

WACONIA PLANNING COMMISSION
THURSDAY, March 3, 2106

Pursuant to due call and notice thereof, a regular meeting of the Waconia Planning Commission was called to order by Chairperson Blanchfiled at 6:30 p.m.

1. **CALL MEETING TO ORDER.**

MEMBERS PRESENT: Blanchfiled, Meisch, Osmundson, Vilmain and Grohmann
MEMBERS ABSENT: Hebeisen
ALTERNATE: Grohmann
STAFF PRESENT: Braaten, Perera and Wurst
VISITORS: See attached sheet
CITY COUNCIL LIAISON: Jim Sanborn

2. **ADOPT AGENDA:** Motion by Hebeisen, seconded by Meisch to adopt the Agenda as presented. All present voted aye. **MOTION CARRIED.**

3. **APPROVE MINUTES:** Motion by Osmundson, second by Vilmain to approve the minutes from the February 4, 2016 Planning Commission Meeting. All present voted aye. **MOTION CARRIED.**

4. **NEW BUSINESS:**

PUBLIC HEARING: INTERLAKEN 8TH ADDITION/STONEGATE PRELIMINARY PLAT, ZONING MAP AMENDMENT AND VARIANCE APPLICATIONS SUBMITTED BY HARTMAN COMMUNITIES, LLC FOR THE PROPERTY LOCATED AT 1150 SOMERWOOD DRIVE.

The subject parcel is located at 1150 Somerwood Drive, currently undeveloped and located within the Waconia City limits (see attached location map). The property was originally platted as an outlot by Plowshares Development, LLC as part of the Interlaken Development, which was approved by the Waconia City Council in May of 2006. Since that time the parcel has been rough graded, but no development has occurred.

The existing parcel is approximately 15.28 acres in total area with Airport Road acting as the north boundary, County Road 10 the south boundary, Somerwood Drive the east boundary, and Main Street as the west property boundary. The property to the west is currently outside of the City Limits, but guided for a large lot retail project. The properties to the east of the subject parcel consist of the Somerwood Cottages Residential Development and single family homes, which are part of the Interlaken 4th Addition development. Target is located to the north and the Interlaken Woods development is located to the south.

The City received three land use applications from Hartman Communities, LLC for the property located at 1150 Somerwood Drive. The applications include the following:

1. Zoning Map Amendment to amend the City of Waconia Zoning Map and rezone the subject property to PUD, Planned Unit Development District from the current zoning of R-3, Medium Density Residential District
2. Variance Application to reduce the building and parking setback from any exterior PUD property line or abutting street to a minimum of 20 ft., versus the 40 ft. minimum required per Ordinance,
3. Preliminary Plat Application for the subject parcel. The Preliminary Plat, titled Interlaken 8th Addition/Stonegate, is proposed to include fifty-one (51) small lot, single-family parcels and two (2) outlots.

Braaten displayed a map of the Preliminary Plat and location. The City of Waconia staff have reviewed the proposed Preliminary Plat application for the Interlaken 8th Addition/Stonegate residential development drafted by Westwood Professional Services, Inc. dated February 4th, 2016, as revised on February 22nd, 2016 and provide the following review and comments:

Streets/Access

The applicant is proposing two accesses to the development, both of which are off of Somerwood Drive. The northerly access will align with a future access to the Somerwood Cottages residential development which was platted as Somerwood Way.

The proposed arrangement, character, extent, width, grade and location of all proposed streets shown on the Interlaken 8th Addition/Stonegate Preliminary Plat plans are generally in conformance with the City Code and the City's Comprehensive Plan. Staff recommends approval of the street system for Interlaken 8th Addition/Stonegate as proposed.

Easements

Section 1000.06, Subd. Subd. 4 of the City Ordinance requires drainage and utility easements at least 10 feet wide, centered on the rear and side lot lines of abutting lots and shall have continuity from block to block and lot to lot. The applicant is proposing drainage and utility easements which conform to City standards.

Blocks

The blocks proposed in the Interlaken 8th Addition/Stonegate development are in conformance with the standards set forth in City Ordinance.

Lots

The applicant is requesting approval of PUD, Planned Unit Development District zoning for the Interlaken 8th Addition/Stonegate Preliminary Plat in order to allow for reduced lot sizing and reduced setbacks for the individual parcels. The property is currently zoned R-3, Medium Density Residential which allows only multi-family, two family, and townhouse dwellings and requires specific minimum setback and lot width requirements. The applicant has indicated an average lot area of 8,188 sq. ft., a minimum lot area of 7,155 sq. ft., a minimum lot width of 60 ft. and lot depth of at least 110 feet for the Interlaken 8th Addition/Stonegate development. The proposed lot sizing is acceptable to City staff per the plans submitted.

Outlots

The proposed plans indicate two (2) outlots being created with the approval of the Interlaken 8th Addition/Stonegate development (Outlots A and B).

Outlot A – The plans indicate that Outlot A will be designated as permanent open space.

Outlot B – The plans indicate that Outlot B will be designated as permanent open space.

Public Land Dedication, Open Space

City Ordinance requires at least 10% of the gross land in a subdivision shall be dedicated for parks, schools, playgrounds and open space. The subject parcel was originally platted in association with the Plowshares Development, LLC Interlaken Development and all public land and open space dedication requirements have been met as part of the afore-mentioned development and therefore no land or public space dedication shall be required as part of this application.

Pedestrian Ways and Trails

City Ordinance states *“Subdividers shall define and construct a meaningful pedestrian circulation system subject to City approval which connects to the major trail system and to schools, parks and shopping areas and shall provide easements to accommodate such movement. Said pedestrian ways shall be coordinated with those of adjacent subdivisions and the Comprehensive Plan.”*

Sidewalks

The applicant is proposing the installation of a 5 foot wide sidewalk on the west side side of Somerwood Drive extending north from the existing curb ramp on the south side of the property to the existing sidewalk located along the south side of Airport Road. The applicant is also proposing the installation of a 5 ft. sidewalk along at least one side of all road way systems within the development, which is consistent with what the City has allowed in previous subdivisions. City Staff has reviewed the sidewalk plan and determined that it is satisfactory and consistent with previous City approvals in regard to sidewalk width and location.

The proposed sidewalk sections are consistent with the Proposed Sidewalks and Trails Plan in the Waconia Comprehensive Plan. The plan indicates future sidewalk along Somerwood Drive, which is consistent with the applicant’s proposal.

Trails

The plans propose the construction of two an 8 ft. wide trail sections connecting the internal sidewalk system of Interlaken 8th Addition/Stonegate to the City and County Trail systems. The first proposed trail section would connect the sidewalk section in Highland Court to the future City trail section to the southeast. The other 8 ft. wide trail section proposed is a split trail segment located within Outlot A on the southwest corner of the property, which would link the sidewalk section along Stonegate Circle to the City trail located along Main Street and the 10 ft. wide trail section along the north side of County Road 10 (to be constructed by the developer with this project).

The plans also include a 10 ft. wide trail segment along the north side of County Road 10 extending along the entire southernmost property line within the County Road 10 right of way.

Preservation of Natural Features and Amenities

Section 1000.06, Subd. 7.G states *“Existing features which would add value to residential development or to the local government as a whole, such as trees, as herein defined, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision.”*

The subject parcel has already been rough graded and therefore there are no natural features on site that are required to be preserved as part of the Interlaken 8th Addition/Stonegate Preliminary

Plat. The Interlaken Park area was preserved when Plowshares Development, LLC originally platted the property as an outlot.

Landscaping and Tree Preservation

Landscaping

City Ordinance requires the following landscaping for properties zoned PUD, Planned Unit Development:

1. A planting strip and/or earth berm shall be placed in all newly platted residential developments that abut arterial roads to screen the view and to reduce noise levels in residential areas.
2. Landscaping for PUD districts shall follow the respective land-use guidelines. The proposed development shares development characteristics with both the R-1 and R-3 districts. The most restrictive shall apply in this case which is the R-1 district standards for landscaping.
3. Each newly platted lot shall have two (2) trees.
4. Shade trees shall be planted every forty (40) feet to sixty (60) feet within the right-of-way on both sides of any portion of road within the subdivision. The preliminary plat shall reserve an easement authorizing the local government to plant shade trees within five (5) feet of the required right-of-way of the local government.
5. Unless otherwise directed by the Planning Commission, all plantings shall be placed on the private property on which the development is taking place.
6. The owner shall provide the City with cash, corporate surety bond, approved letter of credit or other surety satisfactory to the City to guarantee the proper installation and growth of the approved landscape plan.
7. The landscape plantings shall be consistent with the minimum planting size stated in Section 900.07, Subd. 2.F.

The Interlaken 8th Addition/Stonegate Landscape Plan indicates the use of both coniferous and deciduous trees along Airport Road, Main Street, Somerwood Cottages and County Road 10 to screen the residential neighborhood from noise and view. The applicant is proposing to plant 270 total trees, 115 of which are deciduous, 139 are evergreens, and 16 are proposed to be ornamentals. The proposed landscape plan meets the shade tree requirement stated above as the City has consistently allowed the boulevard trees to be located within the front yard of the property if spaced adequately. The 270 proposed trees exceed the 102 trees required for the development and the applicant has proposed 2 trees per lot, which conforms to City Ordinance.

Staff has reviewed the proposed landscape plan and recommends approval of said plan per the Preliminary Landscape Plan drafted by Westwood dated 02/04/16 and revised 02/22/16.

Tree Preservation

City Ordinance allows developments in residential districts to remove or disturb up to thirty (30) percent of the total tree inches of significant trees. Any removal or disturbance beyond this threshold shall require reforestation or restitution. There are currently a handful of trees on the subject parcel that were planted in close proximity to the existing monument signs. The applicant is proposing that said trees remain in their current location and configuration and therefore a tree preservation and tree removal plan do not apply to this application.

Sewer, Water, and Stormwater items have been addressed by Jake Saulsbury, Consulting City Engineer and Craig Eldred, Public Services Director in the Staff Review memo dated February 16th, 2016 and the Bolton & Menk memo dated February 26th, 2016 (see Attachments 3 and 4). The applicant has responded to the February 16th, 2016 memo and their response to said comments are adequate based on staff's review. Please note that the information submitted for

the preliminary plat phase is adequate, but additional detailed reviews will be needed for the final construction plans for the development.

Stormwater management for the site was approved as part of the Interlaken development. The preliminary plat plans have been reviewed by the City Engineer and Public Services Director and the information provided is adequate for the application. Please note that the plans will require additional detailed review upon submittal of the final construction plans for Interlaken 8th Addition/Stonegate.

Braaten explained the applicants request to amend the City of Waconia Zoning Map to rezone the subject parcel from the existing zoning of R-3, Medium Density Residential District to Planned Unit Development District (PUD) to allow for reduced setbacks and reduced lot sizing for a more densely populated single-family residential neighborhood. Table 1-1 below indicates the proposed PUD lot requirements for the Interlaken 8th Addition/Stonegate Preliminary Plat.

Table 1-1.

	PUD, Planned Unit Development (Proposed Lot Requirements)
Lot Area	7,155 sq. ft. minimum
Lot Width	60 ft. minimum
Hardcover Surface	50% maximum per lot
Structure Height	45 ft. maximum
Front Yard Setback	25 ft. minimum
Rear Yard Setback – House	25 ft. minimum
Rear Yard Setback - Deck	15 ft. minimum
Side Yard Setback – Interior	7.5 ft./15ft. between buildings
Side Yard Setback – Street	25 ft. minimum
Building/Driveway Setback – Exterior R/W Lines	20 ft. minimum

* The proposed 20 ft. minimum setback for buildings and parking areas from any exterior PUD property line or abutting street is considered as part of the variance request submitted by the applicant.

Staff has reviewed the proposed lot requirements for the Interlaken 8th Addition/Stonegate single-family residential development and are comfortable with the setbacks and lot sizing proposed (as noted above).

Density

The net area of the parcel is 12.76 acres and the total number of proposed single-family residential units is 51. Based on the afore-mentioned information the residential site density is approximately 4 units per acre. The MetCouncil density requirement is 3 units per acre. The density of 4 units per acre is consistent with the City of Waconia’s Comprehensive Plan, which guides the property as M, Medium Density Residential. Medium Density Residential has a density range of 4 to 10 units per acre.

Braaten explained that the property is currently zoned R-3, Medium Density Residential and the applicant has proposed a Zoning Map Amendment to rezone the property PUD, Planned Unit Development to allow for reduced lot sizing and reduced setbacks. If the Planning Commission indicates the rezoning is appropriate the applicant has requested consideration of a variance from the setback standards stated in the PUD Development Standards. Specifically, the City Ordinance requires a minimum building and parking setback from any exterior PUD property line or abutting street to be 40 feet. The applicant has requested, and indicated on the submitted

plans, a minimum setback of 20 ft. for building and parking setbacks from the exterior PUD property line.

City staff has reviewed the requested setback variance request and are comfortable with the proposed 20 ft. setback versus the 40 ft. setback stated in City Code as the proposed reduced setback will primarily be used along the Somerwood Drive roadway corridor and this will allow for the housing product type to be developed at the minimum required density.

Hebeisen asked the distance on each of the 5 parcels that would not be able to meet the 40 foot setback. Braaten gave exact distances based on the plan set included in the packet materials.

VARIANCE REVIEW CRITERIA:

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.”

So a city evaluating a variance application should make findings as to:

Is the variance in *harmony with* the purposes and intent of the ordinance?

Is the variance *consistent with the comprehensive plan*?

Does the proposal put property to use in a *reasonable manner*?

Are there *unique circumstances* to the property not created by the land owner?

Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

The notices were published in the WACONIA PATRIOT on February 18th, 2016 and posted at Waconia City Hall. Individual notices were mailed to all property owners within 350 feet of the subject parcel. As of the date and time of this report the City has not received any comments regarding the proposed Interlaken 8th Addition/Stonegate residential development.

No comments were received.

Braaten indicated that he had one revision to the staff report. The road width of 34 ft. me City Ordinance requirements to allow parking on both sides of the proposed roadways and therefore Condition #12, which stated parking would only be allowed on one side of the roadways, should be removed as a recommended condition of approval.

Hebeisen asked to see the parkland that was dedicated previously, which fulfills the park dedication requirement for this application. Braaten reconfirmed that the City Ordinance requires at least 10% of the gross land in a subdivision shall be dedicated for parks, schools, playgrounds and open space. The subject parcel was originally platted in association with the Plowshares Development, LLC Interlaken Development and all public land and open space dedication requirements have been met as part of the afore-mentioned development and therefore no land or public space dedication shall be required as part of this application. Further, Braaten indicated the location of Interlaken Park.

Terry Hartman, Hartman Communities, explained the importance of screening, doubling the number of trees required and berms. The development is compliant with all the sidewalks and trails.

Vilmain inquired about two outlot areas indicated to remain undeveloped. Hartman stated that the outlots will be maintained by the association.

Blanchfiled opened the Public Hearing.

Dave Kuffel, resident of Waconia, asked about the style of the homes and who the builder might be. Hartman stated that the builder will be Ryland Homes and the house style will be similar to what they are building in the Interlaken additions only smaller. Mr. Kuffel's concerns also included the water runoff from these homes. Braaten reassured Kuffel that the development would be reviewed by the Carver County Water Management to make sure the development is adequately addressing any storm water concerns.

Motion by Osmundson, second by Hebeisen to close the Public Hearing. All in favor voted aye. MOTION CARRIED.

Motion by Hebeisen, second by Osmundson to approve the proposed Zoning Map Amendment to rezone the subject parcel from R-3, Medium Density Residential District to PUD, Planned Unit Development District. All in favor vote aye. MOTION CARRIED.

Motion by Meisch, second by Vilmain to approve the proposed Variance Application to the PUD Development Standards to allow building and parking to be setback a minimum of 20 ft. from any exterior PUD property line or abutting street versus the 40 ft. minimum required by Ordinance. All in favor voted aye. MOTION CARRIED.

Motion by Osmundson, second by Hebeisen to approve the proposed Interlaken 8th Addition/Stonegate Preliminary Plat Application for the development of 51 small lot, single family parcels for the property located at 1150 Somerwood Drive with the following recommendations excluding number 12.

1. The Interlaken 8th Addition/Stonegate Preliminary Plat shall be completed as approved and as conditionally revised by the Planning Commission and the City Council.
2. All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
3. The applicant shall obtain Carver County Watershed Management Organization (CCWMO) approval and permitting for erosion control and stormwater management. A copy of any approvals or permits shall be submitted prior to any land disturbing activities.
4. The applicant shall obtain a General Construction Stormwater Permit (NPDES) from the Minnesota Pollution Control Agency and submit a copy to the City prior to any land disturbing activities.
5. All indirect costs related to the permitting, review, and plans associated with engineering and administrative costs shall be paid by the applicant/owner.
6. The City shall provide the necessary street signage. The applicant shall provide the necessary escrow funds to cover all street signage and installation costs.
7. The applicant shall provide a copy of the approved Carver County Trail Permit.
8. The plans shall conform to the staff review memo dated February 16th, 2016 and the Bolton and Menk memo dated February 26th, 2016.

9. The watermain, sanitary sewer, grading, and stormwater issues shall be resolved to the satisfaction of the City Engineer and Public Services Director prior to the issuance of the building permit for the Interlaken 8th Addition/Stonegate development.
10. Compliance with applicable items contained in Chapter 1000 of the City of Waconia Subdivision Ordinance.
11. Execution of a Developer's Agreement for the Final Plat.
12. Parking shall only be allowed on one side of the street. The other side of the street shall be signed no parking accordingly to allow emergency vehicle access.
13. The applicant shall file an application of final plat approval within six (6) months following the approval of the Interlaken 8th Addition/Stonegate Preliminary Plat, unless an extension of time is requested in writing by the subdivider and granted by the Council prior to the six (6) month expiration date.

All in favor voted aye. MOTION CARRIED.

Final action for City Council approval on March 21, 2106.

PUBLIC HEARING: VARIANCE REQUEST BY BEN AND LAUREN MCQUILLAN TO EXCEED THE MAXIMUM IMPERVIOUS SURFACE ALLOWED IN THE SHORELAND OVERLAY DISTRICT AND TO ALLOW FOR REDUCED SIDE YARD AND REAR YARD SETBACKS FOR CONSTRUCTION OF A DETACHED GARAGE AND DRIVEWAY ON THE PROPERTY LOCATED AT 425 LAKE STREET WEST.

The City received a Variance Application from Ben and Lauren McQuillan (the "applicants") to exceed the maximum impervious surface allowed in the Shoreland Overlay District and to allow for reduced side yard and rear yard setbacks for construction of a detached garage on the property located at 425 Lake Street West. Perera showed the Commission members the location of the address in the northwest portion of the community. This property is just south of Cedar Point Park and east of Bayview Elementary School.

The property is currently a legal non-conforming lot since it exceeds the maximum impervious surface area (ISA) allowed and the existing accessory structure (detached garage) does not meet the minimum setback requirements allowed per City Ordinance.

The applicants are requesting approval of two variances:

- 1) To exceed the 25 percent maximum impervious surface area allowed in the Shoreland Overlay District; and
- 2) To allow an accessory structure (detached garage) and driveway to be constructed in the rear yard of the property with reduced setbacks from the lot lines and alley.

Perera pointed out that the existing garage located in the southeast corner of the property will be demolished. Perera stated that there is also a significant amount of hard cover that they will be removing as well. A revised survey was shown giving location of the existing garage, proposed garage and hard surface coverage on the property. Perera displayed several pictures for the Commissioners to familiarize them with the project being presented.

VARIANCE ANALYSIS:

Accessory Structure Requirements:

Minimum Setback Requirements:

Front Yard Setback (north side) = 25 ft.

Side Yard Setback (west & east sides) = 10 ft.

Rear Yard Setback (south side) = 10 ft.

Alley Setback (south side) = 10 ft.

Variance # 1 (setbacks) - The proposed structure will be placed in the southwest corner of the property and will NOT comply with the minimum setback requirements. According to the certificate of survey dated 02/25/16, the proposed accessory structure will have reduced setbacks of 2 ft. from the west/side lot line and 4 ft. from the south/rear lot line and alley. There are no drainage and utility easements located on the property to be concerned with.

Aggregate Coverage:

Maximum Hardcover Surface Area: 25% (Shoreland Overlay District)

Maximum Total Floor Area of all Accessory Structures: No more than 1,000 sq. ft. based on a lot size less than 10,500.

Existing Hardcover/Impervious Surface Area = 2,296 sq. ft. & 33.91% of the lot

Proposed Hardcover/Impervious Surface Area = 2,587 sq. ft. & 29.98% of the lot

Variance # 2 (hardcover/impervious surface area) - The existing accessory structure (detached garage) is proposed to be demolished and replaced with a new accessory structure (detached garage) and other site improvements (guest parking on grass pavers in the south east corner of the property) that will result in NOT complying with the 25% maximum hardcover surface area allowed. The proposed garage is an "L" shaped garage and is approximately 776 sq. ft.

Height Limitation: No accessory structure detached from the principal structure shall exceed 20 ft. in height.

- The proposed height of the detached garage is 17 ft.

Location Limitation: Accessory structures, detached from the principal structure shall not be located in any front or side yard, except that a detached garage may be located in a side yard if it meets required setbacks.

- The proposed detached garage will be located in the southwest corner of the property and in the rear yard.

Access: Any accessory structure in excess of 144 sq. ft. that is detached from the principal structure shall provide driveway access to a public street. Any such driveway shall: 1) be no less than 10 ft. wide and made from a bituminous, concrete or other driveway surface approved by the City; 2) not closer than the required setbacks for such structure to any property line at any given point; and 3) screened or landscaped from neighboring structures as required by the City, in its discretion, if such structure is located in a side yard.

Driveway Requirements:

City Ordinance Section 900.09, Subd. 3.A. states: "No curb cut access shall be located less than 30 feet from the intersection of 2 or more street rights-of-way. The distance shall be measured from the intersection of lot lines. The City may require greater distances if future traffic conditions warrant. Such greater distances shall be required subject to approval by the City Council." This section also states: "Curb cut openings shall be a minimum of 5 ft. from the side yard property line in all districts." City Ordinance Section 900.09, Subd. 3, B. states: "Single-family uses shall be limited to one curb cut access per property."

- According to the certificate of survey dated 02/25/16, the driveway will be concrete and will be setback 2 ft. from the west side lot line of the property and will NOT

comply with the 5 ft. setback requirement from the side lot line as required by City Ordinance (Variance # 1). The proposed driveway will also be 26 ft. wide (the length of the garage), 4 ft. deep and abut the south/rear lot line of the property and alley.

Proposed Design & Architecture:

The City Ordinance does not have architectural design requirements or regulations within the Residential or Shoreland Overlay Districts although the applicants have indicated that the design of the proposed accessory structure (detached garage) will be traditional and consistent with the principal structure (house). The applicants have also indicated that last year they installed new siding on the house (LP Smart Side, dark blue, 7 inch lap) and several new windows and that the garage will be finished to match. The roof will be finished with gray architectural asphalt shingles. The house currently has green shingles but the applicants intend to re-shingle the house in 2017 to match the garage. An architectural/designer garage door will also be installed, and will be cedar tone in color to enhance the visual appeal from the alley (and south side of the garage and south/rear lot line of the property). The detached garage will also have windows on the north, west, and east sides of the structure, and a service door on the east side.

PUBLIC NOTICE/COMMENT:

The notice was published in the WACONIA PATRIOT on February 18, 2016 and posted at Waconia City Hall. Individual notices were mailed to property owners within 350 feet of the subject parcel. The City has received no comments from the public as of 2/26/16.

MNDNR - was notified. No requirements but they would suggest including permeable pavers or extra plantings to mitigate storm water runoff.

CCWMO - was notified. No requirements – potential for cost share program if installing permeable pavers, rain gardens, etc. (for storm water treatment practices.)

At this time, City Code does not allow a credit option for the use of permeable pavers or other alternative stormwater improvements however, recent variance applications have incorporated permeable pavers with projects that have resulted in a 25% to 50% credit when calculating impervious surface areas for sites that have had an adequate outlet for storm water drainage. The proposed plan does not have a suitable outlet and therefore no credit is being recommended. The topography of the area makes an outlet difficult. Reuse or irrigation could be considered which would result in a partial credit.

The proposed 4 ft. setback to the south (towards the alley) is not recommended. Assuming the garage doors face south the turning movement from a 16 ft. wide alley into the garage is problematic. Also, the alley snow removal operations would push snow either into the garage or up against the garage door. The 10 ft. setback width should be maintained or the site should be modified for the garage doors to face to the east.

Conditions for Consideration:

- 1) The garage shall be constructed as proposed on the certificate of survey and as conditionally revised by the Planning Commission and City Council.
- 2) All applicable permits are applied for by the applicant with all supporting documentation and issued prior to the start of construction.
- 3) The applicant shall be required to incorporate reuse or irrigation with the design of this project.
- 4) For maintenance purposes the proposed hard surface shall be not consist of gravel or aggregate.

- 5) The certificate of survey shall be required to be updated to include the front porch patio or deck and a note should also be made to indicate the impervious/hardcover calculations of said improvements if applicable.
- 6) The windows and service door on the detached garage shall be required to match or be consistent with the principal structure (house).
- 7) The garage structure shall be setback a minimum of 10 ft. from the rear lot line/alley per the recommendation of the City Engineer.

Waconia City Code Section 900.12, Subd. 4 and Minnesota State Statute 462.357, Subd. 6 establishes criteria to be considered when contemplating the issuance of a variance in terms of “practical difficulty” as follows: Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the terms of the variance are consistent with the comprehensive plan.” So a city evaluating a variance application should make findings as to:

- 1) Is the variance in *harmony with* the purposes and intent of the ordinance?
- 2) Is the variance *consistent with the comprehensive plan*?
- 3) Does the proposal put property to use in a *reasonable manner*?
- 4) Are there *unique circumstances* to the property not created by the landowner?
- 5) Will the variance, if granted, alter the *essential character* of the locality?

State statute specifically notes that economic considerations alone cannot create practical difficulties. Whereas, practical difficulties exist only when the three statutory factors are met (1. reasonableness, 2. uniqueness, and 3. essential character).

Perera displayed an image of the characteristics of the neighborhood showing the existing garages. Other garages in the neighborhood were larger than the applicants and the new garage would fit in the neighborhood. Perera talked about the width of the alley and vehicle turning movements.

Osmundson asked about the pad next to the garage and also wondered if the existing concrete was still being removed or just replaced. Perera stated that it will be removed, but replaced with 213 square feet of new sidewalk.

Meisch asked about the permeable pavers- Perera mentioned that the Public Works Director is working on an ordinance amendment for permeable pavers.

Comments from property owners Ben and Lauren McQuillan:

- Their goal is to utilize the green area of the back yard.
- They feel that snow removal will not be an issue.
- Backing out into the alley shouldn't be a problem.
- Parking spaces and the side pad will be concrete.
- They will be investing in rain gutters and rain barrels instead of putting in permeable pavers.
- Conversation about Azek Permeable stone Pavers and NDS Tufftrack.
- A question from the Commissioners regarding the property to the west being in agreement with the garages right next to one another-McQuillan stated that they have not had a chance to communicate the new garage to this neighbor. It's important to them to keep the existing relationships they have with the neighboring property owners.
- being able to build this garage is an insurance for them to be long term residence of Waconia

Perera stated that Public Services may have concerns with the new garage being so close to the alley causing problems for snow removal. Also the maneuvering in and out of the garage onto the alley is a safety issue.

Osmundson asked about the garage size. The garage is a two stall, but with it being L shaped, it will fit three vehicles.

The home owner went from a 1 foot setback to a 4 foot setback which will make the snow removal easier.

Blanchfield opened the Public Hearing.

Comments from Jonathan Bartlett, 417 West Lake Street.

- He gave an overview of the characteristics of the neighborhood.
- Bartlett stated that this variance request does comply with the criteria.
- No problem backing out onto the alley.
- Bartlett spoke of garbage trucks using the alley for the garbage pickup
- He asked about the rain barrel and water runoff.

Braaten reminded the Commission that the City would not be responsible for the rain barrels unless it was a requirement/condition of approval for the request.

Motion by Meisch, second by Osmundson to close the Public Hearing. All in favor voted aye. MOTION CARRIED.

Further discussion by the Commission took place regarding storm water management, the neighboring property to the west and turning radius.

Motion by Osmundson, second by Vilmain to Table the Variance request by Ben and Lauren McQuillan until the April 7, 2106 Planning Commission to allow time for the applicant and staff to determine the following:

- Staff rewording water containments which is item number 3 in the existing conditions.
- An attempt to contact the neighbor to the west regarding the new garage.
- Opportunity for the City Engineer to come back with a response regarding the turning radius with a 4 foot setback instead of a 1 foot setback.
- Remove item number 5 from the existing conditions.

All in favor voted aye. MOTION CARRIED.

LAND USE SUMMARY

Braaten gave an overview of the 2015 Land Use Summary.

Braaten displayed the number of permits issued within a 5 year span. This year, 2015, shows a significant increase in the construction valuation compared to previous years because of the larger projects in 2015 (projects such as the Ridgeview Professional expansion and Laketown Elementary School). Braaten also indicated the number of new homes constructed in a 5 year span comparison with the number of townhomes.

The 2015 Residential Growth areas include:

Interlaken Residential Development – 44 New Homes Constructed in 2015

Crosswind Residential Development – 27 New Homes Constructed in 2015
Waterford Residential Development – 21 New Homes Constructed in 2015
Other Residential Growth Areas – 8 New Homes Constructed in 2015

Somerwood Cottages was the only new Plat submitted for 2015 which consists of 42 single family detached townhomes.

The single family residential lot availability-

-Somerwood Cottages	42 parcels
-Interlaken Development	33 parcels
-Crosswinds	26 parcels
-Waterford	10 parcels
-Legacy Village	7 parcels
-Windmill Creek	7 parcels
-Other	9 parcels.

Commercial Permit Activity	47 permits
Industrial Permit Activity	4 permits
Institution Permit Activity	26 permits
Public Permit Activity	11 permits

There being no further business, motion by Hebeisen to adjourn at 8:30pm seconded by Osmundson. All present voted aye. MOTION CARRIED.

Respectfully submitted,



Brenda Wurst
Recording Secretary

