

**Unapproved
Minnetonka Planning Commission
Minutes**

June 1, 2023

1. Call to Order

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

2. Roll Call

Commissioners Waterman, Hanson, Henry, Maxwell, Powers and Sewall were present. Banks was absent.

Staff members present: City Planner Loren Gordon and Assistant City Planner Susan Thomas.

3. Approval of Agenda

Waterman moved, second by Hanson, to approve the agenda as submitted with additional comments and a modification provided in the change memo dated June 1, 2023.

Waterman, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Banks was absent. Motion carried.

4. Approval of Minutes: May 18, 2023

Henry moved, second by Maxwell, to approve the May 18, 2023 meeting minutes as submitted.

Waterman, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Banks was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on May 22, 2023:

- Tabled action and continued the public hearing for items for Marsh Run II redevelopment.
- Tabled action on items concerning a multi-family residential development at 10701 Bren Road East.

The Ridgedale Commons Park dedication took place today.

The next planning commission meeting is scheduled to be held on June 15, 2023.

6. Report from Planning Commission Members

Powers appreciated the work Wischnack and additional staff members did to create the beautiful Ridgedale Commons Park in a developed area.

Hanson noted that the farmer's market will be held at Ridgedale Commons Park starting next Tuesday.

Chair Sewall noted how council members listened to neighbors of the proposed Marsh Run II redevelopment in response to the concerns of too many dogs living in one area.

7. Public Hearings: Consent Agenda

Item 7A, sign plan review for a wall sign for Minnetonka Station at 10400 Bren Road East, was removed from the consent agenda for discussion and separate action.

Hanson moved, second by Maxwell, to remove item 7A, a sign plan review for a wall sign for Minnetonka Station at 10400 Bren Road East, from the consent agenda to the non-consent agenda for discussion and separate action.

Waterman, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Banks was absent. Motion carried

Powers moved, second by Waterman, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Conditional use permit for an accessory structure at Cross of Glory at 4600 Shady Oak Road.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure in excess of 12 feet in height at 4600 Shady Oak Road.

Waterman, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Banks was absent. The motion carried and the item on the consent agenda was approved as submitted.

This item is scheduled to be reviewed by the city council at its meeting on June 26, 2023.

8. Public Hearings

A. Sign plan review for a wall sign for Minnetonka Station at 10400 Bren Road East.

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

Powers confirmed with Thomas that the reasonable sign location would be closer to the entrance of the building than the proposed sign location.

In response to Maxwell's question, Gordon explained the direction vehicles would travel and when the sign would be visible to motorists.

In response to Henry's question, Thomas noted that apartment buildings are allowed to have a monument sign to identify a multi-unit-residential building. If a sign is not visible from off-site, then the city does not consider it a sign.

Sean Sowder, SDDI Signs, representing the applicant, stated that:

- The applicant felt that staff's proposed location for the sign is reasonable, but it would not be visible to motorists from the main road.
- No soffit was built to support a wall sign on the exterior of the building between the first and second floors.
- A monument sign might be helpful to be seen from Yellow Circle Drive because the entrance to that part of the M-shaped building is further back.
- Signs aim to provide identification and way-finding of a building as soon as possible.

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

Hanson confirmed with Thomas that the reasonable location identified on the rendering is located on the south side of the building.

Hanson stated:

- He appreciates the applicant's desire to have the sign in the proposed location.
- Any driver navigating the Opus area needs luck and Google Maps.
- He understands the city's commitment to preventing sign clutter.
- He supports staff's recommendation.

Henry stated:

- Staff's recommendation may be too accommodating.
- A monument sign would be more visible because it could be located closer to the road and further from the entrance.
- Many drivers utilize Google Maps to initially find a location and this building is distinctive on its own.
- He would prefer a monument sign located where it would be the most visible for drivers to identify the building.

- Drivers would not look up to see a sign in the proposed location. Locating a sign in the proposed location would provide advertising, but would not provide way-finding.
- He supports conformance with sign ordinance regulations.

Maxwell stated that:

- She agrees that staff's recommendation is being more lenient than the sign ordinance allows.
- She supports staff's recommendation and the reasonable location.

Maxwell suggested more way-finding signs be added to the entire Opus area. Gordon agreed. There is a sign-way-finding package that will be done when the roads are completed.

Powers stated that:

- He appreciates Mr. Sowder's presentation.
- His watch is able to provide him with directions to Minnetonka Station.
- Staff's recommendation is very accommodating to the applicant.
- He understands wanting to advertise and suggested a temporary banner be utilized, but he did not think leasing the building would be a problem with the city's low occupancy rates.

Waterman stated that:

- He likes the building.
- The proposed sign location would be too high.
- He is concerned with setting a precedent.
- There is something unique about Opus.
- A monument sign might be better.
- He is going to support staff's recommendation, but he prefers to keep the intent of sign-ordinance requirements.

Henry stated:

- He appreciates staff's compromise, but he is going to vote against staff's recommendation because he feels it would be too lenient.
- A monument sign would be better.
- He wants to prevent setting a precedent.

Chair Sewall stated:

- He agrees with commissioners.

Chair Sewall confirmed with Thomas that approval of staff's recommendation would approve the "reasonable sign location" as shown on the south side of the rendering. The sign ordinance would allow the applicant to also have a monument sign.

Chair Sewall confirmed with Thomas that a motion to deny staff's recommendation would not allow any wall sign.

Henry moved, no one seconded, a motion to deny the resolution approving a sign plan for Minnetonka Station to allow a two-foot by 25-foot wall sign to be located on the south façade of the building between the first and second floors near the primary entrance to the building and deny the proposed wall sign submitted with the application. Motion failed.

Waterman moved, Hanson seconded, a motion to adopt the resolution approving a sign plan for Minnetonka Station to allow a two-foot by 25-foot wall sign to be located on the south façade of the building between the first and second floors near the primary entrance to the building.

Waterman, Hanson, Powers and Sewall voted yes. Henry and Maxwell voted no. Banks was absent. Motion carried.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

B. Items concerning Walser Kia at 15700 and 15724 Wayzata Blvd.

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

Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

Maxwell noted that the majority of variances would be located in the wetland area. She asked if there would be a way to connect the north and south ends of the properties and meet ordinance requirements. Thomas answered that a variance would be needed to construct the access drive unless a bridge would be built over the wetland area. The variances on the east side are also concerning to staff. The applicant did minimize the width of the access drive to eliminate the need to add fill to the wetland.

In response to Waterman's question, Thomas explained that staff does not see a circumstance unique to the property to justify the applicant not redesigning the proposal to eliminate the variances on the north and east sides of the building.

David Phillips, architect for the applicant, Walser Automotive Group, stated that:

- The building would be constructed to meet high standards.

- The footprint of the proposed building, 2,800 square feet, would be slightly larger than the existing building.
- There would be very little customer parking on the south portion of the site.
- The unique characteristic of the site is the wetland located in the center that bisects the site.
- The business would employ approximately 50 employees earning \$60,000 or more a year.
- The building would be 34,000 square feet and have two stories.
- Kia currently offers eight kinds of electric and hybrid vehicles.
- The completed project would have no impact on the wetland.
- The variances would be to the setback from the wetland buffer, not the wetland.
- There would be three acres of pervious pavement. The aprons, sidewalks and roofs would be impervious surfaces.
- There would be a large cistern to collect roof rainwater which would be used in the carwash reclaim system and for landscaping irrigation.
- The site is approximately 495,000 square feet in size with 54 percent of it unbuildable due to 43 percent of the site consisting of wetland.
- The current site has about 81,000 square feet of impervious surface.
- He showed an exhibit illustrating a reduction in the setback to the wetland buffer.
- The proposal would remove about 2,500 square feet of impervious surface and add 692 square feet of impervious surface.
- There would be 359 parking spaces.
- There would be above-ground-piped-flood storage and culverts underneath the connecting drive.
- Three acres of pervious pavement would be better than a hard-surface parking deck. It would not work to put pervious pavement below a hard-surface parking deck.
- Flood storage would create a net improvement of 1.8 percent compared to the existing conditions.
- Five percent of Walser's earnings go to community functions.
- The auto dealership use would be consistent with the area.
- The proposal would meet the proposed floodplain mitigation requirements.
- The variances would be justified.
- The proposal makes use of one of the most difficult sites to develop.

Hanson noted that some dealerships are decreasing their inventory on-site and moving toward providing vehicles to be picked up once the vehicle has been ordered. He asked if Walser has plans to do something similar. Mr. Phillips explained that used vehicles need to be on-site at a dealership and the applicant is staying with the traditional dealership model. He could look into paving two-thirds of the parking lot on the north right now and expanding it if needed, but it would be best to build the whole lot made

from pervious pavement all at once. He has used pervious pavement for much smaller parking areas at Polar Mazda in White Bear Lake, a Subaru store in Burnsville and a dealership in South St. Paul.

Powers appreciated Mr. Phillips' presentation.

In response to Henry's questions, Mr. Phillips explained that the largest parking area he has utilized pervious pavement for is 15,000 square feet to 20,000 square feet in size. The proposal would have three acres of parking area made of pervious pavement. There would be a maintenance agreement to require regular cleaning of the pervious pavement.

In response to Waterman's question, Mr. Phillips explained some of the different configurations considered for the building. Changing the layout of the building would change its functionality.

Chair Sewall confirmed with Mr. Phillips that there would be a culvert across the drive aisle and large water storage facilities on the north lot.

The public hearing was opened.

Jim Murdock, 121 Ranchview Lane South, stated that:

- He sees a lot of wildlife in the wetland that he would like preserved.
- He is concerned with the parking lot and what would be done with the snow. There would be no place to store snow.
- Salt added to the parking area would travel into the wetlands which would cause problems for wildlife.
- He prefers a parking ramp which would require less salt if the vehicles would be indoors and the salt could be captured.

Dan Yudchitz, 325 Townes Road, stated that:

- The project would impact the wetland. The wetland buffer setback is there to protect the wetland.
- He did not oppose development on the site. The city needs to continue to grow.
- He would like to see more zoomed-in clarity of the drive-aisle plan.
- Screening is important on the north side. Nissan has a large berm at least ten feet high. He sees no headlights from that facility. He sees headlights from the BMW dealership all of the time in the winter. That berm is too low and the vegetation is not dense enough.
- He was concerned with how the north lot would be lighted.
- He likes the plans for the south end of the site.

- He likes the attention to sustainable design and incorporating permeable pavement, but the north half of the property is unbuildable. It is easy to look up the property and see the island of land in the middle of a wetland buffer. That condition has always existed on the site. Nothing has changed to warrant approval of a variance.
- He appreciated staff outlining the criteria for variances. The north half of the property is currently one of the largest habitats and natural areas left in Minnetonka and is home to many creatures. Anything done with the north end of the property would alter the character of the neighborhood.
- He encouraged everyone to overlay the proposed plan with an aerial view of the adjacent properties to see how the proposed parking lot would extend significantly north of the BMW site.
- The screening would be important to the north and west because of how far north the proposed parking lot would extend. Significant thought would need to be given to screening for all of the exposed sides.
- He appreciates the opportunity to provide input.

Mr. Murdock stated that he is concerned with the proposal having no room to store snow and salt leaking into the ground.

In response to Waterman's question, Mr. Yudchitz answered that the BMW dealership establishes a north boundary that development should not extend past. A parking structure south of that boundary with sufficient screening would create less of an impact on neighborhood character, even though it would be taller, because it would be less of a violation of the precedent that has already been set.

Jeff Koblick, 351 Townes Road, stated that:

- The BMW dealership does not have a sufficient berm for seven months of the year. The neighbors see three stories of lights and business activities from their residences.
- His biggest concern is the potential for the toxic chemicals from lithium-ion batteries running off into the wetland and soil. There is a battery process called "runaway" that would make locating electric vehicles over a wetland irresponsible and have a detrimental impact on the wetland itself.
- He has a problem with only one one-way drive access to and from the north parking area. The proposal would only have a one-way, 22-foot drive to access all of the electric vehicles which could start on fire. He questioned how an electrical fire releasing toxic metals into the wetland would be fought when the only access would be a 22-foot-wide, one-way road. Vehicles would not be able to be evacuated.
- Other dealerships involved the community and neighbors to the north. He has received no contact from the applicant to learn what hours of operation the neighbors would prefer.

- It is premature for the applicant to be making a presentation because of the environmental impact related to the storage of a high concentration of lithium batteries and what could happen in extreme temperatures of heat or cold. There is evidence that shows that a runaway situation could have a very toxic impact on the environment.
- He recommended Walser meet with the neighbors on the north to find out what the neighbors would like on the site and proceed at that point before presenting to the planning commission and city council.

No additional testimony was submitted and the hearing was closed.

Thomas stated that there was a neighborhood meeting as part of the concept-plan-review process. Postcards were mailed by the applicant. The meeting was held virtually. One resident attended.

Mr. Phillips stated that:

- The north parking lot's lighting would be directed down, utilize LED lights and have skirts to block glare from the north side. The light poles would be individually programmable by a computer.
- He would be pleased to add shrubs or fencing to give some additional screening.
- He will look at moving the parking area back 20 feet and adding a berm.
- There would be designated areas of the lot for snow storage. If needed, snow would be hauled away to another site. The use of parking lots shrinks by about 25 percent in the winter.
- Salt is not used on pervious pavement.

Waterman stated that:

- The proposal is a logical use of the site.
- The proposal is well-designed.
- There are environmental considerations and neighborhood concerns with buffering.
- Rainwater collection and pervious pavement are creative solutions.
- He tends to agree with staff's recommendation which is outlined well in the staff report.
- The parking conditional use permit is his first concern. The variance would be so far above the intent of the parking ordinance.
- The stormwater management causes him concern. There is the oil and grease to consider. He thought a parking structure would make a lot more sense to help get the site into compliance and deal with the conditional use permit and stormwater management issues.
- The variances do not meet the hardship standard, but he saw some uniqueness to the site with the bisection of the halves of the property.

- Overall, he concurs with staff's recommendation.
- He encouraged the applicant to work with staff and neighbors and hoped the project would come to fruition eventually.

Powers stated that:

- He appreciates Mr. Phillips' and the neighbors' presentations.
- He did not think the idea was well conceived for the site.
- The area is suitable for an automobile dealership.
- He saw no reason to approve a variance.
- He agreed with the neighbors on the BMW dealership lighting and buffer.
- The proposal would decrease the elevation by two feet when it should be increased by four feet to allow the neighbors to enjoy their residences.
- Powers learned that lithium-ion batteries start on fire less often than gas-powered engines. The problem is once one is on fire, then it would create a bigger problem and there would only be one one-way drive to and from the parking area.
- He supports staff's recommendation to deny the proposal.

Maxwell stated that:

- She appreciates the comments from the well-spoken, organized group of residents and the applicant.
- She opposes the proposal.
- She is intrigued by pervious pavement and will be doing more research to learn its potential impact if located near a wetland. She felt that would be unique enough to justify the parking variance.

Henry stated:

- He appreciates the speakers.
- The proposal can be better in some ways.
- He appreciates the use of the pervious pavement. An infiltration system may mitigate pollutants from seeping into the ground and reaching the wetland.
- The sticking point for him is the 189 parking stalls in excess of what is allowed by the parking ordinance.
- The proposal is thoughtful, but there are better ways to accommodate the site.
- A vehicle dealership is a good use of the site.

Chair Sewall stated:

- The use would be appropriate for the property.

- Some concessions may need to be made, but he wanted to be thoughtful and comply with parking-ordinance requirements.
- Adding a ramp makes sense if it could be located as far south as possible to allow more room for berms and screening.

Waterman moved, second by Powers, to recommend that the city council adopt the resolution denying the proposal for Walser Kia at 15700 and 15724 Wayzata Blvd.

Waterman, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Banks was absent. Motion carried.

This item is scheduled to be reviewed by the city council at its meeting on June 26, 2023.

9. Adjournment

Henry moved, second by Maxwell, to adjourn the meeting at 8:40 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary