

**MINNETONKA PLANNING COMMISSION
MINUTES**

JUNE 30, 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: Principal Planner Cary Teague, Planner Susan Thomas, Environmental Coordinator Jo Colleran, and Planning Intern David Abel.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with the postponement of Item 8C, a side yard setback variance and easement vacation to build an addition to the existing two-stall garage at 4416 Briarwood Drive for Bob and Leah Moore (05037.05a), until July 14, 2005 to provide time for the applicant to obtain information.

Allendorf moved, second by Cheleen to table Item 8C, a side yard setback variance and easement vacation to build an addition to the existing two-stall garage at 4416 Briarwood Drive for Bob and Leah Moore (05037.05a) until July 14, 2005.

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

- 4. APPROVAL OF MINUTES:** June 16, 2005

Allendorf moved, second by Dahl, to approve the June 16, 2005, meeting minutes as submitted with the following modification:

Page 2, Item 7:

. . . explained that the ongoing project was split into two parts to free up time in the summer. at the time was kitchen remodeling. The proposed project was not started prior to the city's approval.

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

5. REPORT FROM STAFF

Teague briefed the commission on land use applications considered by the city council at its meeting of June 27, 2005:

- Adopted a resolution approving a conditional use permit for a school of up to 300 students at 14001 Ridgedale Drive for the Veritas Academy (05028.05a) with the planning commission's recommendation and an added condition that would require annual enrollment figures be submitted to the city to monitor traffic impact.

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.

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

A. Front and side yard setback variances for a two-stall attached garage and home addition at 2336 Linner Road for John Falzone (96005.05a)

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 35 feet to 15 feet for the garage and walkway overhang; an aggregate side yard setback variance from 30 to 23 feet to build an addition that would connect the existing home with the existing shed; an aggregate side yard setback variance from 30 feet to 21 feet for a garage addition and a part of the existing home that was constructed without a building permit; and a side yard setback variance from 10 feet to 8.5 feet for a garage addition at 2336 Linner Road. The resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The location of the existing garage within the required setback.
 - b. The angle of the existing home in relationship to the lot lines.
 - c. Any addition to the garage would require a variance.
- 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.

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) Removal of a portion of the existing shed.
- 3) The driveway to the proposed new garage must be paved.
- 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 variances (for a new garage) at 3944 Brown Lane for First Street Construction (05032.05a)

Adopt the resolution on pages A1–A3 of the staff report, which approves: a front-yard setback variance from 35 feet to 26 feet for a garage addition; and a front-yard setback variance from 30 feet to 26 feet for an unenclosed entry at 3944 Brown Lane. 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. A kitchen window would need to be removed to construct a standard 24-foot by 24-foot garage meeting setback requirements. Removing this window would decrease access to sunlight within the house.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. By city code, unenclosed architectural features may encroach five feet into required setbacks. The proposed 5-foot wide entry would meet the intent of this code provision.

- b. The typical front-yard setback in the Brown Lane area is 30 feet. Just a small part of the proposed garage and entry would encroach into this neighborhood standard.
- c. The proposed garage and entry would have no negative impacts on neighboring properties.

Approval is subject to the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) Install and maintain a temporary rock driveway, erosion control, and tree protection, as required by the city's environmental staff.
- 3) 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. Rear yard setback variance for a screened porch over a deck at 16612 Park Lane for Sara Holstad (05034.05a)

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed rear yard setback variance from 16 feet to 13 feet at 16612 Park Lane. 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.
 - b. The small size and depth of the lot.
- 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.

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 addition must be constructed to match the existing home.
- 3) 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. Side yard setback variance for second-story eaves on the house at 3173 Lake Shore Boulevard for Jonathan Ray and Jody Bonnevier (05035.05a)

Adopt the resolution on pages A1–A3 of the staff report, which approves side-yard setback variances from 7 feet to 6 feet for second-story eaves on the house at 3173 Lake Shore Boulevard. 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. The existing eaves on the house have non-conforming setbacks. The proposed addition and eaves would not encroach further into the required setback than has already occurred on the property.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The eaves have no negative impact in the natural resources of the site. They would not increase hard-surface coverage.
 - b. The eaves would have no negative impact on the surrounding residential properties. They would not impact views of or across the property.

Approval is subject to the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) A temporary rock driveway, erosion control, tree protection and wetland protection fencing must be installed as required by environmental staff.

- 3) 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. Conditional use permit for a 17-foot-tall detached garage at 5717 Mahoney Avenue for William Laidlaw (87054.05a)

Recommend that the city council adopt the resolution on pages A1–A4 of the staff report, which approves a conditional use permit for a 17-foot tall garage at 5717 Mahoney Avenue. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Before a building permit is issued:
 - a) A temporary rock driveway, erosion control, and tree protection fencing must be installed, subject to review by the city's environmental staff.
 - b) Record this resolution with the county.
- 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) The applicant must agree to the above conditions in writing.

F. Front yard setback variance to add a screen porch to the home at 5345 Williston Road for Thomas Diedrich (05038.05a)

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 50 feet to 17 feet for a screened porch at 5345 Williston 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 this property:
 - a. The existing house is entirely within the required setback. No addition could be made to the house without a variance.

- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. Given a wide boulevard area, the proposed porch would be set back 42 feet from the traveled part of Williston Road.
 - b. The proposed porch would have little visual impact on the surrounding areas. Existing trees and new plantings would provide some screening.

Approval is subject to the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) Install and maintain a temporary rock driveway, erosion control, tree protection, as required by the city's environmental staff.
- 3) 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.

8. PUBLIC HEARINGS

A. Variance for a monument sign at the intersection of Williston Glen and Williston Road for Loscheider Custom Homes (04012.05a)

Chair Hart introduced the proposal and called for the staff report.

Teague reported. He recommended denial of the application based on the findings listed in the staff report.

Dick Loscheider, 1607 Florida Avenue North, Golden Valley, applicant, stated that:

- The variance would allow a 30-foot easement along 400 feet of Williston Road. The homeowner's association would maintain the easement and additional 20 feet of right-of-way.
- The monument sign would increase safety for motorists looking for Williston Glen.
- The developments to the south and north each have 2 monument signs larger than the proposed sign.
- Irrigation and landscaping would not be necessary without the monument sign. It would not be used to market, but provide identification.

Chair Hart clarified with Mr. Loscheider that the proposed sign would be located in the easement area. It would be positioned perpendicular to the road and have lettering on both sides. Mr. Loscheider stated that the Forest Hills West sign is approximately 8 feet to 10 feet in height. The proposed sign is approximately 5 feet in height.

Allendorf asked what the sign would have to do with an easement maintained by a homeowner's association. Mr. Loscheider responded that the landscaping would be located around the proposed sign. An association would be created to maintain that area as well as irrigate it. Including more frontage on Williston Road would create a nice front and neighborhood feel for the development. The benefit would be a more attractive appeal. It would prevent a homeowner from not maintaining the property appropriately.

Bonoff questioned if the monument signs to the north and south of the site are maintained by a homeowner's association or the city. Mr. Loscheider was not positive, but stated that typically the property owner maintained the right-of-way. The proposed sign and landscaping would be located in a 30-foot easement, not the right-of-way.

Cheleen commented that Forest Hills West and High Tower are very large developments. Mr. Loscheider clarified that High Tower is a five-lot development. Chair Hart agreed that Forest Hills West is a large subdivision. Mr. Loscheider pointed out additional property included in Williston Glen development.

Cheleen recalled that Williston Road's maximum posted speed is 30 miles per hour. He was not sure that a sign would provide an advantage to attract motorists to go into Williston Glen.

Chair Hart reflected that the High Tower subdivision sign was approved in the 1980's, when it met ordinance requirements.

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

Bonoff was not certain of her decision. The benefit of the sign would address the difficulty of motorists speeding way in excess of 30 miles per hour. It is easy to pass the street, reactively step on the breaks, and create a hazardous situation. A sign would help that issue. There are similar signs in the area, so the proposal would fit the character of the neighborhood. The fact that there are so many monument signs on the road creates a circumstance unique to the property. On the other hand, she understood the city's signage policy. She agreed that if every group of five houses had a sign it would begin to look ridiculous.

Chair Hart asked if there would be a traditional, green, street sign that would say, "Williston Glen." Teague answered in the affirmative.

Fisque commented that the unique hilliness of Williston Road might be taken into consideration. She concurred with Bonoff's opposition to setting a precedent.

Allendorf lives in the neighborhood. He looked forward to the development and felt it would benefit Williston Road. Unlike High Tower or Forest Hills West, the proposed houses would be seen from Williston Road. He heard, but did not buy the argument that motorists would miss the development. He hated to set the precedent for any five-unit development to have a monument sign. He saw the signs at High Tower and Forest Hills West as a negative rather than a positive to adding another sign on the street. He supported staff's recommendation.

Chair Hart stated that there are lots of streets connected to Williston Road that have the traditional public street sign. She did not see the justification and opposed setting a precedent. She supported staff's recommendation.

Allendorf moved, second by Dahl, to deny the proposed sign variance to allow a monument sign for the Williston Glen, 5-lot subdivision. Denial is based on the following findings:

1. The property does not contain any unique physical circumstance to justify a hardship for the variance.
2. Approval of the variance may set a precedent for similar variances for other subdivisions that have less than 6 homes.

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

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

B. Copy and graphic sign size variance and a sign monument size variance at 1919 YMCA Lane for RidgeGate Apartments (05036.05a)

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.

Jerry Kavan, co-owner of RidgeGate Limited Partnership, introduced himself and his co-owner, Rachel Schlossberg, applicants. Ms. Schlossberg provided the history of the family operated real estate company from Nebraska. The company has been committed to the twin cities area since 1982.

Mr. Kavan provided photographs of the site and indicated where the signs would be located. The engineer has approved the material of the signs. The materials would be of high quality to fit in with Minnetonka. He agreed with all of the conditions of approval.

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

Britain felt the plans illustrated a very unobtrusive and attractive sign plan. He supported the proposal. Chair Hart saw a general consensus.

Britain moved, second by Frisque, to adopt the resolution on pages A1–A3 of the staff report, which approves the copy and graphic sign size variance from 36 square feet to 65 square feet, and the monument size variance from 100 square feet to 420 square feet. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The location of the existing retaining wall/monument.
- 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 sign would not alter neighborhood character.
- c. The monument is also a retaining wall.
- d. The sign lettering would be 26 square feet in size.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a sign permit.
- 2) The conservation easement signs, required as part of the apartment approvals, must be installed prior to issuance of a sign permit.
- 3) 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.***

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

C. A side yard setback variance and easement vacation to build an addition to the existing two-stall garage at 4416 Briarwood Drive for Bob and Leah Moore (05037.05a)

Action was postponed until July 14, 2005.

9. ADJOURNMENT

***Cheleen moved, second by Britain, to adjourn the meeting at 7:12 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary