

**MINNETONKA PLANNING COMMISSION
MINUTES**

APRIL 28, 2005

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart were present.

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Environmental Coordinator Jo Colleran, Planning Intern Kyle Sobota, Public Works Director Brian Wagstrom, Assistant City Manager Geralyn Barone, and Captain Mark Raquet.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted. Olson reviewed late comments provided in the change memo dated April 28, 2005.

4. RECOGNITION OF COMMISSIONER PERIOLAT

Chair Hart thanked Periolat for dealing with and focusing on the issues and providing clear, forthright, and supporting comments. Chair Hart gave Periolat a token of appreciation. Periolat thanked the city council for the honor to serve the city. Every application is looked at carefully and individually with dedication. Staff are consummate professionals and so good at what they do. When commissioners agree with staff's recommendation, it is a testament of how well the city is served by staff. The most important lessons she learned related to fairness, judiciousness, and grace under pressure. Being a commissioner is a thankless job. There are always two parties in disagreement so almost always someone is disappointed. It is tough and intimidating. She appreciated the reason for that. She will continue to monitor the planning commission meetings and directed everyone to carry on.

Chair Hart welcomed Sarah Frisque to the planning commission.

- 5. APPROVAL OF MINUTES:** April 14, 2005

Allendorf moved, second by Cheleen, to approve the April 14, 2005 meeting minutes as submitted.

Allendorf, Bonoff, Britain, Cheleen, Dahl, and Hart voted yes. Frisque abstained. Motion carried.

6. REPORT FROM STAFF

Olson reported that a meeting was held with the Glen Lake area business owners to discuss ideas derived from the study session commissioners had with city council. The owners were excited for redevelopment of the area to provide an economic boost and maintain its viability.

Olson informed commissioners that XCel Energy will be removing the deserted old Matt's towing building and television and repair place.

Olson briefed the commission on land use applications considered by the city council at its meeting of April 25, 2005:

- Adopted a resolution approving preliminary and final approval of The Weinard Addition plat to divide the existing property into two lots at 12802 Sheffield Curve for Michael Weinard.
- Denied a preliminary plat, with a lot width at the right-of-way variance, at 209 Park Lane South for Peter J. Bren & Son, Inc.
- Adopted a resolution approving a proposal to divide the property at 1908 Linner Road into six lots for CoPar Development, LLC.

Olson wished Kyle Sobota well with his new job with the city of Shakopee. Olson acknowledged Sobota's proficient computer and customer service skills. Chair Hart echoed Olson's sentiments.

7. REPORT FROM PLANNING COMMISSION MEMBERS: None

8. PUBLIC HEARINGS: CONSENT AGENDA

No items were removed from the consent agenda for discussion or separate action.

Cheleen moved, second by Bonoff, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

- A. Front yard setback variance for additions to the home at 14404 Wildcrest Road for Jon K. Hoy (05016.05a)**

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) There is a unique hardship to the property caused by:
 - a. The position of the existing home on the property.
- 2) The variance would meet the intent of the ordinance since:
 - a. The variance request is for a reasonable use of the property.
 - b. The proposed addition would not alter neighborhood character.
 - c. The proposed addition does not encroach any closer than the existing home.
 - d. Engineering staff has noted that there are no future plans for the expansion of Woodhill Road.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a building permit.
- 2) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's environmental resources coordinator.
- 3) The applicant must install and maintain a 16.5-foot buffer around the wetland on the north side of the property and place it in a conservation easement.
- 4) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

B. Front yard setback variance for an addition to the home at 3128 Lake Shore Boulevard for Ethel Smith (98058.05a)

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) There is a unique hardship to the property caused by:
 - a. The position of the existing home on the property.
- 2) The variance would meet the intent of the ordinance since:
 - a. The variance request is for a reasonable use of the property.
 - b. The proposed addition would not alter neighborhood character.
 - c. The proposed addition does not encroach any closer than the existing home.
 - d. Engineering staff has noted that there are no future plans for the expansion of Woodhill Road.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a building permit.
- 3) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's environmental resources coordinator.
- 3) The applicant must install and maintain a 16.5-foot buffer around the wetland on the north side of the property and place it in a conservation easement.
- 4) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

C. Side yard and rear yard setback variances for an addition to the store at 17507 Minnetonka Boulevard for Deakyne's True Value Hardware (05017.05a)

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) There is a unique hardship to the property caused by:
 - a. The position of the existing home on the property.
- 2) The variance would meet the intent of the ordinance since:
 - a. The variance request is for a reasonable use of the property.
 - b. The proposed addition would not alter neighborhood character.
 - c. The proposed addition does not encroach any closer than the existing home.
 - d. Engineering staff has noted that there are no future plans for the expansion of Woodhill Road.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a building permit.
- 4) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's environmental resources coordinator.
- 3) The applicant must install and maintain a 16.5-foot buffer around the wetland on the north side of the property and place it in a conservation easement.
- 4) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

D. Front yard setback variance for a new home at 4313 Manor Court Road for Genesis Homes (05021.05a)

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) There is a unique hardship to the property caused by:

- a. The position of the existing home, which does not meet required setbacks.
 - b. The curved front property line.
- 2) The variance would meet the intent of the ordinance since:
- a. The variance request is for a reasonable use of the property.
 - b. The foot print of the area encroaching into required setbacks is approximately 13 square feet.
 - c. The proposed new home with the existing front yard setback would not alter neighborhood character.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a building permit.
- 2) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's environmental resources coordinator.
- 3) Any delinquent utility bills must be paid in full before a resolution can be released.
- 4) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

E. Front yard setback variance from 35 feet to 13 feet to replace a garage at 5530 Mayview Road for Scott and Deb deLambert. (97091.05a)

Adopt the resolution on pages A1–A3 of the staff report approving a front yard setback variance from 35 feet to 13 feet to replace the garage at 5530 Mayview Road. This resolution is based on the following findings:

- 1) Strict enforcement would cause undue hardship because of the following circumstances that are unique to the property:

- a. Hardship is caused by the location of the existing home, which prevents a garage from being constructed on the property without variance.
 - b. Hardship is additionally caused by the property's lack of right-of-way, with just three feet separating the front property line and Mayview Road.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
- a. Building setbacks vary throughout the Beautiful Avondale subdivision.
 - b. The proposal increases building setback, reducing an existing non-conformity and moving vehicles out of road right-of-way.
 - c. Utilizing the existing driveway preserves the natural streetscape of Mayview Road

Staff approval is based on the following conditions:

- 1) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's environmental resources coordinator.
- 2) This variance will end on December 31, 2006, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes. Motion carried and the items on the consent agenda were approved as submitted.

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning director within 10 days.

8. PUBLIC HEARINGS

- A. Items concerning a salt storage building at 11522 Minnetonka Boulevard for the City of Minnetonka (01056.05c)**

Chair Hart 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.

Wagstrom commented on the proposal from an operational stand point. He supported options A or B.

Bonoff asked how the height was able to be reduced. Wagstrom explained that options A and B would utilize the existing concrete bunker system. The building would be narrower, require narrower trusses, and be lower in height. The height is needed so the trucks can dump inside the building. The Pollution Control Agency is expected to require all storage and handling of salt be done under cover. Chair Hart asked if the proposed building could be lowered and still allow dumping and pick-up under the building. Wagstrom stated that it was getting close.

Britain asked if a neighborhood meeting was held. Wagstrom answered in the negative. Britain identified one of the biggest concerns of the neighbors to be noise. He questioned how the city responds to noise complaints created by the public works area. Wagstrom stated that the proposal would partially screen and reduce the noise level. The height of the structure is a concern for neighbors, but it was a partial attempt to reduce the noise and provide screening.

Allendorf asked when construction would begin if the proposal was approved and how long it would take to be completed. Wagstrom hoped to start bidding the project this spring and, if it is, it could be ready November 1, 2005. If it is delayed, it could be done as late as 2006. Contractors are starting to become unavailable.

Allendorf asked if construction could occur in the winter, since neighbors' windows would be closed then. Wagstrom said that the city could consider that option.

Chaleen asked if Hennepin County would be using the new facility. Wagstrom answered affirmatively. Ten Hennepin County trucks would still utilize the site.

Chair Hart requested Wagstrom address the reasons why the other sites were not appropriate. She recognized that sites C and D are located in the floodplain. Wagstrom explained that site E is next to a cold storage building. This would impact the ability to expand that building in the future. Chair Hart stated that site F is used for storage of brush and mulching. Wagstrom stated that if that was

displaced, it would have to be moved to sites A and B. Mulching is noisy, but would last approximately only three or four days a year. Chair Hart and Wagstrom commented that site G is elevated by approximately 15 feet. The salt facility would appear quite prominently.

In response to Chair Hart's question, Wagstrom stated that the current site has been used to store and dump salt at least 10 years to 11 years. Chair Hart confirmed with Wagstrom that during that time there had been no change in the operation.

Chair Hart noted that cost of the proposal is not part of the commission's consideration.

The public hearing was opened.

Steve Yussen, 2985 Cedar Crossing, represented himself and six other property owners. They understand the need for the salt storage facility and appreciated the thoughtfulness of the commissioners and Wagstrom. Site B is slightly better than site A. They prefer site F. He questioned the lack of screening since it is far away from the homes. He asked about moving the wood chip operation to site E. Location F would solve a lot of their concerns.

Harold Scherling, 3001 Cedar Crossing, understood that the building would be built. The variances are reasonable for the city's purposes, but do not take into consideration anyone else's needs. He was not sure if a private party would have been treated in the same manner. The existing site deals with the prevailing winds. He thought the "advantages" of site B were seen as advantages from the city's perspective, not the neighbors. Wagstrom said that the proposal was "getting close" to the lowest it could be. To him, that meant it could be lowered. He suggested moving the baseball park, but he was told that was not an option.

Chair Hart asked if the bunkers are currently in the open. Thomas explained that the existing concrete bunkers are in the open. The proposal would cover the north, east, and west sides of the bunker areas. Chair Hart confirmed with Thomas that the prevailing winds dictate the orientation of the open side.

Chair Hart understood that the height of the structure would be determined by the area to be covered and the support structure. She asked what the absolute minimum height could be. Wagstrom explained that the building opening needs to be facing south, so the wind does not blow snow in, causing the salt to get wet and cake. The absolute minimum height for the trucks to clear is 40 feet.

Chair Hart asked Colleran about the tree screening. Colleran stated that the trees are deciduous. Trees would have to be cut down to plant new trees.

Mr. Scherling stated that the city planted 4 evergreen trees to 5 evergreen trees on his lot. He planted 14 trees to 15 trees. The evergreens grow approximately 1 foot each year. He felt more trees could have been planted originally to buffer the site. Colleran stated that it would be tight to plant evergreens on the site. Mr. Scherling agreed that was why trees were planted on private properties. He felt more trees could have been planted.

Britain noted the disadvantage of the tall building. The advantages would be screening the salt piles and sound reduction. Mr. Scherling invited commissioners to listen when the trucks are backing up in the morning. He does not see the salt piles now because of the grade difference.

Naomi King-Smith, 3012 Cedar Crossing, preferred site F. She is concerned with the larger issue of the noise created by the public works building. Beeping started at 11:00 p.m. and continued until 12:30 a.m. last night and there is no snow.

Allendorf noted that the noise level is not connected to the proposed building.

Mr. Scherling thought moving the dome to site F would decrease the noise because it would be further away. Allendorf pointed out that the beeping would still occur where the trucks are housed. The beeping that occurred last night was not related to salt.

Norman Pink, 3024 Cedar Crossing, appreciated the decrease in height. He favored moving the dome to site F to reduce his visibility and it would decrease the noise from his property. He asked how the building would be lit. He suggested moving the wood chipping to site E.

Chair Hart explained that lighting would be inside only and the material would be opaque.

Chair Hart asked Wagstrom to provide the reasons why the building could not be located on site F.

Jeff Oertel, architect for the project, stated that the noise would be reduced on sites A or B. The trucks would be able to access the salt storage building straight ahead with no need to back up. The back up noise is from the loader, which would be in the building. Site F would have an opening to the east. It would be more obvious from the ball field and Minnetonka Boulevard. Any expansion

would be on site E. Site F would be a bad location because it is one of the main access points to the yard. In terms of long-range planning, it would be a bad location. By placing a building on site F, whatever future plans are needed would have to work around having the salt storage building in the way, rather than at the back of the site.

Bonoff asked if the bunkers would be used if the dome was on site F. Mr. Oertel stated that sites B and A are the preferred sites. The bunkers in place would be used for rock materials. He recognized that cost of the options is not a planning commission issue.

Frisque asked about environmental issues for sites B and F. Mr. Oertel saw no difference for site B and F. Sites C and D would cause environmental concerns.

Britain questioned if something could be done to the building design to minimize the noise. Mr. Oertel explained that the building is pre-engineered, so it would be difficult to change it. He designed a concrete bunker for another city that substantially reduced noise. It would be 8 times to 10 times more expensive and visually ugly. Bringing a tarp down over the front of the proposed structure would help prevent the reverberation.

Cheleen thought it might be better to construct a berm and trees on the north side of the tracks. Chair Hart stated it would be a possibility.

Dahl questioned if a storm sewer existed on site F that could prevent concrete bunkers from being constructed. Thomas answered in the affirmative. Wagstrom explained the location of the storm sewer and the potential for complications arising from it.

Mr. Scherling was offended that consideration is being given to the view from the ball field and street. Residents who pay taxes should be given more consideration. The location of the salt storage building would compromise his house now. He thought trucks would back into the salt and be loaded with a grader. Chair Hart stated that the trucks dumping the salt and the truck loading the salt would beep.

Chair Hart complimented the residents for providing their comments in a well organized manner.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues.

Britain felt site B would be the best location, but he was not convinced that site F would not work. He favored the city working with the architect to reduce the noise as much as possible with the building design. He was comfortable with the height and location.

Allendorf felt that the height is at the lowest level it could be. The setback variance would be acceptable since there is a railroad along the north side. Sites A and B are good planning. It would not be good planning to put the building in the middle of the storage yard. Site B would be an improvement over site A. The height and dimensions are an improvement over the previous proposal.

Bonoff lives in the area and took the application seriously. She was very pleased with the move to Site B. She agreed with Allendorf that site F would not be good planning. She empathized and apologized to her neighbors, but she supported site B.

Chair Hart felt it was a difficult problem. She wished site F would be a more workable solution. She was concerned with the movement of vehicles if the building would be located on site F. From a planning stand point, sites A and B would be the logical choice. She appreciated the city lowering the height and size of the structure. It is a necessary evil.

Britain moved, second by Allendorf, to approve the items concerning a salt storage building at 11522 Minnetonka Boulevard for the City of Minnetonka (01056.05c) with the addition that the city council work with the architect to maximize the noise reduction at the site:

Conditional Use Permit

Recommend that the city council adopt the resolution on pages A1–A1b of the staff report. This resolution approves a conditional use permit for a salt storage building on the public works facility at 11522 Minnetonka Boulevard. Approval is based on the finding that, aside from requested height and setback variances, the proposal meets the required conditional use permit standards. The proposal meets the required findings for a variance.

Site Plan and Building Plan Review

Recommend the city council approve the site and building plans for a salt storage building at the public works facility at 11522 Minnetonka Boulevard. Approval is based on the following findings:

- 1) Apart from the requested variances, the proposal would meet the required standards and ordinances for a site and building plan approval.
- 2) The proposal would meet the required standards for a height variance, because:
 - a. Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
 1. The proposed height is necessary to accommodate the “end-dump” trucks that deliver salt to the site.
 - b. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 1. As viewed from the north, the building would meet the city’s height requirements.
 2. A line of deciduous trees north of the proposed building would provide some screening.
- 3) The proposal would meet the required standards for a setback variance, because:
 - a. Strict enforcement would cause undue hardship because of the following circumstance that is unique to this property:
 1. The proposed building would make use of the existing concrete bunker.
 2. Within the public works yard, it is necessary to maintain open space for maneuvering of large vehicles and equipment.
 - b. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 1. City code would allow the proposed building to be located 50 feet from a residential property line. Because of railroad right-of-way, the proposed building would actually be located 116 feet from residential properties.

2. Truck traffic to the proposed building would not come any closer to residential properties than it currently does.

Approval of the site and building plans is subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date-stamped March 30, 2005.
 - Building elevations date-stamped March 30, 2005.
- 2) Before issuance of a building permit, complete the following:
 - a. Submit final building plans and elevations for staff review and approval.
 - b. Submit a construction management plan for staff review and approval.
- 3) Construction must begin by December 31, 2006, unless the planning commission grants a time extension.

***Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes.
Motion carried.***

B. Items concerning the Minnetonka Civic Center Campus master development plan at 14600 Minnetonka Boulevard for the City of Minnetonka (86047.05a)

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.

Chair Hart asked where the straightening of the drive would occur. Teague pointed it out.

Barone provided the history of the project and the proposed changes. Neighborhood meetings have been held. The plan would provide safe access for pedestrians and users of the trail. The intent was to keep the site natural.

Allendorf asked what the highlighted impact areas meant. Barone explained that the highlighted area identified where the boardwalk would encroach in the wetland buffer.

The public hearing was opened.

Jim Zilverberg, Timberhill Road, was greatly disturbed by the thought of constructing a trail through the lowlands. It would chase all of the wild life out and ruin it. In the summertime, people are expected to park in the city hall parking lot. Mr. Zilverberg stated:

- He was worried by some activities that he believed occurred in the park.
- He suggested mowing a path in the fall of the year to ski on. He saw no reason to spoil the beautiful area.
- He opposed locating a parking lot on the west side of the ice arena.
- The proposal would be a disaster for the neighbors who live there.

Chair Hart clarified that the proposal would create 10 additional parking spaces. The city is not anticipating a need to construct the parking lot; it was identified as a possible expansion area for the future. Mr. Zilverberg hoped that would not happen. He is very pleased with the city for the most part. He has lived here for 45 years.

Barone explained that the trail Mr. Zilverberg referred to would connect the city's campus with the Jidana park trail. The city council has already approved that trail. The city council is aware of Mr. Zilverberg's concern with the trail.

Earl Jenson, 14855 Timberhill Road, felt that the proposal would cost a lot without gaining much parking. Chair Hart asked Teague to clarify the proposal's objective. Teague stated that straightening the drive and reconfiguring the parking stalls was being proposed to address safety concerns. Upgrading the landscaping and additional recreational uses would also be a benefit.

Mr. Jenson opposed the potential future parking on the west side of rink A. The trees were planted to screen the arena from the neighbors. He was concerned with busses making a 180-degree turn into the school. Barone stated that the city has reviewed the turning radius with the school and will address it in the final plans.

Mr. Jenson asked if there would be a stop sign at the intersection. Barone stated that a four-way stop is being considered.

Mr. Jenson questioned how the new parking plan would affect city clean-up day. Wagstrom stated that those activities would take place at the public works site. The audience was pleased.

Allendorf asked why the proof of parking was located in an area least favorable to the neighbors. Barone stated that the plan was not required to have proof of parking. She had no objection to removing the proof of parking.

George Berg, 14001 Minnehaha Place, felt there was no need for the changes. The existing system does not need to be realigned. He noted that the boardwalk at Big Willow was not kept up.

Barone described the current traffic hazards and how the proposal would improve visibility, sight lines, and accommodate the expected increase in traffic from the horse arena being replaced by a play field. Another concern is the drainage of the parking area. The city has had quite a few employee falls because of ice build up. The proposal would increase drainage.

Mr. Berg did not think that the amount of traffic would increase very much.

Diane Kloot, 14807 Timberhill Road, stated that:

- She was opposed to the future proof of parking lot next to ice rink A.
- She did not think a sidewalk was needed. It should be left natural.
- She preferred more landscaping to screen the ice arena. There are gaping holes.
- Her main concern was maintenance of the trail. She collects trash on the trail now. There would be more trash with increased use.
- She questioned what the overlook area would be. Bald eagles come there each winter and spring to the same tree. The overlook would destroy the bald eagle area.
- Big Willow's boardwalk was not taken care of.
- She asked what would occur at the performance area.

Barone explained that the Big Willow boardwalk was done by a community group, not the city. The city would maintain this boardwalk. The city relies on residents to help keep the trails clean. Staff is aware of the bald eagle area. The overlook would be minimal. It might be a bench. Specific plans have not been

created, but it would not be a large asphalt area. The performance area would be used for periodic programs and concerts. Residents could sit on the hill in front of it. For instance, music in the evening would be performed once a week in the summer. Chair Hart confirmed with Barone that the proof of parking would not be included in the final plan.

Marv Cleppe, 14823 Timberhill Road, stated that all of his concerns had been covered except access to Timberhill Road from the ice arena lot. Vehicles leaving the rink mistakenly go north to the Timberhill Road area at sometimes a high rate of speed.

Barone stated that the exit is needed for proper traffic flow. Directional signage would be added to avoid mistakes. The drop off would not be moved until 2006. A sign informing motorists that there is no outlet that direction would be a benefit.

No additional testimony was submitted and the hearing was closed.

Bonoff moved, second by Cheleen, to approve the items concerning the Minnetonka Civic Center Campus master development plan at 14600 Minnetonka Boulevard for the City of Minnetonka (86047.05a) with the removal of the proof of parking and the inclusion of a "no outlet" sign referring to the Timber Hill neighborhood in the campus' sign plan:

MASTER DEVELOPMENT PLAN

- 1) Recommend that the city council adopt the ordinance on pages A1–A3 of the staff report, which approves the proposed master development plan, and floodplain rezoning for boardwalk construction. This ordinance is based on the following findings:
 - a. The proposal would meet the required standards and ordinances for a site and building plan approval.

Approval is subject to the following conditions:

- a. The April 21, 2005, plan is hereby adopted as the master development plan and as final site and building plans. The site must be developed in conformance with this plan. Modifications may be allowed, subject to staff review, as long as they are in general conformance with the approved plan.

- b. Prior to any site work, install tree protection/erosion control fencing. The fencing must be maintained throughout the course of excavation and construction.
- c. The city council may reasonably add or revise conditions to address any future unforeseen problems.
- d. 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.
- e. Install a sign indicating “no outlet” into the Timberhill neighborhood.
- f. Remove the proof of parking located on the west side of Rink A.

CONDITIONAL USE PERMIT

- 2) *Recommend the city council adopt the resolution on pages A4–A6 of the staff report. This resolution approves a conditional use permit for a trail in a wetland buffer area at the Civic Center Campus. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions.*
 - a. The site must be developed in conformance with the site plan dated April 21, 2005. Modifications may be allowed subject to staff review as long as they are in general conformance with the approved plan.
 - b. A seed mixture acceptable to the city’s environmental resources coordinator must be used on all non-impervious areas within 16.5 feet of the wetland.
 - c. The following work must be completed before starting any site work:
 - (1) Install for staff approval erosion control and tree protection fencing. The fencing must be maintained throughout the construction process.
 - (2) If required, submit copies of Watershed District and Department of Natural Resources approval of the wetland

buffers. The city may require revisions to the approved plans to meet the district's requirements.

Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes. Motion carried.

- C. Conditional use permits and a height variance for antennas and associated equipment on city water towers at the following locations:**
- (1) 11614 Bren Road (05010.04a);**
 - (2) 4525 Williston Road- no variance (05011.05a); and**
 - (3) 13001 Wayzata Boulevard (05012.05a).**

Chair Hart 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.

Captain Mark Raquet explained that a tower would have provided local control. Complications prompted further study of available options. A fiber loop would be created to connect the police dispatch center's communications twice to the water tower to provide a back-up system if the other one was disabled. Raquet appreciated Jeff Dulac, of Information Technology, coordinating the plan. He commented that the fire department is currently doing a study to determine if it will need antennas.

Britain preferred the current proposal to the tower and applauded Raquet for further consideration of the options. Raquet agreed and was comfortable with the proposal.

Chair Hart concurred.

The public hearing was opened.

John Clark, Hightower, asked why the antenna was not included in the last proposal. Thomas explained that this type of antenna was not proposed when the tower was being considered. It is an alternative to the tower. All antennas in the city require a conditional use permit. A 15-foot antenna would be allowed. The proposed antenna would be 20 feet in height.

Allendorf provided the history of how the current proposal arose as an alternative to a large, unattractive tower being constructed on the civic center campus.

Raquet concurred. The previous proposal was for a 150-foot tall tower that would have had 15-foot antennas located on top of the tower. In the previous proposal, the antennas were referred to as candelabras.

Raquet explained that the proposal would have one two-and-a-half foot dish. It could be colored blue or grey to blend in.

No additional testimony was submitted and the hearing was closed.

Allendorf questioned why the city's ordinance allowed a 15-foot antenna when the federal standard height is 20 feet. Thomas agreed with Allendorf and stated that staff noticed that in this report as well. Olson advised that a change to the ordinance is on staff's list of things to do.

Britain moved, second by Dahl, to recommend that the city council approve the conditional use permits and a height variance for antennas and associated equipment on city water towers at the following locations:

- 1) *Recommend that the city council adopt the resolutions on pages A1–A6 of the staff report, which approve the following:*
 - a. A conditional use permit for microwave dish antennas and associated equipment on the Ridgedale water tower at 13001 Ridgedale Drive;
 - b. A conditional use permit for microwave dish antennas and associated equipment on the Bren water tank at 11614 Bren Road;

Approval is based on the finding that the proposals meet all conditional use permit standards and is subject to the following conditions:

- a. The color of the antennas must be approved by the city council.
- b. No external messages or on-site, tower-specific employees are allowed.
- c. The antennas must not be artificially illuminated unless required by law.
- d. Antennas must comply with all building and electrical code requirements and must be designed and certified by an engineer.

- e. Submit copies of any required FAA and/or FCC permits prior to issuance of a building permit.
- 2) *Recommend that the city council adopt the resolution on pages A7–A10 of the staff report, A conditional use permit, with height variance, for microwave and pole antennas and associated equipment on the Williston water tower at 4525 Williston road for the city of Minnetonka. This resolution is based on the following findings:*
- a. Apart from the 20-foot “pole” antennas, the proposed tower meets all conditional use permit standards.
 - b. The proposed antennas meet the required standards for a variance, because:
 - (1) The proposed 20-foot height is reasonable. The height reflects an industry and Federal Communications Commission standard.
 - (2) The proposed antennas would be located on an existing water tower and would be used for public purposes. This is a unique circumstance not similar to every other R-1 property.
 - (3) The proposed five-foot variance would have no negative impact on the surrounding area. Located on top of an existing water tower, there would be little to no visual difference between the proposed 20-foot antennas and permitted 15-foot antennas.

Approval is subject to the following conditions:

- a. The color of the antennas must be approved by the city council.
- b. No external messages or on-site, tower-specific employees are allowed.
- c. The antennas must not be artificially illuminated unless required by law.
- d. Antennas must comply with all building and electrical code requirements and must be designed and certified by an engineer.

- e. Submit copies of any required FAA and/or FCC permits prior to issuance of a building permit.

***Allendorf, Bonoff, Britain, Cheleen, Dahl, Frisque, and Hart voted yes.
Motion carried.***

Chair Hart stated that the city council is tentatively scheduled to review the item at its May 9, 2005 meeting.

9. ADJOURNMENT

***Allendorf moved, second by Cheleen, to adjourn the meeting at 9:00 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary