

**MINNETONKA PLANNING COMMISSION
MINUTES**

OCTOBER 3, 2002

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff Members Present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, and City Engineer Lee Gustafson.

3. APPROVAL OF AGENDA: The agenda was approved as submitted.

Olson announced that Councilmember Allendorf will be hosting a neighborhood meeting at the Glen Lake Activity Center on Tuesday, October 15, 2002, from 5:00 p.m. to 6:00 p.m. to discuss a proactive redevelopment plan with local businesses and residents.

Olson referred the Commissioners to the replacements provided for sections of their handbooks.

4. APPROVAL OF MINUTES: September 19, 2002

Wagner moved, second by Knight, to approve the September 19, 2002, meeting minutes as submitted.

Knight, Wagner, and Sodergren voted yes. Clinton and Gallop were absent. Egge and Hart abstained. Motion carried.

5. REPORT FROM STAFF

Olson briefed the Commission on land use applications considered by the City Council at its meeting of September 23, 2002:

- Adopted a resolution approving a conditional use permit, with setback variances, for a coffee shop in the Westridge Market shopping center at 11201 Fairfield Road for Caribou Coffee Company, Inc.

- Adopted a resolution approving a conditional use permit for installation of wireless telecommunication antennas and equipment at 5125 County Road 101 for AT&T Wireless Services.
- Approved the preliminary and final plat of 4530 Highland Road for Promised Land Development, LLC, represented by Scott Sirovy.
- Adopted a resolution approving a two-lot subdivision, with lot width and lot area variances, at 5409 Woodland Road for RAM Construction. The applicant revised the plan to conserve additional trees.
- An appeal of variances to build a monument sign at 10500 Hillside Lane for Imaginability, Inc., on behalf of the Adath Jeshurun Congregation, was removed from the agenda at the applicant's request.

Olson and Chair Sodergren welcomed Hart to the Planning Commission. Olson recognized her insight as a resident and as the vice-chair of the Economic Development Authority.

Olson explained that Chris Robbins would begin work on Monday, October 7, 2002, as an Environmental Intern for the City on Monday.

Chair Sodergren urged Commissioners to assist with the Planning Department exhibit at the open house on Tuesday, October 8, 2002.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS

A. Resolution approving a conditional use permit for a 1,040-square-foot detached garage with height of 14.7 feet at 5219 Scott Court for Craig H. Stephens (02050.02a)

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

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

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

Knight was concerned with the vagueness of Condition 7, on Page 2 of the staff report: "The City Council may reasonably add or revise conditions to address any future unforeseen

problems.” Thomas stated that the condition is standard for conditional use permits. Olson confirmed that the City Attorney reviewed the conditional use permit and that Condition 7 is standard to provide a basis to revise the conditional use permit if the original use was modified in the future.

Chair Sodergren spoke to a neighbor of the proposed site whose only concern was construction noise. Thomas reviewed the noise ordinance relating to construction.

Knight asked what the vehicle lift would be used for. Thomas stated that the applicant maintains and refurbishes vehicles as a personal hobby. Knight asked if the applicant sells the vehicles. Thomas stated that the applicant stated that his hobby is a personal venture. The conditional use permit included a condition that prohibited commercial activity.

Wagner questioned if a time limit for the conditional use permit to expire should be included. Olson explained that the City Attorney advised staff that, according to Minnesota Statutes, it is not legal for a conditional use permit to have a time limit. As long as the use remains identical to the application and the conditions are met, a conditional use permit will not expire.

Knight moved, second by Egge, to recommend that the City Council adopt the resolution on pages A1–A4 of the staff report. This resolution approves a conditional use permit for construction of a 26-foot by 40-foot accessory structure with height of 14.7 feet. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

1. Plant five, 7-foot blackhill spruce trees as indicated on the site plan dated September 19, 2002. The applicant is responsible to replace any tree that dies within five years of planting.
2. Tree protection/erosion control fencing must be installed and maintained throughout the construction process.
3. The site must be graded so as to minimize impact to adjacent properties.
4. The structure may not be used for commercial activity.
5. The structure may not be converted to a dwelling used for residential occupancy.
6. Record this resolution with the county before the City issues a building permit.
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.

Egge, Hart, Knight, Wagn4er, and Sodergren voted yes. Clinton and Gallop were absent. Motion carried.

B. Resolution approving a front yard setback variance from ten feet to zero feet for an identification sign for the Gray's Bay Public Boat Launch and Marina at 2831 County Road 101 for the City of Minnetonka (96078.02a)

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

Teague reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Gustafson provided the Commission with up-dated wording of the proposed sign.

Chair Sodergren noted that the staff report included several written comments from residents questioning why the sign would need to be illuminated and several requests that the sign be smaller in size. Gustafson explained that the Department of Natural Resources and the City Attorney would be meeting with staff to discuss the sign. Gustafson predicted that the internal illumination would be eliminated. He did not feel it was necessary.

Gustafson stated that the size of the sign would be within ordinance requirements. The sign would need to be large enough to be readable from Highway 101 to alert drivers and allow them enough time to turn. U-turns would create a safety hazard. The size of the sign would be appropriate with the size of the site.

Chair Sodergren noted that the staff report also included positive comments from neighbors who indicated they are pleased with the overall project. She asked when it would open. Gustafson stated that construction of the docks is expected to be completed November 15, 2002. Regrading and landscaping of the sign area also needs to be completed.

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

Wagner moved, second by Hart, to adopt the resolution on pages A1–A3 of the staff report. This resolution approves a front yard setback variance from ten feet to zero feet at 2831 County Road No. 101, based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances

that are unique to this property:

- a. The hardship is caused by the realignment of County Road 101, which created an extra large boulevard between the roadway and the Gray's Bay Marina entrance.
 - b. The applicant is proposing to use the subject property in a reasonable manner.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The proposed sign would not encroach into sight lines for traffic entering County Road 101 from Gray's Bay Boulevard.

Approval is subject to the following conditions:

1. The resolution must be recorded before issuance of a sign permit.
2. This variance will end on December 31, 2003, unless the City has issued a sign permit for the project covered by this variance or approved a time extension.

Egge, Hart, Knight, Wagner, and Sodergren voted yes. Clinton and Gallop were absent. Motion carried.

8. ADJOURNMENT

Knight moved, second by Wagner, to adjourn the meeting at 7:00 p.m. Motion carried unanimously.

By: _____
Bernadette H. Leaf
Planning Administrative Assistant