

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**April 6, 2017**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Calvert, Knight, O'Connell, Powers, Schack, Sewall, and Kirk were present.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvalson, Natural Resource Manager Jo Collieran, and Public Works Street and Park Operations Manager Darin Ellingson.

**3. Approval of Agenda:** The agenda was approved as submitted with the addition of one comment.

***Schack moved, second by Sewall as submitted with one additional comment.***

***Schack, Sewall, Calvert, Knight, O'Connell, Powers, and Kirk voted yes. Motion carried.***

**4. Approval of Minutes:** March 23, 2017

***Knight moved, second by Powers, to approve the March 23, 2017 meeting minutes as submitted.***

***Schack, Sewall, Calvert, Knight, O'Connell, Powers, and Kirk voted yes. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of March 27, 2017:

- Adopted a resolution approving the final plat for Wilson Ridge.
- Adopted a resolution approving a four-lot subdivision for Linner Road Estates.

The next planning commission meeting will be April 20, 2017.

**6. Report from Planning Commission Members**

Powers attended the Shady Oak redevelopment neighborhood meeting. It went well. He encouraged residents to communicate what they would like to happen.

**7. Public Hearings: Consent Agenda**

The item was not removed from the consent agenda for discussion or separate action.

***Calvert moved, second by O'Connell, to approve the item listed on the consent agenda as recommended in the staff report as follows:***

**A. Wetland setback variance to allow dormer additions onto the existing home at 14016 Spring Lake Road.**

Adopt the resolution approving a wetland setback variance for dormer additions on the north side of the existing home at 14016 Spring Lake Road.

***Schack, Sewall, Calvert, Knight, O'Connell, Powers, and Kirk voted yes. Motion carried and the item on the consent agenda was approved as submitted.***

**8. Public Hearings**

**A. Conditional use permit for recreational facility improvements on the Minnetonka Civic Center Campus at 14600 Minnetonka Boulevard.**

Chair Kirk 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.

Ellingson, representing the applicant, stated that Thomas covered the proposal. He added that a lot of care was taken to find the proper location for the trail to minimize the impact to neighbors and remove trees that were already diseased or dead. The proposed lighting would not impact neighbors.

Calvert asked how many trees would be removed. Ellingson estimated 20 trees, many of which are dead or dying trees. No significant trees would be removed.

Powers asked why the project is being done now and what material would be used for the boardwalks. Ellingson answered that the boardwalk would be made of wood. The improvements were originally scheduled to be done prior to 2009, but were delayed due to the recession. The improvements were included in the 2012 capital improvement plan and scheduled to be done in 2017. The vast majority of the trail would be ADA compliant. The slope of the trail would not meet ADA requirements in a couple places, but that is allowed since it is a recreation trail. There would be no paving in the wetland.

The public hearing was opened.

Rick Bruce, 3310 Hazelwood West, was concerned with the trail being built. He preferred natural materials be used instead of asphalt, the loop be moved away from the creek, and benches be directed away from his house.

No additional testimony was submitted and the hearing was closed.

Calvert was concerned with asphalt leaching into the creek. Ellingson described the pros and cons of asphalt, mulch, gravel, and boardwalk trails and the reasoning for using them in specific portions of the proposed trail. Chair Kirk noted the potential of silt from a gravel surface eroding into a wetland.

Ellingson stated that the benches would be located next to the trail. They do not need to face the residential area. The Minnehaha Watershed District has approved the plans for the trail.

Chair Kirk felt the trail is a great amenity for the city. He supports the trail and lighting of the soccer fields. He understood the neighbors' concerns.

Calvert noted that there is a tree line between the proposed trail location and adjacent neighbors. Ellingson agreed.

Calvert felt that the proposal would be a wonderful addition. The plan is respectful of the privacy of the neighbors. There would be a tree buffer from the trail.

Chair Kirk said that the city promotes trails and walkability. This is a great opportunity.

Powers supports providing walkability for everyone.

Schack stated that her bedroom window is 50 feet from a public trail. Only rarely in the dead of winter does she hear anyone on the trail. She estimated that the adjacent neighbors would not notice a walker on the trail.

***Calvert moved, second by Powers, to recommend that the city council adopt the resolutions approving the following conditional use permit for trails and boardwalks within required wetland buffers and conditional use permit for installation of lighting on an existing athletic field for recreational facility improvements on the Minnetonka Civic Center Campus at 14600 Minnetonka Boulevard.***

***Schack, Sewall, Calvert, Knight, O'Connell, Powers, and Kirk voted yes. Motion carried.***

The city council is tentatively scheduled to review this item April 24, 2017.

**B. Amendment to an existing conditional use permit for recreational facility improvements at the Hopkins High School Campus at 2400 Lindbergh Drive.**

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

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

Chair Kirk confirmed with Ingvalson that commissioners would review the project's fields, new scoreboards, and lighting.

Schack asked if the scoreboard would make any sounds. Ingvalson said that there would be no speakers.

Calvert asked if there is a comprehensive plan for the area. Ingvalson was not aware of one.

Calvert asked for the type and height of the fence. Ingvalson believed that the applicant intends to have an eight-foot-tall fence around the turf field. The fencing could be reviewed and approved through the building permit process. It did not require approval from the commission.

Schack asked how high the top of the dugout would be above the ground. Ingvalson referred the question to the applicant.

Calvert asked for the benefits of artificial turf. Ingvalson explained that turf fields can be used sooner after a rain event. Underground stormwater facilities would hold and treat runoff. Natural grass creates the need for chemicals and clippings.

Pete Monroe, civil engineer representing the applicant, stated that the fence would be eight feet tall and made of chain link. He thought Ingvalson did a good job explaining the proposal. The proposed turf would provide better drainage by adding an underground, stormwater-management system. There would be a sand layer under the turf to filter the water and a drainage system that directs water to the storage chamber.

Dan Johnson, Hopkins Schools District Director of Student Activities, explained the type of fencing that would surround the fields. He prefers grass fields, but artificial turf fields have more practical usability. He added that the scoreboards have no sound.

Knight asked if the girls' softball team would relocate to this site. Mr. Johnson answered that may happen if it would become needed, but the team is happy with their current site. He explained how an eco-filled system would be used on the turf field.

The public hearing was opened.

Debra Bushinski, 10408 Hillside Lane West, stated that:

- She received nice responses from Ingvalson.
- Not enough is being done to keep kids collecting the balls safe.
- A ball hit her car last year. The school agreed to install fencing that could be increased in height when certain fields would be in use and she thought that would fix the problem, but she wanted that addressed in a more concrete fashion.
- It seemed obvious that the amount of field use would increase. She questioned what limits would be set. She was concerned with increased traffic. She was concerned with a decrease in property value from an increase in traffic.
- She works from home and sees motorists parking on the wrong side of the street and speeding. She supports traffic violators being cited in the area.
- The school addressed her concern regarding the four months of construction that would take place.
- She would like to hear more on how the irrigation across from her house would be done.

Justin McCarthy, 2221 Cape Cod Place, stated that:

- He was concerned with the increase in traffic. It is a tranquil neighborhood now. There are many pedestrians and bicyclists.
- He can understand why the school wants to do the improvements. It is a nice design.
- He proposed leaving out the lights on the new softball area, because lights would allow the fields to be used later at night. A couple of years ago the lacrosse team obtained a permit to stay on the lacrosse field until 10:30 p.m.
- The intersection of Hillside Lane West and Cape Cod Place is confusing and already dangerous. Drivers blow through the stop sign all of the time. More traffic would make the intersection more dangerous.

Sam Black, 2265 Cape Cod Place, stated that:

- He wants to know how much traffic and use the fields would have.
- He would like to see a campus plan. He questioned if there would be enough restrooms. He saw no increase in the number of portable facilities.
- He did not want the light poles to be used as cell phone towers.
- He was disappointed that the fields would use artificial turf and that the fields would be locked.
- There appeared to be a 20-foot drop from one spot to Hillside Lane West. He asked how high the berm and dugouts would be and what material would be used. He requested a better rendering before the city council meeting.

George Klemmer, 10303 Hillside Lane West, stated that:

- Hillside Lane West has a lot of potholes. He asked if it would be resurfaced and if it would be repaired more often due to the increase in traffic.

No additional testimony was submitted and the hearing was closed.

Mr. Johnson provided that there is currently a nine-foot drop from the parking lot to the fields. He explained how the grading and leveling would be done. He explained where restrooms are located.

Gordon explained the conditions that dictate when a traffic study is done. Repurposing existing spaces does not qualify. A mill and overlay for Hillside Lane West, Lindbergh, and Cedar Lake Road are scheduled in the capital improvement plan to be completed in 2017. Residents should contact the police department to report a traffic violation in progress. Proximity to a school tends to increase a resident's property value. The city cannot limit future potential installation of a cell antennae. Each application would be reviewed individually. The Hopkins School District does not have a master development plan that staff is aware of. It is not unusual for a school to not have such plan. Often times, the school district does not know more than a year in advance what improvements would be done.

Knight did not have a problem with the proposal because, even though there would be more fields, only one event could occur at the site at a time. Artificial turf would provide a reduction in maintenance and fertilizer. He supports the proposal.

Schack noted that the city's policies should be followed in regard to when the lights would be allowed to be on. The scoreboard would not make a sound. Neighbors expressed concern for an increase in the use of the fields, but the city is only authorized to restrict the use of the lights.

Calvert noted that turf fields cannot be used if they become too hot. She supports maximizing the space on the school campus and providing for multiple uses. She supports staff's recommendation.

Powers liked the proposal. It would not negatively impact property values. He suggested the presentation provide better visuals for the city council meeting. He supports staff's recommendation.

Sewall lives close by. He felt better about the proposal now than he did at the beginning of the meeting. He was glad there would be no slats in the chain link fence to block the view. There would be open access to the public on the remaining grass surface. Right now, flooding of the fields is a problem. The addition of turf and stormwater management practices would help. He supports staff's recommendation.

Chair Kirk noted that a lot of other school districts already have turf fields. He supports everything he heard from the school district. He suggested the presentation provide better visuals for the city council meeting.

***Calvert moved, second by Schack, to recommend that the city council adopt the resolution approving an amendment to an existing conditional use permit for recreational facility improvements at the Hopkins High School Campus at 2400 Lindbergh Drive.***

***Schack, Sewall, Calvert, Knight, O'Connell, Powers, and Kirk voted yes. Motion carried.***

The city council is tentatively scheduled to review this item April 24, 2017.

**C. Items concerning The Cheesecake Factory at Ridgedale Center.**

Chair Kirk 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.

In response to Sewall's question, Thomas explained that the 57 inches in vertical height measurement includes the empty space between copy lines.

Powers asked if there would be an entrance to the proposed restaurant from inside the mall. Thomas answered affirmatively.

O'Connell asked if the proposal would replace an existing tenant. Thomas answered affirmatively. It would replace a few fast-food restaurants.

Knight asked if the indoor eating area could have access from the outside. Thomas answered in the negative. A patron would have to go inside the restaurant and be seated by a host. The gates in the patio area provide an emergency exit, which is required by the fire marshal. The only access to enter the outdoor seating area is from within the restaurant.

Brian MacKellar, Cheesecake Factory Senior Vice President, representing the applicant, stated that he is excited to work with staff to create a terrific design. The sign request would allow their logo with a large "C" and "F" which would be 42 inches tall. The rest of the letters would be 1-foot, 2-inches tall. There are similar restaurants at the mall that have a similar tag line. It would mark the entrance and provide a little excitement to the façade. The applicant would comply with the city's decision.

Schack asked Mr. MacKellar if he knew the size of the Cheesecake Factory sign at Southdale Center. Mr. MacKellar was unsure. From looking at Google Maps,



Gordon guessed that it is five or six feet tall which is taller than the proposed sign.

Powers noted that the sign above the door would not have the tag line. Mr. MacKellar stated that the tag line could not be above the door for practical reasons.

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

Calvert confirmed with Thomas that allowing the use to have two signs and the 2 letters 42-inches in height would be violations of the sign plan for Ridgedale Center.

Schack noted that the signs for Kona and Redstone do not exceed 42 inches in height, but asked if any other sign on Ridgedale Center is at least 42 inches tall. Thomas was unsure. She noted that the Kona tag line is in line with "Kona Grill," but due to the length of the Cheesecake Factory façade, it would not be possible for the applicant to include the tag line in line with the name.

Chair Kirk confirmed with Thomas that approval of the proposal would not need a variance, but would require an amendment to the sign plan. Macy's requested a sign plan amendment which allowed a letter to be 11 feet in height. Staff recommended denial of that request. Staff is currently recommending approval of the proposal with the exception of the second sign above the door and the tag line.

Chair Kirk noted that the top of the sign would be visible to a driver on the Ridgedale Drive loop around Ridgedale Center. The door to the Cheesecake Factory would be right on top of the door to Ridgedale Center in the tower.

Calvert noted that the tower feels a lot closer to the mall entrance in person. The sign for the mall needs to be there.

Powers had no problem allowing both signs. He wants the restaurant to succeed. He likes the big sign. It is a reasonable request.

O'Connell noted that the Cheesecake Factory has dealt with this issue multiple times. He appreciated that the sign would not be very visible. The city is lucky to have a popular mall in the community. He did not want a sign issue to hold up expansion into this market.

Calvert read the same article as O'Connell describing how malls are struggling. The entrance needs something of architectural interest, so this is exciting to see. She struggled with the visibility of the sign from the road and the concentration of signs and doors at that location. It verged on being too much for one spot. Dropping the tag line would help the area look less "busy."

Powers thought that the "Ridgedale" sign is the one that looks unattractive. Calvert agreed that the Cheesecake sign is more attractive than the Ridgedale sign, but the mall identification serves a greater purpose.

Schack looked at images of different Cheesecake signs. She agreed that there would be a lot going on in the one space. She favored either allowing both signs or only one sign with the tag line.

Chair Kirk agreed that the city is fortunate to have a thriving mall.

O'Connell recommended that the applicant work with staff to provide the city council with a couple options.

Gordon noted that a sign could be located inside a window visible from the outside of the building and have the same effect without needing a sign permit.

Chair Kirk suggested removal of the tag line, keeping the 2 letters 42-inches tall, and leaving the sign above the door. Calvert agreed. She thought that would remove some clutter, but provide for the company's identity.

Powers supported keeping the tag line. Calvert understood the need for the larger letters to be visible from the road.

Calvert was excited about the restaurant. She did not want the signage to hold up the project, but the tag line would create clutter.

***O'Connell moved, second by Sewall, to recommend that the city council adopt the following resolutions associated with the Cheesecake Factory at 12735 Wayzata Boulevard with a modification to allow two signs no taller than 42 inches.***

***Schack, Sewall, Calvert, Knight, O'Connell, Powers, and Kirk voted yes. Motion carried.***

The city council is tentatively scheduled to review this item April 24, 2017.

9. Adjournment

***Calvert moved, second by Sewall, to adjourn the meeting at 9:20 p.m.  
Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary