

MAPLE GROVE
PLANNING COMMISSION
August 9, 2021

CALL TO ORDER

A meeting of the Maple Grove Planning Commission was held at 7:00 p.m. on August 9, 2021 at the Maple Grove City Hall, Hennepin County, Minnesota. Chair Lamothe called the meeting to order at 7:00 p.m.

PLEDGE OF
ALLEGIANCE

ROLL CALL

Planning Commission members present were Chair Craig Lamothe, Chris Ayika, Lorie Klein, Susan Lindeman, Chuck Lenthe, Michael Ostaffe, and Joe Picket. Present also were Karen Jaeger, City Council Liaison; Joe Hogeboom, Community and Economic Development Director; Jesse Corrow, Associate Planner; and Scott Landsman, City Attorney.

ITEMS TO BE
REMOVED FROM
THE AGENDA

Motion by Chair Lamothe, seconded by Commissioner Klein, to move Item 6A under Old Business for REO Plastics to the Consent Agenda and recommend this item be tabled to the September 13, 2021 Planning Commission meeting. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

CONSENT ITEMS

The following Consent Items were presented for the Commission's approval:

- A. Regular Meeting – July 26, 2021
- B. REO Plastics – **TABLED** to the September 13, 2021 Planning Commission meeting.
Kraus Anderson Construction Company
11850 93rd Avenue North
Rezoning, short plat and comprehensive plan amendment for the purpose of combining an adjacent property.

Motion by Commissioner Lenthe, seconded by Commissioner Lindeman, to remove the Regular Meeting Minutes from July 26, 2021 from the Consent Agenda for discussion. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Commissioner Lenthe requested a change to the minutes Page 8

due to the fact the seconder of the second motion on the page was not listed. He reported he made this second and would like the minutes to reflect this change.

Motion by Commissioner Lenthe, seconded by Commissioner Lindeman, to approve the July 26, 2021 Planning Commission minutes as amended. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Motion by Commissioner Ostaffe, seconded by Commissioner Pickett, to approve Consent Item 3B tabling action on REO Plastics to September 13, 2021. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

CONSIDERATION
OF ITEMS PULLED
FROM CONSENT
AGENDA

None.

REVIEW OF THE
CITY COUNCIL
MINUTES FROM
THEIR REGULAR
MEETING OF
OCTOBER 17, 2021

Mr. Hogeboom reviewed with the Commission what items the City Council approved that was given direction at the Planning Commission level.

OLD BUSINESS

PUBLIC HEARING

This item was moved to the Consent Agenda.

REO PLASTICS

KRAUS
ANDERSON
CONSTRUCTION
COMPANY

11850 93RD
AVENUE NORTH

REZONING,

SHORT PLAT AND
COMPREHENSIVE
PLAN
AMENDMENT FOR
THE PURPOSE OF
COMBINING AN
ADJACENT
PROPERTY

NEW BUSINESS

PUBLIC HEARING

NEAL'S ADDITION
JON AND KATHERINE
NEAL

16926 WEAVER LAKE
ROAD

SHORT PLAT FOR
THE PURPOSE OF
PLATTING THE
PROPERTY INTO
TWO PARCELS

Mr. Corrow stated the applicant is proposing a short plat for the purpose of splitting an existing 1.2-acre residential lot into two parcels. The north lot with an existing single-family home would be reduced to a lot area of 26,401 square feet and the new lot would consist of 30,513 square feet in area. The submitted plans are consistent with the dimensional requirements of the R-2 Zoning District. The new lot is shown with a 25-foot roadway easement that is intended to be vacated and allocated to the property. The easement was recorded in 1967 however the neighborhood was developed without utilizing the roadway. The city has no plans for the roadway and staff will support vacating the easement at a future City Council meeting. The applicant has been informed that the property is in a Tree Preservation Overlay District (T-Zone) and a tree plan will be required as part of a future building permit review. The applicant is also aware that the new lot is subject to Park Dedication fees and other assessments associated with creating a new lot. Staff discussed the plans in further detail and made the following recommendation.

STAFF RECOMMENDATION:

Motion to recommend that the City Council direct the City Attorney to draft a Resolution approving the Neal's Addition short plat, subject to:

1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
 - a. The Community & Economic Development Department dated August 4, 2021
 - b. The Water Resources Engineer dated July 20, 2021

- c. The Parks & Recreation Department, dated August 4, 2021

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Discussion

Commissioner Lindeman asked if the building plans would be reviewed with the tree overlay district guidelines. Mr. Corrow reported this was the case.

Commissioner Ayika questioned why the easement was not being reviewed at this time. Mr. Corrow explained the vacation of the easement would be reviewed by the City Council.

Commissioner Ostaffe stated the proposed building pads would be quite high when compared to the adjacent lots and several large trees would be lots. He inquired if this was suitable without infringing on the neighbor's property rights. Mr. Corrow explained they would be regrading the site and noted the developer could not remove more than 50% of the trees.

Commissioner Ostaffe reported these properties were platted to be larger in this area because of the hill and large trees. He questioned why this was done. Mr. Corrow reported this property was platted in 1967 and noted a grid pattern was planned for the area. He stated the lots to the south are smaller and the neighboring lots are larger. He indicated he was uncertain as to why this was platted this way.

Commissioner Ostaffe reported cutting this lot in half would significantly reduce the lot size compared to the surrounding lots. Mr. Corrow stated the new lots would be on par with the lots to the south.

Commissioner Ayika discussed how close the existing home was to the property line.

The applicant was at the meeting to answer questions.

John Neal, 16926 Weaver Lake Drive, thanked staff for the detailed presentation and stated he appreciated all of staff's help

through this process. He indicated he was available for questions or comments.

Commissioner Picket questioned what type of structure would be built on the new lot. Mr. Neal indicated he does not have any plans solidified, but was proposing to build a one level living home with a garage.

Commissioner Ayika reported there were a lot of trees in this area and noted the property owner could not remove more than 50% of the trees. Mr. Neal stated he attempted to count the trees on the site once, and noted he understood the area was very wooded. He explained he was hoping to utilize the access to the garage in order to reduce the number of trees that would have to be removed.

Commissioner Ostaffe discussed the grade of the property. Mr. Corrow explained a detailed survey of the property would be provided to staff with the building permit.

Commissioner Ostaffe questioned if the existing garage at the southeast corner of the property would remain or would this be torn down. Mr. Corrow stated it could remain or this garage could be removed to make room for the new structure.

Chair Lamothe commented on the setbacks and requested staff speak to the setbacks for this subdivision when compared to the neighbors to the south and southeast. Mr. Corrow reported there should be a five-foot setback. He explained the house to the south was on an easement and this would be cleaned up through the proposed replatting.

Chair Lamothe opened the public hearing at 7:23 p.m.

The public was asked by Chair Lamothe if they had any comments to make regarding this application.

Jess Wadleigh, 16916 Weaver Lake Drive, reported she just moved into her home seven weeks ago and lives directly south of the proposed lot. She stated she loves the trees on her lot and the surrounding lot. She indicated she fully supported families taking care of their parents and family. She explained she got along with her neighbors, but asked when the first discussion occurred for this subdivision and build.

Mr. Corrow stated the City received an application on July 12,

2021. Prior to that time, Mr. Neal had reached out to City staff about the short plat process.

Ms. Wadleigh questioned if the previous sellers knew this might be occurring before they sold their home.

Mr. Neal indicated the previous neighbors were aware.

Ms. Wadleigh commented she may not have purchased her home knowing what she knows now. She reported this change would alter her property tremendously. She stated she had the understanding the trees on the adjacent lot were protected and has now learned up to 50% of the trees could be removed. She understood John and Katy were respectful neighbors who were open to discussing this project. She explained that without plans fully done for the site, she would continue to have questions about what would happen. She reported she understood the trees would be affected and this was a tremendous disappointment to her because this would impact her. She understood a driveway would have to be installed, and given the grade of the property, more trees would be impacted. She commented there was some water damage to her home when she purchased it. She feared that changing the grade of the adjacent property could further put her home at risk for more water damage. She indicated the proposed driveway would go past her home, which was another concern because this car would be driving past her home. She explained again that she supported the neighbors helping their parents, but stated the proposed project would greatly impact the use and enjoyment of her home. She commented she worked from home and her office faced the neighbor's property. She discussed how she would be adversely impacted by the construction and passing vehicles going to and from this property. She stated she was feeling blindsided by this project just seven weeks after moving into her home. She indicated her last concern was that the new home could be turned into a rental property in the future which would adversely impact her family. She encouraged the City to reconsider this request, because she feared approving this request would open up the entire neighborhood for further subdivisions and short plats which would destroy the trees and quiet neighborhood she loves.

Commissioner Ayika asked if Ms. Wadleigh was concerned about the trees on her property or the neighboring property. Ms. Wadleigh explained she was concerned about the trees on the easement knowing they would now be released to the neighbor and

50% could be removed.

John Ruhoff, 8553 Dunkirk Lane, explained he owned the property east and south of the proposed short plat. He discussed the easement vacation and asked if this land would be vacated all the way to Dunkirk Lane. Mr. Corrow reported the City's plan was to vacate this land all the way to Dunkirk Lane.

Mr. Ruhoff questioned what would happen to this property. Mr. Corrow stated the two properties to the north would reclaim the easement area.

Mr. Ruhoff asked if there was a minimum lot size or home size in Maple Grove. Mr. Corrow indicated the minimum lot size was 10,000 square feet. He stated the City has no minimum home size requirements.

Mr. Ruhoff explained he did not support this project moving forward because the new home would not be in keeping with the character and intent of the neighborhood. He stated he could only support this project if the new home was in keeping in line with the existing homes.

Ronald Lucas, 16923 Weaver Lake Drive, stated he lived directly across the street from the proposed short plat. He explained he spoke with Jon Neal about the request and indicated he has concerns with how the new lot would be accessed given the grade of the property. He questioned how the topography would be changed in order to allow access to the new lot. He anticipated the new lot would need retaining walls which would change the look of the lot. He noted he spoke with the City earlier today about the timeframe for this project and stated he was concerned with how long it would take to construct a new home. He understood Mr. Neal was looking to help his in-laws, but indicated was concerned with the logistics and aesthetics of the project. He reported he has been in his home since 1968 and commented he really appreciated the trees in the area.

Tony Barga-Samson, 16929 Weaver Lake Drive, explained she moved to her home 26 years ago. She stated she appreciated the value Maple Grove had placed on its trees. She reported she has raised two kids in her home and she has an emotional connection to the wooded area. She requested the City consider the value of this wooded area to the neighborhood.

Nicole Moretine, 16916 Weaver Lake Drive, reported she was concerned with how the new home would impact her home. She expressed frustration with the fact her family's happiness would be torn down by the proposed plan. She stated she loved the trees in her neighborhood and wanted to be happy in her home. She was of the opinion the request was unjust and unfair. She feared her family was getting the raw end of this deal. She requested further information regarding the easement and how the land would be split. Mr. Corrow explained the City Attorney reviewed the easement language and reported the underlying property was the subject property for this easement.

Chair Lamothe stated the land for this easement had been set aside for a future roadway connection. He reported the entirety of the easement resides on the property to the north and the property directly to the east. Mr. Corrow reported this was the case. City Attorney Landsman explained in a vacation process, the purpose for which an easement was granted was considered and if the easement no longer serves that public purpose, the City may vacate that easement. He advised the City has no control where the land goes and the City must look to the centerline within the plat. He reported with this easement, the easement was created via a separate easement document creating Outlot H. He commented further on the 25-foot easement document that was created for this lot.

Mr. Ruhoff asked if there was originally a 50-foot easement in place and the southern portion was never documented. City Attorney Landsman advised he has not seen the application for the easement vacation, but has done a preliminary review of some of the documents. He explained he does not complete a title review for easement vacation requests. He stated he cannot provide an opinion on that. However, for the specific lot, this land was put into a separate easement document that was 25 feet side. He reiterated that the easement was not the purpose or request before the Planning Commission. He indicated the easement vacation would be coming before the City Council at a future meeting.

Mr. Ruhoff expressed concern with the vacation of the easement and how the surrounding properties would be impacted.

Commissioner Ayika stated the easement in question appears to have been specifically given to this property.

Lorraine Lucas, 16923 Weaver Lake Drive, discussed the topography on the subject property and questioned how City water and sewer would be brought onto the lot without destroying all of the trees.

Motion by Chair Lamothe, seconded by Commissioner Lenthe, to close the public hearing at 7:58 p.m. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Motion by Commissioner Lenthe, seconded by Commissioner Klein, to recommend that the City Council direct the City Attorney to draft a Resolution approving the Neal's Addition short plat, subject to:

- 1. The applicant addressing to the satisfaction of the city any remaining applicable comments contained in the memorandums from:
 - a. The Community & Economic Development Department dated August 4, 2021**
 - b. The Water Resources Engineer dated July 20, 2021**
 - c. The Parks & Recreation Department, dated August 4, 2021****

The applicant shall acknowledge that Park Dedication requirements are based on staff review and recommendation to the Park and Recreation Board and their subsequent board action. Board meetings are held on the third Thursday of each month.

Commissioner Lindeman asked if the grading concerns that the neighbors have raised would be handled with the building plans. Mr. Corrow stated a full grading plan and site survey will be submitted with the building plans.

Commissioner Lindeman questioned if drainage would also be addressed. Mr. Corrow reported this was the case.

Commissioner Piket indicated the Commission was being asked to consider the platting of two lots and the process for the build would be reviewed by City staff. Mr. Corrow stated this was correct.

Commissioner Lenthe asked if utilities were already installed, given the fact this lot could be subdivided. Mr. Corrow commented it was his understanding utilities were available at the street.

Commissioner Ostaffe commented on the easement and discussed how the neighbors would be impacted. He indicated there was a lot of confusion regarding the easement and this was concerning to him.

Chair Lamothe stated an easement can exist without a plat. He discussed how this easement was showing up on only the northerly properties. He commented further on the location of the easement and reiterated that this matter would be considered by the City Council.

Mr. Corrow indicated the easement was a separate factor that would be addressed by the City Council. He stated without the easement, the property could be subdivided and still meet the City's zoning standards.

Commissioner Ayika reported with or without the easement, the subdivision still meets the City's requirements for a short plat. He stated releasing the easement would just be cleaning up old documents.

Commissioner Picket explained the Commission was being asked to approve a short plat, but there were still several hurdles in place before this project could move forward.

Commissioner Klein discussed Attachment C and stated she was concerned with the fact the south end of Lot 2 depicts the easement. She questioned if this plat could be approved without vacating the easement first. Mr. Corrow deferred this question to the City Attorney. City Attorney Landsman stated it was his understanding there was building pad available with or without the easement. He explained if there was a concern from the Commission, a condition for approval could be made to have the final plat contingent upon the easement vacation. He indicated when he drafts a Resolution for approval there would be a list of conditions and with this case if the conditions are not met, the final plat would not be released for recording. Likewise, if the vacation is approved, this will require the final plat to be recorded. He stated the Commission could make this a condition for approval and if the Council agrees, this could be made a condition for final plat

release. He reported the easement vacation would have a separate public hearing and notices would be sent out.

Commissioner Lindeman stated she was not supportive of putting the vacation easement requirement within the short plat. However, after looking at the neighboring properties, she explained she did not believe the short plat changed the character of the neighborhood enough to not offer her support.

Commissioner Picket agreed stating he did not support putting a condition to remove the easement within the short plat. He recommended this be handled under a separate process.

Commissioner Ayika stated he was concerned with the type of structure that would be constructed on the new lot and hoped that the applicant would construct a home that was in keeping with the character of the neighborhood. He reminded the public that the proposed new lot met all of the City's requirements and explained this property could be subdivided. He indicated this meant that up to 50% of the trees could also be removed. He understood this was tough, but noted the property owner had the right to subdivide and build on this lot. He reported the grading would be reviewed by City staff to ensure the neighbors would not be impacted.

Chair Lamothe commented the Commission's lane was quite narrow when it came to this request. He encouraged the applicant to consider the concerns that have been raised by the neighbors. He suggested the Mr. Neal consider sharing a driveway in order to reduce the tree loss and that a home be built that was in keeping with the character of the neighborhood.

Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

DISCUSSION ITEMS

There were no discussion items.

ADJOURNMENT

Motion by Chair Lamothe, seconded by Commissioner Picket, to adjourn the Planning Commission meeting. Upon call of the motion by Chair Lamothe, there were seven ayes and no nays. Motion carried.

Chair Lamothe adjourned the meeting at 8:22 p.m. to the next regularly scheduled meeting of the Planning Commission scheduled for August 30, 2021.

