

**CHANHASSEN PLANNING COMMISSION
REGULAR MEETING
MINUTES
FEBRUARY 2, 2021**

CALL TO ORDER:

Chairman Weick called the meeting to order at 7:00 p.m.

MEMBERS PRESENT: Steven Weick, Mark Randall, Michael McGonagill, Doug Reeder, Laura Skistad, Eric Noyes, and Mark von Oven

STAFF PRESENT: Bob Generous, Senior Planner and MacKenzie Young-Walters, Associate Planner

PUBLIC PRESENT:

Ed Myslivecek

10151 Great Plains Boulevard, Chaska, MN

Chairman Weick reviewed guidelines for conducting the virtual Planning Commission meeting.

PUBLIC HEARING:

CONSIDER A REQUEST FOR VARIANCES, INCLUDING EXCEEDING THE 1,000 SQUARE-FOOT, DETACHED ACCESSORY STRUCTURE SIZE LIMIT, TO CONSTRUCT A DETACHED GARAGE AND ADD A BATHROOM TO AN EXISTING DETACHED STRUCTURE ON A PROPERTY LOCATED AT 10151 GREAT PLAINS BOULEVARD

Associate Planner MacKenzie Young-Walters presented the staff report on this item, noting that, if the commission does not pass it with a $\frac{3}{4}$ majority vote, the item will go to city council on February 22, 2021.

Commissioner Skistad arrived.

The applicant is requesting a variance on 4.37 acres for an addition as well as a garage that would exceed the current 1,000 square-foot limit on accessory structures as outline in City Code. The present zoning is A2 – Agricultural Estate District. There are bluffs present but they would not impact the proposed project, so no variance is being requested from any setback. This district does require a minimum of a 2½ acre lot size, 50 foot and rear setbacks, 10-foot side yard setback, 30-foot bluff setback, 20-foot bluff impact zone setback, all structures are limited to a 35-foot maximum height, and the property is limited to a maximum lot cover of 20 percent.

There is a detached garage present on the property with a 728 square-foot footprint, a summer kitchen of 456 square-feet, and a garden shed of 200 square-feet which leads to a non-

conforming accessory structure total of 1,384 square-feet. The house and summer kitchen are older historic structures dating to the late nineteenth century.

The applicant is proposing to construct a 1,382 square-foot detached garage with approximately 864 square-feet of upper-level storage. They are also proposing a 76 square-foot addition to the summer cottage. The summer kitchen and shed are already over the 1,000 square-foot limit. The existing garage does not provide enough space to store the applicant's vehicles as well as equipment needed to maintain the site. The addition to the summer kitchen would facilitate a basement area which would prevent bathroom pipes from freezing in the winter. The detached garage would be more in keeping with the historic nature of the site. Neighboring structures have larger detached structures. The applicant does not intend to use either structure in a manner either for home occupation or as a dwelling unit.

In 2007, an accessory structure site ordinance was passed to prevent the construction of large, detached buildings that lend themselves to future use as part of home occupations in A2 and RR districts. The intent of the nonconforming use ordinance is to prevent the expansion of and encourage the elimination of nonconforming structures. The applicant does have the ability to add additional garage space via an alternate configuration so they could do an attached garage without the requested variance. Staff does not believe the applicant has demonstrated that it's not feasible to add the bathroom within the existing summer kitchen without expanding the footprint. In general, outbuildings on single family residential properties do not typically have bathrooms, therefore, staff can't find that the inability to add a bathroom would be of practical difficulty. Additionally, when looking at single family residential properties throughout the city and this neighborhood typically there are not properties with multiple detached garages. There is a long-term potential to use these structures either as home occupation or a second dwelling unit. A variance would open up the potential for enforcement issues down the road. Staff is recommending that the requested variance be denied.

Chairman Weick asked if space could be added to the existing detached garage to allow for additional storage.

Mr. Young-Walters explained that, if the applicant chose to take down the garden shed, they could add a smaller addition to the garage to keep under the 1,000 square-foot limit. But another 150 square-feet on the detached garage would likely not accomplish the applicant's goal.

Chairman Weick clarified that adding to the house would be an option because it was not affecting the accessory structure limit.

Commissioner Randall asked if historic significance played into what the applicant is allowed to do or not.

Mr. Young-Walters responded that the city does not have historic preservation restrictions which affect their ability to utilize the property.

Commissioner McGonagill asked about the pictures included in the packet.

Mr. Young-Walters explained that the lettered pictures in the packet were provided by the applicant to show other accessory structures in his neighborhood as well as properties with clutter due to insufficient storage.

Commissioner McGonagill confirmed that the plan sheets in the packet were the most recent submitted by the applicant.

Mr. Young-Walters stated that the plans were drafted in December. Staff had requested elevation and floor plans of structures so they could see how to configure and utilize the space.

Commissioner Reeder asked if staff would have the same concerns about the potential for a home industry being run in the detached garage if, instead, the property owner added a 5,000 square-foot addition to the house.

Mr. Young-Walters stated there is potential for an addition of that size. Historically, he has seen people are more likely to use a detached garage for a business so that employees are not showing up to a site attached to the main home. A garage this size would raise concern and there would need to be a comment added that it could not be used for a business.

Commissioner Reeder clarified that the goal of staff was to lessen the opportunity to deal with future home businesses in that location.

Chairman Weick invited the applicant to join via Zoom.

Ed Myslivecek, the applicant, stated he has lost two driveways out to Highway 101 for safety reasons which have extended his driveway by more than 300 feet. This necessitated a larger tractor to plow snow and a place to store the tractor as well as two classic cars. He also wished to add a bathroom to the outbuilding, referred to as a cottage or summer kitchen, for use with large groups such as a local youth group which meet there. He spoke about the history of the site which was built in the 1860s and has had farm use outbuildings torn down or replaced over the years. The proposed garage would not be for contractor use and he feels he is not adding more space than others in his neighborhood. He has been planning to build a structure for a couple years and worked closely with the Planning Department on plans. He feels that the planned structure appearance is close to what is already on the property and would not be an eyesore.

Chairman Weick opened the discussion to Commissioner questions.

Commissioner Noyes asked about input from the neighbors. Some had responded to his survey but others had not. Did they not have an opinion or are they against it? He felt that the inquiry seemed like it was asking for approval, not concerns.

Mr. Myslivecek stated that he sent out fourteen surveys and did not receive response from two of his neighbors. He attempted to word the notice in a way to not persuade them but to give them information on what he was planning. He does not know why the two other neighbors did not respond.

Commissioner McGonagill asked how many classic cars are kept in the garage.

Mr. Myslivecek responded that there were two, a truck and a car.

Commissioner McGonagill spoke about the nearby AutoMotorPlex Chanhassen garage condominium and asked if that might be an option to store the vehicles.

Mr. Myslivecek stated he could find a way to store the vehicles in local barns and garages, which would be cheaper than putting another building on the property. He loves the site and feels that an additional structure would represent the look of the farm 160 years ago and would add to the quality of the property.

Commissioner McGonagill confirmed that the applicant has explored the use of car condos and has chosen not to do that.

Mr. Myslivecek stated that he does not repair the cars but buys them finished to enjoy.

Commissioner McGonagill understands that the applicant is trying to protect his vehicles and feels the car condos are a great option. He asked about the reference to a cottage on the plans. He felt that the term “cottage” implied a living unit.

Mr. Myslivecek clarified that the structure is sometimes referred to as a summer kitchen, which was its original use. It’s currently used as a gathering spot for a book club and youth group and it is an inconvenience that there is no bathroom. There is no kitchen in the structure.

Commissioner McGonagill felt that the term cottage implied that it could be used as a living unit.

Mr. Myslivecek agreed that the building could be converted into sleeping quarters if they wanted, but that was not their intent.

Commissioner von Oven spoke about his training as a Planning Commissioner. The city has a plan in place and the Planning Commission is in a position to approve variances to the city plan. If the Commission is granting variances all the time, a better option would be to change the city plan so that there isn’t a line of residents wanting variances to their property. He asked Mr. Myslivecek what he would tell people about his project which made it deserve the special consideration of a variance.

Mr. Myslivecek stated, if he were in the position of the Planning Commission, he might fear that other people would want to create a variance on their property. However, they would likely not have the same reasoning to do so.

Commissioner Reeder asked if the applicant would consider adding a garage to the house if the Commission denies the request.

Mr. Myslivecek explained that option is a last resort that would require additional consideration. He doesn't feel it goes with the historic vision of the property.

Chairman Weick asked if the single door shown on the plans was sufficient to get everything in and out of the proposed garage.

Mr. Myslivecek explained that the design is on the south side to allow for snow and use of the sun. Most of the contents of the building are not moved in and out often. The van and tractor would have plenty of room and items could be removed one at a time out of the single door.

Chairman Weick thanked the applicant for answering Commissioners questions as they considered all of the details surrounding the project.

Chairman Weick opened the public hearing.

There was no public comment received prior to or during the meeting.

Chairman Weick closed the public hearing.

Chairman Weick asked for Commissioner comment, discussion, and a motion.

Commissioner Reeder commented that the property is unique, surrounded by two golf courses and a nursery. Recently a four-lane highway has been built in front of it. He thinks that what the applicant is requesting is reasonable since it is not in the middle of a residential area.

Commissioner McGonagill asked what kind of requirements the applicant would be under if he were to rebuild the new garage in the footprint of the former barn.

Mr. Young-Walters explained that they would still need to go through the variance process.

Commissioner McGonagill clarified that the proposed detached garage does not resemble the old barn.

Mr. Young-Walters confirmed that it does not.

Commissioner McGonagill stated that he was opposed to the proposal. There are already nearly 1,400 square-feet of accessory structures on the property and the plan would increase it to more than double the square-footage allowed on site. It is one of the largest variances he has seen during his time on the Planning Commission. He feels that the car condos are an available option for the storage of classic cars. He agrees that adding a garage to the house wouldn't look great aesthetically. He is a firm believer in property rights but his training as a Planning Commissioner taught him what to look at in a variance and felt he has to stick to the city plan.

Commissioner Randall stated that many of the variances the Commission has looked at in the past have involved lot minimums or non-conforming homes on lakes or older areas. The property in question is quite large and has historic significance. He also expressed concern about the home's proximity to Highway 101. Was the applicant aware of the longer driveway when he purchased the property? He would hope for some sort of compromise.

Commissioner Noyes stated that he sees the viewpoints presented. His concern is in setting a precedence by allowing this variance. What is the Commission's response to other inquiries on similar size properties if they approve this variance?

Commissioner Reeder responded that not a lot of other properties have this type of historical significance and the reason for variances is to deal with properties that are significantly different than most properties in the city.

Commissioner von Oven questioned if it made sense that every property in the city should be limited to a volume-based metric of 1,000 square-feet or if it should be adjusted to measuring on a proportional base as done with hard structures. Maybe it shouldn't be a one-off variance but should instead be changed in the City Code. Saying this is the exception to the rules because of non-specific things would put the Commission in a position of setting precedence for similar properties.

Chairman Weick asked if the entire property was buildable acreage or if there were forestry or ravines.

Mr. Young-Walters clarified that there was a bluff which was undevelopable.

Chairman Weick felt the reduction in buildable lot size may affect consideration of the plans.

Commissioner Reeder asked, if the applicant came back with a plan where he moved the garage closer to the house and put a walkway between the structures, could he get away from the definition of accessory structure and be considered part of the main structure.

Mr. Young-Walters would need to look at plans and consult with building officials but the City Code reads that it has to have a common wall. In theory, a breezeway may meet code.

Commissioner Reeder clarified that the applicant could build a garage if he moved it closer to the home and it may not require a variance.

Mr. Young-Walters stated that the applicant would still need a variance for the addition to the summer kitchen which would exceed the square-footage limitations.

Commissioner Reeder felt the Commission was being “sticky” by saying the applicant can put the garage in one location but not another because of the definition of accessory buildings.

Chairman Weick asked how much of the property was buildable.

Mr. Young-Walters stated he was not comfortable with speculating on how much is not buildable but certainly some is not buildable due to the bluff. He added that staff have prepared motions for or against the proposal.

Commissioner McGonagill moved, Commissioner Randall seconded that the Chanhassen Planning Commission recommends that the City Council deny the requested 1,842-square foot accessory structure size variance, and adopt the Findings of Fact and Decision Recommendations (Denial).

Commissioner McGonagill stated he appreciates that this is the owner’s property; however, the variance is large. He looks forward to the City Council’s review of the item. He feels that Commissioner von Oven’s suggestion about adjusting the ratio of structures to lot size has merit.

Commissioner von Oven sees the property and understands the applicant’s reasons for wanting to make changes. However, the Commission is charged with the preservation of the city plan. If there are a number of properties out there like this, a change in how to measure accessory structures would allow Mr. Myslivecek and other property owners to make these types of changes.

Chairman Weick asked for additional comments and thanked the applicant, commissioners, and staff. He called for a roll call vote.

The motion carried with a vote of 4 to 3. Commissioner Skistad, Commissioner Reeder, and Commissioner Randall voted nay.

Mr. Young-Walters stated that the item will go to the City Council at the February 22, 2021 Council meeting and they will be provided with a copy of Commissioner’s comments.

APPROVAL OF MINUTES: Commissioner Noyes noted the verbatim minutes of the Planning Commission meeting dated January 19, 2021 as presented.

ADMINISTRATIVE PRESENTATIONS:

2020 Year-End Review and 2021 Work Program

Senior Planner Bob Generous presented the 2020 Year-End Review and 2021 Work Program. Remodeling activity on residential homes has been steady as people are making improvements. The city is still waiting on 2020 Census data. Because of single-family developments, there are currently more persons per household than historically allocated for the community. If there are specific projects, research, or ordinance amendments the Commission would like the Planning Department to review, they can be added to the 2021 Work Plan.

Commissioner McGonagill asked when the Moments of Chanhassen development would start construction.

Mr. Generous stated there were some issues outside of the city’s control, but construction would probably begin in the summer of 2021.

Chairman Weick felt that 2020 was a busy year for the Planning Commission.

Mr. Young-Walters added that the drop in cases was related to the pandemic. Fewer businesses were opening resulting in fewer needs for signage.

Commissioner Skistad asked when the report will be presented to the City Council.

Mr. Generous said that the report would go to the City Council in March.

Commissioner McGonagill added that the Planning Commission spent a lot of time reviewing and upgrading City Code.

City Council Action Update

Mr. Generous presented highlights of action taken by the City Council on planning matters.

Mr. Young-Walters added that the Council amended one of the conditions for the Golf Zone property to give the driving range until June 14, 2021 to install nets.

Planning Commission Interview Process

Mr. Generous stated that the Council is revising their interview process to include one member of the Planning Commission and one alternate.

Chairman Weick asked for volunteers from the Commission.

Commissioner von Oven volunteered with Commissioner Skistad as alternate. Commissioner Noyes also agreed to be an alternate if needed.

March Attendance

Chairman Weick asked the Council to contact Community Development Director Kate Aanenson with March availability due to the need for a quorum at meetings.

Commissioner Randall asked when the new Planning Commission members would begin.

Chairman Weick stated that they would begin at the first meeting in April 2021.

Chairman Weick asked if there were any Commissioner presentations.

Commissioner von Oven asked for clarification on what Commissioner presentations may include.

Chairman Weick explained that there may be a question about the status of an old case, a variance that has not been worked on in a while, future direction, or anything the Commission may want on record.

Mr. Generous added that it may include information learned at a conference that a Commissioner may want to share with the rest of the members.

ADJOURNMENT:

Commissioner McGonagill moved to adjourn the meeting. All voted in favor and the motion carried unanimously with a vote of 7 to 0. The Planning Commission meeting was adjourned at 8:25 p.m.

Submitted by Kate Aanenson
Community Development Director

Reviewed by Jean Steckling