

**Minnetonka Planning Commission
Minutes**

Feb. 7, 2019

1. Call to Order

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, and Planner Drew Ingvalson.

3. Approval of Agenda

Hanson moved, second by Luke, to approve the agenda as submitted with the modifications provided in the change memo date Feb. 7, 2018.

Sewall, Hanson, Henson, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.

4. Approval of Minutes: Jan. 17, 2019

Luke moved, second by Hanson, to approve the Jan. 17, 2019 meeting minutes as submitted.

Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers 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 Jan. 28, 2019:

- Adopted a resolution approving a plat for Inverness Estates.
- The applicant pulled an application from the agenda for a plat for Williston Heights.
- Adopted a resolution approving vacation of easements for Waterstone Place.
- Adopted a resolution approving items for the Minnetonka Police and Fire facilities improvements.

There will be meetings with councilmembers, planning commissioners and EDAC commissioners scheduled in the near future to discuss the Opus area.

The next planning commission meeting will be Feb. 21, 2019.

6. Report from Planning Commission Members

Hanson appreciated those who attended the last public meeting to discuss Opus.

Henry enjoyed the State of the City address and encouraged others to attend or watch it online at eminnetonka.com.

7. Public Hearings: Consent Agenda

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

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

A. Resolution approving a conditional use permit for an accessory apartment at 13615 Spring Lake Road.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 13615 Spring Lake Road.

B. Resolution approving that the development program and tax increment financing plan for Marsh Run increment financing district conforms to the general plans for development and redevelopment of the city.

Adopt the resolution approving the development program and a tax increment financing plan for Marsh Run which conforms to the general plans for development and redevelopment of the city.

Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried and the items on the consent agenda were approved as submitted.

8. Public Hearings

A. Resolution denying a sign variance to allow two wall signs that exceed the maximum wall sign height at 13512 Wayzata Blvd.

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

Ingvalson reported. He recommended denial of the application based on the findings listed in the staff report.

Ingvalson stated that the sign plan was revoked in 2013 and no longer applies to the site.

Bill Baley, owner of Carpet King and applicant, introduced himself and Mike Pankey, his sign contractor. Mr. Baley stated that:

- He has operated Carpet King on the site for 22 years. He was changing the sign to reflect that additional types of flooring are also sold besides carpet. All 12 of the Carpet King locations will change their signs to match his proposed sign.
- He is applying for a variance. His proposal does not meet all five requirements to approve a variance.
- The area is a vibrant, retail area. Every business in the area has a sign that is significantly taller than his proposed sign. The Jimmy John's sign is 45 inches and the business has 1,500 square feet. Forty percent of his business is drive-by traffic. The sign is a big deal.
- Ingvalson wrote an incredible report that compares the signs in the area. The tenants with 1,500 square feet have 45-inch signs.
- There is a tenant in his building that does not conform. When the sign plan for the building was revoked, there was a policy that the lips could be averaged. He proposed aggregating the letter heights just like the height of the letters was averaged in 2013. Then his proposal would pass the 26-inch test. Mr. Pankey agrees with him.

Mr. Pankey stated that:

- "Flooring Expo by Carpet King" is the applicant's new brand.
- A 40-foot reader board has been located out by the road for the last few years. The location needs a sign recognizable to the brand.
- Four of the five criteria to approve a variance would be met. He requested the application for a variance be approved.

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

Sewall asked the applicant if he considered staff's alternative that would allow for taller letters. Mr. Baley stated that it could be done, but the issue he has is that it would change the sign. His signs need to be consistent. He needs a standardized presentation for the 12 locations.

In response to Hanson's question, Ingvalson explained that the sign ordinance has a 36-inch height requirement, but no width restriction for logos. Hanson was sympathetic to the owner's understanding of marketing, but approval of the variance request would set a precedent. He was conflicted. He asked what could be considered part of the logo. Ingvalson explained that words are considered copy.

Chair Kirk empathized with the building owner, but setting a precedent that would allow other tenants to request the same variance would violate the sign ordinance. He thought a sign plan would be able to make the proposal comply. Ingvalson explained that a sign

plan would be created by a property owner. This tenant does not meet the limited visibility or major tenant exceptions generally required for sign plans.

Luke stated that the ordinance would allow a sign 36 inches tall and the proposed sign would be 38 inches tall. The two-inch difference would not be distinguishable by a motorist. She appreciated that staff recommends enforcing the sign ordinance, but she did not think the request would be unreasonable. The business is a small retailer with a brand. Ingvalson clarified that the ordinance allows letters to be up to 26 inches tall and a logo 36 inches tall, so the variance would be 14 inches. A variance must meet all five standards for approval. Staff could not find a unique circumstance for the property.

Hanson thought the copy should be considered part of the brand. Wischnack stated that commissioners could vote to approve the variance application. Hanson supports approval of the variance application.

Knight asked if the proposed sign would be larger than surrounding signs allowed by the previous sign ordinance. Ingvalson referred to the signs in the staff report. All of the signs were required to meet the 26-inch, maximum-letter height. Knight noted that the gap between the words could be decreased.

Chair Kirk noted that clear findings should be provided by commissioners to justify approval of a sign variance for this tenant and not a neighboring tenant. An appeal of the planning commission's decision may be made to the city council if made in writing to staff within 10 days.

Sewall would abide by the ordinance, but he does not think the proposal would be unreasonable.

Luke thought the ordinance is unreasonable and she considers the letters part of the logo.

Chair Kirk understood how, in this case, the text may be considered part of the logo.

Henry stated that all of the text could be considered a logo and, therefore, allowed to be up to 36 inches in height.

Wischnack requested commissioners provide specific reasons related to the sign ordinance and variance standards if commissioners support approving the variance application.

Knight moved, second by Henry, to adopt the resolution denying the sign variances at 13512 Wayzata Blvd. due to the findings listed in the staff report.

Sewall, Henry, Knight, and Kirk voted yes. Hanson and Luke voted no. Powers was absent. Motion failed.

Hanson moved, second by Luke, to adopt a resolution approving a sign variance at 13512 Wayzata Blvd. with a maximum height of 36 inches measured from the top of the "F" to the bottom of the logo because of the site's location on I-394.

Hanson, Luke, and Kirk voted yes. Sewall, Henry, and Knight voted no. Powers was absent. Motion failed.

Sewall felt that there is a difference between the south-facing sign and east-facing sign. He would support a larger sign facing south, but not a larger sign facing east.

Henry moved, second by Hanson, to adopt a resolution approving a sign variance for 36 inches in height for the south-facing sign at 13512 Wayzata Blvd.

Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers 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. Resolution approving site and building plans for an addition to Old Apostolic Church at 5617 Rowland Road.

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.

Gerald Aldeen, representing Old Apostolic Church, the applicant, stated that he was present to answer questions.

Henry asked if the site currently ever experiences a parking shortage. Mr. Aldeen stated that most Sundays there are 40 empty parking stalls. Two days of the year shuttles transport visitors to the church from a parking lot not used by the owner on the weekends.

Chair Kirk asked if the proposal would increase the size of the congregation. Mr. Aldeen answered in the negative.

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

Henry moved, second by Knight, to adopt the attached resolution approving final site and building plans for an addition at 5617 Rowland Road.

Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers 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.

There was a 10-minute recess.

C. Resolution approving a conditional use permit and site and building plans for a religious institution located at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run.

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.

Rabbi Mordechai Grossbaum, representing Chabad Jewish Community, applicant, stated that:

- He thanked the neighbors for their input to make sure the proposal would fit in the neighborhood.
- The applicant would continue to perfect the project to fit in the neighborhood.
- He introduced realtor Jeff Herman of Urban Anthology, architects Gabe Keller and Ryan Fish, and attorney Marvin Liszt.

Mr. Herman stated that the applicant is looking for a home with a welcoming feeling. The proposed site was for sale for one year. He understood the neighbors' concerns with the intensity of the use and public safety. Purchase of a second property would allow access to the site from Hillside Lane. He was excited to present a project that would make a lot of sense. There is a sidewalk system that goes along the street and another synagogue along that street. He requested that the project be approved.

Ryan Fish and Gabe Keller, architects with Peterssen Keller Architects, introduced themselves. Mr. Keller stated that:

- Thomas did a good job covering the history of the proposal in her report.
- The proposal would be similar to the residential houses that the architectural firm works on. The building would not be two stories or large. The building would be spread out and modestly scaled.
- He reviewed the revised site plan with neighbors who had previously expressed concerns. The landscape architect found a way to spread coniferous trees along the driveway, increase fencing, and grade the site to prevent vehicle lights from leaving the site.
- Finding the perfect elevation would help the building feel balanced.
- There would be more parking than required by code requirements. More would be available for special events.
- There would be plenty of green spaces.

- There would be no variances.
- Safety of the site would be improved. There would be no through traffic, so Mill Run would only have traffic from the private residences.
- The floor plan would remain the same. Activities would be contained inside the building and the court yard.
- The materials used would be beautiful and of high quality. Masonry, wood, and glass would be used.
- There is an existing drive to Hopkins Crossroads that would be removed.
- He reviewed the designs and explained how light would be mitigated.
- Native grasses would be used to soften the edges of the property.
- Lighting would have a residential feel. Shades would be on a timer and shut automatically in the evening.
- The applicant was not dismissing any of the neighbors' concerns.
- He was available for questions.

Chair Kirk asked how a pedestrian would access the building. Mr. Keller explained the foot-traffic pattern. Thomas explained that a trail on Hopkins Crossroads is scheduled to be constructed in 2023.

Mr. Keller encouraged residents to continue to reach out to him and continue the dialogue. He stated that the building would be 17 feet in height. The sanctuary space would extend to 23 feet in height. Thomas explained that the height of a home is measured at the midpoint of a pitched roof. The peak of the roof would be higher. Gordon provided that the maximum height of the roof would be 35 feet. The technical height of the proposed building is 17 feet.

In response to Henry's question, Mr. Keller stated that the neighbors did not mention a preference with the height of the proposed six-foot fence. Mr. Keller added that very specific light standards that restrict how much light may extend onto an adjacent property would be met. Software would be used to verify the coverage areas of the parking lot lights.

Luke confirmed with Thomas that the standard for surrounding cities for parking of a religious institution is one parking stall for three sanctuary seats.

The public hearing was opened.

Gregg Hoogeveen, 2525 Cedar Hills Drive, stated that:

- There are ten vehicles usually at each service.
- There is a path through the forest.
- There is plenty of parking on his street.

Sarina Harris, Golden Valley resident, stated that:

- Chabad would make really good neighbors.

- The synagogue is being built for herself and her family.
- She hoped commissioners would support the proposal.

Jo Soo, 2391 Vernon Circle, stated that:

- He likes the building design. It looks wonderful. The design and architecture would fit in well with the neighborhood. His concern with the building height has been addressed. The design and location of the courtyard shows that it was designed to minimize the noise of outside activities.
- The screening with trees and lighting plans will help minimize the impact on neighbors.
- The number of pedestrians would increase.
- There will be young drivers in the neighborhood.
- He questioned how large events would impact the neighborhood.
- He asked if the driveway location would be a safe location.
- This is a vibrant community.
- The proposal would have more visitors than the number listed in the application and would have a serious impact on the traffic.

Michael Lierdahl, 2390 Vernon Circle, stated that:

- The proposal has been greatly improved.
- He noted that trees or buffering would be needed to prevent headlights from hitting the houses on Vernon Circle.
- He wants a new fence rather than fixing the existing fence. He would like the good side of the fence facing his property. It should be tall enough to block the headlights.
- He was concerned with overflow parking for large events. Fifteen to 20 times a year would be a lot.

Tanya Farber, 11025 Joy Lane, stated that:

- She moved here to be part of the Chabad community.
- The design, location, and access from Hillside Lane would provide safety for pedestrians.
- The building looks beautiful. She is excited to have Chabad so close to where she lives and build relationships with the neighbors.
- She requested the application be approved.

Yvette, a resident of St. Louis Park, stated that:

- She is a member of Chabad.
- She wants to be part of a community that will embrace her and her family for years to come.
- Chabad would be an excellent addition to the community.

Sam Black, 2265 Cape Cod Place, stated that:

- The design is fantastic. It is much more harmonious with the neighborhood.
- Hillside Lane is already busy with drivers who do not stop at the stop sign in front of his house. There needs to be more marking and signs to provide pedestrian safety.
- He opposed monument signs being located on Hillside Lane.
- He suggested a long-term plan be created for the two residential lots on Hillside Lane and Hopkins Crossroads.

Susan Wiens, 2346 Vernon Circle, stated that:

- Many of her issues and concerns have been solved by removing the access from of Hopkins Crossroads.
- The proposal would have five lots. She questioned how many lots combined would be too many for an R-1 district. She suggested creating a policy to restrict the number of lots that could be combined.
- She asked how screening for the lot not included in the conditional use permit would be enforced.
- The traffic study looked at the normal, general use of the property. It did not include special events. There needs to be conditions to address large events that would cause overflow parking.

Mike Anderson, 11105 Hillside Lane, stated that:

- Tonight was the first he heard of screening for his property.
- He was concerned with noise from traffic on the driveway.
- He was concerned with headlights hitting his house and yard.
- The building would be attractive, but it would be larger than most of the houses in the neighborhood.
- After getting the easement, the rest of the property could be sold.
- It would be an intense use of the property.
- He was concerned with lighting hitting his property and house.
- It is difficult to drive onto Hillside Lane West.
- There would be several occasions where the capacity would be exceeded.

A current Edina resident who recently purchased 2600 Crescent Ridge Road, stated that:

- He and his wife purchased the residence to be close to Chabad and be part of the community.

Emilia Kvasnik, 14540 Woodruff Road, stated that:

- The new plan has addressed many issues and the applicant is willing to keep addressing and fixing concerns.
- She wants residents in the neighborhood to be as comfortable as possible.
- The proposal is balanced between the needs of the neighborhood and the benefits that Chabad would provide.
- She is very excited for Chabad to join the community.

Kristin Soo, 2391 Vernon Circle, stated that:

- She appreciated the building being changed to address her concerns.
- She requested protection from headlights for residences on Hillside Lane.
- Once the driveway location is confirmed, she requested that the sight distance be evaluated for the intersection.

No additional testimony was submitted and the hearing was closed.

Thomas explained that:

- The lot on the north would be laid out so that a new, single-family house could be constructed. The lot would exceed all minimum lot requirements for an R-1 lot. There does not need to be a plan for the property at this time. She clarified that the total site is over three acres in size. The space for the religious institution and drive area would utilize 2.86 acres and the site would still have additional land that could be used for a single-family residence.
- The driveway must be located as close to the crest of the hill on Hillside Lane as possible to provide good sight lines on both sides. The drive location would not be an issue for a single-family house lot, but would be for the driveway of a religious institution and is the reason for the conditional use permit making a distinction between the part of the site to be used for a religious institution and the part that could potentially be used for a residence in the future.
- The driveway easement would be recorded with the property. A change of owner would make no difference.
- A monument sign would be allowed in accordance with the sign ordinance.
- City staff does not have the authority to prevent a property owner from combining lots. That could be done by filling out a form with the county.

Chair Kirk noted that a logical course of action would be to create designated areas for pedestrians to cross Hillside Lane West and Hopkins Crossroad.

Thomas stated that:

- Property owners could petition the city to have “no parking” signs installed on the street. There would need to be a strong consensus among all property owners adjacent to the street. The city council has the authority to approve “no parking” signs.
- The city is not allowed to restrict the number of visitors to a site or the number of special events held.
- Fencing and landscaping would not be requirements of the conditional use permit. Commissioners could add fencing or landscaping as a condition of approval if it would mitigate the impact to or make the use more compatible with the surrounding area.
- A traffic study identifies what would occur on a regular basis rather than specific holidays or special life events.

Luke asked if there would be a setback requirement from the driveway. Thomas answered that the required setback would be 20 feet which is what is illustrated on the site plan.

Henry asked if there would be a setback requirement from parking spaces to the adjacent residence. Thomas answered in the negative. The existing house would be removed.

Henry is totally impressed with the improvements to the plan. He supports staff's recommendation.

Knight really likes the proposal. The building itself looks magnificent. The concern with traffic on Hopkins Crossroad has been remedied. Many drivers would turn right when exiting the site. He understood the initial concern neighbors felt, but he thought it would end up being a good fit for the neighborhood.

Luke was impressed with the drawing of the building. It would be beautiful. She was impressed with the partnership and the understanding between the neighbors and the applicant. Compromises have been made. She encourages the applicant to continue working with neighbors. She supports staff's recommendation.

Hanson was overall supportive of the project. He encouraged the applicant to maintain communication with the neighbors to address light and noise issues.

Sewall encouraged the applicant to finish strong by keeping neighbors informed and being open to changes to be the good neighbors he knows they would be.

Chair Kirk felt that the process has taken the proposal to a better conclusion than where it was a year ago. The neighborhood would be impacted by the project. He hoped the landscaping plan would be more developed for the city council's review. He preferred more coniferous trees than fences. He would like to see a clear pedestrian access. He liked the use of glass and stone. It makes the building attractive and look more natural. He supports the project and appreciated the neighborhood and applicant working together.

Henry moved, second by Hanson, to recommend that the city council adopt a resolution with modifications provided in the change memo dated Feb. 7, 2019 approving items for the Chabad Center for Jewish Life located at 11021 Hillside Lane West; 2327, 2333, and 2339 Hopkins Crossroad; and 11170 Mill Run.

Sewall, Hanson, Henry, Knight, Luke, and Kirk voted yes. Powers was absent. Motion carried.

9. Other Business

A. Concept plan for redevelopment of the property at 14525 Hwy. 7.

Gordon reported. Staff recommends that the planning commission provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate.

Sewall asked how this proposal is different from a previous application. Gordon explained that the commercial building was the back building and the apartment building was between the commercial building and the road in the previous proposal. This proposal would be the reverse. The commercial building would be located on the front of the property and the residential building in the rear.

Perry Ryan, of Lakewest Development, applicant, stated that staff's report described the proposal well. He stated that:

- The proposal would add an apartment building with four stories and underground parking.
- He plans on meeting with Gray to discuss affordable housing.
- A neighborhood meeting was conducted.
- The existing building is fairly empty. It has a hair salon, massage business, coffee shop, fitness space, and real estate and insurance office.
- It is a great location. Metro transit stops within a block of the site on Williston Road.
- There is a building permit being reviewed for exterior renovation of the existing building. He was hopeful to move forward with the exterior renovation. The proposed apartment building would have some matching features.

Knight noted that none of the apartments are labeled as having three bedrooms. He questioned what view a person standing on the hill at the adjacent park would have in relation to the proposed apartment building. Mr. Ryan explained that the top of the apartment building would be 10 or 12 feet taller than the park hill. The second-floor parking is at grade and then there would be four stories above that.

Henry asked how drivers would access second floor parking. Mr. Ryan explained that there would be two separate entrances for each level of enclosed parking. Henry asked if changing the access to allow both directions of traffic near Dunn Brothers had been considered. Mr. Ryan stated that having the drive-through makes the access trickier. There would be 146 stalls. Drivers exiting on the west side would need to take a right.

Henry asked if he had discussed pedestrian connectivity with owners of Famous Dave's and the General Store. Mr. Ryan answered affirmatively. He pointed out steps with rails connecting the site to Famous Dave's. The General Store representative was interested in pursuing adding a walkway between the sites.

Henry asked if a connection could be added south to the park. Mr. Ryan answered in the affirmative. He would support using park dedication funds to add a trail to the park. The building is also considering having rooftop amenities.

Luke asked how 174 vehicles would impact the nearby intersections. Mr. Ryan stated that a traffic study has not yet been done. The traffic would be traveling in the opposite direction during a.m. and p.m. peak times. Luke noted the existing congestion during peak travel times.

Hanson encouraged the developer to utilize the park and surrounding businesses. He likes the proposal. It would be visually in sync with what is happening at Opus and Ridgedale. He liked the materials, color scheme, and design.

Chair Kirk invited those present to comment. No one from the public chose to speak.

Chair Kirk noted that the mass of the building may seem large from the view from Hwy. 7. He would want to make sure the parking would be sufficient.

Sewall agreed with the concern with the mass. He suggested cut outs or changes to the elevations or height. One large, brick building may look very institutional. He challenged the architect to break up the mass. He would like to see more use of the drive on the west side as a two-way access.

Chair Kirk suggested that affordable housing be utilized.

Henry said that the addition is needed. It is a good location for higher density. It must be done in a thoughtful way. He suggested lowering the height of the building to allow an unimpeded view to the north. It is a great place to see. He would like to maintain the view.

Knight noted that a new development is not required to protect a view. He did not see a problem with the height of the building viewed from Hwy. 7. He has a friend who lives on Moonlight Hill Road and whose back yard faces the site. In this case, he did not think the mass of the building would be a problem. It is an appropriate place to have the proposed building.

Hanson moved, second by Henry, to extend the planning commission meeting past 11 p.m. to 11:15 p.m. Motion carried unanimously.

Gordon noted that the city council is scheduled to review this item February 25, 2019. The proposal would need a comprehensive guide plan amendment to guide the site as a mixed use instead of a commercial use. The comprehensive guide plan would have to be reviewed and acted on by the Metropolitan Council in July before an amendment may be considered. He felt that the mixed use would fit with the current commercial uses.

Gordon noted that this project may be followed on eminnetonka.com.

10. Adjournment

Sewall moved, second by Hanson, to adjourn the meeting at 11:09 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary