

**UNAPPROVED
MINNETONKA PLANNING COMMISSION
MINUTES**

FEBRUARY 7, 2008

1. CALL TO ORDER

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

2. WELCOME OF NEW MEMBERS TO THE PLANNING COMMISSION

Acting Chair Cheleen welcomed Aimee Blatz, Sue Sjeklocha, and Robert Walker to the planning commission.

3. ROLL CALL

Commissioners Adams, Blatz, Lehman, Schmitz, Sjeklocha, Walker, and Cheleen were present.

Staff members present: Community Development Director Ron Rankin, City Planner Julie Wischnack, Principal Planner Susan Thomas, Natural Resource Manager Jo Colleran, and Planning Technician Jeff Thomson.

4. ELECTIONS

Lehman moved, second by Adams, to nominate Cheleen to serve as chair of the planning commission for the year 2008.

Adams, Blatz, Lehman, Schmitz, Sjeklocha, Walker, and Cheleen voted yes. Motion carried.

Schmitz moved, second by Lehman, to nominate Adams to serve as vice chair of the planning commission for the year 2008.

Adams, Blatz, Lehman, Schmitz, Sjeklocha, Walker, and Cheleen voted yes. Motion carried.

- 5. APPROVAL OF AGENDA:** The agenda was approved as submitted with reordering of the agenda and additional comments provided in the change memo dated February 7, 2008. Item 10A, a conditional use permit with variance and site and building plan review for a licensed day care facility at 11213 Minnetonka Boulevard for Jewish Family Foundation (07062.07a), was removed from the agenda to allow time for staff to review revised plans.

6. APPROVAL OF MINUTES: January 17, 2008

Adams moved, second by Schmitz, to approve the January 17, 2008 meeting minutes as submitted.

Adams, Blatz, Lehman, Schmitz, Sjeklocha, Walker, and Cheleen voted yes. Motion carried.

7. REPORT FROM STAFF

Wischnack briefed the commission on land use applications considered by the city council at its meeting of January 28, 2008:

- Adopted a resolution approving an extension of preliminary plat approval for the Helen Cooley Addition.
- Adopted a resolution approving items concerning the reconfiguration of lot lines at 5121 and 5125 Baker Road (proposed Lots 1 and 2, Minnetoga Estates) for Maressia Twele.
- Adopted a resolution approving final approval of Applewood Pointe of Minnetonka for United Properties Residential, LLC.
- Adopted a resolution approving items concerning Crossroads Corporate Center at the southeast corner of the I-394/County State Aid Highway 73. The north parking structure was moved back to its original position, 20 feet from the north property line. Conditions requiring additional trees, lighting requirements, and screening were added.

Wischnack announced two upcoming events. A comprehensive guide plan open house for the corridor areas of Interstate 394 and Highway 7 will be held at the city community center on February 20, 2008 from 5:30 p.m. to 8 p.m. An open house regarding plans for the Minnehaha Creek Corridor will be held February 21, 2008 from 5:30 p.m. to 7:30 p.m.

8. REPORT FROM PLANNING COMMISSION MEMBERS: None

9. PUBLIC HEARINGS: CONSENT AGENDA

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

Eric Pilhofer, 14204 Spring Lake Road, asked what the variance entailed. Metzger explained the lot-behind-lot setback would allow a variance from the required 33-foot setback from the south property line to allow a 27-foot setback for the home and garage additions. It would not change the alignment of the driveway or impact the neighboring property. Mr. Pilhofer said the project was fine.

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

A. Lot-behind-lot setback variance for a home addition at 14200 Spring Lake Road for Alan and Linda Alexander (07068.07a).

Adopt the resolution on pages A5-A7 of the staff report, which approves a lot-behind-lot setback variance from 33.4 feet to 27 feet for construction of a home and garage addition at 14200 Spring Lake 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 home met setback requirements when constructed. Subsequent ordinance amendments created non-conforming setbacks on the property. The location of the existing structure presents a practical difficulty.
 - b. The subject property is a lot-behind-lot, which requires the principal structure to maintain a minimum setback of 33.4 feet from the south property line that fronts on the private driveway easement. This setback requirement is not common to all properties located in the R-1 zoning district.
- 2) The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. 36 square-feet of the addition would be located within required setbacks; the addition would be considered a point intrusion.
 - b. The subject property is a single-family lot occupied by a single-family home located 31.5 feet from the south property line. The proposal would result in construction of a home and garage addition located 27 feet from the south property line at its closest

point. As such, the proposed variance would not alter the essential character of the neighborhood.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. Submit proof of having recorded this resolution with the county.
 - b. Install erosion control and tree protection fencing for staff inspection and approval. These items must be maintained throughout the course of construction.
 - 2) This variance will end on December 31, 2009, unless the city has issued a building permit for the project covered by this variance or approved a time extension.
- B. Items concerning the subdivision of property at 11501 K–Tel Drive for Hoyt Properties, Inc. (07065.07a)**

REZONING and MASTER DEVELOPMENT PLAN

- 1) *Recommend that the city council adopt the ordinance on pages A7–A9 of the staff report, which approves the proposed rezoning and master development plan. This ordinance is based on the following findings:*
 - a. The rezoning would be consistent with the city's guide plan;
 - b. The rezoning would be consistent with the public health, safety, and welfare.

