

**MINNETONKA PLANNING COMMISSION
MINUTES**

JULY 14, 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, and Planning Intern David Abel.

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

4. APPROVAL OF MINUTES: June 30, 2005

Allendorf moved, second by Dahl, to approve the June 30, 2005, meeting minutes as submitted.

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

5. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of July 11, 2005:

- Adopted a resolution approving a conditional use permit for a 17-foot-tall detached garage at 5717 Mahoney Avenue for William Laidlaw (87054.05a).

Olson announced that the next city council meeting will be July 25, 2005.

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

A. Conditional use permit for a restaurant at 11000 Red Circle Drive for Michael Jennings (87075.05a)

Recommend that the city council adopt the resolution on pages A1–A4 of the staff report, which approves a conditional use permit for a restaurant at 11000 Red Circle 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) Submit copies of the existing cross access and parking easements.
- 2) Record this resolution with the county before the city issues a building permit.
- 3) This resolution does not approve any outdoor seating.
- 4) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 5) 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.
- 6) The applicant must agree to the above conditions in writing.

B. Sign setback variance for a monument sign at the intersection of Ridgewood Road and Lindsey Lane for Nedegaard Construction (90019.05a)

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance from 10 feet to 2 feet to construct a monument sign for Marshes of Meadowwoods subdivision located at the intersection of Ridgewood Road and Lindsey Lane. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
 - a. The location of the public trail and the angle of the platted right-of-way.

- 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 signage would meet all size requirements.

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) This variance will end on December 31, 2006, unless the city has issued a sign permit for the project covered by this variance or approved a time extension.

C. Conditional use permit for a detached garage at 3501 Shady Oak Road for Ryan Abrahamson (05043.05a)

Recommend that the city council adopt the resolution on pages A1–A4 of the staff report. This resolution approves a conditional use permit for construction of a 17-foot-tall, 26- x 40-foot detached garage. Approval is based on the finding that the proposal meets the required conditional use permit standards and other city code. The permit is subject to the following conditions:

1. The building materials for the garage must match the color and style of the existing home.
2. Tree protection/erosion control fencing must be installed and maintained throughout the construction process.
3. The structure may not be used for commercial activity, such as off-premise business or home occupation storage and activities.
4. The structure may not be converted to a residential dwelling.
5. Before the city issues a building permit, the applicant must agree to the above conditions in writing and record this resolution with the county.

6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

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. Wetland setback variances for a screened porch and a deck at 6101 Baney Court for Dan and Cheryl Podzimek (05042.05a)

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.

Chair Hart asked if the stakes she saw on the site indicated the buffer area. Colleran answered in the affirmative.

Cheryl Podzimek, 6101 Baney Court, introduced herself and her husband, Dan Podzimek, applicants. Ms. Podzimek stated that they learned of the wetland setback when they applied for the building permit. She looked forward to working with the city to make sure that the project would not have an impact on the wetland. The stakes outlined where the buffer would be located. She and her husband were comfortable with the buffer. She was available to answer questions and looked forward to making the project happen.

Bonoff thanked the applicants for their willingness to put the land in a conservation easement.

Chair Hart asked if the proposed deck would be a little larger than the existing deck. Ms. Podzimek answered that the proposed porch and deck would be approximately three feet deeper than the existing deck and would extend further to the west.

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

Chair Hart asked Colleran if she was comfortable with the proposal. Colleran answered in the affirmative. The proposal would improve the environmental impact because the buffer would mitigate lawn care practices. Aesthetically, the

proposal would be pretty well screened from the neighbors. She supported the project.

Allendorf asked if the public hearing notice informed the recipients of the conservation easement aspect of the project. Thomas explained that staff had discussed the wetland buffer and conservation easement from the beginning of the review process. However, the conservation easement was not included in the information sent with the public hearing notice. Allendorf felt that a resident who sent correspondence in opposition to the project would have been appeased if information regarding the conservation easement would have been included in the public hearing notice.

Chair Hart reviewed the primary issue.

Frisque moved, second by Bonoff, to adopt the resolution on pages A1–A4 of the staff report, which approves the proposed wetland setback variances. 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 location of the proposed porch and deck is reasonable. The existing house has wetland setback ranging from 30 feet to 37 feet. Any functional addition to the house would likely require a setback variance.
 - b. The property is 0.75-acres in total size. However, over half the property is wetland. This is a unique circumstance not common to every R-1 property in the city.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The porch and deck would be built on stilts, requiring very little excavation. There would be little to no soil erosion or wetland impact.
 - b. A 16.5-foot wetland buffer and conservation easement would be installed, providing future wetland protection.

- c. There is no established rear building line in the area. The proposed porch and deck would not affect neighborhood views or impact the aesthetics of the wetland.

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) Submit proof of having recorded a conservation easement 16.5 feet upland of the wetland before the final building inspection.
- 3) A wetland buffer must be established within the entire width of the conservation easement.
- 4) No new impervious surface may be added under the porch or deck.
- 5) 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.

9. ADJOURNMENT

***Cheleen moved, second by Britain, to adjourn the meeting at 7:49 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary