

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**AUGUST 31, 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, Frisque, and Hart were present.

Staff members present: Community Development Director Ron Rankin, Principal Planner Cary Teague, Planner Susan Thomas, Natural Resource Manager Jo Collieran, and Planning Technician Jeff Thomson.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with additional comments provided in the change memo dated August 31, 2006 and the removal of Item 8A, preliminary plat for a two-lot subdivision, with lot depth variance, at 11601 Timberline Road for Michael Burg (06024.06a), at the request of the applicant. It is tentatively scheduled to be reviewed at the September 14, 2006 planning commission meeting.

Teague stated that an application received from Cingular Wireless to install a cellular tower at 1420 Minnetonka Boulevard will be reviewed by the planning commission at a future meeting. Staff and the applicant are researching alternative sites.

- 4. APPROVAL OF MINUTES:** August 10, 2006

*Dahl moved, second by Brandt, to approve the August 10, 2006 meeting minutes as submitted.*

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

**5. REPORT FROM STAFF**

Teague briefed the commission on land use applications considered by the city council at its meeting of August 21, 2006:

- Adopted a resolution granting final approval of the Locust Hills plat at 2400 and 2500 Bantas Point Lane for Locust Hills Development LLC.
- Adopted a resolution granting final approval of the Ridgewood Heights plat for R. P. Properties LLC.

**6. REPORT FROM PLANNING COMMISSION MEMBERS:**

Chair Hart apologized for missing Geoff Olson's last Minnetonka planning commission meeting. She expressed her appreciation for his many years of fine service, even-temperment, and knowledge of the ordinances and precedents.

**7. PUBLIC HEARINGS: CONSENT AGENDA**

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

***Cheleen moved, second by Adams, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:***

**A. Front yard setback variance for an addition to the house at 18301 Covington Road for Sterling Creations LLC. (98061.06a)**

Adopt the resolution on pages A1–A4 of the staff report, which approves a front yard setback variance from 35 feet to 33 feet for an addition to the home at 18301 Covington Road. 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 house on the lot.
- 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 would not alter the character of the neighborhood.
  - c. The addition would not extend into the required setback any further than the existing house.

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) Install and maintain a temporary rock driveway, erosion control, tree protection, as required by the city's natural resources staff.
- 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.

**B. Amendment to an existing conditional use permit for an existing accessory apartment at 17310 Bay Circle for Edward De Gregoire. (90013.06a)**

Recommend that the city council adopt the resolution on pages A1–A3 of the staff report, which amends existing conditional use permit conditions for an accessory apartment at 17310 Bay Circle as follows:

- 1) The accessory apartment must comply with all ordinance requirements, including nuisance ordinance requirements, on a continual basis.
- 2) The property owner must reside in one of the two units on a continual basis.
- 3) On-street parking is not permitted. No more than four vehicles may be parked or stored outside.
- 4) The city council may reasonably add or revise conditions to address any future unforeseen problems with traffic and parking issues.
- 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.

**C. Rear yard setback variance for an addition to the home at 16200 Tonka Lane for Triple R. Construction Co. (06048.06a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves a rear yard setback variance from 28 feet to 17 feet to build an addition to the house at 16200 Tonka 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 house on the lot since the house is orientated such that the rear lot line functions as the side yard.
- 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 would not alter the character of the neighborhood.
  - c. The addition would not extend into the required setback any further than the existing house.

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) Install and maintain a temporary rock driveway, erosion control, and tree protection as required by the city's natural resources staff.
- 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.

**D. Minor amendment to the master development plan, parking lot setback variance, and a site and building plan review for remodeling of the existing Target at 13201 Ridgedale Drive. (94034.06a)**

Approve the site and building plans for Target, with a parking lot setback variance from 20 feet to 7 feet. 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. There is a unique hardship to the property caused by the existing parking lot, which is setback 3 feet from the front lot line.

- b. The variance would meet the intent of the ordinance because the existing setback would be increased from 3 feet to 7 feet.

Approval of the site and building plans is 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 July 28, 2006.
  - Grading plan date stamped July 28, 2006.
  - Landscaping plan date stamped July 28, 2006.
  - Building elevations date stamped July 28, 2006 and August 7, 2006.
- 2) The following must be submitted to the city before the city issues a building permit:
  - 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 natural resources staff.
  - b. Submit final site, grading, drainage, utility, and erosion control plans for staff approval.
  - 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 a construction management plan for staff approval.
  - e. A final landscape and irrigation plan for staff approval
  - f. A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping
  - g. An illumination plan for staff approval
- 3) The property owner is responsible for replacing any required landscaping that dies.

- 4) All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- 5) Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- 6) Spaces shown as proof-of-parking may not be paved, unless approved by the city upon showing of a demonstrated need for these spaces. If proof-of-parking is required, additional screening of the new parking lot may be required if city staff deems it necessary.
- 7) Construction must begin by December 31, 2007, unless the planning commission grants a time extension.

**E. Front yard setback variance for an above-ground pool at 4939 Williston Road for Michael Bredemus. (06049.06a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 40 feet to 25 feet to construct an aboveground pool at 4939 Williston Road. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
  - a. The location of the house on the lot does not allow a place on the property where an aboveground pool could meet the required setbacks.
  - b. The topography of the site limits the use of the rear and side yard for an aboveground pool.
- 2) The variance would meet the intent of the ordinance since:
  - a. The pool is a reasonable use of the property because it will not adversely affect surrounding properties.
  - b. The pool will not alter the character of the neighborhood because a wood fence, the topography and existing vegetation on the site, would adequately screen it.

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) Install and maintain a temporary rock driveway, erosion control, tree protection, as required by the city's natural resources staff.
- 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.

**F. Minor amendments to the Planned Unit Development at 14900 State Highway 7 for the City of Minnetonka. (86091.06a)**

Recommend that the planning commission adopt the attached resolution approving the minor amendments to the planned unit development at 14900 State Highway 7.

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

This item was removed from the agenda at the applicant's request and is tentatively scheduled to be reviewed at the September 14, 2006 planning commission meeting.

**B. Conditional use permit for a two-story detached garage at 304 Sunnyvale Lane for Trenton Steel. (06045.06a)**

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.

In response to Adams' question, Thomas explained garage height requirements and how the height is measured.

Chair Hart asked if the “possible” improvements listed on the plan could be required as a condition of approval. Thomas said that approval could be tied to a specific plan.

Trent Steel, 304 Sunnyvale Lane, applicant, stated that all of the “possible” items on the plan would be completed. His property is well maintained and additional landscaping would be done around the garage. He did not object to requiring the “possible” items listed on the plan as a condition of approval.

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

Chair Hart noted that the application does not require a variance. It would meet conditional use permit requirements.

Dahl supported the proposal with the condition requiring the “possible” items listed on the plan to be completed.

***Britain moved, second by Brandt, to recommend that the city council adopt the resolution on pages A1a–A1d of the staff report with the addition of a condition requiring the completion of the improvements listed on the plan as “possible,” which approves a conditional use permit for a detached garage at 3604 Sunnyvale Lane. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:***

- 1) Before the city issues a building permit:
  - a. Record this resolution with the county.
  - b. Install erosion control and tree protection fencing for inspection by natural resources staff. This fencing must be maintained throughout the course of construction.
- 2) The garage may not be used for commercial purposes.
- 3) The garage must be constructed of materials complimenting the existing house.
- 4) Improvements indicated on the plan as “possible” are required.

- 5) A driveway permit is required. The driveway must be paved to the building setback line as required by the city engineer.
- 6) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 7) 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.
- 8) The applicant must agree to the above conditions in writing.

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

**C. Ordinance revising scoreboard requirements for the City of Minnetonka. (04070.06a)**

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.

Dahl asked how the ordinance would influence Bennet Family Park. Thomas clarified that the ordinance would not affect an existing score board. It would only apply to new score boards.

Chair Hart noted that the ordinance would make many scoreboards that are currently not in compliance with the ordinance compliant.

Cheleen asked if the ordinance would allow advertising on a fence as long as it is unable to be read from the street. Thomas answered in the affirmative. Cheleen asked who would determine if a sign is readable. Thomas agreed that would be the difficult part of the ordinance. Sign permits would be required for score boards and fence panels and would be reviewed on an individual basis. Staff visited ball-fields and found that while some could accommodate fence panels and meet the ordinance requirement, others would not.

Frisque asked if advertising could appear on the score board as well as the fence. Thomas clarified that advertising could appear on the score board, but no rotating, flashing, or scrolling message would be permitted.

Chair Hart asked how 410 square feet was determined for a maximum size. Thomas explained that the largest scoreboard in the city is located in Big Willow Park and is 410 square feet in size.

The public hearing was opened.

Jon Guy, president of the Diamond Club, 6341 Teton Lane, Chanhassen, liked the ordinance change. He provided an illustration of a stadium and the community around it. The signs give small, local businesses a chance to be part of the stadium and the signs are an important piece of revenue for the stadiums. It would equal approximately 20 percent of the financing. The conditions of the ordinance are able to be met as well as providing a fun place to play baseball.

Chair Hart commented that former commissioner Terri Bonoff would be clapping and cheering for the ordinance amendment.

No further testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issue.

Brandt agreed with Mr. Guy that certain sponsors do provide an ambiance. He noted that one field located in Glen Lake is close to the road. Thomas confirmed that signs would not be allowed for that field, as they would be visible. A property owner, whether it is the city or school district, would have to establish a policy of whether to allow advertising even if it is not readable from surrounding properties in parks.

Dahl confirmed with Chair Hart that the grandfathering of existing nonconformities does not need to be included in the resolution.

***Dahl moved, second by Frisque, to recommend that the city council adopt the ordinance on pages A1–A3 of the staff report.***

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

Chair Hart commented that the item is tentatively scheduled to be reviewed by the city council at its September 11, 2006 meeting. She complimented staff for the workable solution.

9. ADJOURNMENT

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

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary