

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**May 10, 2018**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Planner Drew Ingvalson.

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

**4. Approval of Minutes:** April 26, 2018

***Sewall moved, second by Powers, to approve the April 26, 2018 meeting minutes as submitted.***

***Sewall, Hanson, and Kirk voted yes. Powers and Knight abstained. Schack and O'Connell were absent. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its April 30, 2018 and May 24, 2018 meetings:

- Adopted a resolution approving a time extension for the comprehensive guide plan.
- Adopted a resolution approving a 12-month extension for the site and building plan and subdivision approvals for Shady Oak Crossings.
- Adopted a resolution approving the final plat for Legacy Oaks.
- Adopted a resolution approving items for a daycare on Brunsvold Road.
- Introduced an ordinance for Ridgedale Executive Apartments located on Ridgedale Drive.
- Introduced an ordinance for Dominion apartments on Bren Road.

The annual boards and commissions dinner will be held at the community center May 16, 2018.

**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.

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

**A. Interim use permit for temporary sale of fireworks at Westwind Plaza.**

Recommend that the city council adopt the resolution approving an interim use permit for temporary fireworks sales by TNT Fireworks at 4795 County Road 101.

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

This item is scheduled to be reviewed by the city council at its meeting on June 4, 2018.

**8. Public Hearings**

**A. Variances to allow construction of a porch and attached garage at 5053 Woodland Road.**

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 if the street was straight rather than curved, then the proposal would be setback farther than 40 feet.

Knight stated that the garage would look big compared to the house. He asked if there is a maximum ratio allowed for the size of the garage in relation to the size of the house. Ingvalson answered in the negative. There is no maximum size restriction for an attached garage that meets setback requirements.

Steve Hanson, builder representing the homeowners, thanked planners for capturing the essence of the proposal. He was available for questions. Closing the curb cut and raising the grade would prevent water pooling and direct water into a collection basin. Ingvalson confirmed that a driveway permit would be needed to move the driveway.

Chair Kirk suggested saving one tree by realigning the driveway. Mr. Hanson estimated that that tree may not survive either way. A larger tree would be saved by the proposed layout.

Knight noted that realigning the driveway would cause the removal of something else.

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

***Powers moved, second by Knight, to adopt the attached resolution approving a front yard setback variance for a porch and attached garage at 5053 Woodland Road.***

***Powers, Sewall, Hanson, Knight, and Kirk voted yes. Schack and O'Connell were 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 Legacy Oaks.**

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.

Tim Whitten, of Whitten and Associates, representing the applicant, stated that density is not a concern. Small units are in demand. The new proposal would have eight percent more green space, with five percent less building and three percent less impervious surface. The courtyard drive would provide better circulation and green space would be visible from Parker's Lake Road. He was available for questions.

Chair Kirk asked if visitors would park parallel on the loop. Mr. Whitten answered affirmatively. The drive would be large enough for parking on both sides.

In response to Powers' question, Mr. Whitten explained the benefits of the current plan rather than one, large building. The applicant is confident in the market and knows exactly what will sell.

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

Powers liked the additional green space. He supports staff's recommendation.

Sewall liked the changes. The circular drive would look and function better.

Chair Kirk said that turning the building so a narrower side would face the road makes the building appear smaller.

Knight liked how the site would appear less institutional. The new plan would be a big improvement.

Hanson agreed. The changes create some texture in the design. He was happy to hear about the developer's ability to adapt to market changes. He supports staff's recommendation.

***Hanson moved, second by Powers, to adopt the resolution approving final site and building plans for a condominium building within Legacy Oaks.***

***Powers, Sewall, Hanson, Knight, and Kirk voted yes. Schack and O'Connell were 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.

**C. A conditional use permit with a parking variance for Wellhaven Pet Health at 1700 Plymouth Road.**

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

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

Sewall noted that there would be ample parking.

Jacob Steen, attorney with Larkin Hoffman, representing the applicant, stated that staff did a great job summarizing the issues. Mr. Steen stated that he is confident that the proposal would be a great addition to the community and have a symbiotic relationship with the residential uses. The space is empty right now. There would be no animals outside or held overnight. The area outside of the facility would be monitored. The goal is to make it so neighbors do not notice the use. He worked with staff to understand the comprehensive parking situation on the site. A parking study determined that there would be ample parking on site. The parking management plan would address any issues. He was happy to answer questions.

In response to Powers' question, Mr. Steen stated that the facility would have dog bathrooms with facilities that would flush. Several times a day, the exterior would be inspected. The business model is a premiere dog and cat health experience. The walls would be sound proof.

Chair Kirk noted that the lobby is not very large. Mr. Steen explained that there would be two veterinarians and seven staff. There would be holding rooms and exam rooms. There is a focus on efficiency. On average, other Wellhaven Pet Health facilities have found the parking need to equal one and a half parking spaces per exam room and an additional space for each staff person present. The anticipated demand is 15 spaces. The site would not perform operations that require an overnight stay.

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

Sewall recommended a dispenser of baggies be located outside of the door. The use would be a good addition to the building.

Hanson stated that the use would be a nice addition. He was concerned that the parking study did not observe the area longer than five or six days and that only two or three parking stalls were shown to be empty.

Knight did not have an issue. He found that a dog typically takes care of business immediately after being let outside and should be fine during a trip to the vet.

Howard Pastor, owner of the property, stated that he would have to check with the property manager to find out if the apartment tenants received notice of the public hearing. Many of the tenants do have pets and there are already designated areas for walking pets. There are security measures in place to hold owners accountable for their pets' activities. He would not support a tenant that would create issues for the apartment residents. Wellhaven Pet Health would install sound-proof walls and would not be open at night. Residents are currently accustomed to hearing occasional barking.

Mr. Pastor stated that the parking plan is evolving as information is gathered. Every resident is required to have a sticker on his or her vehicle and is required to park in the underground parking garage. All employees must provide vehicle information, have a sticker, and are required to park in designated areas. Parking is always a concern. Communicating with tenants, having someone on site paying attention, and balancing the uses so they are not in conflict with each other is part of the nature of a mixed-use property. The approval would set a limit on the number of restaurants that would be allowed at the site because restaurants use a lot of parking.

Powers was not concerned with parking. He was concerned with the public health aspect.

Chair Kirk noted that a vet clinic in a dense area is not common in Minnetonka.

***Sewall moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit with a parking variance for Wellhaven Pet Health at 1700 Plymouth Road.***

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

The city council is scheduled to review this item at its meeting on June 4, 2018.

**9. Adjournment**

*Powers moved, second by Knight, to adjourn the meeting at 7:42 p.m. Motion carried unanimously.*

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