

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**OCTOBER 17, 2002**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Egge, Gallop, Hart, Wagner and Sodergren were present. Knight and Clinton were 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 additional survey information provided for Item B, a resolution approving a side yard setback variance from 25 feet to 13.5 feet for an addition to the rear of the home at 16113 McGinty Road West for Peter and Elizabeth Robinson (02055.02a).

- 4. APPROVAL OF MINUTES:** October 3, 2002

*Hart moved, second by Egge, to approve the October 3, 2002, meeting minutes as amended by the Change Memo dated October 17, 2002, as follows:*

Page 4, Item B, fourth paragraph:

~~Chair Sodergren stated that she received numerous comments questioning why the sign would need to be illuminated and requests asking that it be smaller in size. 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.~~

Page 4, Item B, sixth paragraph

~~Chair Sodergren heard comments from neighbors that indicated they are pleased with the overall project. Chair Sodergren noted that the staff report also included positive comments from neighbors who indicated they are pleased with the overall project.~~

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

**5. REPORT FROM STAFF**

Olson briefed the Commission on land use applications considered by the City Council at its meeting of October 14, 2002.

- Adopted the ordinance amending the standards for lot width at the public right-of-way variances.
- Approved a preliminary plat for a two-lot subdivision at 30 Plymouth Road for Karen and Dan Lone.
- Directed staff to redraft the ordinance amending the political sign requirements to incorporate the continuation of the size limitation for City Council election signs in odd years.
- Adopted an ordinance amending the wetland overlay district, including requirements for wetland buffer areas, which would increase building setbacks around “preserve” wetlands from 35 feet to 60 feet. The ordinance would also require posting of signs, that would be purchased from the City to ensure uniformity, on the perimeter of buffer areas located on non-single-family residential properties.

Olson announced that a study session would be held with the Economic Development Authority and the Planning Commission immediately following the meeting to discuss affordable housing.

**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.

Chair Sodergren asked if a buffer would be required for Item A, a resolution approving a conditional use permit and site plan review, with variance, for an environmental quality monitoring station near the intersection of Creek Ridge Trail and Scenic Heights Drive for the Riley-Purgatory-Bluff Watershed District (02054.02a). Thomas explained that the proposed use did not fall into the jurisdiction of the wetland buffer ordinance. Additional screening was included as a condition of approval.

Gallop asked what type of vegetation would be used for screening. Thomas stated that the specific vegetation was not determined yet, but it would be required to provide year-round screening. Staff would visit the site and work with the applicant to create the final vegetation plan. She expected coniferous trees would be included.

*Hart moved, second by Wagner, to approve the items listed on the Consent Agenda as recommended in the respective staff reports as follows:*

**A. Resolution approving a conditional use permit and site plan review, with variance, for an environmental quality monitoring station near the intersection of Creek Ridge Trail and Scenic Heights Drive for the Riley-Purgatory-Bluff Watershed District (02054.02a)**

Recommend the City Council adopt the resolution on pages A1–A5 of the staff report, which approves a conditional use permit and site plan with variance to install an environmental quality monitoring station near the intersection of Creek Ridge Trail and Scenic Heights Drive for the Riley-Purgatory-Bluff Creek Watershed District. This resolution is based on the following findings:

1. Apart from setback standards, the proposal meets the required conditional use permit standards
2. Strict enforcement of the ordinance would cause undue hardship because of circumstances unique to this property.
  - a. Hardship is caused by soil and environmental conditions inherent to appropriate sites for such monitoring facilities.
3. The variances would be consistent with the spirit and intent of City ordinance for the following reasons:
  - a. The 20-foot right-of-way adjacent to Scenic Heights Road would give the station the appearance of a greater setback than actually exists.
  - b. The proposed station would be set back 195 feet from the nearest residential structure.
  - c. The structure would be surrounded by existing vegetation and additional vegetation would be provided to further screen the structure.

Approval is subject to the following conditions:

1. Additional year-round vegetation must be planted to screen the monitoring station from Scenic Heights Drive and the adjacent single-family homes to the east. City staff shall determine what additional vegetation will be required at the time the structure is placed on site.

2. Record this resolution with the county before the City issues a building permit.
3. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
4. 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.
5. The applicant must agree to the above conditions in writing.

**B. Resolution approving a side yard setback variance from 25 feet to 13.5 feet for an addition to the rear of the home at 16113 McGinty Road West for Peter and Elizabeth Robinson (02055.02a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstance unique to this property:
  - a. The existing home has non-conforming setbacks; therefore, any side yard addition would require a variance.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reason:
  - a. The intent of the setback is to maintain space between structures. The proposed addition would be over 50 feet from the nearest home to the north, and would be screened by existing pine trees.
  - b. The addition would not get any closer to the property lines than the existing home.

Approval is subject to the following conditions:

- 1) Complete the following before the City issues a building permit:
  - a. Submit proof of having recorded this resolution with the County.
  - b. Submit proof of having recorded with the county a 16.5-foot conservation easement from the wetland boundary.

- c. Install erosion control measures, including tree protection and silt fencing, that are satisfactory to the city's environmental resources coordinator.
- 2) Before completing the addition, a 16.5-foot buffer area must be installed that consists of wetland plants.
- 3) This variance will end on December 31, 2003, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

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

Chair Sodergren invited those present to attend the study session with the Economic Development Authority.

## **9. ADJOURNMENT**

***Egge moved, second by Gallop, to adjourn the meeting at 6:50 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Bernadette H. Leaf  
Planning Administrative Assistant