

**MINNETONKA PLANNING COMMISSION
MINUTES**

AUGUST 10, 2006

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: City Planner Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Natural Resource Manager Jo Colleran, and Planning Technician Jeff Thomson.

Acting Chair Britain announced that tonight's meeting was Olson's last planning commission meeting as the city planner. His last day at city hall prior to retirement is August 25, 2006. Acting Chair Britain appreciated Olson's respect, training skills, and ease to work with. Acting Chair Britain met with numerous planning commissions through his work. He has never seen a more professional planning department than the city of Minnetonka's. Olson created the most elite group of planning staff there is in the twin cities. Residents may disagree with staff recommendations, but he respected that staff does what it feels is best for the city of Minnetonka residents.

Cheleen appreciated Olson's patience and time spent educating him on the land use process. He has heard from developers and residents that this planning department is the most professional they have ever worked with. He wished Olson the best for his retirement.

Olson thanked the commissioners. He thoroughly enjoyed working with the past and present commissioners. He admired all of them for working as volunteers to benefit the city. He was comfortable leaving because of the remaining exceptional staff. He wished them all the best and that all their plans would be good ones.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with the addition provided in the change memo dated August 10, 2006.

4. APPROVAL OF MINUTES: July 27, 2006

Dahl moved, second by Adams, to approve the July 27, 2006 meeting minutes as submitted.

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

5. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of August 7, 2006:

- A policy regarding restricting the size of “McMansions” was discussed. The policy would be applied to any variance application related to expansion or construction of a single-family residence. The policy would limit the maximum allowed floor area ratio (floor area ratio equals the total floor area divided by the lot area). The floor area of the residence could not exceed the floor area of the largest lot within 400 feet of the same street. If the developer or contractor brings in a specific house plan, then some flexibility could be given. Approval could be restricted to a specific plan. The planning commission will review the item at one of its upcoming meetings.

Olson announced that the city council and economic development authority will hold a meeting August 16, 2006, to review a plan for Opus 2 and United Health Group. Utility and traffic capacity issues for the proposal are primary topics of discussion.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA

Adams requested that Item 7A be removed from the consent agenda for discussion.

- A. Lot without frontage setback variances for a new house at 4016 Baker Road for Stuart and Alexandrine Harris. (06044.06a)**

8. PUBLIC HEARINGS

- A. Preliminary plat for a two-lot subdivision, with lot depth variance, at 11601 Timberline Road for Michael Burg. (06024.06a)**

This item was pulled from the agenda at the applicant's request.

A. Lot without frontage setback variances for a new house at 4016 Baker Road for Stuart and Alexandrine Harris. (06044.06a)

Thomas provided the staff report.

Adams asked for the height of the previous house. Thomas stated that the city does not have records for the original house and that it was demolished before the current owners purchased it. Because it was built in 1954, it was assumed to be a rambler or small, two-story residence. The proposal appeared to be two stories tall.

Adams commented that a residence previously located on the site does not constitute hardship for a variance. He questioned why several trees had already been removed. The site looks like a logging camp. The protected tamarack tree is unattractive and appears to be damaged.

In response to Acting Chair Britain's question, Colleran explained that Natural Resource Specialist, Aaron Schwartz, found that an elm tree and a spruce tree were removed. The tamarack is very healthy. The straggly appearance is natural to that species.

Dahl asked if the trees were removed by the previous owner. Thomas answered in the affirmative. Dahl noticed the tamarack tree right away when he visited the site. It looked nice and open.

Dahl asked for the policy regarding a standard garage size. Thomas agreed that the garage would be larger than the standard 24-foot by 24-foot size. Reducing the width of the garage or its number of stalls would not decrease the size of the variance. It would reduce the size of the garage, east to west, within the setback area.

Adams asked if the proposed house could be located on the property and meet ordinance requirements. Thomas answered affirmatively, but it would cause additional grading and impact on the trees. Preservation of trees has previously been used to justify variances.

Colleran explained that, without the variance, the tamarack and a few other large trees would die. The structure footprint would not affect the trees, but the necessary grading for the driveway would.

Acting Chair Britain invited the applicant to address the commission.

Stuart Harris, 4630 Fairhills Road East, applicant, stated that no trees have been removed since he purchased the lot. He enjoys the property's large trees, including the tamarack. He selected an architect who respects the site's natural features. The proposed grading plan would not compromise the roots of the trees.

The public hearing was opened.

Lee Laabs, 4012 Baker Road, asked for the height of the proposed garage. He could see the roofline of the previous residence which was a one-story rambler. He had no problems with the proposal unless the height would be excessive.

Tim Ault, architect for the project, stated that the garage would vary in height. Part of it would be buried. Its height would range from 16 feet 4 inches to 20 feet 8 inches. The two-story structure would have a flat roof and be pitched as low as possible. The north side of the site rises. The neighbor's lilacs would be taller and would screen the view of the house.

Mr. Laabs never had water problems until the trees were removed. Now he has standing water in his back yard. The proposal's grading appears to be sloped toward his house.

Thomas explained that the city engineer stated that the water would flow to the west and south. Before the building permit would be issued, the grading plan would be reviewed again.

Mr. Laabs appreciated the answer to his question.

There was no further testimony and the public hearing was closed.

Acting Chair Britain reviewed the primary issue.

Dahl confirmed with Thomas that the proposal would not cause the removal of trees.

Colleran explained that tree protection fencing would be required to designate the area not to be graded.

Dahl asked if the existing fallen trees would be removed. Thomas answered in the affirmative. She suggested a condition requiring the removal of the logs be added for approval of the project.

Cheleen questioned if the water in the neighbor's yard could have resulted from tree removal. Colleran explained the area's drainage pattern. She could not connect the removal of trees from the proposed site with the increased water in the rear yard of 4012 Baker Road.

Dahl moved, second by Brandt, to adopt the resolution on pages A1–A3 of the staff report which approves a lot without frontage variance from 25 feet to 12 feet with the addition of a condition requiring the removal of fallen trees for a new house at 4016 Baker Road. Approval 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 subject property was created in 1954, prior to current frontage and setback standards. A house was then built less than 10 feet from the north property line. To minimize disturbance to the site and trees on the property, the Harris' are proposing to build their home in the same general location as the original house.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The setback variance would not alter the essential character of the area. The proposed single-family house would be built in a single-family residential neighborhood
 - b. The proposal meets the intent of the ordinance. The intent of the 25-foot setback requirement is to minimize the impact the new house may have on existing homes. In this case, a new house would be built in the same general location of a previously existing house. It would be approximately 60 feet from the closest neighboring building, and partially screened by existing trees and vegetation.

Approval is subject to the following conditions:

- 1) Before a building permit is issued:

- a. Submit proof of having recorded this resolution with the county before the city issues a building permit.
 - b. A temporary rock driveway, erosion control and tree protection fencing must be installed, subject to review by the city's natural resources staff. These items must be maintained throughout the course of construction.
 - c. Pay delinquent utility bills.
 - d. Remove fallen trees.
- 2) A 13-D automatic fire sprinkler system must be installed, as required by the fire marshal.
 - 3) 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.
 - 4) The large tamarack tree must be preserved throughout the course of construction.

Frisque, Brandt, Cheleen, Dahl, and Britain voted yes. Adams voted no. Hart was absent. Motion carried.

9. ADJOURNMENT

Cheleen moved, second by Brandt, to adjourn the meeting at 7:10 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary