

**UNAPPROVED
MINNETONKA PLANNING COMMISSION
MINUTES**

JUNE 2, 2005

1. CALL TO ORDER

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

2. ROLL CALL

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

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

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

4. APPROVAL OF MINUTES: May 12, 2005

Bonoff moved, second by Cheleen, to approve the May 12, 2005 meeting minutes as submitted.

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

5. REPORT FROM STAFF

Olson advised commissioners of a joint meeting to be held with the economic development authority and city council on June 16, 2005 from 5:00 p.m. to 7:00 p.m. in the Shady Oak Room. The Glen Lake redevelopment market study will be reviewed. The regular planning commission meeting will begin at 7:00 p.m. in the council chambers.

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.

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

A. Conditional use permit to build an earthen berm at 15325 State Highway 7 for Jeffrey Wiita (04002.05a)

Recommend that the city council adopt the resolution on pages A1–A4 of the staff report, which approves a conditional use permit to move 7,000 cubic yards of earth at 15325 State Highway 7. This resolution is based on the following findings:

- 1) The berm would meet the general standards required for any conditional use permit:
 - a. The use is consistent with the intent of the ordinance;
 - b. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
 - c. The use does not have any undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
 - d. The use does not have an undue adverse impact on the public health, safety, or welfare.
- 2) The berm is reasonable for three reasons:
 - a. It would screen residential properties from State Highway 7.
 - b. It would help maintain a wooded/vegetated corridor along the highway.
 - c. Its design and location have been reviewed and approved by the city engineer and MnDOT officials.

Approval is subject to the following conditions:

- 1) The following items must be submitted for staff review and approval prior to issuance of a grading permit:
 - a. Construction management plan.
 - b. A full copy of the approved MnDOT permit.

- c. A letter of credit or cash escrow in the amount of 125% of a bid cost or 150% of an estimated cost to complete all grading requirements and restore the site.
 - d. Proof of having recorded this resolution with the county before the city issues a building permit.
 - 2) The berm must be constructed in substantial conformance with the following plans, unless modified by other conditions:
 - Grading plan date-stamped April 29, 2005
 - Landscape plan date-stamped April 29, 2005
 - 3) The berm must not cover any utility access points as required by public works staff.
 - 4) Field adjustments to both the grading and/or landscape plan must be made as required by the city engineer or environmental resources coordinator during the course of construction.
 - 5) Vegetative cover must be established on both sides of the berm. Upon completion of construction, the berm must be seeded with a quick crop, such as oats, or as approved by the environmental resources coordinator.
 - 6) The residential property owner is responsible for replacing any required landscaping that dies.
 - 7) The applicant must agree to the conditions in writing.

B. Revised front yard setback variance for a two-stall detached garage at 13101 Greenwood Road for Sussel Corporation (05022.05a)

Recommend that the planning commission adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 35 feet to 18 feet to construct a two-stall garage at 13101 Greenwood Road. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The slope towards the rear of the property that limits the location of any new structure.

- b. The location of the existing home limits location possibilities of a garage addition.
- 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 proposal would not require modification of the slopes.
 - c. The proposed addition 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) The slope to the back yard must be maintained.
- 4) The building material and color of the garage must match the existing home.
- 5) The driveway for the proposed garage must be paved.
- 6) Any new driveway location would require a driveway permit.
- 7) 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. Parking lot setback variance from 20 feet to 12 feet for a new parking lot at 5801 Baker Road for Minnetonka Transportation, Inc. (04088.05a)

- 1) Adopt the resolution on pages A1–A3 of the staff report, which approves a parking lot setback variance from 20 feet to 12 feet at 5801 Baker Road.

Approval is based on the following findings:

- a. Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
 - (1) The location of the property is unique. The industrial property is isolated; unlike other industrial sites, it is not surrounded by similarly zoned properties.
- b. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - (2) The setback variances meet the intended parking setback requirements. The parking lot would be over 140 feet from the traveled portion of I-494.
 - (3) The variance would have no visual impact on the surrounding area. In the field, there would be no visual difference between the parking lot as previously approved and the parking lot that now, because of a lot line shift, requires a variance.

Approval is subject to the following conditions:

- a. Submit proof of having recorded this resolution with the county before the city issues a grading permit.
 - b. This variance will expire December 31, 2006, unless the city has issued a grading permit for the project covered by this variance.
- 2) Approve the following conditions:
- a. 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 18, 2005~~ May 12, 2005.
 - Grading plan date-stamped ~~March 18, 2005~~ May 12, 2005.
 - Storm water Pollution Prevention plan date-stamped January 28, 2005.
 - Landscaping plan dated ~~March 18, 2005~~ May 12, 2005 with additional plantings as required by environmental staff.
 - Illumination plan date-stamped March 14, 2005.

- b. Before starting any site work or obtaining a grading permit, complete the following work:
 - (1) A temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review by the city's environment resources coordinator.
 - (2) Submit the following for staff review and approval:
 - (a) Final site, grading, drainage, utility, landscape, irrigation, and erosion control plans.
 - (b) Final registered survey. Based on this survey, any pavement that crosses property lines must be removed.
 - (c) Engineering details for the retaining wall.
 - (d) A letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - (e) A construction management plan for staff approval.
 - (f) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
 - (g) Copies of all required county permits, including access, grading, and discharge permits.
 - (h) Copy of required MnDOT grading and drainage permits.
 - (i) There must be no bus parking on the southerly parking lot within that area designated as such on the approved site plan.
- c. ~~The properties at 5735 and 5801 Baker Road must be combined. Evidence of this combination must be provided to the city.~~

- d. Pavement must be removed at the south access drive to result in a total width of no more than 50 feet.
- e. The shoulder between the driveways must be paved as required by Hennepin County.
- f. B6-12 curbing must be installed in the new parking area.
- g. Landscaping must have a minimum value of 2% of the total cost of the project.
- h. The property owner is responsible for replacing any required landscaping that dies.
- i. Construction must begin by December 31, 2006, unless the planning commission grants a time extension.

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

8. PUBLIC HEARINGS

A. Minor amendment to the master development plan, with a setback variance, for an office building at 15550 Wayzata Boulevard for Mohagen Hansen Architectural Group (04087.05a)

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 noted that the structure was resized by decreasing the length and increasing the depth. The nearest building is 150 feet away, which satisfies the intent of the ordinance to provide separation between buildings.

Chair Hart invited the applicant to comment. The applicant declined.

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

Chair Hart reviewed the primary issue.

Cheleen moved, second by Bonoff, to approve the amendment to the master development plan for Twelve Oaks Center 2nd Addition at 15550 Wayzata Boulevard, with a building setback variance from 50 feet to 12 feet. Approval is based on the following findings:

- 1) The proposal would meet the required standards and ordinances for a site and building plan approval.
 - a. The proposal would meet the required standards for a variance, because:
 - (1) There is a unique hardship to the property caused by the existing drainage and utility easement, which cannot be vacated, because it is controlled by the adjacent land owner.
 - (2) The variance would meet the intent of the ordinance because the new building would contain setbacks similar to other structures in the area, including the existing building on the lot, and the adjacent building to the west.

Approval of the amended master development plan is subject to the following conditions:

- a. 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 May 2, 2004
 - Grading plan date stamped May 2, 2004
 - Landscaping plan date stamped May 2, 2004
 - Illumination plan date stamped May 2, 2004
 - Building elevations date stamped May 2, 2004
 - Utility plans date stamped May 2, 2004
- b. Before starting any site work or obtaining a grading permit, complete the following work:
 - (1) The installation and maintenance of a temporary rock driveway, erosion control, tree protection, and wetland protection fencing for each lot must be installed, subject to review by the city's environmental resources coordinator.

- (2) Submit final site, grading, drainage, utility, and erosion control plans for staff approval. The applicant must work with the city engineer to channel runoff from the entrance driveway onsite toward the ponding area.
 - (3) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - (4) Submit a construction management plan for staff approval.
- c. The following must be submitted to the city before the city issues a building permit:
- (1) A final landscape and irrigation plan for staff approval
 - (2) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping
 - (3) All required hook-up fees
- d. The property owner is responsible for replacing any required landscaping that dies. Should the trees along the north lot line die due to the impact of the new building, the land owner would be required to replace them in an equal caliper amount to those that die.
- e. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- f. The northern driveway entrance must be removed, and the area restored with grass and landscaping.
- g. Approval does not include the signs shown on the drawings. Separate permits are required from staff.

- h. Construction must begin by December 31, 2006, unless the planning commission grants a time extension.

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

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

9. ADJOURNMENT

Dahl moved, second by Allendorf, to adjourn the meeting at 6:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary