

**Minnetonka Planning Commission
Minutes**

October 26, 2017

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Engineering Project Manager Chris LaBounty.

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

4. Approval of Minutes: October 12, 2017

Calvert moved, second by Powers, to approve the October 12, 2017 meeting minutes as submitted.

Schack, Calvert, Knight, O'Connell, Powers, and Kirk voted yes. Sewall 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 October 23, 2017:

- Adopted a resolution approving a conditional use permit for an outdoor eating area for Davanni's.
- Reviewed a concept plan for iFly.

The next planning commission meeting will be November 16, 2017 since the November 2, 2017 meeting has been cancelled.

6. Report from Planning Commission Members

Schack stated that there will be a comprehensive guide plan steering committee meeting November 13, 2017 which is open to the public.

Chair Kirk attended a neighborhood meeting regarding a proposed apartment building in Opus and an affordable housing forum. It was a great opportunity to learn about workforce housing. Affordable housing is tailored for workers who earn eighty percent of the area median income. Minnetonka has no available affordable housing. The high cost of building new housing makes it difficult for an affordable housing project to be financially feasible.

7. Public Hearings: Consent Agenda

No items were removed from the consent agenda for discussion or separate action.

Calvert moved, second by Knight, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Expansion permit for an entryway and covered porch addition at 2420 Crosby Road.

Adopt the resolution approving an expansion permit for an entryway and covered porch at 2420 Crosby Road.

B. Rear yard setback variance for a deck expansion at 5732 Kipling Avenue.

Adopt the resolution approving a rear yard setback variance for a deck expansion at 5732 Kipling Avenue.

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

8. Public Hearings

A. A conditional use permit for Bright Eyes Vision Clinic with a parking variance at 13889 Ridgedale Drive.

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.

Jill Schultz, applicant, stated that she has had a practice since 2003. It would be a typical vision clinic.

The public hearing was opened.

Sandra Steelman, owner of 13911 Ridgedale Drive, stated that she has parking issues with her neighbors. She leases 20 parking spaces to an adjacent building. The yoga studio takes over everything. Her concern is parking because today the yoga customers filled all of its 45 spots from 10:30 a.m. to 1:30 p.m. plus 15 stalls in her parking lot. The yoga studio operates 2 classes of 20 to 25 people at a time from 6 a.m. to 8 p.m. She has tried working with the adjacent property owner and the yoga business' management, but it does not help.

Terese Reiling, Colliers International, a retail broker on behalf of the landlord, stated that Core Power Yoga customers consume a lot of parking during the class times. The landlord said that there are always empty parking spaces in his lot during the peak times. The landlord said that tenants could police their customers better by putting signs up indicating where to park. Even though customers park in the adjacent lot, there are still open spaces at the proposed site.

Wayne Elam, real estate broker with Commercial Realty Solutions working with the applicant, stated that there is a cross access easement in place for 20 additional parking stalls on the south which makes the total number of stalls far exceed the 49-space required.

No additional testimony was submitted and the hearing was closed.

Thomas explained that the businesses in the area are not deficient according to city code parking requirements, but the businesses are extremely successful. It is a private property issue between the property owners. It would not be reasonable for staff to recommend denial of an eye clinic for a preexisting condition caused by patrons of a yoga studio. Thomas explained the number of parking stalls in each parking area and private cross parking agreements for the proposed site and adjacent buildings. There are 45 stalls available on the site and 85 stalls available in the general area. The zoning code bases the number of required parking stalls by a building's square footage, not by the estimated number of people who may visit the building.

Knight learned from Thomas that the proposed building was previously occupied by West Marine.

Calvert visited the site during a peak time and there were still parking stalls available on the south end. Parking was very crowded in the front, but there were spots available in the back. The proposal is 4 stalls short of code requirements in

the building's lot, but 40 stalls have been secured in a cross parking lease agreement. Parking is not an issue in context of this application.

Powers agreed. He applauded Ms. Steelman for expressing her frustration with an unresolved parking issue. He hoped a solution could be found between the property owners. He supports staff's recommendation.

O'Connell moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit with parking variance for Bright Eyes Vision Clinic at 13889 Ridgedale Drive.

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

B. Site and building plan review for gymnasium and classroom additions at Scenic Heights Elementary at 5650 Scenic Heights Drive.

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

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

Paul Bourgeois, Executive Director of Finance and Operations for Minnetonka Public Schools, applicant, thanked commissioners for considering the application. He stated that the gymnasium would be constructed to provide additional physical education space for students who already attend the building. It would also provide a better space for music concerts. The public is entitled to use the facility in the evenings. The four classrooms on the northeast corner provide for small-group, remedial instruction. Each would provide a space for one adult and one to three students.

The public hearing was opened.

Allison Decker, 16811 Scenic Lane South, stated that she also represented residents of 16819 and 16827 Scenic Lane South. She requested that the school be required to install a fence. Half of the trees have died or were cut down which previously provided screening. The trees are currently in a utility easement. The amount of traffic in the evening would increase and impede the neighbors' lives. She stated that the item could be tabled to allow time to provide photos of the lack of screening.

No additional testimony was submitted and the hearing was closed.

Chair Kirk noted that commissioners visited the site and saw the condition of the screening.

Schack asked if a dead tree would still be considered to provide adequate screening. Gordon explained that the ordinance requires screening between a school and residential neighborhood with landscaping or a solid fence. Landscaping is preferred to a fence for the aesthetic quality. Some trees have had a hard time maturing in the certain spots to buffer the neighborhood. A tree line is not completely opaque. It is a continual process to replace trees that die. The problem now is that Xcel does not allow the trees to be maintained as they should. The city's natural resources staff measure screening as failing if 50 percent or more are dead. That standard has not yet been met. He empathized with the neighbors.

O'Connell asked if, eventually, Xcel would remove all of the trees on the front right. Gordon stated that Xcel told the city in 2014 that tree removal would occur in 2018. When that occurs, a fence would be installed the entire length of the parking lots and extend to Scenic Drive.

Calvert stated that the proposal would be consistent with the master development plan. It would benefit the school and community. She is sympathetic to the neighbors since the construction would take place on that side of the site. The respectful thing would be for the school to construct the fence early to help shield the neighbors from the impact.

Powers felt the school district should step up and address the neighbors' concerns. It would be the right thing. Neighbors are entitled to a buffer.

Chair Kirk supports the school district installing a fence.

Powers moved, second by Calvert, to adopt the resolution approving final site and building plans for a gymnasium and classroom addition at 5650 Scenic Heights Drive.

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

9. Adjournment

***Calvert moved, second by Knight, to adjourn the meeting at 7:30 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary