

**Minnetonka Planning Commission
Minutes**

July 7, 2016

1. Call to Order

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Senior Planner Ashley Cauley.

3. Approval of Agenda: The agenda was approved as submitted with a change memo dated July 7, 2016 which included additional comments.

4. Approval of Minutes: June 16, 2016

Calvert moved, second by Powers, to approve the June 16, 2016 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 27, 2016:

- Adopted a resolution approving a conditional use permit for an accessory structure on Highland Road.
- Adopted a resolution approving a final plat for Legacy Oaks.
- Adopted a resolution approving a conditional use permit for an accessory apartment on Spring Lake Road.
- Reviewed a concept plan for TCF Bank on Plymouth Road.

The next planning commission meeting will be July 21, 2016.

There will be a joint meeting with the city of Hopkins July 26, 2016 at the Hopkins City Hall at 7 p.m. Zoning for the Shady Oak station will be discussed.

6. **Report from Planning Commission Members:** None

7. **Public Hearings: Consent Agenda:** None

8. **Public Hearings**

A. Items concerning Station Pizzeria at 13008 Minnetonka Boulevard.

Acting Chair Odland 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.

Powers noted that the area currently has parking and traffic issues. He asked if the application should be looked at separately or if the existing parking and traffic issues should be part of the consideration. Thomas answered both. The specific site and the surrounding area must be looked at comprehensively. Whether the proposal would be approved or not would not change the current parking issue.

Acting Chair Odland asked how many parking stalls exist within a 5-minute walk. Thomas answered that a church is 800 feet away and its parking lot has 442 stalls.

Ryan Burnet, applicant, stated that he and his business partner recognized the parking issue when they first visited the site. He is asking to put in a family restaurant. He currently owns and operates 8 restaurants. After the neighborhood meeting and the completion of the traffic study, he discussed obtaining over-flow parking agreements with surrounding property owners. He plans to have a deal in writing within the next 2 weeks to provide overflow parking. He dealt with a similar parking issue for a restaurant he operated with 11,000 square feet. Parking was secured 3 blocks away and the restaurant has been operating successfully for 3 years. The neighbors are its best customers. This will be a neighborhood restaurant for families. He wants to make sure this works for the neighborhood. It will provide an exciting redevelopment for the area.

Powers asked what parking would be available during on-peak hours. Mr. Burnet said that the parking lot with over 400 stalls would accommodate peak-hour parking. The proposed restaurant's peak hours would be after 5 p.m. which is later than the peak hours of the surrounding uses.

Calvert asked how patrons would know the location of off-site parking. Mr. Burnet said that information would be provided on the website and on site. The servers and manager would inform patrons who call. He would be open to posting a sign outside of the restaurant. The proposed restaurant would not be large enough to sustain valet parking. There would be low outdoor music, but it would not be loud and would be turned off after dinner.

In response to Acting Chair Odland's question, Mr. Burnet stated that his restaurants have had no nuisance code violations.

Calvert was concerned that the restaurant would have a liquor license and its proximity to a Dairy Queen. Mr. Burnet stated that the liquor license would allow patrons to have a larger selection of alcohol. The restaurant would not be a bar. There would be no more than four bar seats. He is well versed on how to serve alcohol. Two of his other restaurants have more outdoor seating near residences.

In response to Powers' question, Mr. Burnet stated that the patio would be fenced, but the parking lot would remain. There would be enough patio to walk around it. Patrons would have to enter the restaurant to be seated outdoors.

The public hearing was opened.

Dorothy Janssen, 12709 Burwell Drive, stated that:

- She is concerned with the traffic problems. Burwell Drive is narrow. If a vehicle is parked on the side, then a vehicle barely has room to pass it.
- The school is located close by. Parents drop off kids right after the turn to Burwell Drive. That lines up six to eight vehicles. The corner is sharp.
- She anticipates that the proposal would cause more traffic.

Stacey Avery, 12824 Burwell Drive, stated that:

- Her residence is located on a cul de sac behind the proposal.
- The area is residential. St. David's School just closed access to its site from Burwell Drive.
- The street is 22-feet wide at its widest point. Most of it is 19-feet wide.
- Burwell Drive is part of Minnetonka's park system. There are no sidewalks on Burwell Drive.
- Her main issue is parking on Burwell Drive.

- The entire width of a street could be used up by a vehicle parked more than 6 inches from a curb and a fire truck.
- It is not a good idea for drivers who have been drinking to drive down a narrow street.
- The traffic amount would be huge.
- Dairy Queen and People's Organic already have parking deficits.
- The traffic study used the amount of internal seating only.
- She opposes the proposal until there is a new plan to accommodate all of the new parking safely.
- She requested the commission table action until a plan is prepared that would not include parking on Burwell Drive.

Glen Seutter, 12908 Minnetonka Boulevard, stated that:

- He can sympathize with the residents who live on Burwell Drive.
- Since the Bennis Feed and Fuel closed two weeks ago, his business has seen an increase in traffic of 25 percent. His concern is for his parking. Dairy Queen and People's Organic patrons are using his spaces. Drivers will pick the closest parking space.
- There are vehicles parked on the boulevard all day long. There is one there now with a "for sale" sign. The signed 20-minute parking needs to be enforced.
- He has seen many close calls with vehicles.
- The construction down the road will also increase traffic.
- He did not see parking in the church lot as a reasonable fix. That is his concern. He cannot afford to lose business. He loved the idea of having a restaurant, but it has to be the right business to have the right amount of impact.

Tim Demars, 12925 Burwell Drive, stated that:

- He has had to replace six sprinkler heads from drivers parking on them.
- He opposed the site having 120 customers at one time and serving alcohol.
- He was concerned with patrons parking on his street and hearing the traffic and their conversations.
- The Dairy Queen closes at 9 p.m., so it is not much of an issue.
- People's Organic serves beer and wine. He hears the bottles being poured into the dumpster each night.
- There would only be one handicap parking stall.
- Delivery trucks make noise early in the morning.

- The salt and oil from the commercial properties goes into Minnehaha Creek.
- He is concerned with the noise levels.
- The site is not viable for that much occupancy.
- People who smoke would be outside after 10:30 p.m. They tend to make a lot of noise.
- This use does not fit the neighborhood. Please take into consideration the concerns of long-term residents.

Peggy Klug, 12817 Burwell Drive, stated that:

- She agrees that parking is an issue.
- Her son has epilepsy. There have been situations where vehicles have been parked on both sides of the street and an emergency vehicle would not be able to get through. She has contacted St. David's about this many times.
- She liked the idea of a pizzeria, but the problem needs to be solved in a different way. She requested "no parking" signs be installed and enforced on Burwell Drive. Once a patron would receive a ticket, then one would not park there again. She has asked many times for "no parking" signs at the corners and fireplace, but the city has not cooperated.

Beverly Baker, 12900 St. David's Road, stated that:

- St. David's Road is narrow. Her neighborhood has similar issues when the food shelf went in, but the issues were resolved.
- Drivers run the lights at Plymouth Road and Shady Oak Road on Minnetonka Boulevard. That is a concern.

Claudia Gundlach, 12901 Burwell Drive, stated that:

- The surrounding businesses already have variances that already infringe on the creek. She requested that the city not allow businesses to infringe on the creek.
- Glen's has a holding pond that filters oil from traveling to the creek. The delicate eco-system needs to be considered.

Karen Schoenrock, 12852 Burwell Drive, stated that:

- Mr. Burnet said that there would be no outdoor music on the outdoor patio at the neighborhood meeting.

- He said that vehicles would enter on Bridge Street and exit on Minnetonka Boulevard. That has changed now.
- She wants to be able to trust that what was said is what would happen.
- In the winter, she has to drive on the curb to get around the corner.
- She continually sees people using the path to connect the trails.
- She was concerned with increased traffic and motorists drinking alcohol.

No additional testimony was submitted and the hearing was closed.

In response to Calvert's question, Thomas explained that the 50' setback is for the trash enclosure. She pointed out the additional setbacks. Calvert thought reducing the 200-foot setback on the north to 100 feet would be a huge difference.

Powers confirmed with Thomas that the parking requirements are based on interior seating. During summer months, the number of patrons does not usually increase, but where the patrons sit shifts to the outside rather than inside.

O'Connell asked if permit-parking only would be possible. Thomas explained that "no parking" signs may be installed if the city receives a petition and the city council approves the request. The residents must apply as a group for their street.

Wischnack explained that resident-only parking permits are possible. The businesses and residents have to be cooperative to navigate the area. It is a popular and convenient location which makes it a challenge.

Powers asked if a vegetation buffer would be required. Thomas agreed that there is a buffer when the leaves are on. Replacing deciduous trees with evergreens could be considered, but that would require the removal of existing deciduous trees.

Calvert asked staff to provide parking solutions within a block of the site. Thomas explained that Mr. Burnet would work out a private parking agreement with a surrounding property owner. Thomas noted that St. David's school, the city lot, the church, and park and ride facility are in the area. There are crosswalks at each intersection. Wischnack added that the city lot is full on a regular basis. People's Organic uses it for their employee parking. Gordon noted that SRF did a great job in the traffic study providing real implementation strategies.

Calvert asked if signs could be posted listing the location of overflow parking. Thomas answered affirmatively.

Acting Chair Odland noted that the city issues “no parking” signs for one side of a street for special occasions.

Thomas recommended that residents call 911 immediately to report an unsafe situation.

Acting Chair Odland reviewed concerns expressed by residents. Gordon noted that snow could be removed from the site. He was not aware of a current problem. Wischnack added that the proposed site’s property continues to the creek. Residents can contact city hall to have a potential snow removal violation investigated.

Thomas and Wischnack provided the noise ordinance regulations and noted that garbage haulers are allowed to function at 6 a.m. in the city. A condition of approval of a liquor license could require the bottles be dumped during a designated time frame.

Thomas clarified that this variance request is independent of existing ones in the area and that the noise ordinance prohibits the sound of music from extending outside of a property line.

Thomas stated that staff will notify the police of the vehicle with the “for sale” sign being parked in the 20-minute parking spot for an extended stay on Minnetonka Boulevard.

Acting Chair Odland suggested SRF compare the current situation with one similar to it to gain ideas on how to deal with the issues.

In response to Acting Chair Odland’s questions, Mr. Burnet stated that he was fine with not having music outside. He misspoke earlier. He is having discussions with neighboring properties to reach a deal for overflow parking. He would consider valet parking during heavy time periods. He did not expect the passionate response. There would be no delivery. A pizza could be ordered in advance and delivered to the vehicle to make it happen quickly.

Clark Gassen, Mr. Burnet’s business partner, explained that he owns his own snow removal company. At a certain inch level, the snow would be moved off site. He has never had a snow violation.

Hanson was o.k. with the proposal if it is the right operator. The proposal is consistent with the city's long-term plan. The site is zoned for a commercial use. The management team would do a good job enforcing the noise requirements and responsibly serving the patrons. A firm parking plan would be needed before moving forward. He assumed that Burwell Drive would become a "no parking" street.

Powers thought that the proposal is the seed of a good idea. He admires the developer and restaurant operator for their courage, but the plan is the wrong size and does not have enough detail. He did not think there would be a lot of the owner overseeing the site. The neighbors are correct that there would be pressure on the police for enforcement and on neighboring businesses. Most of the people he talked to like the idea of a restaurant at that location. The neighbors' concerns are real. The restaurant may create a smell. He hoped to see progress.

Calvert concurred with Powers. She applauded the applicant's desire to keep the original building. She understood the need to keep the building occupied to create vitality without burdening neighbors. It seems too big for the space. She liked the idea of the patio and preserving the building. She is aware of the narrowness of Burwell Drive. The issues are solvable, but the issues of noise, parking, light, environmental, and traffic need to be addressed.

O'Connell would be in favor of tabling the request to allow time for an off-street parking agreement to be reached. He asked the residents of Burwell Drive to request "no parking" signs be installed on the street. He suggested valet parking be offered during peak operating hours with a street-side curb cut for the valet.

Acting Chair Odland applauded a restaurant owner for looking at the site and utilizing the existing building. The Birch Island restaurant is on a tiny island and has no parking, but the owners have been a great partner in that area so she has no doubt that there is a solution to make this a viable property. The use would be an excellent fit. She would like to see it evolve into something. Tabling would be the best thing to do right now.

Powers thought that the footprint would be too large for the site.

Calvert agreed with tabling and that the proposal is the seed of something good.

O'Connell moved, second by Powers, to recommend that the city council table items on the following to allow staff more time to research solutions to issues related to noise, parking, light, protecting the environment, and traffic:

1. ***A resolution approving a conditional use permit for a restaurant and outdoor eating area, with variances, at 13008 Minnetonka Boulevard (see pages A35-A40).***
2. ***A resolution approving final site and building plans, with variances, for site and building changes at 13008 Minnetonka Boulevard (see pages A41-A49).***

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

9. Other Business

A. Concept plan review for The Enclave at Regal Oak, 3639 Shady Oak Road.

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

Thomas reported. Staff recommends the planning commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Roger Anderson, applicant, thanked staff and commissioners for their input and feedback on the proposal. He has enjoyed working with staff and thinks it will be great going forward. He is the developer and civil engineer on the project. He stated that:

- The plat makes sense to him. It has a nice flow. The drainage and utilities layout nicely.
- Jo Colleran did a good job of delineating the old-growth woods. A survey was done. There is a conservation easement on the north side of the property. He entered into discussions with the neighbor to join the conservation easement. A stormwater pond may be added.
- He wants to include a rain garden on each lot to treat and minimize stormwater impact.

Mike Haley stated that he is working with Mr. Anderson on the home designs. He stated that:

- The concept is simple. He wants to build 5 homes that are geared to empty nesters. He provided an illustration of a model with one level and 1,500 square feet on the main floor.

- The average homeowner is 65 years of age in Minnetonka. Most want to downsize, but stay in the community. The houses would be priced in the \$600,000, but are considered affordable new construction in Minnetonka.
- Three of the 5 houses would have geothermal systems including the model.
- The houses would not be McMansions. Three of the 5 would have master bedrooms on the main floor.
- The build out would be finished in 12 to 15 months since it is a high-demand product. It is scheduled to begin construction this fall.
- There would be a simple homeowner's association to take care of the grass and snow.
- The houses would be built custom to each homeowner's choice.

O'Connell thinks the concept is great and that it would work. He noted that there are similar developments being done. Mr. Haley emphasized that the location is what makes the proposed homes in great demand. Mr. Anderson said that the homes would be one-floor living with basements, so there would be rooms when the kids and grandchildren visit. There would be high-end finishes.

Acting Chair Odland asked how many bedrooms would be on the first floor. Mr. Haley said the houses would have a great-room concept where the kitchen, dining, and great room flow together. There would be two full baths on the main floor and a large walk-in closet. Sod and large trees would be planted and sprinklers would be installed immediately. A big impact can be made with landscaping on a small lot.

Calvert asked where the rain gardens would be located in relation to the gully. Mr. Anderson pointed out the area for a pond and the rain gardens. It would look like a rock garden area. The roof gutters would direct the runoff to the rain garden. Each house would take care of its own runoff. It would work well. This is the first year in 40 years where house sizes became smaller instead of bigger.

Calvert asked how much parking would be available. Mr. Anderson explained that Regal Oak would meet city street requirements and be 24-feet wide. Each of the houses would have a 2-vehicle garage. There would be room for 2 more vehicles in the driveway. That is generally enough parking.

Calvert asked if the entire area would be graded flat. Mr. Anderson said that it would not be flat. Colleran identified the significant trees and they are marked on the survey. It turned out that the majority of significant trees are in the

conservation easement. He would attempt to save the few in other areas, but many of them would be removed and replaced by other trees.

Powers liked the product and presentation.

Calvert asked why all of the houses would not have geothermal systems. Mr. Haley stated due to the cost. It would be included in the model and the buyer would be encouraged to include one, but it would be the homebuyer's option. Mr. Haley stated that a back-up system would still have to be included. The increase in cost is \$25,000. The loop system virtually lasts forever.

The audience was invited to provide input.

Ron Hanson, 12215 Mari Lane, stated that the area is wooded and the oak trees are large.

Cheryl Smith, 3624 Arbor Lane, stated that:

- She was concerned that the houses in the examples are larger than 15,000 square feet.
- She was concerned with tree mitigation. She loves the wildlife. The proposal would change it.
- The lots would be smaller and density increased compared to what is on the street now.

Hyde Thompson, 3616 Arbor Lane, requested that street lighting point downward. He liked the idea of the rain gardens and healing the gully.

Calvin Lee, 3636 Regal Oak, stated that:

- His view is currently of trees. He met with Mr. Haley and thinks that things seem copasetic. He wants to make sure that the trees and landscaping prevent a stark change.
- He was concerned with the safety of his kids riding bikes on the street during construction, where the construction vehicles would park, and the noise created by construction workers during the 12 to 18 months.
- There are two rental houses on the court.
- It would be nice if the houses would stay in tune with the existing houses. The proposed houses look too modern for the neighborhood.

- He and his wife have not decided if they like the project yet or not. He asked if there would be another step where the public would comment.
- He asked if all of the houses would be one story.

Annette Lee, 3636 Regal Oak, stated that:

- Parking for construction vehicles could be located where the existing home is on Shady Oak Road.
- She is concerned with the damage to her property during the construction.
- Her driveway is already used as a u-turn.
- She is concerned too many houses are being added to the area.

Vanessa Green, 3632 Arbor Lane, stated that:

- She is completely opposed to the proposal. This would destroy the large lot sizes and mature trees. This would be completely out of character with the neighborhood.
- The forest would be leveled. There are nesting hawks, owls, and woodpeckers. She is appalled.
- The density makes her uncomfortable.

O'Connell stated that this type of project has been reviewed by the commission before and they have been found generally favorable with some design tuques approved by staff along the way. He did not see this project to be any different.

Powers appreciates the neighbors' input. He had a similar situation happen in his neighborhood. He agreed that issues can be worked out over time. Seniors in Minnetonka are looking to stay in the area in smaller houses. Small lots are a preferred reality going forward.

Calvert asked if approval of the proposal would set a precedent. Thomas explained the difference between legal and fairness precedents. Applications must be considered individually. After the concept plan review, the applicant may submit an application with plans that would be reviewed by the planning commission and city council with a public hearing being held at the planning commission. The planning commission would provide a recommendation to the city council.

Hanson agreed with O'Connell that the commission has seen this type of project a lot. He will support the proposal once slight changes have been made. The

existing road makes the proposal less forced. He liked the inclusion of the conservation easement. Four lots might be more comfortable for the neighborhood. The conservation easement does provide a long-term benefit for the house on Regal Oak. The proposal would preserve the neighborhood character. Trees would be preserved and some would be replaced. There would be nice landscaping and quality construction. He could not see denying this proposal when compared to others that have been approved.

Acting Chair Odland would be curious how four lots would fit.

Calvert applauded the developer for protecting the environment. There are advantages to the geothermal. She encouraged planting large trees to decrease the visual impact and impact to wildlife. Dead trees do provide habitat. She would like natural resources staff to address the steep gully, runoff, and wild life. The city does not have adequate housing stock in this type of housing.

B. Concept plan for a 75-unit apartment building at 2828 and 2800 Jordan Avenue.

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

Cauley reported. Staff recommends the planning commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

John Ferrier of CSM Corporation, applicant, stated that:

- He appreciated the planning commission reviewing the concept plan.
- He agreed that a traffic study is warranted. His company owns additional properties in the area. He wants to make sure the amount of traffic would be appropriate.
- Staff found a previous plan not viable due to a steep slope on the site. The multi-family housing market is on fire right now. The building would be located in an appropriate area to deal with the topography.
- There is a berm on the west side. That is not a naturally occurring slope. It was created when an adjacent site was graded. He explained the grading of the site. There would be tuck-under parking utilizing the topography. The slope preservation ordinance criteria would be followed.
- A lot of the trees are not quality. As many of the trees as possible would be preserved.

- His company has enjoyed 97 percent occupancy rates over the past 10 years. There is a need in this area.
- The exterior would have a modern feel with a flat roof to reduce the height of the building. Stone and metal would be used.
- He was excited to hear the commissioners' comments.
- The clientele are interested in studio apartments.
- A goal is to incorporate shared amenities with the building to the west. A playground would be great.
- He was open to using the roof of the building as an amenity.
- This type of product typically houses people 30 to 35 years of age.
- The site would remain pretty wooded which is a feeling common in Minnetonka.
- There would be approximately 60 feet between the proposed apartment building and the one to the west.
- Two layers of underground parking would not be possible due to the level of the water table, amount of grading, and cost.
- Creating something to work well with the rest of the buildings for a long time is a priority.
- A studio apartment would be approximately 600 square feet.

Calvert noted that the architecture of the proposed building is different than the surrounding buildings. She was not sure how she felt about an urban feel. She understood the appeal for a young demographic. It would change the feel of the area. She looked forward to hearing from the natural resources staff. She was concerned for the oak trees. Mr. Ferrier was open to suggestions on the aesthetics of the building. It is a conceptual plan. This product has been successful in other suburban markets.

Calvert stated that a gabled roof would look extremely tall without removing a story. Mr. Ferrier said that could be considered.

Hanson asked if the number of parking stalls could be reduced to save green space. Cauley said staff could evaluate the proposed building's amount of parking comprehensively with surrounding available parking lots. Mr. Ferrier would be very open to reducing the amount of parking. The amount was reduced slightly from the city's ordinance requirement after speaking with city staff a year ago.

Rachel Peterson, property manager at Minnetonka Hills, stated that there is always ample outdoor parking space. There may be a waiting list for the underground heated parking.

Mr. Ferrier stated that the applicant will look for the most efficient way to utilize the slope to provide parking.

10. Adjournment

***Calvert moved, second by Powers, to adjourn the meeting at 10:30 p.m.
Motion carried unanimously.***

By: _____

Lois T. Mason
Planning Secretary