area is very limited, and they drafted the proposed concept plan which would address dining, retail, and leisure needs of the community.

Sandholm questioned if there will be any outdoor seating. Lau clarified that most of the outdoor seating will be in front of the property.

The Commission and applicant discussed the traffic and parking implications of this proposed development in regards to the Mackenthun's development and residential traffic.

Shannon Lau and Kaylie Lau, 4268 Cottage Wood Ct, stated they foresee their bakery business being one of the commercial tenants proposed.

The Commission and staff discussed storm sewer for the development. Olson commented that storm sewer requirements will be included in the design phase.

The consensus of the Commission was that this is a viable plan.

3) Public Hearings

a) **e) CONDITIONAL USE PERMIT:** Application from Crystal Brummer for a conditional use permit for an accessory building over 1,000 sq. ft. at 400 North Branch Road; A – Agriculture Zoning District; PID# 12-117-24-21-0059.

Senior Planner Nick Olson provided an overview. Highlights include:

- Crystal Brummer has submitted an application for a conditional use permit for an accessory building over 1,000 square feet at 905 Maple Crest Drive.
- The Commission is being asked to consider the effect of the proposed use based upon health, safety, and general welfare of the City.
- City Staff did receive a couple of phone calls from residents. Most calls were general inquiries. No written comments were received.

Sandholm opened the public hearing at 7:26 p.m.

No one wished to speak.

Sandholm closed the public hearing at 7:26 p.m.

Motion by Rognli seconded by Young to recommend approval the Conditional Use Permit at 905 Maple Crest Drive subject to the conditions as presented.

Motion passed 6-0

Absent: Hussain, Charles, and Gangestad (Alternate 1).

b) **VARIANCE:** Application from Sharon Pelletier-Thaler for a lakeshore setback variance from the required 75 feet to 64.1 feet to allow for a screen porch addition at 3316 Williams Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 27-117-24-21-0029.

Senior Planner Nick Olson provided an overview. Highlights include:

- Sharon Pelletier-Thaler submitted an application for a lakeshore setback variance for a porch addition on property located at 3316 Williams Lane.
- Applicant is currently remodeling existing family home and wish to enhance the portion of the home that faces the lake.
- The existing home is non-conforming with respect to the lakeshore setback and also the property exceeds the maximum allowed lot coverage. The current lot hard cover is 34%.
- Applicant owns the adjacent property to the west which will help mitigate the hard cover concern but does not address the lakeshore setback.
- The proposed addition minimizes the extent of the request and does not extend closer to the lake than the existing structure.

The Commission was in consensus that the applicant must comply with the maximum allowed hardcover of 25%.

Sandholm opened the public hearing at 7:33 p.m.

Vera Thorpe, 3300 Williams Lane, did not see concerns regarding this application.

Gary Pettis 6200 CR 26, had concerns about implications of moving the lot lines.

Sandholm closed the public hearing at 7:35 p.m.

Young stated an option would be to construct a different type of driveway. Olson stated that he has spoken to the applicant about their options to reduce their hardcover.

Motion by Livermore, seconded by Young to recommend approval of the lakeshore setback variance application at 3316 Williams Lane subject to conditions as presented. Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

c) CONDITIONAL USE PERMIT: Application from Tyler and Amanda Holmer for a conditional use permit to keep the existing dwelling as a guest home over 1,000 sq. ft. at 400 North Branch Road; A – Agriculture Zoning District; PID# 03-117-24-13-0005. The applicants are proposing to build a new single family dwelling which will become the principle structure on the property.

Senior Planner Nick Olson provided an overview. Highlights included:

- Tyler and Amanda Homer submitted an application for a conditional use permit to keep existing dwelling as a guest house at 400 North Branch Road.
- There is an existing structure on the property and the applicant is proposing a conversion of the existing home to a guest home, however it is over the 1,000 sq. ft.
- The city may grant CUPs and may impose conditions and safeguards to protect health, safety and welfare of the community and assure harmony with the comprehensive plan of the city.
- Staff sent out notices to the surrounding property owners. A written comment was received and has been sent to the Commission to consider.

The size of the existing structure was discussed.

Tyler Holmer, 400 North Branch Road, and Joe Vos, 48227 HWY 19, Fairfax, stated they did not speak to the neighbors that submitted written comment. The Commission advised that the applicant speak to their neighbors to mitigate any concerns.

Sandholm opened the public hearing at 7:43 p.m.

No one wished to speak.

Sandholm closed the public hearing at 7:43 p.m.

There was discussion about screening.

Motion by Taylor seconded by Kirkwood to recommend approval of conditional use permit to keep the existing dwelling as a guest home over 1,000 sq. ft. and variance request at 400 North Branch Road based on the certain findings of fact and subject to the conditions outlined in the staff report.

Motion passed 6-0.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

d) VARIANCE: Application from Nathan Fair on behalf of Harriet A Ellis Trust for a lakeshore setback variance from the required 75 feet to 41 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6.1 feet and 10.1 feet to allow for a new single family home at 3790 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0003.

Senior Planner Nick Olson provided an overview. Highlights included:

- Nathan Fair has submitted a request for a lakeshore setback variance, a street side variance, and a side yard setback variance at 3790 Enchanted Lane.
- The property was previously a single family dwelling and a detached garage. The structures did not comply with the current code requirements for setbacks and were torn down by the current owners. The lot was marketed for sale and the property is now vacant.
- There were many comments submitted from the neighborhood which were distributed to the Commission.

Sandholm questioned how the applicant is meeting hardcover. Olson responded Enchanted Lane should be omitted from the hardcover calculation. Staff has done this with other properties on Enchanted Lane. The applicant is bound to the 25% of the remaining area for hardcover, and they have demonstrated compliance with this requirement.

Olson clarified that the property would be city sewer and private wells.

Applicant Nathan Fair, 13432 Hanson Blvd, Andover, stated that he and his wife are excited to build a summer home in Minnetrista. He provided the clarifications below:

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- There has been much design work that has gone into the request.
- Fair reached out to his two closest neighbors to address any concerns.
- Fair stated that surrounding homes may encroach on his property.
- The current owner has two PIDs, two wells of record, and two cabins that were on the property.
- Fair wished to note that the proposed cabins are no closer to the lake than existing cabins.
- Fair's proposed timeline would be to start building this fall.

Sandholm opened the public hearing at 7:56 p.m.

Steve Shoop, 3780 Enchanted Lane, has concerns about the side yard setbacks in regards to proving hardship to be granted a variance.

Nancy Rigelhoff, 3780 Enchanted Lane, has concerns about the side yard setbacks. She has concerns about the accuracy of the survey provided and the comparison to similar homes. She also has concerns regarding flooding in the neighborhood.

Tom Scherber, 3810 Enchanted Lane, stated he built his home five years ago and had to comply with the setbacks at that time. He has concerns about the size of the home in comparison to the size of the lot.

Bruce Philipson, 3740 Enchanted Lane, is not within 500 feet of the property so did not receive notice. His main concern is with the side yard setback. He believes the applicants are overbuilding the lot and has concerns about parking on the road.

Bruce Hauglid, 3770 Enchanted Lane, has concerns about fire risk in regards to the close proximity of the surrounding homes.

Bruce Olson, 3980 Enchanted Lane, has lived in the community for 50 years. Olson has concerns about the precedent that the approval of these variances would set in regards to future development. He also has concerns about the property value implications.

Prateek Sahgal, 3944 Enchanted Lane, wished to echo the sentiments of the comments before him.

Michelle Krenn, 3830 Enchanted Lane, wished to agree with the other comments that one home on this property is preferred.

Applicant Nathan Fair, 13432 Hanson Blvd, Andover, wanted to clarify that there are two properties they are interested in purchasing. The applicant thought it made sense to submit one application for both properties as to mitigate disturbance to the neighborhood during construction.

Fair stated there was a certified professional survey completed on the project and submitted with the application. Fair address the parking concerns as there is a garage and spaces in the driveway. Fair stated that his grading plat is reviewed by the city

engineer and must meet requirements to avoid flooding in the neighborhood. Fair wished to reiterate that there are two PIDs to be considered with this approval.

Sandholm closed the public hearing at 8:13 p.m.

Sandholm stated she does not have an issue with the variance to the lake. Kirkwood agreed and has a preference that there is only one home between the two lots.

It was the consensus of the Commission that the side yard setbacks are the largest concern.

There was discussion on the Enchanted Road Development in comparison to the Woodland Cove Development in regards to setbacks. Whalen clarified the differences between the PUD in Woodland Cove and the current neighborhood.

There was discussion on the nature of the Commission concerns, the challenges presented in this application, review the variance criteria, and what to state as findings of fact.

Motion by Kirkwood seconded by Young to recommend denial of lakeshore, street side, and side yard setback variance requests at 3790 Enchanted Lane based on the below findings of fact as discussed:

1. The variance is not in harmony with the general purpose and intent of the ordinance.
2. The variance would alter the essential character of the locality the resulting structure is too large compared to others in the neighborhood and the side yard setbacks are too dissimilar to the rest of the neighborhood.

Motion passed 5-1. Rognli Opposed.

Absent: Hussain, Charles, and Gangestad (Alternate 1).

e) VARIANCE: Application from Nathan Fair on behalf of Harriet A Ellis Trust for a lakeshore setback variance from the required 75 feet to 39.1 feet, a street side setback variance from 35 feet to 26.3 feet, and side yard setback variances from 15 feet to 6 feet and 6.3 feet to allow for a new single family home at 3800 Enchanted Lane; R-1 – Low Density Single Family Residence Zoning District; PID# 25-117-24-43-0005.

Senior Planner Nick Olson provided an overview. Highlights include:

- Nathan Fair submitted a request for a lakeshore setback variance, a street side setback variance, and a side yard setback variance at home located on 3800 Enchanted Lane in relation to the application discussed in item 3d.
- The property previously contained a single family dwelling and detached garage. The structures did not comply with the current city code for setbacks and were torn down by the current owners. The lot is now marketed for sale and the property is currently vacant.
- Because the situation is similar to the previous item, the Commission requested that only new public comments or concerns be provided.

Sandholm opened the public hearing at 8:48p.m.

Bruce Hauglid, 3770 Enchanted Lane, stated that he believes the two lots combined is fit for one house.

Nathan Fair, 13432 Hanson Blvd, Andover, clarified that this lot is different that the previous lot discussed. The trust which owns the properties desires to sell the two separate properties.

Sandholm closed the public hearing at 8:50 p.m.

There was discussion on the difference between the two lots.

Taylor asked the applicant if he intends to purchase both properties. Fair stated he wishes to buy both properties, and they are for sale separately.

Motion by Kirkwood seconded by Taylor to recommend denial of lakeshore, street side, and side yard setback variance requests at 3800 Enchanted Lane based on the below findings of fact as discussed:

1. The variance is not in harmony with the general purpose and intent of the ordinance.
2. The variance would alter the essential character of the locality because the resulting structure is too large compared to others in the neighborhood and the side yard setbacks are too dissimilar to the rest of the neighborhood.

Motion passed 4-2. Livermore and Rognli Opposed.

Absent: Hussain, Charles, and Gangestad (Alternate 1)

- f) **INTERIM USE PERMIT:** Application from Frank Weigel and Esther Nazarov to extend an interim use permit for Agricultural Entertainment Activities at the properties of 6480 County Road 26 and 6530 County Road 26; A – Agriculture Zoning District; PID# 03-117-24-11-0004 and PID# 03-117-24-12-0004.

Senior Planner Nick Olson provided an overview. Highlights included:

- Applicant Frank Weigel and Ester Nazarov submitted an application to extend an interim use permit at 6480 County Road 26 and 6530 County Road 26.
- The previous owners amended the original Conditional Use Permit to allow for the operations known today as Minnetonka Orchards to allow agricultural entertainment activities by Interim Use Permit.
- At the time, the City issued an IDP which was good for 10 years. That IUP has now expired, and the applicants are applying for an extension.

Sandholm opened the public hearing at 8:59 p.m.

Kent Lee 6651 Fox Ridge Circle, Independence, stated they called the Minnetrista Police Department to speak with an officer regarding a noise complaint for an event

at Minnetonka Orchards. There was also an issue of the number of events that occurred per the IUP.

Olson clarified the CUP runs with the land. The IUP runs with the business operations at the property. The applicant has not requested any changes to the original permits.

Gary Pettis, 6200 CR 26, stated he agrees with the noise issues as stated above. He also stated there have been other issues.

The applicants were not present to speak.

Motion made by Livermore, seconded by Kirkwood to continue the public hearing until the next Planning Commission meeting.

Motion passed 6-0

Absent: Hussain, Charles, and Gangestad (Alternate 1)

4) Informational Items

a) Staff Reports

1. Olson updated the Commission on the upcoming planning items for next month's meeting.

b) Council Reports

i) Mayor Whalen

- a. Sworn in Police Officer at the August 21, 2023 meeting.
- b. Vacant city positions update
- c. Road project update
- d. Holiday Tree Lighting Event
- e. Groundbreaking for Doran development and Mackenthun's update
- f. 2024 Budget Update
- g. Water infrastructure update

2) Adjournment

Motion by Young and seconded by Taylor to adjourn the meeting at 9:26 p.m.
Motion passed 6-0. Absent: Hussain, Charles, and Gangestad (Alternate 1).

Respectfully submitted,

Allie Polsfuss

Director of Administration