

**MINNETONKA PLANNING COMMISSION
MINUTES**

MARCH 2, 2006

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Adams, Brandt, Britain, Cheleen, Dahl, and Hart were present. Frisque was absent.

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

- 3. APPROVAL OF AGENDA:** The agenda was approved with a condition modification and additional comments provided in the change memo dated March 2, 2006.

4. ELECTION OF OFFICERS

Cheleen moved, second by Adams, to elect Hart to serve as chair of the planning commission for 2006.

Adams, Brandt, Britain, Cheleen, Dahl, and Hart voted yes. Frisque was absent. Motion carried.

Dahl moved, second by Cheleen, to elect Britain to serve as vice-chair of the planning commission for 2006.

Adams, Brandt, Britain, Cheleen, Dahl, and Hart voted yes. Frisque was absent. Motion carried.

- 5. APPROVAL OF MINUTES:** February 16, 2006

Dahl moved, second by Adams, to approve the February 16, 2006 meeting minutes as submitted.

Adams, Brandt, Cheleen, Dahl, and Hart voted yes. Frisque was absent. Britain abstained. Motion carried.

6. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of February 27, 2006:

- Adopted a resolution approving a conditional use permit for an existing detached garage at 2915 Fairchild Avenue for Branko Babcic.
- Adopted a resolution approving a preliminary plat with variances for Lewis Addition plat at 15616 Highwood Drive.
- Adopted a resolution approving items concerning three, two-story office condominiums at 16200 Highway 7 for Bremcon, Inc./DaVern, Inc. Two councilmembers voted against the project because they favored preserving green space along Tonkawood Road, but the city was unable to fund purchase of the property and felt that the proposal will be the best project for the site.

In regard to the Glen Lake redevelopment project, council approved the condemnation and acquisition of a single family home for relocating Alano. It will result in housing for Alano, and a parking lot for Alano and the surrounding area. The developer is still working on relocating the Gold Nugget. The planning commission will hold a public hearing to review the conditional use permit for Alano at the new site.

Olson announced that the next planning commission meeting will be held March 16, 2006.

Chair Hart encouraged commissioners to attend the available government training seminars. She felt them to be worthwhile.

7. REPORT FROM PLANNING COMMISSION MEMBERS: None

8. PUBLIC HEARINGS: CONSENT AGENDA

No items were removed from the consent agenda for discussion or separate action.

Cheleen questioned if the dates for plant sales were too late in the year. Craig Gilb, applicant, explained.

Dahl moved, second by Britain, to approve the items listed on the consent agenda as recommended in the respective staff reports and the modification provided in the change memo dated March 2, 2006 as follows:

A. Conditional use permit with variance for transient sales at the southwest corner of Westwind Plaza for Craig J. Gilb. (88030.06a)

Recommend that the city council approve the resolution on pages A1–A8 of the staff report. This resolution approves a conditional use permit with a variance for a vegetable and plant stand in the Westwind Plaza parking lot for Craig J. Gilb of Untiedt's Garden Market. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Record this resolution with the county.
- 2) The Garden Market for plant sales may be operated from June 23rd through August 13th and the pumpkin sales from September 23rd through October 31st.
- 3) Display of items must be arranged in as compact a manner as reasonably practicable.
- 4) Any change in the person, location, or items sold at the stand renders this permit invalid.
- 5) This approval does not approve any signs at the site. A sign permit application must be submitted for staff review and approval. Any proposed sign must meet requirements outlined in city code.
- 6) Violation of any conditional use permit standards outlined in city code will result in immediate revocation of the conditional use permit.
- 7) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 8) 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.
- 9) The site must be cleaned of any leftover merchandise and debris within 3 days of the last day of operation.
- 10) The applicant must agree to the above conditions in writing.

B. Variances to remodel the home at 5339 Minnetoga Terrace for Dave and Linda Sundeen. (06000.06a)

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 35 feet to 12 feet, and a side yard setback variance from 10 feet to 5 feet to remodel a garage, breezeway, and a basement at 5339 Minnetoga Terrace. 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 home in relation to the lot lines.
 - b. The interior layout of the home would make it impractical to locate the garage on the west side of the home.
- 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 addition will not encroach on the existing setbacks.
 - c. The proposed addition would not alter the neighborhood character.

Approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with the county before the city issues a building permit.
- 2) The installation and maintenance of erosion control, tree protection, and wetland protection fencing must be installed, subject to review by the city's natural resources staff.
- 3) A conservation easement is required over the area 25 feet out from the wetland, including a drawing of the easements for the approval of the city attorney. The easements and drawing must be recorded with the county. A wetland buffer must be established within the easement area. Plantings within the buffer are subject to review and approval of the city's natural resources staff.
- 4) The building material and color of the addition must match the existing home.

- 5) This variance will end on December 31, 2007, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

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

9. PUBLIC HEARINGS

A. Ordinance allowing recreational accessory uses on residential lots without permitted uses. (06003.06a)

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

Olson reported. He 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.

Britain moved, second by Adams, to recommend that the city council adopt the ordinance on pages A1–A2 of the staff report.

Adams, Brandt, Britain, Cheleen, Dahl, and Hart voted yes. Frisque was absent. Motion carried.

10. OTHER BUSINESS

A. Review of planning commission by-laws and policies.

Dahl expressed his concern with the city's policy that defines a 24-foot by 24-foot garage as a reasonable use. He would prefer the restriction be removed and view individual applications independently. Chair Hart recognized the legitimate concern and suggested it be considered for discussion at a work session with the city council.

Dahl moved, second by Adams, to recommend that the city council adopt the ordinance on pages A1–A2 of the staff report.

Adams, Brandt, Britain, Cheleen, Dahl, and Hart voted yes. Frisque was absent. Motion carried.

11. ADJOURNMENT

***Brandt moved, second by Cheleen, to adjourn the meeting at 6:55 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary