

**Minnetonka Planning Commission
Minutes**

June 2, 2016

1. Call to Order

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

2. Roll Call

Commissioners Hanson, Knight, O'Connell, Odland, Powers, and Calvert were present. Kirk was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Water Resources Engineer Tom Dietrich, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: May 5, 2016

Powers moved, second by Knight, to approve the May 5, 2016 meeting minutes.

Hanson, Knight, O'Connell, Powers, Calvert, and Odland voted yes. Kirk was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meetings of May 9, 2016 and May 23, 2016:

- Adopted a resolution approving the conditional use permit for Field Day, a restaurant at Ridgedale Shopping Center.
- Adopted a resolution approving a conditional use permit for a therapy center for Partners in Excellence.
- Adopted a sign ordinance amendment.

Gordon introduced Minnetonka Water Resources Engineer Tom Dietrich and Planner Drew Ingvalson.

The next planning commission meeting will be June 16, 2016.

Wischnack shared that Pat Kehr, an employee of the city for 34 years, passed away recently.

6. Report from Planning Commission Members

Hanson attended an affordable housing conference that emphasized the importance of language. He encouraged commissioners to attend a conference being held in Minneapolis April of 2017 called Solutions for Housing Communications.

7. Public Hearings: Consent Agenda

Item 7A, a conditional use permit for 2,328 square feet of accessory structures at 4915 Highland Road, was removed from the consent agenda for discussion and separate action.

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

B. Lot-behind-lot setback variance for a garage and living space addition at 1724 Ford Road.

Adopt the resolution approving a lot-behind-lot setback variance for a garage and living space addition at 1724 Ford Road on pages A10-A13 of the staff report.

Hanson, Knight, O'Connell, Powers, Calvert, and Odland voted yes. Kirk was absent. Motion carried and the item on the consent agenda was approved as submitted.

A. A conditional use permit for 2,328 square feet of accessory structures at 4915 Highland Road.

Calvert asked if the project has already begun. She visited the site and it looked like trees were being removed. She questioned what would happen if the application would not be approved.

Ingvalson reported.

Calvert confirmed with Ingvalson that the footings have already been approved through the building permit process. Calvert was concerned that mature trees near the pool house would not survive. Colleran explained that the city's ordinance allows the removal of trees within 20 feet of a footprint without mitigation. If the impact would extend past 20 feet, mitigation would be required

for certain species of trees. This proposal would be within the basic tree removal area.

Acting Chair Odland asked if freezing of the pipes would impact the trees. Colleran answered in the negative.

The public hearing was opened.

Bill Monk, 4930 Highland Road, asked if landscaping would be added between the pool and pool house and the street. It is important to him that the noise and view be screened.

Ingvalson explained that the proposal's front yard setback would be double the required 50-foot setback. Staff found that the elevation change and existing trees would provide sufficient screening from the view from the public street. The variance for the pool was approved in 2015. The current conditional use permit is for the pool house to have a bathroom.

Mr. Monk stated that the pool and pool equipment would be visible from the street. Distance is not a factor.

Gordon explained that screening is not required between residential properties. A fence is required for a pool. One of the graphics showed landscaping.

Hanson confirmed with Gordon that a fence a minimum of 5-feet tall with a lockable gate would be required to enclose the pool. Gordon noted that the fence is a safety feature and not required for aesthetic purposes.

Jeremy Peterson, 13110 Excelsior Boulevard, representing the applicant, along with Amy Hanson of 4915 Highland Road, applicant, stated that a landscape plan was created to help shade and provide a screen along the property line from the street view surrounding the pool and pool house. That would not be required to be in compliance, but the homeowners are planning on doing it anyway.

Ms. Hanson said that the plants were delivered that day. She is a master gardener. There would be 6 maples outside the fence line and 13 lilacs, which she knows the neighbor loves. Aspen trees would be added along with big smoke bushes. The pool equipment would be covered with lattice and vines to make it invisible from the house and street. It is a beautiful property and she wants to make it look good.

No additional testimony was submitted and the hearing was closed.

Knight confirmed with Mr. Peterson that the doors of the pool house would be different than the rendering.

Powers moved, second by O'Connell, to recommend that the city council adopt the resolution on pages A9-A12 of the staff report. This resolution approves a conditional use permit for accessory structures with a gross floor area of 2,328 square feet.

Hanson, Knight, O'Connell, Powers, Calvert, and Odland voted yes. Kirk was absent. Motion carried.

8. Public Hearings

A. Items concerning parking lots on the Minnetonka High School campus at 18301 State Highway 7.

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

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

O'Connell noted that neighbors previously complained that a gate that was supposed to be closed was routinely not being closed. Gordon confirmed that a condition of approval from 2003 requires the gate to be closed at the end of the school day to keep traffic directed to the main entrance. Gordon invited school representatives to comment.

Acting Chair Odland asked if there would be an exit from the east parking addition. Gordon answered affirmatively. The new stalls would be connected to the existing drive.

Paul Bourgeois, Director of Finance and Operations for Minnetonka Public Schools, applicant, stated that he was available for questions.

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

Powers knows that parking is a huge problem for the high school because it is so well attended and respected. He supports staff's recommendation. The proposal would mitigate current problems and help to solve future issues.

Powers moved, second by Knight, to recommend that the city council adopt the following:

1. ***Resolution approving a lot division at 5258 Michaele Lane (see pages A30-A33 of the staff report).***
2. ***Resolution amending an existing conditional use permit for an educational institution at 18301 State Highway 7 (see pages A34-A40).***
3. ***Resolution approving final site plans for parking lot reconfiguration and construction on the Minnetonka High School at 18301 State Highway 7 (see pages A41-A49).***

Hanson, Knight, O'Connell, Powers, Calvert, and Odland voted yes. Kirk was absent. Motion carried.

The city council is tentatively scheduled to review this item at its June 6, 2016 meeting.

B. A conditional use permit for an accessory apartment at 13800 Spring Lake Road.

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

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

Calvert asked if the accessory apartment is required to be occupied by the property owner. Cauley explained that the property owner would be required to live in one of the two dwelling units and that is a condition of approval.

Powers asked if there is a limit to the size of the accessory apartment. Cauley explained that the ordinance allows an accessory apartment to be larger if it can be shown that there would be no adverse impact on surrounding properties. In this case, the addition would not be visible from an adjacent right of way. Staff feels that the proposal meets that requirement.

Calvert asked if there is a buffer requirement to Spring Lake. Cauley explained that a small patio would extend beyond the addition. Staff met with the property owner on site and verified that the patio and addition would maintain the wetland and floodplain setbacks. Colleran clarified that Spring Lake is actually a wetland.

Calvert asked if grading would be mitigated. Cauley said that would be part of the building permit review process.

Hammad Bajwa, 13800 Spring Lake Road, applicant, was present for questions.

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

O'Connell moved, second by Knight, to recommend that the city council adopt the resolution on pages A5-A10 of the staff report. This resolution approves a conditional use permit for an accessory apartment at 13800 Spring Lake Road.

Hanson, Knight, O'Connell, Powers, Calvert, and Odland voted yes. Kirk was absent. Motion carried.

The city council is tentatively scheduled to review this item at its June 27, 2016 meeting.

C. Resolution approving final site and building plans for two condominium buildings in the Legacy Oaks development.

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

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

Gordon reviewed what streets are public and private in the area.

Powers asked what was originally planned between the buildings. Gordon provided the plan that showed green space and a sidewalk.

Tim Whitten, of Whitten Associates, representing the applicant, stated that staff did a great job explaining the project. He was available to answer questions.

Marty Campion, of Campion Engineering, representing the applicant, stated that there would be 20 additional parking stalls.

Mr. Whitney stated that the cost of the stalls would be shared by all three buildings and the stalls would be available for use by anyone.

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

Calvert noted that she has concerns regarding the narrow area between the buildings and favored more green space.

Knight was concerned with the runoff from the street. Dietrich stated that the existing storm water features would be expanded to meet requirements.

Hanson moved, second by Powers, to adopt the resolution approving final site and building plans for the final two of three condominium buildings within Legacy Oaks (see pages A16-A19 of the staff report).

Hanson, Knight, O'Connell, Powers, Calvert, and Odland voted yes. Kirk was absent. Motion carried.

Acting Chair Odland stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

9. Adjournment

Knight moved, second by Calvert, to adjourn the meeting at 7:50 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary