

**Minnnetonka Planning Commission
Minutes**

August 4, 2016

1. Call to Order

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

2. Roll Call

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

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

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

4. Approval of Minutes: July 21, 2016

Hanson moved, second by Calvert, to approve the July 21, 2016 meeting minutes as submitted with the changes from the change memo dated August 4, 2016.

Powers, Calvert, Hanson, Knight, O'Connell, 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 meeting of July 25, 2016:

- Adopted a resolution approving a revision to a conditional use permit to turn a garage into living space on Spring Lake Road.
- Introduced an ordinance opting out of the Temporary Family Healthcare Dwelling statute.
- Reviewed the concept plan for Enclave at Regal Oak.
- Reviewed the concept plan for an apartment building on Jordan Avenue for Minnetonka Hills.

A joint meeting was held last week with Minnetonka and Hopkins planning commissions to discuss the zoning district for the Shady Oak Station area.

Gordon congratulated Tom Dietrich for completing his Master's Degree in water resources and Julie Wischnack who will be receiving the Planner of the Year Award from the Minnesota Chapter of the American Planning Association at the Minnesota conference in September.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

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

- A. Variance to allow construction of a covered porch and an expansion permit to reconstruct and increase the pitch of the roof at 12926 Rutledge Circle.**

Adopt the resolution on pages A11-A15 of the staff report. This resolution approves a front yard setback variance for a covered porch and an expansion permit to reconstruct and increase the pitch of the roof at 12926 Rutledge Circle.

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

8. Public Hearings

- A. Setback variances to allow the installation of a solar array at 3528 Moorland 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.

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

Calvert felt that the applicant did what the commission had requested. She supports the solar array for environmental benefits and to encourage green technology.

Powers agreed.

Knight asked if the 38-foot, 11-inch measurement is accurate. Tim Parnell, electrical engineer for the applicant, stated that he forgot to adjust that length. Two panels were removed. Knight said that if the applicant is comfortable with the proposal, then he is also.

Hanson moved, second by Powers, to adopt the resolution on pages A7-A10 which approves side and rear variances for a solar array at 3528 Moorland Road.

Powers, Calvert, Hanson, Knight, O'Connell, 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.

B. Items concerning a licensed daycare facility at 6030 Clearwater Drive.

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.

Acting Chair Odland asked if the example in Virginia is the same size as the proposed project. Cauley directed the question to the applicant.

Jay Joiner, with the Gardner School, applicant, stated that the school in Virginia has a larger footprint, but is similar in square footage to the proposal. The play area would be similar to the one at the Virginia site.

Knight asked if he had another facility with two stories. Mr. Joiner answered that there is one in Chicago that has 18,000 square feet. It would have the same capacity. That site utilizes a park across the street.

O'Connell asked when staff reviews the materials and colors. Cauley answered during the building permit process.

Knight asked if the state would license a daycare that would have two stories. Cauley responded that the facility would be required to meet all state licensing requirements. Wischnack noted that there is a daycare on Highway 7 and County Road 101 that has two stories. The building code addresses safety requirements.

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

O'Connell moved, second by Hanson, to recommend that the city council adopt the resolution on pages A38-A45 of the staff report. This resolution approves a conditional use permit with building plans for a licensed day care facility at 6030 Clearwater Drive.

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

C. 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. Thomas pointed out the late comment and additional condition provided in the change memo dated August 4, 2016.

Hanson asked when the parking phases would be implemented. Thomas said that Phase 1 could likely be constructed as early as this year. The area is flat and construction would be easy. Phase 2 would be constructed only after consultation with area residents. The city engineer felt these would be viable options.

In response to Powers' question, Thomas explained that Phase 1 had been considered before. The parking spaces would be public and available for any motorist.

In response to Acting Chair Odland's question, Wischnack explained a variety of options to create more parking stalls.

Ryan Burnet, applicant, stated that he listened to the feedback from staff and residents and addressed the nuisance issues and parking. There is a parking agreement with St. David's. He feels like the project is ready to go.

Calvert asked how patrons of the restaurant would get there from the St. David's parking lot. Mr. Burnet thought a patron would walk on the sidewalk around St. David's.

The public hearing was opened.

Dee Kennedy was representing Carrie Bret Martinson, owner of the Dairy Queen, who was unable to attend. She asked if there would be alcohol served, for the number of indoor and outdoor seats, the hours, and if the St. David's 25 parking stalls would be a required condition of approval. The two stalls with 20-minute limits are abused by motorists who leave vehicles there for 2 hours. One person told her that she could not park there to go to the Dairy Queen and that the stalls were only for People's Organic patrons. She was concerned with the snow removal and salting because that is a problem now. She asked if all of the parking spaces would be public.

Dorothy Janssen, 12709 Burwell Drive, stated that:

- There would be a parking problem. There are temporary "no parking" signs on Burwell Drive and a vehicle parked there right now.
- Vehicles were parked on both sides of the bridge during construction. She supports prohibiting parking on the bridge and north of the bridge.
- The street is narrow.

Melissa Williamson Heron, 12928 Minnetonka Boulevard, owner of Your Art's Desire, stated that:

- She appreciated commissioners and staff listening to the concerns.
- She is grateful that more parking solutions have been identified.
- She has great reservations that St. David's is a viable solution. Patrons would not be aware of the available parking. If it would not be signed, then it would not be found.
- She is a voice of deep concern, not resistance.
- People's Organic was given a parking variance which caused a shift in parking patterns. Her patrons complained that they could not find a parking space and she saw a significant decrease in her businesses revenue.
- Accessibility issues have a crippling impact on her business.
- She asked what recourse she could take if the proposal causes hardships for her business.
- She has donated time and energy to the city.
- She requested that a sign be outside of the building directing traffic to the parking spaces at St. David's.
- She asked for the duration of the contract with St. David's for parking.

- She asked if there would be valet parking.
- She asked if the parking stalls would be signed only for Station Pizzeria.

Claudia Gundlach, 12901 Burwell Drive, stated that:

- She was concerned with heavy traffic decreasing her property value.
- Increasing traffic between Plymouth Road and Shady Oak Road would increase the high-accident areas.
- She asked if the parking agreement would be honored if Station Pizzeria became a different restaurant.
- She asked if the proposal meets the parking requirement.
- She asked who enforces a noise ordinance.
- She asked if there is a smell ordinance.
- She asked if there is a light and sign plan.
- One of SRF's parking plans looked o.k. She likes the turnaround at the end of Bridge Street.
- Parking on both sides of the street makes it look like a parking lot.
- She is concerned with the health of the creek. She favored making the paved area pervious.
- She suggested adding bicycle and canoe parking.

Tom Aasen, 12915 Burwell Drive, stated that:

- He was concerned with having enough parking. He did not like phase two of the parking because it would make the corner difficult to navigate.
- Turning from Bridge Street to Minnetonka Boulevard is really hard. It would be more difficult with vehicles backing out of phase one.
- He asked if the Minnehaha Creek Watershed District would have to issue a permit for the proposal.

Tim Demars, 12925 Burwell Drive, stated that:

- There should not be 90-degree parking on Bridge Street. Parallel parking would be the only option.
- Accidents happen very often. It is very difficult to take a left on Minnetonka Boulevard. The volume of traffic has increased.
- Parking at St. David's school is ridiculous. In the winter, it would be difficult to navigate the walk.

- The patio is too big for the area and it would create too much noise. He was surprised the size was not reduced.
- The neighbors have to live with it every day.
- He did not want to see this happening.
- The applicant addressed some of the noise issues.
- He questioned where patrons would be allowed to smoke.
- He questioned if service would end at 10:30 p.m. or if patrons would move inside at 10:30 p.m. He prefers patrons move inside at 10:30 p.m.
- His major issue is noise.
- He asked if more bar stools could be added.

Diane Alexander, owner of People's Organic at 12934 Minnetonka Boulevard, stated that:

- She was hoping a restaurant would go there, but she has huge concerns about the parking. Hikers and bikers park in her lot and are gone for a couple hours. Adequate parking needs to happen.
- She questioned where other parking areas are located.

Peter Hill, 13212 McGinty Road, stated that:

- The proposal would probably never significantly impact him.
- He was disappointed in the quality of the application. The business plan refers to a location in Minneapolis.
- The largest issue is the parking. Two thirds of the parking listed in the report is located on Glenn's property and Minnetonka Boulevard.

Dee Kennedy stated that one pint of oil makes a slick the size of a football field on a lake or water.

Tom Aasen clarified which streets were Bridge Street and Burwell Drive.

No additional testimony was submitted and the hearing was closed.

Calvert asked for the shoreland setback. Thomas answered that would remain the same. Thomas pointed out the paved surface that would not be removed in an effort to maintain as much existing surface as possible.

In response to the questions, Thomas explained that:

- An off-site parking agreement, such as the one with St. David's, is required for this proposal. There is a condition in the resolution requiring a signed agreement before the building permit would be issued. It would be good to tie the parking agreement requirement to any restaurant use on the site.
- On-site directional signage to off-site parking areas is required as a condition of approval.
- A violation of the noise ordinance may be reported to the planning division during office hours and the police department after office hours.
- There is an odor ordinance based on the standards of the Minnesota Pollution Control Agency.
- A lighting plan would be submitted with the building permit application. There is a standard that must be followed.
- The hours of operation would be Sunday through Thursday from 11 a.m. to 10:45 p.m. and Friday and Saturday from 11 a.m. to 10:30 p.m. The outdoor area would be closed at 10:30 p.m. Some restaurants with patios have had police respond to enforce the patio time restriction when they were first opened.

Gordon provided that:

- Smoking is not allowed in city parks in areas of activity.
- The parking areas would be public and not signed for a specific business.

Thomas clarified that the second parking study's intent was to identify areas lacking parking and the peak times of parking shortages in the Minnetonka Mills area.

Wischnack explained that the city council is the decision maker when it comes to liquor license regulations and businesses. That is not in the commission's purview.

Thomas stated that:

- A condition of approval requires the installation of a bike rack.
- There is a canoe landing at the Burwell House.

Wischnack stated that staff will be meeting with the Minnetonka Mills business owners to review cooperative parking options and ways to identify amenities including bike racks and trails to patrons.

Gordon stated that Minnetonka does not generally see a reduction in property values when a commercial use is replaced by another commercial use.

Thomas stated that the parking options and comments from residents will be passed on to the city council. Traffic engineers created the options.

Dietrich explained that the proposal would not change the site's amount of impervious surface, so there would be no storm water required, but the applicant would have to install one best management practice. The applicant would be responsible for cleaning up oil from the site. Gordon noted that fuel tanks have been removed from the site. A gas station has a much greater potential for environmental impact than a restaurant.

Thomas reiterated that residents should call the police if noise is occurring in violation of the noise ordinance.

Wischnack explained that changing the type of seating would not trigger a review of the conditional use permit or liquor license, but an expansion would.

Thomas and Gordon clarified that the variance would be to allow the site to have 19 parking stalls.

Mr. Burnet stated that:

- There will be free valet parking Fridays and Saturdays.
- Patrons would move inside when the patio would close.
- The outdoor seating is the size the applicant wants.
- Curbing would be added in front of the restaurant and there would be eight more parking spots.
- There will be outdoor signs on site designating off-site parking areas. Those areas will be listed on the website and provided when patrons phone the restaurant.
- The turnover rate is approximately 45 minutes to an hour and a half.
- There would be a sign for valet parking.
- He hoped for a decent lunch business, but expected the most patrons for dinner.

Hanson noted that the restaurant operator wants things to run smoothly to have a successful business. Some issues would take care of themselves. There is a decent plan in place.

Calvert was concerned with the lack of parking stalls on and off site. The restaurant concept is very exciting. Something like this would bring vitality to the Minnetonka Mills area. That neighborhood has problems with access to Bridge Street.

Powers stated that the neighborhood has a meandering character. Kids ride bikes to the area. The plan is different than the character of the area. It would change the overall feeling. Vitality is a healthy thing, but he is concerned with the proposal.

Calvert thought the outdoor area was too large, but she understood that a profit needs to be made. There is a lot of pedestrian and bicycle traffic in the area. She had safety concerns.

O'Connell supports the proposal. The applicant made changes in response to the requests of the planning commission. He was prepared to take action and encouraged commissioners who do not support the proposal to provide clear reasons.

Calvert thought that the parking situation still has to be resolved before approval is given. She agreed that the applicant came back with solutions.

Hanson said that he hopes that staff will be able to add more parking spaces. The increase in parking spaces may help the current parking shortage in the neighborhood. Residents may petition to prohibit parking on their street. If parking violations are occurring, residents should phone the police. Habits will change after enforcement of the parking laws.

Powers had a negative experience with permit parking in St. Paul. Wischnack noted that the city has not indicated that it would do permit parking and all residents of a street must petition the city to make it a "no parking" street.

Hanson moved, second by Knight, to recommend that the city council adopt the following resolution approving a conditional use permit with the addition of a condition to require a parking agreement for off-site parking for any restaurant use; a condition to require off-site snow removal; and the changes made in the change memo dated August 4, 2016 for a restaurant and outdoor eating area with variances at 13008 Minnetonka Boulevard (see pages A35-A40 of the staff report) and a resolution approving final site and building plans with variances for site and building changes at 13008 Minnetonka Boulevard (see pages A41-A49 of the staff report).

Hanson, Knight, and O'Connell voted yes. Powers, Calvert, and Odland voted no. Kirk was absent. Motion failed.

The item is tentatively scheduled to be reviewed by the city council August 22, 2016.

D. Items concerning construction of that portion of the SWLRT line located in the city of Minnetonka.

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.

Calvert asked if mitigation could be done. Colleran responded in the negative. There is nowhere in Minnetonka to recreate 2.99 acres of wetland, so wetland banking credits would be purchased. Unlike wetland rules, there is no state tree removal law. There would be no room to replant the trees that would be lost. Colleran explained the difference between permanent and temporary fill.

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

Powers moved, second by Calvert, to recommend that the city council adopt the following for construction of that part of the SWLRT project located within the city of Minnetonka:

1. *An ordinance removing area from the wetland overlay zoning district (see pages A97–A101 of the staff report).*
2. *A resolution approving a wetland and floodplain alteration permit (see pages A102–A117 of the staff report).*
3. *A resolution approving wetland, wetland buffer, and floodplain variances (see pages A118–A121.)*
4. *A resolution approving a conditional use permit for impervious trails within wetland buffers (see pages A122–A124 of the staff report).*
5. *A resolution approving construction on a steep slope development and tree removal (see pages A125–A127 of the staff report).*

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

E. Ordinance regarding Temporary Family Health Care Dwellings.

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.

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

Hanson moved, second by Powers, to recommend that the city council adopt the ordinance opting out of the requirements of Minnesota Statutes, Section 462.3593 (see pages A1-A2).

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

9. Other Business

A. Concept plan for Crest Ridge Senior Living at 10955 Wayzata Boulevard.

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.

Matt Rauenhorst, representing Opus at 10350 Bren Road West, applicant, stated that:

- A market study indicated a demand for this type of senior housing.
- Ebenezer, Inc. helped develop the product.
- There was a neighborhood meeting held on Tuesday.
- He looked forward to hearing the feedback.

Eric Reiners, applicant’s architect, stated that:

- Many neighbors warmed up to the idea of the use by the end of the neighborhood meeting.

- The structure would be four stories. There would be independent senior living to secure memory care.
- The building design and site was carefully planned with a wide range of amenities for the residents. There would be shared areas, coffee shops, a theater, and a library. The site would be connected to the surrounding neighborhood. Patios and gardens would be available for residents.
- There is a berm on the east property line. There would be good screening of the building with new plantings.
- The building would extend 45 feet above grade. The top of the Syngenta building would be 5 feet higher than the proposed building.
- The goal is to preserve all of the trees and vegetation.

Susan Farr, vice president of business development at Ebenezer, working with the applicant, stated that:

- Ebenezer is the largest third-party operator of senior housing. Ebenezer has been named a Top Work Place by the *Star and Tribune* for 6 years in a row.
- Ebenezer is all about incorporating the community.
- There is an emphasis on life-long learning.

Acting Chair Odland invited those present to provide comments.

Hope Mooney, 10925 Wayzata Boulevard, stated that:

- She was unable to attend the neighborhood meeting.
- She was concerned with traffic because there is a lane designated for Syngenta. It is very congested and confusing.
- She questioned what time construction would be allowed.
- She was concerned with tree loss.

Bergit Carlson, 1412 Archwood Road, stated that:

- This is the best proposal she has seen by far.
- It looks big, but the HCMC proposal would have had a huge parking ramp. Removal of the parking ramp is a big difference.
- There would be an underground garage, plan for garbage pick-up, and fewer vehicles on the service road. Seniors would not drive as much as office-building users.
- The site would be improved.

- The building looks nice.
- The berm would somewhat protect her view. She would like as much screening as possible.
- Spruce trees should be added behind the building to improve the look of the area.

Barb DeMeuse, 1509 Archwood Road, stated that:

- She agrees with Ms. Carlson. The neighbors are very pleased with this plan.
- She requested spruce trees be added between the back of the houses and the new development.

O'Connell confirmed with Thomas that the site is currently guided for an office building.

Knight noted that a commercial building would have three additional feet per floor than the proposed building.

Hanson thought that the proposal looks really good. He likes the roof line matching pitched and flat roofs together. He suggested a bus stop be located in front of the building. He liked natural-looking colors rather than white. He requested a few affordable units if that could be worked into the proposal.

Powers liked the overall concept. The setbacks look good. He liked the feel of it. He agreed with Hanson.

Calvert concurred with Hanson. Natural colors and materials would be preferred for the area. She liked the concept. Meeting setback requirements and keeping the berm would be important. Rich landscaping, many programs, and adding a bus line would add to the quality of life for the residents. She supports affordable units.

Knight concurred. He liked the outdoor walking path. This would be really nice. He asked if the roof would really be flat. Mr. Reiners stated that seniors like the building to look residential, so just part of the building's roof would be flat. Balconies would be provided, but accessing and maintaining public spaces on the roof area would be too difficult for seniors. Memory care would be on the main level. There would be a dedicated outdoor area.

Powers and Calvert encouraged incorporating trees.

10. Adjournment

*Calvert moved, second by Powers, to adjourn the meeting at 10:21 p.m.
Motion carried unanimously.*

By: _____
Lois T. Mason
Planning Secretary