

**MINNETONKA PLANNING COMMISSION
MINUTES**

MAY 16, 2002

1. CALL TO ORDER

Chair Sodergren called the meeting to order at 6:30 p.m.

2. ROLL CALL

Commissioners Knight, Wagner, Yearwood, Clinton, Egge, and Sodergren were present. Gallop was absent.

Staff Members Present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, and Planning Intern Janice Waataja.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with the addition of a Change Memo dated May 16, 2002.

4. APPROVAL OF MINUTES: May 2, 2002

Egge moved, second by Clinton, to approve the May 2, 2002, meeting minutes with the following changes listed in the May 26, 2002, Change Memo:

Page 5 of the minutes:

- Item 1.b. at the top of the page: The applicants are proposing to use their property in a reasonable manner ~~prohibited by Code~~.
- Item 2.b.: ~~Three homes within the Dunibar Ridge development have front yard setbacks of 20 feet.~~

Knight, Wagner, Yearwood, Clinton, Egge, and Sodergren voted yes. Gallop was absent. Motion carried.

5. REPORT FROM STAFF

Olson briefed the Commission on land use applications considered by the City Council at its meetings of May 6 and May 13, 2002:

- Adopted the resolution granting preliminary approval of the Archwood Addition plat at 10707 Crestridge Drive and the vacant lot at the northeast corner of Crestridge Drive and Archwood Road for Archwood Associates.

- Introduced an ordinance amending a master development plan for a three-phased senior rental development called Fairfield Rolling Estates and approving final site and building plans for phase 1 at 801 Sunset Drive and 12701 Fairfield Road West for Myron Kunin.
- On May 6, postponed action of items concerning development of two twin homes at 14800 Margaret Place for Lynmore, LLC, ordinance rezoning from R-1, low density residential, to R-2, low density residential; resolution approving a lot division with a lot width at the setback variance, and lot area variance; building and site plan review and resolution approving a front yard setback variance from 25 feet to 12 feet. The City Council approved the items during a special meeting held May 13, 2002, after the developer addressed the City Council's concerns regarding the proposed structure's façade that would face Williston Road.

Olson introduced Planning Department Intern Janice Waataja. Chair Sodergren welcomed Waataja on behalf of the Commission.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA

No items were removed from the Consent Agenda for discussion or separate action.

Yearwood moved, second by Wagner, to approve the items listed on the Consent Agenda as recommended in the respective staff reports, and modified by the May 16, 2002 Change Memo, as follows:

A. Resolution approving front yard, side yard, and aggregate side yard setback variances to add a stall to the existing garage at 5102 Belwood Lane for Thatcher and Lisa Ramsden (02021.02a)

Adopt the resolution on pages A1–A3 of the staff report, which approves setback variances at 5012 Belwood Avenue. This resolution is based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to the property:
 - a. Hardship is caused by substandard lot width.
 - b. Hardship is additionally caused by an existing, non-conforming front yard

setback.

2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. A two-stall garage is considered a reasonable land use on residentially zoned properties.
 - b. The proposed two-stall garage is consistent with neighborhood character; 90 percent of the homes along Belwood Lane have two-stall garages.
 - c. The proposed setbacks are consistent with setbacks in the Belwood Lane area.

Approval is subject to the following conditions:

1. Submit proof of having recorded this resolution with the county before the City issues a building permit.
2. This variance will end on December 31, 2003, unless the City has issued a building permit for the project covered by this variance.
3. Install tree protection and erosion control fencing along the southerly property line. Fencing must be maintained throughout the construction process.

B. Resolution approving a conditional use permit for an outdoor dining area for the Marriott Hotel's restaurant and lounge at 5801 Opus Parkway for IHP Holdings Partnership, L.P. (87049.02a)

Adopt the resolution on pages A1–A4 of the staff report, which approves the proposed conditional use permit. This resolution is based on the following findings:

1. The proposal meets the standards outlined in the city code, Section 300.21.2., regarding general standards for conditional use permits for business zoning districts.
2. The proposal meets the standards outlined in the city code, Section 300.21.4. r., regarding accessory sidewalk cafes and outdoor eating areas.

Approval is subject to the following conditions:

1. Record this resolution with the county within one year from the date of City Council approval.

2. The outdoor eating area must not be open longer than 6:00 a.m. to 1:00 p.m. seven days per week.
3. In order to serve liquor within the outdoor eating area, a liquor license must be obtained.
4. Proper fencing must be installed subject to review and approval of the City Fire Marshal, and per the satisfaction of the conditions of a liquor license.
5. The outdoor eating area must be equipped with refuse containers and periodically patrolled for litter pick-up.
6. Must not have speakers or audio equipment in the outdoor eating area.
7. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
8. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
9. The applicant must agree to the above conditions in writing.

Knight, Wagner, Yearwood, Clinton, Egge, and Sodergren voted yes. Gallop was absent. Motion carried and the items on the Consent Agenda were approved as submitted.

8. PUBLIC HEARINGS

A. Front yard setback variance from 35 feet to 27 feet for a garage addition at 12910 Maywood Lane for Jeff Weiss (02023.02a)

Chair Sodergren introduced the proposal and called for the staff report.

Teague reported. He recommended denial of the application based on the findings listed in the staff report.

Yearwood asked if the current garage was constructed at the same time as the residence. Teague answered in the affirmative. The front setback was not met because the front was curved. A four-car garage would not be in character with the neighborhood and there are other options available to allow a four-car garage without a variance on the site. Yearwood asked if a variance was issued at the time of its original construction. Teague answered in the negative.

Jeff and Carla Weiss, 12910 Maywood Lane, applicants, explained the history of the site and

stated:

- The current garage was built with the house before the road was paved.
- The proposal is necessary because Ms. Weiss' parents will be living with the applicants.
- The existing garage would house the parents' car and the new garage would be for the applicants' two vehicles.
- An entrance from the garage would be safer for her parents; no ice hazard. Without the variance, the elevation of the house would require the entrance to the garage to be located in the center and the whole length of the garage would be used by the entryway.
- None of the neighborhood residences meet the front setback requirement.

Clinton asked the applicants about moving the garage back. Mr. Weiss noted that as an option, but he maintained that the proposal would create a "cleaner" line in the front and the proposed garage would match-up with the back of the residence. Ms. Weiss stated that that was their second choice.

Chair Sodergren confirmed with the applicants that there are no sloping or wetland issues relating to the location of the proposed garage.

The public hearing was opened. No testimony was submitted and the hearing was closed.

Clinton opposed the variance because the project could be done without a variance.

In response to Knight's question, Teague stated that the proposal would create the appearance of a four-car garage. The neighborhood characteristic is mainly two-car garages.

Knight concurred with Clinton.

Clinton moved, second by Egge, to deny the variance request based on the following findings:

1. The property does not contain any unique physical circumstance to justify a hardship for the variance. There is adequate area on the site to build an addition without the need of a variance.
2. The applicant has reasonable use of the property with the current single-family home and two-car garage.
3. A four-stall garage would not be in character with the neighborhood.

4. Granting of this variance may set a precedent for similar variances in the neighborhood.

Knight, Wagner, Yearwood, Clinton, Egge, and Sodergren voted yes. Gallop was absent. Motion carried.

Chair Sodergren explained that the Planning Commission's decision was the final action to be taken on the item unless the applicants provided written notice to the Planning Director within 10 days, requesting an appeal be heard by the City Council.

Ms. Weiss asked if the garage could be built without a variance if it was moved back.

Chair Sodergren recommended the applicants work with staff to create a plan that would not require a variance.

9. ADJOURNMENT

Knight moved, second by Wagner, to adjourn the meeting at 6:55 p.m. Motion carried unanimously.

By: _____
Bernadette H. Leaf
Planning Administrative Assistant