

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**DECEMBER 5, 2002**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, and Environmental Coordinator Jo Colleran.

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

**4. APPROVAL OF MINUTES:** November 21, 2002

*Egge moved, second by Wagner, to approve the July 5, 2002, meeting minutes as submitted.*

*Wagner, Egge, and Sodergren voted yes. Clinton and Gallop abstained. Hart and Knight 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 25, 2002:

- Resolution approving a conditional use permit and site plan review, with variance, for an environmental quality monitoring station near the intersection of Creek Ridge Rail and Scenic Heights Drive for the Riley-Purgatory-Bluff Watershed District. The City Council added a condition requiring the rain gauge to be located on a separate pole and painted brown.

Olson announced that a meeting with the Glen Lake Citizen Planning Committee will be held on Wednesday, December 11, 2002, from 4:30 pm to 6:00 pm at the Glen Lake Community Center. A consultant will present a summary of residents' concerns and ideas regarding future redevelopment.

Olson explained the number of votes necessary to approve the items on the consent agenda.

**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.

*Gallop moved, second by Clinton, to approve the items listed on the Consent Agenda as recommended in the respective staff reports and modified by the Change Memo dated December 5, 2002, as follows:*

**A. Resolution approving a side yard setback variance from 10 feet to 6 feet, and an aggregate side yard setback variance from 30 feet to 21 feet at 2915 Fairchild Avenue for Paul E. Robey (02066.02a)**

Adopt the resolution on pages A1–A3 of the staff report. This resolution approves:

- (1) a side yard setback variance from 10 feet to 6 feet; and
- (2) an aggregate side yard setback variance from 30 to 21 feet at 2915 Fairchild Avenue for Paul E. and Sharon F. Robey, 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 existing location of the home, which does not meet current setback requirements, and not created by the current landowner.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. Relocating the retaining wall on the north side of the property decreases non-conformities.
  - b. The proposal does not alter existing side yard setbacks and therefore does not alter the character of the property or the neighborhood.

Approval is subject to the following conditions:

1. Relocate the retaining wall on the north side of the property. The wall must be placed on the northern property line of the subject property or fully on the property.
2. Submit proof of having recorded this resolution with the county.

**B. Resolution approving variances to build a new home at 16940 Grays Bay Boulevard for RJ Johnson Architecture and Interiors (02067.02a):**

- 1) lot area variance from 22,000 square feet to 10,330 square feet;**
- 2) buildable area variance from 2,400 square feet to 1,400 square feet;**
- 3) lot width at setback variance from 110 feet to 88 feet; and a**
- 4) floodplain setback variance from 35 feet to 10 feet.**

Adopt the resolution on pages A1–A4 of the staff report. This resolution approves lot area, buildable area, lot width, and floodplain setback variances at 16940 Grays Bay Boulevard, 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 undue hardship is caused by the small size of the lot and the restrictive setbacks that must be applied. The applicant is proposing to use the property in a reasonable manner. Upon demolition of the existing house, lot area, buildable area, and lot width variances would be required to construct *any* new home on the property.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The proposed home would be located two feet above the floodplain elevation, meeting the vertical separation required by city code. It is this separation that best preserves water flow patterns.
  - b. The proposal would not alter the characteristics of the neighborhood. Setbacks from property lines and from Gray's Bay itself vary significantly throughout the Gray's Bay neighborhood.

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 20-foot conservation easement landward from the ordinary high water elevation of 929.4.

- c. Submit a construction management plan detailing: (1) how equipment will avoid roots of trees to be saved, especially the spruce closest to the east side of the home; (2) location for stockpiling of earth and construction materials and equipment; (3) how contractors will prevent tracking of earth onto the street.
  - d. Install erosion control measures for staff approval. This would include tree protection and silt fencing. A floating silt curtain may be required.
  - e. Submit a list of pervious pavers to be used on the site. The city's environmental resources coordinator must approve these pavers.
- 2) Before issuance of a certificate of occupancy a 20-foot buffer area must be installed satisfactory to the city's environmental resources coordinator. The buffer may consist of native grasses, wildflowers, trees and/or shrubs.
  - 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.

**C. Resolution approving a conditional use permit to remodel an existing office space into a medical clinic at 5950 Clearwater Drive for Children's Hospitals and Clinics (89006.02a)**

Recommend that the city council adopt the resolution on pages A1- A3 of the staff report. This resolution approves a conditional use permit for a 16,442 square foot medical clinic for Children's Hospital to be operated out of a portion of an existing office building located at 5950 Clearwater Drive. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

1. Record this resolution with the county before the city issues a building permit.
2. The city council may reasonably add or revise conditions to address any future unforeseen problems.
3. 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.
4. All signage must comply with sign covenants for the Minnetonka Corporate Center, unless a variance is applied for and received.
5. The applicant must agree to the above conditions in writing.

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

**8. ADJOURNMENT**

*Clinton moved, second by Egge, to adjourn the meeting at 6:40 p.m. Motion carried unanimously.*

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