The rezoning, master development plan, and final site and building plans are subject to the following conditions:

- a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Preliminary plat date-stamped December 21, 2007.
 - Final plat date-stamped December 21, 2007.

The above plans, as modified by the conditions below, are hereby adopted as the Encore Park master development plan.

PLATS

- 2) *Recommend that the city council approve the proposed preliminary and final plats with variances. This resolution is based on the following findings:*
- a. No construction is proposed; rather this is simply a proposal to place each building on its own separate parcel.
 - b. Though the applicant has requested a rezoning from I-1 to PUD, the proposed lots would generally meet I-1 requirements.
 - c. The applicant is proposing to place a drainage and utility easement over portions of the property that lie within floodplain. Furthermore, the applicant has agreed to enter a stormwater pond maintenance agreement with the city.

Approval is subject to the following conditions:

- a. The following must be submitted before placement of this item on a council agenda:
 - (1) An "existing conditions" plan. The plan must:
 - (i) Display the entire property, existing property lines, and easements to be vacated only; no other layers should be included;
 - (ii) Modern Merchandising plat must not be referenced on Encore Park plat.
 - (iii) Include correct drainage and utility easement at right-of-way to correspond with Napco Industrial Park plat.
 - (2) Proposed plat showing only proposed property lines and public easements to be dedicated.

- (3) A "private utility easement" plan. The plan should include proposed property lines and proposed private utility easements only.
 - (4) A copy of drainage easement document No. 1271793. If the document is a public easement, it must be included in the vacation documents.
 - (5) Utility easement per plat Napco Industrial Park & document No. 1229043 must not be included in the vacation.
 - (6) Correct sanitary sewer easement per document C1193-34 to show a 25-foot wide easement.
 - (7) Revise legal description of public easements to be vacated as required by the city engineer.
 - (8) A "stormwater pond maintenance agreement" exhibit displaying entire property printed on 8½ x 11 paper.
- b. Complete the following before final plat approval:
- (1) All existing drainage and utility easements shall be vacated and new drainage and utility easements shall be dedicated on the proposed plat as required by the city engineer as follows:
 - (a) Drainage and utility easements are required at, or above, the 100-year flood elevation (903.0-feet).
 - (b) Drainage and utility easements required for all public utilities, 20-foot minimum width centered on the utility.
 - (2) Show minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way and along all other lot lines on the final plat.
 - (3) All existing topography and proposed, elevations, contours, easements, proposed features, delineations, etc. must be based on a certified survey (in lieu of the city topography

mapping). Respective city benchmarks shall be used and labeled on the plans.

- (4) City of Minnetonka standard construction details must be used and shown in the plans.
- c. The following items must be submitted to the city before the city releases the final plat:
- (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - (2) The following documents must be prepared by an attorney knowledgeable in the area of real estate, and submitted for the approval of the city attorney:
 - (a) Title evidence that is current within thirty days before release of the final plat.
 - (b) Restrictive covenants to be recorded against the individual lots within the plat. The covenants must include conditions that have not been met as of the release of this plat.
 - (c) Private utility easements for private utility lines, 20-foot minimum width centered on proposed and existing utilities or 10 feet beyond outside edge of parallel utilities (30-foot easement required for joint sanitary sewer forcemain and water service line).
 - (d) A private driveway easement and cross-access agreement between Lots 1, 2 and 3. The easement must state the maintenance responsibilities of each owner.

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

- (3) Any other requirements included with final plat approval.

- d. Vacation of public easements shall not be effective until final plat has been recorded with Hennepin County.

Adams, Blatz, Lehman, Schmitz, Sjeklocha, Walker, and Cheleen voted yes. Motion carried and the items on the consent agenda were approved as submitted.

Chair Cheleen stated that an appeal of the planning commission's decision for Item 8A, a lot-behind-lot setback variance for a home addition at 14200 Spring Lake Road for Alan and Linda Alexander (07068.07a), must be made in writing to the planning division within 10 days. Item 8B, items concerning the subdivision of property at 11501 K-Tel Drive for Hoyt Properties, Inc. (07065.07a), is tentatively scheduled to be reviewed by the city council on February 25, 2008.

10. PUBLIC HEARINGS

- A. **Conditional use permit, with variance, and site and building plan review for a licensed day care facility at 11213 Minnetonka Boulevard, for Jewish Family Foundation. (07062.07a)**

The applicant extended the city's time deadline to act on the application and the project was removed from the agenda to allow time to review a revised plan.

11. OTHER BUSINESS

- A. **Review of the planning commission's bylaws and policies**

Lehman moved, second by Adams, to accept the bylaws and policies of the City of Minnetonka Planning Commission as written for the year 2008.

Adams, Blatz, Lehman, Schmitz, Sjeklocha, Walker, and Cheleen voted yes. Motion carried.

12. ADJOURNMENT

Schmitz moved, second by Adams, to adjourn the meeting at 6:50 p.m. Motion carried unanimously.

By: _____
Lois T. Mason

Planning Secretary