

**Minnetonka Planning Commission  
Minutes**

**Sept. 6, 2018**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Henry, Powers, Sewell, Hanson, and Kirk were present. Knight was absent.

Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley, Planner Drew Ingvalson, and Natural Resource Manager Jo Colleran.

**3. Approval of Agenda**

***Powers moved, second by Henry, to approve the agenda as submitted with additional comments provided in the change memo dated Sept. 6, 2018.***

***Henry, Powers, Sewell, Hanson, and Kirk voted yes. Knight was absent. Motion carried.***

**4. Approval of Minutes: Aug. 16, 2018**

***Powers moved, second by Henry, to approve the Aug. 16, 2018 meeting minutes as submitted.***

***Henry, Powers, Sewell, Hanson, and Kirk voted yes. Knight was absent. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting Aug. 27, 2018:

- Adopted a resolution approving items for the adult daycare facility on K-tel Drive.
- Adopted a resolution approving items for a parking ramp on Whitewater Drive.
- Adopted a resolution approving items for Ridgedale Active Apartments and giving them credit for exceeding park dedication requirements.
- Adopted a resolution approving financing for Dominion.
- Reviewed a concept plan for Marsh Run, redevelopment at 11650 and 11706 Wayzata Blvd.
- Reviewed a concept plan for redevelopment of the Reneke property at 14317 Excelsior Blvd.

- Reviewed a concept plan for the Minnetonka Police and Fire facility project at 14500 and 14550 Minnetonka Blvd.

There was a joint city council, commissions, and comprehensive guide plan steering committee meeting held in a small-group format to receive feedback from commissioners and councilmembers. Outreach into the community will be done in October to receive feedback from residents on the 2040 comprehensive guide plan.

The next planning commission meeting is scheduled to be held September 20, 2018.

## 6. Report from Planning Commission Members

Chair Kirk stated that he and Henry attended the study session. It was very informative. Henry agreed.

## 7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

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

### A. Resolution approving an aggregate side yard setback variance for a garage and living space addition at 4660 Caribou Drive.

Adopt the resolution approving an aggregate side yard setback variance for a garage and living space addition at 4660 Caribou Drive.

***Henry, Powers, Sewell, Hanson, and Kirk voted yes. Knight was absent. Motion carried and the item on the consent agenda were approved as submitted.***

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

## 8. Public Hearings

### A. Resolution denying a variance and approving an expansion permit to construct a garage addition at 5039 Clear Spring Drive.

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

Ingvalson reported. He recommended denying the variance application and approving an expansion permit based on the findings and subject to the conditions listed in the staff report.

In response to Powers' question, Ingvalson explained that staff found alternative options that would eliminate the need for a variance. There are houses in the area that do not

meet the front yard setback, but none of them are as close as what the proposal would have if approved.

Chair Kirk noted that the garage space underneath the eave would be extended. Ingvalson explained that the setback is measured from the foundation.

Jason Lake, 5039 Clear Spring Drive, applicant, provided photos of neighbors' houses that extended their garage forward. He thought the proposal would be more aesthetically attractive. He wants to match the look of the neighboring houses.

In response to Powers' question, Mr. Lake stated that adhering to the setback would require more fill on the back side, a tree may be impacted, and the engineering would have to be redone. The dormer above the garage would just be aesthetic.

The public hearing was opened.

No additional testimony was submitted and the hearing was closed.

Chair Kirk struggled because he thought it would look odd if the dormer would extend further out from the foundation of the garage.

Powers also struggled with the proposal. Visually, a house starts at the front of an overhang. He did not have a problem with the overhang encroaching into the front yard setback for any visual reason. The proposal would make more sense visually and be more consistent with the neighborhood. He noted that the neighbors like the proposal more than one that would meet setback requirements. He supports the applicant's proposal.

Hanson agreed. He supports the application.

Henry felt it would be reasonable to make an exception in this case. The proposal would fit in with the neighborhood. Aesthetic value is a valid reason. If the overhang would be extended, he would have a bigger problem.

Sewall also struggled. Aesthetics and consistency are factors and he appreciated that the applicant spoke to neighbors who provided positive feedback. There is an issue with consistency of setbacks. He agreed with the rest of the commissioners that the eave would not encroach any further. He concurred with commissioners and disagreed with staff's recommendation.

Chair Kirk noted that commissioners need to provide reasons justifying why this site is unique and warrants a variance. The two-and-a-half feet would not be noticeable since the proposal would fit architecturally and aesthetically with the neighborhood. In this case, staff has pointed out a relatively easy way for the applicant to complete the project, except for the architectural element in the front, and meet ordinance requirements. The issue is approving a variance that has a solution.

Sewall looks at each project on its own unique basis and its reasonableness.

Powers appreciated Chair Kirk's thoughts. The neighborhood seems to agree with the applicant. Commissioners agreed that the proposal would be more aesthetically appealing. He was not worried about a precedent. This is a unique setting. The homeowner is being sensitive to the neighbors.

Chair Kirk preferred to vote to deny the variance application, but will vote to approve the application since the motion to approve the application would most likely have passed if a few more commissioners were in attendance. He understood that commissioners felt that because of the natural rooflines of the house, it would make more sense to keep the rooflines in alignment and keep the same architectural conditions that exist on neighboring houses by allowing the addition to encroach two-and-a-half feet into the existing setback. The findings of fact include that the proposal would be aesthetically consistent with the character of the neighborhood.

***Hanson moved, second by Sewall, to adopt a resolution approving a variance application to allow a front yard setback of 23.9 feet to construct a garage addition to the single-family house at 5039 Clear Spring Drive.***

***Henry, Powers, Sewell, Hanson, and Kirk voted yes. Knight was absent. Motion carried.***

**B. Resolution approving a conditional use permit with variances for a restaurant at 14725 Excelsior Blvd.**

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.

Henry asked why the results were different for the ITE parking study and the city's parking study. Cauley explained that the ITE study is based on parking studies throughout the United States and the city's number is generated by a study of the parking on the actual site. Cauley stated that the applicant has been discussing parking options with surrounding property owners in case additional parking would be needed.

Chair Kirk asked if the Glen Lake Animal Hospital was included. Cauley answered that the Glen Lake Animal Hospital has a parking agreement in place with the shopping center.

Diego Montero, applicant, stated that he was excited to use the space that has been empty for four years and bring Argentinian food to Minnetonka.

Chair Kirk stated that he counted 42 chairs. Mr. Montero stated that the maximum seating would be 50 patrons. The property owner has been talking with neighboring property owners regarding additional parking options.

The public hearing was opened.

Anne Hossfeld, 14616 Glendale Street, stated that she had no objections. She had questions about parking. The parking lot has been completely full in the evenings since Unmapped opened. She questioned where the patrons would park. That was a concern. She noticed that vehicles were parking on the side of Eden Prairie Road before it was signed "no parking." She questioned where those vehicles would now park. She questioned if it would be o.k. for patrons of a restaurant to park on neighboring residential streets.

No additional testimony was submitted and the hearing was closed.

Hanson was happy to see the application prompting an interest in finding additional parking. The parking lot is usually full in the evenings and that is without The Copper Cow. People park across the street which creates a safety issue. The east side of the lot is usually full and the west side of the lot is usually two-thirds full. Vehicles are usually parallel parked along the retaining wall on the north side.

Henry has found the east side of the parking lot full during peak times. The west side generally is not full. Cauley agreed. The stalls in front of the tenant a patron wants to visit may be full, but there may still be available parking further away.

Henry asked if a condition of approval requiring parking agreements was considered. Cauley responded that there is a condition of approval that states that if a parking issue would arise that parking agreements would be required to be implemented.

In response to Chair Kirk's question, Cauley explained that Unmapped's variance allowed the number of parking stalls to be reduced from 178 to 132. Restriping occurred which resulted in the parking lot now having 133 stalls. The 209 stalls listed in the staff report represents the total number of stalls required for all of the uses including the proposed use on the site.

Chair Kirk felt that it would be in the best interests of the businesses and owner of the property to maintain a cross parking agreement in order to allow the businesses to function.

Powers noted that there is a serious parking problem developing in the area, but no neighbors responded to the public hearing notice. Cauley explained that The Copper Cow was required to secure a parking agreement prior to obtaining the certificate of occupancy.

Sewall thought there would be an opportunity for additional parking agreements to be made. He thought the parking situation would be worse in five years. He saw it more as a problem for the property owner to address.

Sewall confirmed with Cauley that none of the businesses on the site have a condition of approval requiring the business to have a cross parking agreement. If a parking problem would occur, the property owner could obtain additional parking agreements and if the city received parking complaints, then a parking study could be done and require the insufficient number of parking stalls be obtained elsewhere with a parking agreement.

Powers likes that the city has methods to deal with a parking issue.

***Powers moved, second by Henry, to recommend that the city council adopt the resolution approving a conditional use permit with variances for a restaurant with on-sale liquor at 14725 Excelsior Blvd.***

***Henry, Powers, Sewell, Hanson, and Kirk voted yes. Knight was absent. Motion carried.***

**C. Concept plan for redevelopment of the property at 1809 Plymouth Road.**

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

Gordon reported. Staff recommends the planning commission provide comments and feedback on the identified key issues and any others the planning commission deems appropriate.

Drew Johnson, of Oppidan, representing the applicant, stated that:

- He looked forward to hearing the feedback.
- Wells Fargo currently occupies the first floor with the rest of the building vacant. Wells Fargo would continue operation throughout redevelopment. A branch would be built on the site and the existing building would be reused and reinvigorated.
- The process would not impede the 2030 plan.
- The applicant would purchase the property if the proposal would move forward.
- The proposal would include trail connections to adjacent uses, better landscaping, and achieve office goals.
- The ring road is controlled by an OEA made up of TCF, Wells Fargo, and U.S. Bank. All three parties would have to agree.
- The proposal would not complicate future redevelopment of the area.
- The drive-through design would consist of one window with one vacuum tube and an ATM bypass.
- Setbacks would conform to ordinance requirements.
- The amount of parking would increase on the site.
- The existing drive through would be converted to parking.
- He was available for questions.

Powers asked if the exterior or roof would be changed. Mr. Johnson answered affirmatively. The exterior of the building would be refreshed and landscaping would be added.

Chair Kirk understood the need for banks to downsize. He appreciated the intent to reface and remodel the building.

Gordon provided results from a study by Marquette Advisors that found that the Twin Cities vacancy rate for office buildings is 14.2 percent. Minnetonka's vacancy rate for office buildings is 13 percent. Buildings in the I-394 corridor have 15.5 percent vacancy.

Chair Kirk invited those present to comment.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- She attended the neighborhood meeting. The developer was generous with his time. She contacted a couple dozen of her neighbors to get their comments.
- The proposal seems like a good use.
- Some businesses were lost with the Highland Bank redevelopment. It would be nice to have a dental office or insurance agent, for example.
- No one she talked to objected to an office use.
- Walkability and safety is always a priority. She assumed that the sidewalks would be connected.
- Staff has done a great job in requesting that new and remodeled buildings have consistent elements.
- The landscaping of the TCF area is pretty sparse and has lots of concrete. The concrete benches are streaked, have chunks missing, and they are less than one year old.
- The proposed new building would be boring and underwhelming. She would like the building to look more beautiful.
- She wants appropriate transitions from the single-family houses to the Ridgedale Village area. What happens here impacts her neighborhood.
- The proposed landscaping could be more exciting.

No one else chose to speak.

Chair Kirk thought the proposed building would look small compared to the neighboring building. Walkability to the site would be very important. It is important to recognize sidewalks and how to handle snow removal. The dedicated cueing for the drive lane takes room from the parking lot that could be used to provide walkability. He would rather see space for several really mature trees rather than a thin boulevard of 200 bushes to soften the look. The building is uninspiring and could use some dressing up. He wants to understand the potential of the building.

Sewall thought the land use would be appropriate for the next five years. He thought the best scenario would be for the whole block to be bought up and redeveloped in one, large, cohesive development. That would provide an opportunity for better design and flow. In terms of immediate land use, the use would be appropriate. He agreed with Chair Kirk's comments regarding walkability and landscaping. He supports making the site and entire area more visually appealing.

Powers was more concerned with getting tenants in the office building than the idea for the proposed one-story Wells Fargo building. This is not 300 years ago when the area was all trees. He does not want the building to be ugly or boring, but it has to remain affordable. He wants the site to speak visually that it is Minnetonka and the Ridgedale area.

Henry would like the area to have higher density.

This item is scheduled to be reviewed by the city council on September 17, 2018.

**9. Adjournment**

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

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