

**Minnnetonka Planning Commission
Minutes**

June 22, 2017

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda: The agenda was approved as submitted with the removal of Item 8C and modifications to the grading plan for Item D.

4. Approval of Minutes: March 18, 2017

Knight moved, second by Calvert, to approve the March 18, 2017 meeting minutes as submitted.

O'Connell, Powers, Sewall, Calvert, Knight, and Kirk voted yes. Schack 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 June 26, 2017:

- Adopted a resolution approving items for Homestead, a two-lot subdivision on Plymouth Road.
- Adopted a resolution approving a trail in Lone Lake Park associated with Chase Apartments.
- Adopted a resolution approving a variance, flood plain alteration, and conditional use permit for McKenzie Point Road.
- Reviewed a concept plan and adopted a resolution approving a Livable Communities Demonstration Account for Newport Midwest.
- Tabled action on the Ridgedale Festival façade and sign application.

Staff has started the comprehensive guide plan process. The steering committee met to review what would be covered in the next year and will continue to meet at least once a month.

Gordon noted that Summerfest will occur this Saturday, June 24, 2017, at the Burwell House and city hall.

6. Report from Planning Commission Members

Calvert attended a Resilient Cities workshop at Ridgedale. She found it worthwhile and recommended it to everyone.

7. Public Hearings: Consent Agenda

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

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

A. Conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road.

Recommend that the city council adopt the resolution approving the conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road.

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

The city council is tentatively scheduled to review this item at its meeting on July 10, 2017.

8. Public Hearings

A. Sign plan for Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road.

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.

Bill Wittrock, of RSP Architects, representing the applicant, thanked staff for the productive conversations. He stated that there would be no more than four tenants in the retail portion of the building. Right now there are three tenants in the retail portion. He was available for questions.

O'Connell liked the design better than what was originally proposed. He congratulated all involved with creating the new plan.

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

Sewall moved, second by Calvert, to adopt the resolution approving a sign plan for Ridgedale Corner Shoppes.

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

Chair Kirk 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 parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard.

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

Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

O'Connell asked if there would be a cross-parking agreement. Thomas answered that the property owner has indicated they have leased parking stalls on property located to the east side.

Calvert asked if other solutions had been considered. Thomas referred the question to the applicant.

Sewall asked how close the parking would get to the retaining wall. Thomas said 6 feet at the closest point on the east side. The proposal would create 12 parking spaces.

In response to Chair Kirk's question, Thomas explained that the parking stalls on the property to the east are located right on the property line. There are a few stalls located in the public right-of-way. These parking stalls predated the realignment of Wayzata Boulevard.

Chair Kirk asked if there would be room on the south side of the property for additional parking. Thomas answered that the area is a woodland preservation area.

Faysal Abraham, CEO of King Show Games, applicant, stated that in 2014 the business had 45 employees. As of July 10, 2017, the business will have 117 employees. The trees on the south side are natural sound barriers for the neighbors and he wants to keep as much green space as possible. The business wants to stay at the current location.

Patrick Sarver, of Civil Site Group, landscape architect for the project, stated that he created the site layout. He worked hard to find the best location for additional parking spaces. The proposal represents the greenest solution. It is a unique right-of-way scenario where the perceived right-of-way is the retaining wall. There would be no impact to the retaining wall. There would be no grade change to the retaining wall. Some trees would be removed. The owner understands that he would be at risk if the city would need to reconstruct the retaining wall and that the owner may have to cover the cost to put the retaining wall back in. This would not set a precedent because it is a unique situation. Other sites do not have the right-of-way situation this one does. He was available for questions.

Sewall asked if 12 stalls would solve the parking problem. Mr. Sarver said that 12 stalls would help because there is currently a month-to-month lease with the adjacent property. The business benefits from having as many employees on this site as possible. The business would like to stay at this location as long as possible.

Powers asked when he thought the business would outgrow 90 parking stalls. Mr. Abraham said that the site would be kept as a headquarters even if part of the business expanded to another location.

Mr. Abraham noted that the business encourages employees to ride share, utilize transit, and bike to work. Customizing flexible work hours from 6:30 a.m. to 6:30 p.m. is encouraged to reduce congested peak times.

Calvert asked how many stalls the business would be short if the proposed 13 stalls would be approved. Mr. Abraham estimated 30 parking stalls.

Chair Kirk noted that large vehicles may extend into the drive aisle if parked in stalls 18-feet in length. Mr. Abraham said that most of the workers have small vehicles.

In response to Powers' question, Mr. Sarver stated that the applicant would be responsible for the cost of fixing the retaining wall if it would be damaged during construction of the proposed parking stalls. Mr. Abraham agreed.

Calvert asked when part of the business would be moved to a different location. Mr. Sarver estimated in this third quarter. The applicant needs the proposed stalls to keep the core group in the building as it is. Once one group of employees would be moved out of the building, then changing the first floor back to parking would be considered. The business wants this location to be the long-term headquarters and to have the auxiliary businesses close by in proximity. Since the company is so young, he wants to ensure that there would be enough parking for the employees to occupy this building.

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

Knight thought that the site has the worst ratio of pervious and impervious surfaces in the area. He asked if the site would meet the pervious surface requirements. Dietrich stated that if additional impervious surface would be added to the site, then stormwater management practices would have to be incorporated to treat for the additional impervious surface elsewhere on the site.

Thomas explained that an office site is allowed to have up to 85 percent of the site be impervious surface. The site is currently made up of approximately 70 percent of impervious surface. There is landscaping on the east part of the site where stormwater management practices could be added.

Powers asked if the encroachment agreement would stay with the property or apply only to this tenant. Thomas explained that the city would be a party in the agreement and would be involved in creating the terms of the agreement.

Powers liked the fact that the business is growing. Minnetonka needs healthy, young businesses. If the applicant would be willing and able to prove that it could absorb the cost of fixing the retaining wall and the encroachment agreement would apply only to this applicant, then he would support the application.

Calvert supported the growing business and would like to keep the business here, but the proposal would be providing a permanent solution to a temporary problem. She hoped there would be a solution to keep the core employees at the

current building. The parking issues may dissipate once part of the business expands to a new location.

Calvert felt that the proposal would set a difficult precedent. She asked if the site currently meets parking requirements. Thomas explained that, based on the square footage of the building and the office use, the site is required to have 76 parking stalls. The site currently has 77 parking stalls. Calvert felt that the parking obligation is being met. She hoped that the rented parking spots would help the applicant alleviate the situation until the business is able to expand to another location.

Calvert moved, second by Sewall, to recommend that the city council adopt the resolution denying the major amendment to the existing master development plan, parking setback variance, and an encroachment agreement for parking lot expansion at Minnetonka Executive Plaza at 10275 Wayzata Boulevard.

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

The city council is tentatively scheduled to review this item at its meeting on July 10, 2017.

C. A conditional use permit for Creo Arts and Dance Academy at 3792 Williston Road.

This item was removed from the agenda.

D. Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue.

O'Connell recused himself from discussion and action on this item.

Chair Kirk introduced the proposal and called for the staff report. Cauley reported. She recommended denial of the application based on the findings listed in the staff report.

In response to Chair Kirk's request, Cauley reviewed the traffic report. It found that there would be adequate parking on site and no roadway improvements would be required.

John Ferrier, CSM Corporation, introduced himself and Mark Kronbeck, Alliant Engineering. Mr. Ferrier stated that they worked on the design of the building for

a year. No opposition was voiced at the neighborhood meeting. He enjoyed the process of working with planning staff. There has been considerable redesign done to protect the slope and trees. The proposal is in compliance with the tree preservation and slope requirements.

Mr. Kronbeck stated that he interpreted the steep slope ordinance differently than staff. He felt that the proposal would be a good use of the site. The property is guided correctly. The proposal would impact the land as little as possible.

Mr. Ferrier stated that it would not be feasible for the proposal to have an affordable housing component.

The public hearing was opened.

Susan Goll, 10039 Cove Drive, stated that:

- She was representing additional residents of Cove Drive.
- She concurred with the need for additional housing in Minnetonka and the analysis of the site from an environmental standpoint.
- Cove Drive residents are concerned with the section between the intersection of Highway 169 and the entrance to the building. That section of Jordan Avenue is narrower than average streets.
- Restriping and changing the speed limit would not solve the problem. Motorists routinely speed and cut the corner at the intersection now.
- In the winter, vehicles park on Jordan Avenue. It is a current safety issue that will get worse if more residents are added without doing something to fix the problem.
- They are concerned with pedestrian safety. A sidewalk on the east side crosses over and is heavily traveled.

Kevin Lile, 10030 Cove Drive, stated that:

- The residents of Minnetonka Hills have no choice but to park on both sides of Jordan Avenue in the winter when the parking lot is plowed. There is not enough room for two vehicles to pass each other.

Ms. Goll added that snowplows have not been able to plow the street properly because of the vehicles parking on it.

Franklin Parisi, 10050 Cove Drive, stated that:

- There are no sidewalks on the road. At the very least, sidewalks should be added so pedestrians would not have to walk in the road.

Idie Garvis, 10014 Cove Drive, stated that she was concerned with where the wildlife would go.

Ms. Goll noted that Cove Drive is a dead end and Cove Drive residents were previously not notified of the neighborhood meeting since Cove Drive is not within 400 feet of the property. The neighborhood has been added to the mailing list and now receives the notifications.

No additional testimony was submitted and the hearing was closed.

In response to Knight's question, Cauley pointed out the public and private portions of Jordan Avenue. The proposal includes a sidewalk connection.

Powers asked if the police department received calls regarding vehicle and pedestrian issues on Jordan Avenue. Cauley said that staff could research the number of crashes. Mr. Ferrier was not aware of reports of sideswiping or pedestrian injuries due to traffic. He will look into parking options during times of snow removal. Cauley noted that a snow removal plan would be required to show how snow would be removed from the site.

In response to Calvert's question, Colleran explained which trees would be removed and which would be preserved.

In response to Powers question, Colleran stated that none of the trees that would be removed are ash trees.

Gordon provided accident data provided by MNDOT. Since 2008, there have been four accidents reported to have occurred between the public end of Jordan Avenue and the off and on ramp to Highway 169. All of the accidents occurred between 11:30 p.m. and 2 a.m. Two of the accidents involved a driver that was impaired and one was in the winter during poor driving conditions.

Calvert thought that the steep slope remains an issue. She commended the developer for making important changes including the flat roof, compact footprint, and preservation of more trees.

Sewall recommended residents report unsafe activity to the police department. The slope was not as much of a concern for him. The developer has done everything possible to minimize tree loss.

Calvert had a feeling that the proposal might be too large for the site because of the slope and tree loss.

Powers likes the developer. He was concerned with the tree loss. He was less concerned with the slope. He favored the city and developer coming to an agreement on how the ordinance would be interpreted. He encouraged residents to call the police department. The developer has done a tremendous amount and he likes the developer, but he thought more work could be done. He favors an affordable housing component.

Knight agreed that the city and developer need to come to more of an agreement in regard to the steep slope.

Chair Kirk supports high-density housing on the site. It has easy access to Highway 169. The developer is on the right path. The engineers feel comfortable with the slope. He was disappointed that there would be no affordable housing.

Calvert moved, second by Powers, to recommend that the city council deny the request.

Powers, Calvert, Knight, and Kirk voted yes. Sewall voted no. O'Connell recused himself. Schack was absent. Motion carried.

The city council is tentatively scheduled to review this item at its meeting on July 10, 2017.

9. Adjournment

Powers moved, second by Knight, to adjourn the meeting at 8:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary