

**MINNETONKA PLANNING COMMISSION
MINUTES**

DECEMBER 2, 2004

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Allendorf, Bonoff, Britain, Gallop, Maes, Periolat, and Hart were present.

Staff members present: Principal Planner Cary Teague, Planner Susan Thomas, and Planning Intern Kyle Sobota.

- 3. APPROVAL OF AGENDA:** The agenda was approved with the removal of Item 8A, at the request of the applicant. It is tentatively rescheduled for January 6, 2005.

- 4. APPROVAL OF MINUTES:** November 4, 2004

Allendorf moved, second by Maes, to approve the November 4, 2004, meeting minutes as submitted with the following change:

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- . . . he hoped to begin construction in spring of ~~2004~~ **2005** and occupy the facility by October of ~~2004~~ **2005**.

***Allendorf, Bonoff, Britain, Gallop, Maes, Periolat, and Hart voted yes.
Motion carried.***

5. REPORT FROM STAFF

Teague briefed the commission on land use applications considered by the city council at its meeting of November 22, 2004:

- Approved the applications for a bank with drive-up windows at 14816 State Highway 7 for Minnwest Corporation with the planning commission's recommendation.
- Approved division of the properties at 13709 and 13717 Inverness Road into three lots for Stephen Longman and Eric Barstad with the planning commission's recommendation.

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

7. **PUBLIC HEARINGS: CONSENT AGENDA**

The item was not removed from the consent agenda for discussion.

Britain moved, second by Maes, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:

A. Variance to allow a second wall sign at 17611 Lake Street Extension for Minnetonka United Methodist Church (92028.04a)

Recommend that the planning commission adopt the resolution on pages A1–A4 of the staff report, which approves the proposed variance for three wall signs at 17611 Lake Street Extension. This resolution is based on the following findings:

- 1) The circumstances unique to the property include: the rear wall, where one of the signs would be located, is screened by existing trees; a wetland separates the site from existing homes to the west; and the angle of the building to the lot lines, along with a berm along Highway 101, make the existing wall signs difficult to see from Highway 101.
- 2) The intent of the ordinance is to make properties aesthetically pleasing and to limit excessive signage. The proposed signs, which are non-commercial in nature, are non-illuminated, and two of the three have no text. The essential character of the neighborhood would not be affected by the addition of another wall sign. The new sign would only be visible from the church parking lot because of screening to the south. The sign would be screened in all other directions by the church building.

Approval is subject to the following conditions:

- 1) The new wall sign may not exceed 11 square feet in size, and may not be lit.
- 2) Submit proof of having recorded this resolution with Hennepin County before the city issues a sign permit.
- 3) This variance will end on December 31, 2005, unless the city has issued a sign permit for the project covered by this variance or approved a time extension.

Allendorf, Bonoff, Britain, Gallop, Maes, Periolat, and Hart voted yes. Motion carried and the item on the consent agenda was approved as submitted.

8. PUBLIC HEARINGS

A. Variance to relocate an existing driveway at 6043 Fairwood Circle for Maria Boley (04074.04a)

Postponed until the January 6, 2005 planning commission meeting.

B. Preliminary plat to divide 15815 Minnetonka Boulevard into two lots for Curt Fretham (03061.04a)

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

Chair Hart asked the applicant, Curt Fretham, if he did the subdivision of the back half of the lot. Mr. Fretham answered in the negative. Chair Hart stated that it looked like a nice plan and appreciated the effort to preserve trees.

The public hearing was opened.

Veronica Hoven, 15719 Minnetonka Boulevard, requested trees that would blow onto her property during a storm be removed. She asked when she would be able to see the plans for the structure. Chair Hart explained that the building would have to meet all the planning and zoning ordinances and building code requirements. If the requirements would be met, the planning commission would not review the building plans.

Allendorf stated that Ms. Hoven could provide community development with her name and phone number and request to be contacted when a building permit is submitted to allow her the opportunity to view the plans. Ms. Hoven thought that the building plans would be at tonight's meeting. Teague agreed that Ms. Hoven could be contacted when a building permit is received. Ms. Hoven requested that be done and stated that she was considering subdividing her lot.

Scott and Paula Whitworth, 15838 Wood Knoll Lane, wanted to make sure that the minimum floor elevation would be in writing on the final plat. Teague confirmed that the minimum floor elevation would be required to be two feet above the floodwater elevation and would be a conditional of approval.

Mr. Whitworth asked if the date to begin work on Wood Knoll Lane had been determined. Teague stated that the storm water project is tentatively scheduled to begin in 2006. There would be no cost to the residents.

Ms. Hoven stated that she was told that she could not build on the back lot because of a drainage pattern associated with adjacent property. Chair Hart explained that that did not pertain to the current application. Teague pointed out that the area she referred to was in the 100-year storm floodplain area. So, there was no buildable area. Ms. Hoven asked when that had been determined. Teague did not think the elevations had changed for many years. Ms. Hoven stated that the neighbors on the east side raised their lot four feet when they built their house.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issue.

Gallop moved, second by Bonoff, to recommend that the city council give preliminary approval to the 15815 Minnetonka Boulevard Plat, date stamped October 31, 2004. Approval is based on the finding that the plat meets the required standards and ordinances.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. Show the following on the final plat:
 - (1) At least ten-foot wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven-foot wide drainage and utility easements along all other lot lines.
 - (2) The drainage and utility easement along Minnetonka Boulevard and the east lot line of Lot 2 must be 20 feet wide to accommodate future utilities.
 - (3) Drainage and utility easements must be established over the 944.00 contours.
 - b. Pay the city a park dedication fee of \$2,375.00

- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - b. The following documents for the city attorney's approval:
 - (1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - (2) A private driveway easement, which is to serve each lot. The easement must state the maintenance responsibilities of each owner. The minimum driveway width must be as required by the fire marshal.
 - (3) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
 - c. Any other requirements included with final plat approval.
- 3) The following must be submitted to the city before the city issues a building permit:
 - a. A grading and tree preservation plan for the new lot, subject to staff approval. Grading in the rear yard of Lot 2 must be altered so as not to have any impact on the significant trees in the rear yard. The plans must be in substantial compliance with agreed building areas as required with the final plat. The sewer and water services must be shown to minimize impact to the significant trees.
 - b. Submittal of construction plans for the shared driveway. The driveway must not affect the significant trees on Lot 1. The specific driveway location is subject to review and approval of city staff.

- c. A temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review and approval of the city's environmental resources coordinator.
 - d. A copy of the recorded plat and any easement or covenants required to be recorded.
 - e. A hookup fee for sanitary sewer and water.
 - f. Minimum floor elevation must be 2 feet above the 100-year stormwater elevation.
 - g. A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.
- 4) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - 5) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The trees must be primarily species native to the area. They must be at least 2 ½ inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.
 - 6) Provide a driveway turnaround before the house is occupied.
 - 7) New utility lines to the home on Lot 1 must be provided from Minnetonka Boulevard. The existing utilities from Wood Knoll Lane must be abandoned.
 - 8) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

**Allendorf, Bonoff, Britain, Gallop, Maes, Periolat, and Hart voted yes.
Motion carried.**

C. Ordinance concerning standards for educational, religious, public facilities, and nursing homes (04072.04a)

Chair Hart 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.

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

Bonoff moved, second by Allendorf, to recommend that the city council adopt the ordinance on pages A1–A7 of the staff report.

Allendorf, Bonoff, Britain, Gallop, Maes, Periolat, and Hart voted yes. Motion carried.

Chair Hart stated that the city council was tentatively scheduled to review the item at its January 22, 2005 meeting.

9. ADJOURNMENT

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

By: _____
Lois T. Mason
Planning Secretary