

**MINNETONKA PLANNING COMMISSION
MINUTES**

NOVEMBER 6, 2008

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Blatz, Lehman, Sjeklocha, A. Thomas, and Adams were present. Walker and Cheleen were absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, and Planning Technician Stephanie Scott-Sims.

3. APPROVAL OF AGENDA: The agenda was approved as submitted.

4. APPROVAL OF MINUTES: October 16, 2008

Lehman moved, second by A. Thomas, to approve the October 16, 2008, meeting minutes as submitted.

Blatz, Lehman, Sjeklocha, A. Thomas, and Adams voted yes. Walker and Cheleen were absent. Motion carried.

5. REPORT FROM STAFF

Gordon briefed the commission on the city council recognizing the service of the members of the comprehensive guide plan committee at its October 27, 2008 meeting and the following land use applications considered by the city council:

- Adopted a resolution approving a one-year time extension of the Applewood Pointe of Minnetonka final plat approval at 5709 Rowland Road.
- Adopted a resolution giving final approval of the Twin Cities BMW Minnetonka plat at 15802 and 15810 Wayzata Boulevard.
- A proposal to demolish the existing vacant building at 10600 Wayzata Boulevard and to construct a new one-story building for restaurant use was removed from the agenda at the request of the applicant and is tentatively scheduled to be reviewed by the city council at its November 10, 2008 meeting.

- Adopted two resolutions approving conditional use permits for wireless telecommunications antennas.
- Adopted a resolution approving an amendment of condition of development approval for Braeburn Woods at 16400, 16408, and 16416 Hidden Valley Road.
- Introduced an ordinance updating land use fees.

Gordon announced Thomson's promotion to planner and Stephanie Scott-Simms' move to the planning division. Acting Chair Adams and commissioners congratulated Thomson and welcomed Scott-Simms.

6. REPORT FROM PLANNING COMMISSION MEMBERS

Acting Chair Adams attended a public hearing regarding light rail. Members of the public were concerned with the route. Some supported light rail located near their residences and some opposed it. Opus condominium residents voiced concerns regarding potential noise and traffic congestion. Wischnack explained the process that has been taking place and what will be taking place in the future. Locating light rail stations in the Shady Oak and Opus areas is being considered. Public meetings will be held in January to discuss ideas provided by a resident group.

7. PUBLIC HEARINGS: CONSENT AGENDA

The item was not removed from the consent agenda for discussion or separate action.

A. Thomas moved, second by Sjeklocha, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Opus Northwest is proposing a new monument sign on the property at 10350 Bren Road West. (97096.08a)

Approve the sign plan for Opus Northwest at 10350 Bren Road West. Approval is based on the following findings:

- 1) The proposal would meet all ordinances and standards for sign plan review.
- 2) The proposal would meet the required standards for a variance, because:

- a. **UNDUE HARDSHIP:** There is an undue hardship due to the separate entrances for the two primary parking areas on the property.
- b. **UNIQUE CIRCUMSTANCE:** The site has a substantial area that is not common to every office property.
- c. **INTENT OF THE ORDINANCE:** The signs would provide appropriate identification and way-finding for the site.
- d. **NEIGHBORHOOD CHARACTER:** The signs would not adversely impact the surrounding neighborhood. They would complement the design, materials, and color of the building and surrounding landscape.

Approval of the sign plan amendment 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 September 16, 2008
 - Sign plans date-stamped September 16, 2008
- 2) Each letter of copy on the monument signs must be a minimum of 7 inches.
- 3) The signs must be set back a minimum of 10 feet from all property lines, and must not obstruct driver visibility at the public street.
- 4) Sign permits are required for the monument signs.
- 5) Any changes to the sign plans require an amendment to this approval.
- 6) Sign permits must be issued prior to December 31, 2009, unless the planning commission grants a time extension.

Blatz, Lehman, Sjeklocha, A. Thomas, and Adams voted yes. Walker and Cheleen were absent. Motion carried and the item on the consent agenda was approved as submitted.

8. PUBLIC HEARINGS

A. Conditional use permit for a detached garage at 3532 Tonkawood Road (08049.08a)

Acting Chair Adams introduced the proposal and called for the staff report.

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

Cindy Kral, co-owner of 3532 Tonkawood Road, applicant, stated that her husband, Dan, was unable to attend the meeting. Jeff Stofer, of JS Construction, the general contractor, was present for technical questions. She stated that the conditional use permit was needed to provide living space above the garage. It would not be used as an apartment. She wanted the space for her husband to use. She will purchase two new trees to be planted when the city has its sale next year. The addition would be an improvement to the residence. She thanked commissioners for their consideration.

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

A. Thomas asked what would happen if a homeowner used the addition as an accessory apartment in the future. Thomson explained that any modification would require a building permit. The building permit would be reviewed to determine if an accessory dwelling unit is being created. An accessory dwelling unit is only permitted with a conditional use permit. Certain standards would need to be met. In addition, an accessory dwelling is not allowed in a detached structure without a variance.

A. Thomas asked what would happen if someone moved into the structure without any modifications. Thomson stated that staff usually becomes aware of those types of situations by receiving complaints from neighbors. Staff would investigate the complaint, visit the site, and talk to the property owner and/or resident. Staff could then take enforcement action to ensure that the proper land use approval is obtained or the use discontinued.

Lehman moved, second by Blatz, to recommend that the city council adopt the resolution on pages A13-A16 of the staff report. This resolution approves a conditional use permit for a 1,668 square-foot, 17-foot tall, detached garage at 3532 Tonkawood Road. Approval is based on the

finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Prior to issuance of a building permit, record this resolution with the county. A copy of the recorded resolution must be returned to the city.
- 2) The site must be developed in substantial conformance to the site and building plans date-stamped October 7, 2008, unless modified by the conditions below.
- 3) No additional curb cuts are permitted.
- 4) The garage must not be used for commercial activities.
- 5) The garage must not be used as an accessory dwelling unit.
- 6) Two ornamental or shade trees must be planted along the north side of the garage to buffer views from adjoining properties.
- 7) The driveway must be paved from the street to the garage.
- 8) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 9) 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.
- 10) The applicant must agree to the above conditions in writing.

Blatz, Lehman, Sjeklocha, A. Thomas, and Adams voted yes. Walker and Cheleen were absent. Motion carried.

9. ADJOURNMENT

Blatz moved, second by A. Thomas, to adjourn the meeting at 6:53 p.m. Motion carried unanimously.

By: 

Lois T. Mason

Planning Secretary