



Memorandum

To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: August 4, 2016
Subject: Change Memo for the August 4 Planning Commission Agenda

ITEM 4 – July 21, 2016 Meeting Minutes

The following changes to the minutes:

Consent agenda item 7 should reflect the following yes votes:

Odland, Powers, Calvert, Knight, ~~Magney~~Hanson, O’Connell, and Kirk voted yes. Motion carried and the items on the consent agenda were approved as submitted.

Regular agenda item 8C:

Conditional use permit, with parking variance, for Eden Prairie Islamic Community Center at 5620 Smetana Drive.

Chair Kirk 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.

O’Connell confirmed with Cauley that the proposed use would utilize Lot 2. The adjacent lot may be used for parking. No legal agreement is required for the applicant to use another site for parking, but staff recommended to the applicant that an easement agreement may be beneficial.

Chair Kirk confirmed with Cauley that the parking requirements depend on square footage except for uses such as daycares, schools, and religious institutions which use the number of users. The resolution ties the approval to the standards and identified type of use. If there would be a change or intensification of use, then a review of the conditional use permit would be required.

Mohammad Ibrahim, board member of the Eden Prairie Islamic Community Center (EPIC), applicant, stated that he was present with Bilal Mamdani, Nemat Janetkhan, and Bilal Mamdani who are additional members of the board. He stated that EPIC hopes to foster a community that is engaged and vibrant rooted with a spiritual foundation. EPIC would host activities to better the community. He explained the floorplan. The first floor would be used primarily for prayer.

Hanson asked if the current location has multiple uses or if it is used primarily as a prayer hall. Mr. Ibrahim answered that the current building is only used as a prayer hall.

Powers asked about the daycare. Mr. Ibrahim explained that the daycare would not begin right away. When an operator is secured, then all requirements would be met. Powers asked if there would be an outdoor recreation area. Mr. Ibrahim said that would be taken into consideration at the time a daycare provider would be selected. The daycare plan would be submitted to the city for approval.

Chair Kirk suggested that the applicant research the regulations for a daycare because playground space would be required. Mr. Ibrahim agreed.

The public hearing was opened.

Alexander, A resident, 5601 Smetana Drive, Cloud 9 Apartments, stated that:

- He thinks there are other issues than real estate. He was worried about security.
- The applicants are nice, local people.
- He is an immigrant himself.
- He would like to know the source of the money funding the project.
- Islam is a religion of peace.
- Radical organizations finance religious institutions.
- He is worried about neighborhood tension. Prayers start at 4:30 a.m. He did not want to see traffic driving at 4:30 a.m.
- There should be an outside play area for the children.
- He wanted to know the plan for the second building.
- He is not against the religious institute of Islam in Minnesota.
- He requested the proposal be rejected.

Matt Teplitski, 5601 Smetana Drive, Cloud 9, stated that:

- He was worried about noise outside of usual business hours.
- The daycare would not be feasible without an outdoor play area.
- There would be many visitors on holidays. The overflow traffic would use his building's parking lot.
- The city would lose the property tax income, so the neighbors would have to pay higher taxes.

- His property value would decrease because the building would be busier.

Alexander Teplitski, 2916 Plymouth Road, stated that:

- His children have apartments at 5601 Smetana Drive.
- He is worried about radical terrorists and the security of his children and grandchildren.
- He did not want the area to change. He would lose money.

Patty Aossey, 13501 Larkin Drive, stated that:

- She supports the good people submitting the application.

Karen Howe, 3528 Moorland Road, stated that:

- She was worried about people who have to worry about their safety because the color of their skin make them a target.

Chair Kirk instructed speakers to stay focused on the conditional use permit issues and not on race or religious issues.

James Kenser, Moorland Road, stated that:

- The applicants should not be alienated for the actions of others.

Bilal Mamdani introduced his wife, Mona Fahmy, Shakopee resident. Ms. Fahmy stated that she is part of the governing board of the EPIC Center. She stated that:

- She grew up in Iowa and is an optometrist. Everyone at the EPIC Center supports America.
- She works hard against negativity across the globe and teaches children to treat everyone with respect.
- Many Muslims are hurt by lunatics that hijacked the name of their religion.
- The report details the times and number of people who will visit the center.

No additional testimony was submitted and the hearing was closed.

Chair Kirk reiterated the purview of the planning commission.

O'Connell asked what would happen if the number of visitors would be much higher than the anticipated number. Cauley explained that a condition of approval would require review of the conditional use permit if attendance increased to 600 drivers. The conditional use permit could be revised or revoked if conditions

would be different than those approved.

Chair Kirk confirmed with Cauley that there would be no additional proof of parking. Cauley stated that there may be an opportunity for a parking arrangement with the Brenwood Business Park. At this time, that would not be necessary.

Powers asked for the proposed hours of operation. Cauley answered 4:30 a.m. to 10 p.m. Memorial services and weddings happen in the evening.

Odland asked what public transportation would be available near the site. Wischnack answered that there is transit service available just north of the site.

Knight knew that neighbors of ball fields complain about noise. He asked if the city receives noise complaints from neighbors of religious institutions. Gordon said that noise complaints are most commonly about commercial uses, followed by schools, and then everything else. Staff did not anticipate a problem with noise at the proposed location.

Calvert said that police assist with directing traffic on holidays at her religious gathering place. She noted that the traffic was congested in St. Paul during one religious holiday where worshipers were outside. She asked if traffic control could be required for special occasions. Cauley answered that could be included as a condition of approval. Gordon stated that there are a few religious institutions that have traffic congestion during special occasions and request help from the police department who usually provide reserve officers to assist.

Odland asked if a play area would cut into the available parking. Cauley said that an outdoor play area may be required by the state licensing agent.

Powers asked how a noise issue occurring at 4:30 a.m. would be addressed. Cauley noted that 30 people are expected to visit the site at 4:30 a.m. City hall has not received a noise complaint when there have been more than 30 staff members present when she has arrived at city hall at 4:30 a.m.

Wischnack explained that if the property would become tax exempt, it would not impact the property taxes of any other Minnetonka property owner because Minnetonka has such a large commercial and industrial tax base that Minnetonka gives money to the pool of fiscal disparities around the metropolitan area. The impact to taxation are not the same in Minnetonka as it would be for another city. Minnetonka is the third highest fiscal disparities payer in the metropolitan area.

Wischnack noted that the city has not seen property values diminish when located near a religious ~~institute~~ institution.

Chair Kirk said that the noise ordinance would address noise issues.

Odland encouraged the applicant to research the requirements of a daycare before remodeling the building.

Calvert liked the creative use of the building. She liked the variety of uses.

Powers moved, second by Odland, to recommend that the city council adopt the resolution on pages A15-A22 of the staff report. This resolution approves a conditional use permit with parking variance for Eden Prairie Islamic Community Center at 5620 Smetana Drive.

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

Chair Kirk stated that Minnetonka prides itself on being welcoming without prejudice. He apologized if anyone was offended, but felt that people should have the opportunity to speak. He was being respectful of the speakers, but emphasized that this is not the proper forum to debate race or religion as the planning commission is concerned about parking and traffic issues. He appreciated everyone being respectful.

The city council is tentatively scheduled to review this item August 8, 2016.

ITEM 8C – STATION PIZZERIA

Please add the following condition to page 7 of the site and building plan resolution, prior to issuance of a building permit:

8) Submit a snow removal and salting plan.

The attached email was recently received.

Susan Thomas

From: Claudia Gundlach [REDACTED]
Sent: Monday, August 01, 2016 10:50 AM
To: Perry Vetter; Susan Thomas; twagner@eminnettonka.com
Subject: Station Pizza

Mr. Vetter, and others,

I have sent this to you due to your being listed as a contact for the Open Space Preservation Plan. I am concerned that although many of the concerns are being addressed by the developers of Station Pizza/Bar, there has been no consideration given to the Creek. In Fact more parking and street widening options have been offered that would further impact Minnehaha Creek water quality and aesthetics.

I understand there is a balance with commercial development in the City of Minnetonka and it's natural resources. It is my opinion that the proposal is too large an operation for the Creekside land and traffic to handle, and it sets a precedent for further degradation of Minnehaha Creek by this and other development.

Please consider further changes to the development before granting Variances.

Thank you, Claudia Gundlach, Burwell Dr. Resident

below are links Minnetonka and State Plans for natural resource protection.

<http://eminnettonka.com/parks/open-space-preservation>

<http://eminnettonka.com/planning/comprehensive-guide-plan>
pages 13-14 & 20-23 & 26-27

http://eminnettonka.com/documents/comprehensive_guide_plan/2030/ch_8_figure_10.pdf

<http://www.dnr.state.mn.us/buffers/index>.

htmlhttp://www.bwsr.state.mn.us/buffers/policy/Failure_to_Implement-draft.pdf

If links do not work I am Happy to deliver hard copies to City Hall

Susan Thomas

From: Liz Starr [REDACTED]
Sent: Thursday, August 04, 2016 2:18 PM
To: Susan Thomas
Subject: OPUS Senior Housing at 10955 Wayzata Blvd

Hello,

This is in regards to the OPUS Senior Housing concept plan. I live at Wilshire Woods at 10925 Wayzata Blvd. I wrote earlier about trees that were originally taken down.

I would also like to bring extra attention to the northeast corner of the proposed site. Will there continue to be some trees or a berm? The trees currently there might not be considered mature. If the building is moved more towards the east, as is mentioned as a possibility, and if the parking is extended, I'd like to see some buffering between there and the west side of our building. From the parking and the lighting. I am also wondering if the walking path would be lit.

Thank you,
Elizabeth Starr