

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**NOVEMBER 21, 2002**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

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

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

**4. APPROVAL OF MINUTES:** November 7, 2002

*Egge moved, second by Hart, to approve the November 7, 2002, meeting minutes as submitted and in accordance with the November 21, 2002 Change Memo:*

Page 6, Item 8B, seventh paragraph:

John Dietrich of RLK (6110 Blue Circle Drive), civil engineer and site planner for the project, ~~for Thrivent Financial, 6110 Blue Circle Drive,~~ provided illustrations of how four different types of trucks would maneuver on the site.

*Hart, Knight, Wagner, Egge, and Sodergren voted yes. Clinton and Gallop 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 November 12, 2002:

- Postponed action, until November 25, 2002, regarding a resolution approving a conditional use permit and site plan review, 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 and to direct staff to work with the applicant to

improve the aesthetics of the station. Chair Sodergren asked Olson what direction the City Council provided staff. Olson stated that the Council Members were concerned that it would take time for the trees to grow and they wanted to review options for building materials, fencing, and locating mechanical items inside the building (which staff has since learned would not be possible). Chair Sodergren asked if neighbors expressed objections at the City Council Meeting. Olson and Thomas stated that there were no objections received from residents. The Council Members were concerned that the proposal would look similar to a port-a-potty.

- Introduced an Ordinance Amending City Code §300.34(4)(a)(3) regarding telecommunications facilities and referred it to the Planning Commission for review.

Olson briefed the Commission on the discussion that occurred at the Glen Lake neighborhood meeting held November 20, 2002, regarding ideas for future redevelopment of the area.

Olson explained that, due to the absence of two Commissioners, five-vote items still required 5-votes to pass, but four-vote items would only need three votes to be pass.

**6. REPORT FROM PLANNING COMMISSION MEMBERS:** None

**7. PUBLIC HEARINGS: CONSENT AGENDA**

Item 7C, resolution approving a wetland alteration permit to fill and replace a small portion of an existing wetland at 14400 Cheshire Parkway for Carlson Real Estate Company (96002.02a), was removed from the Consent Agenda for separate action.

*Hart moved, second by Egge, to approve Items 7A, a resolution approving a front yard setback variance from 35 feet to 24 feet for an addition to the home at 12908 Shady Dale Road for Robert and Sandra Clifford (95029.02a), and 7B, sign plan review to update the existing sign covenants for the buildings located at 5400-5500 Feltl Road within the Opus development for Liberty Property Trust (02065.02a), listed on the Consent Agenda as recommended in the respective staff reports as follows:*

- A. Resolution approving a front yard setback variance from 35 feet to 24 feet for an addition to the home at 12908 Shady Dale Road for Robert and Sandra Clifford (95029.02a)**

---

Adopt the resolution on pages A1–A3 of the staff report, which approves a proposed front yard setback variance from 35 feet to 24 feet for an addition to the home at 12908 Shady Dale Road for Robert and Sandra Clifford. This resolution is based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
  - a. Hardship is caused by the home’s existing, non-conforming setback.
  - b. Hardship is further caused by the location of the home relative to large trees on the site.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The proposed addition would be located so as to minimize impact to large trees on the site.
  - b. The proposed addition would not encroach into established, neighborhood building lines.
  - c. The proposed addition would be setback over 60 feet from Shady Dale Road.
  - d. There would be an 8-foot grade difference between the proposed addition and Shady Dale Road.
  - e. The proposed addition would be screened by large trees on the site.

Approval is subject to the following conditions:

1. Tree protection fencing must be installed for staff approval; the fencing must be maintained throughout the course of construction.
2. Submit proof of having recorded this resolution with the county before the City issues a building permit.
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.

**B. Sign plan review to update the existing sign covenants for the buildings located at 5400-5500 Feltl Road within the Opus development for Liberty Property Trust (02065.02a)**

Approve the sign plan based on the following findings:

1. The proposed covenants are more restrictive than city code.
2. The proposed covenants would provide uniformity to the business park.
3. The addition of wall signs would not negatively impact the surrounding properties.

Approval is subject to the following conditions:

1. A pylon and wall sign cannot be displayed together at the same entrance.
2. Only one wall sign allowed per tenant.
3. Any new signage would require a permit issued by the City.

*Hart, Knight, Wagner, Egge, and Sodergren voted yes. Clinton and Gallop were absent. Motion carried and Items 7A, a resolution approving a front yard setback variance from 35 feet to 24 feet for an addition to the home at 12908 Shady Dale Road for Robert and Sandra Clifford (95029.02a), and 7B, sign plan review to update the existing sign covenants for the buildings located at 5400-5500 Feltl Road within the Opus development for Liberty Property Trust (02065.02a), were approved as submitted.*

*Egge moved, second by Hart, to approve Item 7C, resolution approving a wetland alteration permit to fill and replace a small portion of an existing wetland at 14400 Cheshire Parkway for Carlson Real Estate Company (96002.02a), listed on the Consent Agenda as recommended in the respective staff reports as follows:*

**C. Resolution approving a wetland alteration permit to fill and replace a small portion of an existing wetland at 14400 Cheshire Parkway for Carlson Real Estate Company (96002.02a)**

Recommend approval of the wetland alteration permit subject to the following conditions:

1. Obtain approval from all appropriate agencies before construction.
2. Submittal of a plan for re-vegetation of the buffer area around the wetland. The plantings shall be subject to review and approval of the city's environmental resources coordinator.
3. Erosion control fencing must be installed and maintained until the area has vegetated.

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

## 8. PUBLIC HEARINGS

### **A. Resolution approving a conditional use permit for a telecommunications facility, with a floodplain setback variance, at 5125 County Road 101 for VoiceStream Minneapolis, Inc. (02044.02b)**

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.

Steven Scriver, applicant, explained his location selection process and the proposed landscaping that would screen the pole.

Wagner asked if there would be room for a roof antenna. Mr. Scriver stated that there would not be adequate elevation for the antenna to operate.

Egge asked if there would be room for another carrier to use the pole. Mr. Scriver explained that another carrier could locate its equipment either on the north or south and would need to provide additional landscaping. Thomas confirmed that the site would provide a co-location opportunity.

Knight asked if the City maintains a list of the telecommunication poles that are capable of housing additional antennas. Olson answered in the affirmative.

Knight asked if the City could require a future user to utilize the proposed antenna. Olson explained the process.

Wagner asked if the City could hire a consultant to verify the applicant's engineering data. Olson answered in the affirmative and explained that that was done for the antenna located on County Road 101 and Minnetonka Boulevard.

Chair Sodergren asked if the proposal would house the light that would be removed. Mr. Scriver answered in the affirmative.

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

***Egge moved, second by Wagner, to recommend the City Council adopt the resolution on pages A1–A4 of the staff report, which approves a conditional use permit with variances for a telecommunications tower and equipment at 5125 County Road 101. This resolution is based on the following findings:***

1. Apart from floodplain setback, 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. The applicant is proposing to use the property in a reasonable manner; city code recognizes telecommunications facilities as valuable public resources.
3. The variances would be consistent with the spirit and intent of the floodplain ordinance for the following reason:
  - a. The facility would be located 2 feet above the established floodplain elevation. Staff finds this vertical separation best ensures water flow patterns are preserved.

Approval is subject to the following conditions:

1. Record this resolution with the county before the city issues a building permit.
2. The site must be developed and maintained in substantial conformance with the plans dated August 1, 2002
3. Landscaping must be installed and maintained in substantial conformance with the diagram attached as exhibit A19.

4. The wetland buffer must be installed and maintained in substantial conformance with the diagram attached as exhibit A19.
5. Exterior surface of the antennas and equipment must be painted a non-contrast color consistent with the surrounding area such as blue, gray, brown, or silver.
6. Equipment must maintain a 6-foot setback from the proposed eastern lease line as shown in exhibit A11.
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.

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

## 9. 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