

**MINNETONKA PLANNING COMMISSION
MINUTES**

OCTOBER 6, 2005

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Environmental Coordinator Jo Colleran, Planning Intern David Abel, Assistant City Manager Geralyn Barone, and Recreation Director Dave Johnson.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with the additional comments provided in the change memo dated October 6, 2005.

4. APPROVAL OF MINUTES: September 22, 2005

Allendorf moved, second by Frisque, to approve the September 22, 2005, meeting minutes as submitted.

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

5. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of September 26, 2005:

- Approved a preliminary plat for a two-lot subdivision at 4701 Highland Road for Eric Bull.
- Approved Items concerning a two-story commercial building at 3432 County Road No. 101 for Jay Lindsay.
- Approved a conditional use permit for an outdoor eating area at 14400 Excelsior Boulevard for Glen Haven Center LLC.
- Introduced an ordinance amending the zoning code definition of an accessory structure and an ordinance amending the Tonkawoods Office Building master development plan at 16200 State Highway 7 for Bremcon Inc./Davern Inc.

- Overturned the planning commission's decision to approve variances to tear down and rebuild a home at 2813 McKenzie Point Road for Lecy Brothers Homes, on behalf of Larry and Betty Kochevar. The councilmembers were concerned with setting a precedent and the proposed residence's large size not being characteristic with the neighborhood.

Olson announced that the next planning commission meeting is scheduled for October 27, 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. Preliminary plat, with a variance, for a two-lot subdivision at 4848 Valley Road for Steven and Mary Leatherman (89047.05a)

Recommend that the city council approve the preliminary plat for the Leatherman Valley Addition, date stamped September 15, 2005, with a front yard setback variance from 35 feet to 22 feet for Lot 2. This approval is based on the following findings:

- 1) Except for the variance, the proposal meets the required standards and ordinance for a preliminary plat.
- 2) The proposal meets the required standards for a variance, because:
 - a. There is a unique hardship to the property caused by the location of slopes, and wetland in relation to the area required to be dedicated for future street improvements.
 - b. The variance would meet the intent of the ordinance because the home could be built on the site without variances, and the home to the north has a similar front yard setback at 22 feet.

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) A drainage and utility easement must be established over the 100-year stormwater elevation of 891.5.
 - (3) A 20-foot drainage and utility easement, centered on the lot line between Lots 1 and 2 to accommodate a future storm sewer line.
 - (4) A 20-foot drainage and utility easement, centered on the existing water line located on Lot 1.
 - (5) An additional 12 feet of right-of-way be added to the cul-de-sac, per approval of the city engineer.
 - b. Pay the city a park dedication fee of \$2, 375.00.
- 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 3-foot to 20-foot wetland buffer easement must be established and maintained from the Manage 1 Wetland located to the west. The existing vegetation must be simply maintained.

- (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.
- 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 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.
 - f. Minimum low floor elevation is 922.00.
 - 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) 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.
- 6) 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.

B. Site plan review to add a 156-stall parking lot at 10700 Bren Road for American Medical Systems (05076.05a)

Approve the site plan for American Medical Systems at 10700 Bren Road West, 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 September 12, 2005.
 - Grading plan date stamped September 12, 2005.
 - Landscaping plan date stamped September 12, 2005.
- 2) Before starting any site work or obtaining a grading permit, complete the following work:
 - a. The installation and maintenance of temporary rock driveways, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review by the city's environmental resources coordinator.
 - b. Submit final site, grading, drainage, utility and erosion control plans for staff approval. Revised plans must include the following:
 - (1) Revised stormwater calculations.
 - (2) Concrete curb and gutter around the entire perimeter of the parking and drive lanes.

- (3) Two catch basins must be added at the intersection of the new and existing driveway.
 - (4) The emergency overflow spot elevation on the south end of the pond must be 1-foot above the 100 year storm elevation.
 - c. Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
 - d. Submit copies of the watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
 - e. Submit a construction management plan for staff approval.
- 3) The property owner is responsible for replacing any required landscaping that dies.
 - 4) Construction must begin by December 31, 2006, unless the planning commission grants a time extension.

C. Lot division to divide an existing lot into two lots at 14708 Woodhaven Road for Scott Willis (05072.05a)

Recommend that the city council adopt the resolution on pages A1–A6 of the staff report, which approves the proposed lot division at 14708 Woodhaven Road. Approval is based on the finding that the plat meets the required standards and ordinances. Approval is subject to the following conditions:

Approval is subject to the following conditions:

- 1) The following items must be submitted to the city before the city releases this resolution:
 - a. If applicable, evidence of watershed district approval
 - b. The following documents for the city attorney's approval:

- (1) Ten-foot-wide drainage and utility easements next to any public street right-of-way and seven-foot-wide drainage and utility easements along all other lot lines
- (2) Drainage easements over wetlands and storm water ponds
- (3) Drainage and utility easements over the 949.6 elevation.

These documents must be recorded with the lot split resolution, and a drawing of any easements must be attached to the easement deed.

- c. A park dedication fee of \$2,375.00.
 - d. Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the lot split resolution.
 - e. Restrictive covenants to be recorded against the individual lots with the lot split resolution. The covenants must include the conditions that have not been met as of the release of the resolution. These covenants must first be submitted for the approval of the city attorney.
- 2) The following must be completed before the city issues a building permit:
- a. A grading and tree preservation plan for each lot, subject to staff 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. The applicant must work with staff to minimize impacts to the critical root zones of the white pine and oak trees on Parcel A.
 - c. Minimum low floor elevation must be at least 951.6.
 - d. The existing driveway culvert must be extended as part of a building permit for Parcel A.
 - e. The installation and maintenance of a temporary rock driveway, erosion control, tree protection and wetland protection fencing must be installed subject to review and approval of the city's environmental resources coordinator.

- f. A copy of the recorded resolution and a copy of any easements or restrictive covenants required to be recorded must be submitted to the city.
 - g. A hook-up fee for sanitary sewer and water.
 - h. A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
- 3) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
 - 4) 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 1/2 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.
 - 5) This resolution must be recorded by the county within one year, unless the city council approves a time extension. If the council does not approve the extension, the lot division approval will be void.

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

8. PUBLIC HEARINGS

A. Site and building plan review to add a second level to the press box at Minnetonka High School, 18301 State Highway 7 for Mike Condon (Minnetonka School District #276) (97001.05a)

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. No testimony was submitted and the hearing was closed.

Dahl moved, second by Allendorf, to approve the site and building plans for an addition to the existing press box at the Minnetonka High School stadium at 18301 State Highway 7. Approval is based on the finding that the proposal would meet the required standards and ordinances for site and building plan approval. Approval is subject to the following conditions:

- 1) The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan, date-stamped August 22, 2005
 - Floor plans and Elevations, date-stamped August 22, 2005.
- 2) A construction management plan must be submitted for staff approval before a building permit will be issued.
- 3) The press box must be equipped with automatic fire sprinklers as required by the fire marshal and building official.
- 4) Construction must begin by December 31, 2006, unless the planning commission grants a time extension.

Allendorf, Britain, Cheleen, Dahl, Frisque, and Hart voted yes. Bonoff was absent. 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. Conditional use permits for floodplain and wetland buffer areas, and a floodplain alteration permit to construct a trail from the civic center campus to Jidana Park for the City of Minnetonka (05075.05a)

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

Barone reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Britain asked how the easement was obtained from the Minnetonka Christian Academy. Barone explained how the city purchased the easement from the academy.

Allendorf had heard a concern regarding how the boardwalk would be maintained. Barone stated that the proposed trail would use materials improved since those used for the Big Willow Park boardwalk. The Big Willow Park boardwalk was constructed by a volunteer group in the 1970s. The Brown Lane trail is ten years old and has held up well over time. The materials that would be used would wear even better than the Brown Lane trail.

Chair Hart questioned what type of materials would be used. Colleran described the building materials.

Chair Hart asked for an explanation of the applicable ordinances. Colleran explained that recreational trails are allowed within the floodplain area; however, if there would be grading in excess of 1,000 square feet or excavation or fill of a volume exceeding 20 cubic yards, a conditional use permit is required. The proposal would require the altering of 6,560 square feet of floodplain because the west side of the wetland is in the floodplain. A wetland alteration permit is also required because the contour and depth of the floodplain would be changed temporarily. There would be no net change of the floodplain or change in flow or volume. A minor disturbance would occur in the area. Colleran explained that boardwalks are permitted by the wetland ordinance and state law. Some Buckthorn removal would take place.

Chair Hart asked Colleran if she was comfortable with the proposal's potential impact on the environment. Colleran answered in the affirmative. There would be no impact on the floodplain. The trail would not diminish the role of the wetland buffer. Providing ways for residents to access wetland environments will instill value and appreciation. Environmental educators view boardwalks as a means to get people into wetlands who would normally not venture into one.

Cheleen asked if a bituminous trail would hold up against erosion in floodable areas. Colleran answered in the affirmative. An aggregate or limestone trail would be eroded.

Cheleen questioned how far down the posts would be buried and the maintainability of them. Colleran explained that the boardwalk could be constructed on screw anchors or on posts. Posts provide better resistance to support the weight of the pedestrians and bicyclists. For the proposed area, posts would last longer than a floating boardwalk.

Britain asked if the trail would be a dead end trail. Colleran answered in the affirmative. She explained its route.

The public hearing was opened.

Jim Zilverberg, 14852 Timberhill Road, asked if the trail had already been approved. Chair Hart explained that the city council had approved the proposal in 2001 as part of a capital improvement plan to be done within five years. Since then, the floodplain ordinance has changed and the reason for a planning commission hearing was to address the environmental impact and review approval of a conditional use permit.

Mr. Zilverberg stated that:

- The planning commission denied the proposal in the past.
- The posts would not hold the boardwalk. A child could fall off and die.
- The newspaper stated that the city wanted to preserve the land in Minnetonka. Since Mr. Zilverberg did not have his glasses, Teague read the highlighted areas of the newspaper article.
- He opposed the proposal. It would be a desecration to open space and wildlife.
- Past projects in the area had been defeated.
- He was concerned that the asphalt trail would burn if there was a fire.
- It was a beautiful area 47 years ago. How it looks now makes him feel terrible.
- A trail 8 feet wide is almost a highway.
- There is no parking at Jidana Park. Vehicles would have to park at city hall.
- Mosquitoes are bad in the area.
- Mow a trail to provide a place to ski.
- He is very much against the proposal.
- He appreciated the commission's work.

Chair Hart asked if the trail had been denied by the planning commission previously. Barone explained that the park board recommended that the city council not construct the trail, but the city council approved the construction of the trail following a citizen's task force recommendation. The task force recommended installing the trail.

Barone stated that there are approximately six parking stalls at Jidana Park. She listed the neighborhoods which the trail would benefit. The trail would provide an opportunity to see the beauty of nature and a safer alternative than roads for

pedestrians and bicyclists. The trail would open up the beauty of nature rather than cause desecration.

Mr. Zilverberg recommended that the vegetation be mowed and evergreen trees be planted to see the fountain and the building.

Frank Spartz, 14834 Timberhill Road, reiterated Mr. Zilverberg's comments. It is shameful for the city council to overrule the Timberhill residents' wishes. He asked if the trail would be plowed. Barone stated that the trail would most likely not be plowed because of the boardwalk.

Mr. Spartz noted that there is access to Jidana Park without the proposed trail. The parking stalls are difficult to maneuver into. There is no need for the trail. He opposed raising his taxes and paying the expense to build and maintain the trail. He did not want it made easier for kids to access the area.

Kathleen Spartz, 14834 Timberhill Road, stated that a gate was installed to restrict access to the park to prevent unwanted activity. She questioned what would happen on an eight-foot wide boardwalk traveling along a swamp. She saw people walking dogs at the park. The second week of August, students are taught archery at the park. She questioned how the trail would be policed. She felt the trail would be idiotic.

Barone explain that police officers and code enforcement officers on bicycles patrol trails during the warm months. Trails close at 10 p.m. The city relies on residents to notify the police and staff if there are problems on the trails. Jidana Park is scheduled for renewal next year. It will remain a natural park. The purpose of the gate is to prevent vehicles from entering the park. The capital improvement budget will fund an improvement of the gate and an improvement to the maneuverability of the parking stalls.

Britain questioned how one would get to the park. He asked if there are bathrooms, other facilities, or camping allowed at the park. Barone explained access to the site. She stated that portable satellites are brought in during times of use, but no shelter or permanent structure exists. Camping is not allowed unless it is a special activity and a permit has been granted.

Mr. Spartz stated that the archery program should move its customary location because it would be shooting at people on the trail.

Frisque asked Colleran to comment on the proposal's wildlife impact. Colleran stated that people using the trail would not scare wildlife away. She provided

examples of similar nature centers in the metro area. Multiple species of birds nest next to boardwalks. The boardwalk would be raised, so amphibians and other animals could travel under the boardwalk.

Cheleen used to live by Windsor Lake. At times, the high school would use the lake for canoeing practice. The proposed area for the trail is a public area and while he understood that the neighbors want it to stay exactly the way it is now, the boardwalk would not disrupt the area and serve a public good. It could be used for educational purposes.

Allendorf was not troubled by the floodplain issues, but he asked Colleran to go over the impact on the wetland buffer. Colleran explained that the proposal would cause two minor point intrusions. A 25-foot buffer would be maintained. No trees would be removed. The entire area is wild in character and would remain that way. The integrity of the wetland buffer would not be compromised. The trail would not compromise the wetland buffer function.

Britain concurred with Cheleen that the proposal would provide the greater public good. The proposal does not encroach on the privacy or safety of the homes in the area. He supported the proposal. He questioned why bituminous would be the preferable material. Colleran explained that bituminous is the best material to maintain and prevent erosion. Aggregate limestone would erode.

No additional testimony was submitted and the hearing was closed.

Britain moved, second by Cheleen, to recommend that the city council adopt the resolution on pages A1–A3 of the staff report. This resolution approves a conditional use permit for a paved trail within floodplain and wetland buffer areas, and approve the floodplain alteration permit in order for the city to build the trail from the Civic Center Campus west to Jidana Park.

Allendorf, Britain, Cheleen, Dahl, Frisque, and Hart voted yes. Bonoff was absent. 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. Sign plan review for Minnetonka Civic Center Campus at 14600 Minnetonka Boulevard (86047.05a)

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

Abel reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Johnson thanked Abel for his report and explained the need for the signs. The sign plan would be aesthetically pleasing as well as functional.

Cheleen felt the sign plan was thought out well. He asked if the reader board could be used to identify an activity taking place in the community center and if temporary signs could still be used. Johnson stated that the administrative policy had not been finalized, but the intent is to allow information on the message to identify city sponsored events or activities on campus. It would eliminate the need for temporary signs.

Dahl asked what direction the message sign would face. Johnson explained that it would be located approximately 150 feet east of the intersection of Minnetonka Boulevard and Williston Road. It would face east and west.

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

Chair Hart felt the signs would be a great improvement.

Allendorf moved, second by Frisque, to approve the proposed sign plan for Minnetonka Civic Center Campus at 14600 Minnetonka Boulevard, based on the following findings:

- 1) The plan meets the intent of city code; allowing for reasonable identification, while maintaining a high aesthetic standard.
- 2) Increase in monument signage is justified due to the size of the property, which in 10.65 acres, and the number of public buildings on the property.
- 3) Increase in directional signage is justified due to the size of the property. The majority of the sites 10.65 acres are oriented north to south, resulting in a significant separation between the access to the site and the campus buildings themselves.

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

Dahl moved, second by Frisque, to adjourn the meeting at 7:35 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary