

**MINNETONKA PLANNING COMMISSION
MINUTES**

SEPTEMBER 22, 2005

1. CALL TO ORDER

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

2. ROLL CALL

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

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 with additional comments provided in the change memo dated September 22, 2005.

- 4. APPROVAL OF MINUTES:** September 8, 2005

Cheleen moved, second by Bonoff, to approve the September 8, 2005, meeting minutes as submitted.

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

- 5. REPORT FROM STAFF:** None

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

7. PUBLIC HEARINGS: CONSENT AGENDA

- A. Site and building plan review, with a setback variance for a picnic shelter and warming house, at Spring Hill Park (16714 Seymour Drive) for the City of Minnetonka (05066.05a)**

Item 7A was removed from the consent agenda for discussion and separate action.

Allendorf moved, second by Cheleen, to approve Items B through F listed on the consent agenda as recommended in the respective staff reports as follows:

B. Preliminary plat, with parking setback variance, for a three-lot subdivision at 5243 Black Friars Lane for Stratford Wood LLC (05064.05a)

Recommend that the city council give preliminary approval to Stratford Wood Second Addition, date-stamped August 4, 2005. Approval is based on the following findings:

- 1) Aside from the requested parking lot setback variance, the plat meets the required standards and ordinances.
- 2) The plat would meet the required standards for a variance, because:
 - a. Though the proposed plat would result in different building types separated onto different lots, Stratford Wood would continue to function as one large residential development or land use.
 - b. The community center parking lot is currently set back over 540 feet from the exterior property line of the development. This setback to the exterior property line would not change.
 - c. The parking lot setback variance would not result in any visual change to Stratford Wood. As such, it would have no negative impact on the area nor would it alter the essential character of the neighborhood.

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. Drainage and utility easements over the wetland on Lot 1, north of Boarshead Road, and the wetland between Lot 1 and Lot 2 as required by the city engineer.

- b. The owners of 5136 Willow Lane must consent to the dedication of standard drainage and utility easements.
- 2) The following items must be submitted to the city before the city releases the final plat:
- a The following documents for the city attorney's approval:
 - 1. Dedicate additional drainage and utility easement to cover the gap between the existing, platted easements and a utility easement established by Doc. No. 4108013.
 - 2. Dedicate additional trail easements over the existing gravel trails currently located outside the limits of the existing trail easement.
 - 3. Cross access easements to allow resident access to Lot 2.
 - 4. Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - 5. 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.

The easement documents must be recorded with the final plat, and a drawing of any easements must be attached to the easement deed.

- 3) The community center building must only be available to Stratford Wood residents and at least Stratford Wood apartment residents.
- 4) The fire alarm systems must be upgraded as required by the fire marshal.
- 5) 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.

- C. Twelve-month extension of a front yard setback variance from 35 feet to 20 feet for a two-car garage addition at 4818 Caribou Drive for Bill and Marcia Anderson (04025.05a)**

Approve a 12-month time extension to end on December 31, 2006.

- D. Twelve-month extension for parking lot setback variances to reconfigure the parking lot at 3435 County Road 101 for Boyer Building Corporation (04053.05a)**

Approve a 12-month time extension to end on December 31, 2006.

- E. Setback variances for an addition to the existing house at 3124 Chippewa Road for Jason and Melissa Mohn (05074.05a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves: (1) a side yard setback variance from 8 feet to 3.5 feet for a living space addition; (2) a side yard setback from 8 feet to 1.5 feet for an overhang; and (3) a centerline of creek setback variance from 100 feet to 96 feet for living space addition to the existing house at 3124 Chippewa 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 has non-conforming side yard and creek setbacks. The proposed would maintain these existing building lines. It would not encroach further into required setbacks.
 - b. The property is substandard in total size and width. The existing house is completely located on the south 25 feet of the property, as far south of the creek as possible. These are unique circumstances and 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 proposed addition would be located between the existing house and the large detached garage on the site. As such, it would be farther from neighboring houses and the creek than the current buildings on the property.

- b. The proposed variances would have no negative impact on the area nor would they alter the essential character of the neighborhood.

Approval is subject to the following conditions:

- 1) The proposed basement must have a minimum floor elevation of 912.0 or greater.
- 2) Before the city issues a building permit:
 - a. Submit proof of having recorded this resolution with the county.
 - b. Install erosion control fencing for staff inspection. This fencing must be maintained throughout the course of construction.
- 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.

F. Preliminary plat to divide the property at 5700 Whited Avenue into two lots for Clark Kent Homes (05069.05a)

Recommend that the city council give preliminary approval to the Clark Kent Addition plat, date stamped August 18, 2005. 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) Lake Shore Avenue on the north side of the plat must be changed to Oric Avenue.
 - (3) Expand the right-of-way at Oric Avenue and Whited Avenue to a 25-foot radius.

- b. Pay the city a park dedication fee of \$2,375.
- 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 between the street right-of-way of Oric Avenue and Lot 2. 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.
 - d. The existing home, garage on Lot 1, and other accessory buildings must be removed.
- 3) The following must be submitted to the city before the city issues a building permit:
- a. A grading and tree preservation plan for each lot, subject to the planning director's approval. The plans must be in substantial compliance with the building pads shown on the preliminary plat and must preserve trees designated for preservation at the time of preliminary plat approval. The city may require adjustments in the

house pad location to maximize tree preservation. The sewer and water services must be shown to minimize impact to any significant trees.

- b. 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.
 - c. A copy of the recorded plat and any easement or covenants required to be recorded.
 - d. A hookup fee for sanitary sewer and water.
 - e. 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) The area near the intersection of Oric Avenue and Whited Avenue must be re-graded to improve visibility at the intersection. The grading and tree removal would be subject to review and approval of the city engineer.
 - 6) Construction vehicles must not park on adjacent streets.
 - 7) 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.
 - 8) The detached garage on Lot 2 must be removed by December 31, 2005.
 - 9) 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, Cheleen, Frisque, and Hart voted yes. Britain and Dahl were absent. Motion carried and Items B through F 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. Site and building plan review, with a setback variance for a picnic shelter and warming house, at Spring Hill Park (16714 Seymour Drive) for the City of Minnetonka (05066.05a)

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.

The public hearing was opened.

John Lacey, 5105 Clear Springs Drive, asked if the city received negative comments regarding the application. Chair Hart stated that out of 22 responses, 8 strongly supported, 4 somewhat supported, 4 were neutral, 1 somewhat opposed, and 5 strongly opposed the proposal.

Mr. Lacey was surprised that the right-of-way exists. He asked if the playground needed a variance when it was installed. Thomas explained that generally playgrounds do not have to meet the same setback requirements as a structure.

No additional testimony was submitted and the hearing was closed.

Allendorf noticed that the comments received mainly dealt with other concerns related to the park. The responses did not negatively comment on the current application.

Frisque moved, second by Allendorf, to approve the site and building plans, with setback variance, for a park shelter and warming house at Spring Hill Park. Approval is based on the following findings:

- 1) 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 variance, because:
 - a. The park property is just one large lot, which is bisected by an existing right-of-way. This is a unique circumstance not common to every R-1 zoned property in the city.
 - b. The warming house would exceed setback requirements from all surrounding residential properties.
 - c. The setback variance would have no visual impact on the park nor would it alter the essential character of the neighborhood.

Approval is subject to the following conditions:

- 1) The site must be developed and maintained in substantial conformance with the following plans:
 - Overall layout plan date-stamped August 5, 2005.
 - Building elevations date-stamped August 5, 2005.

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

9. ADJOURNMENT

Bonoff moved, second by Cheleen, to adjourn the meeting at 6:46 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary