

**Minnetonka Planning Commission
Minutes**

June 27, 2019

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Natural Resources Manager Leslie Yetka, and Natural Resources Program Outreach Coordinator Christine Petersen.

3. Approval of Agenda

Sewall moved, second by Hanson, to approve the agenda as submitted with modifications provided in the change memo dated June 27, 2019.

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

4. Approval of Minutes: June 13, 2019

Luke moved, second by Henry, to approve the June 13, 2019 meeting minutes as submitted.

Hanson, Henry, Knight, Luke, Sewell, 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 June 24, 2019:

- Adopted a resolution approving a two-lot subdivision, Rutzick Ridge, on Shady Oak Road.
- Introduced an ordinance and referred it to the planning commission regarding items for The Kinsel at Glen Lake at 14317 Excelsior Blvd.
- Review of items concerning Walser Nissan was pulled from the agenda at the request of the applicant.
- Reviewed a concept plan for The Mariner.

- Adopted a resolution approving the final plat and denying the request to mass grade the site prior to issuance of the grading permit for Oakland Estates at 1922 Oakland Road.

The next planning commission meetings are scheduled to be held July 11, 2019 and July 18, 2019.

The annual boards and commissions dinner is scheduled for July 15, 2019 from 5:30 p.m. to 8:30 p.m.

6. Report from Planning Commission Members

Hanson appreciated city staff visiting employees working in the Opus area to gain feedback on amenities and park items that workers would like added to the area.

Chair Kirk attended the ribbon cutting for the pickle-ball courts in Lone Lake Park. It was well attended. Tournaments will be able to be held since there are eight courts.

7. Public Hearings: Consent Agenda

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

Hanson moved, second by Henry, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows with a modification provided in the change memo dated June 27, 2019:

A. Resolution approving a side yard setback variance to replace the flat roof of an existing garage with a pitched roof at 14523 Orchard Road.

Adopt the resolution approving a side yard setback variance to replace the flat roof of an existing garage with a pitched roof at 14523 Orchard Road.

B. Resolution approving a variance for a front porch addition at 5000 Acorn Ridge Road.

Adopt the resolution approving a front yard setback variance for a screened porch addition at 5000 Acorn Ridge Road.

C. Resolution approving an expansion permit for a new garage at 5625 Eden Prairie Road.

Adopt the resolution approving an expansion permit to allow the construction of a detached, three-car garage within the bluff impact zone at 5625 Eden Prairie Road.

D. Resolution approving a conditional use permit for an accessory apartment at 3518 Hopkins Crossroad.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 3518 Hopkins Crossroad.

Henry, Knight, Luke, Sewell, Hanson, and Kirk voted yes. Powers was absent. Motion carried and the items 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 for a front porch addition at 18724 South Lane.

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.

Chair Kirk asked if the property would qualify as a small lot. Ingvalson explained that the site would meet two out of three requirements to be considered a small lot. The average lot size within 400 feet of the site must be smaller than 15,000 square feet; the lot must have been created prior to 1966; and the lot cannot exceed 15,000 square feet. The lot is 20,000 square feet, so it is not considered a small lot.

Ingvalson clarified that an enclosed porch would be required to meet a 35-foot front yard setback and a porch that would not be enclosed would be required to meet a 30-foot setback. Staff did not find a unique circumstance with the property.

Aliaksandr Smolau, 18724 South Lane, applicant, stated that:

- The house was located on the lot in 1918.
- He provided pictures of remodeling the house.
- He explained the improvements he is making including adding insulation.
- He listed the benefits of the porch including that it would provide closet space and prevent heat from escaping when the door would be opened.
- He plans to build an attached garage in the future.

Henry thought the addition would be good for the house and the neighborhood. He lives in the neighborhood and it is nice to see the house improved. It is a fine line between honoring the code requirements and standards to approve a variance. He saw the proposal as an improvement.

Knight was torn. The front of the house on the west side is closer to the road. The proposal would not extend the entire front of the house, just an enclosed porch. The

proposal would make the house more energy efficient. That is commendable. He was inclined to support approval of the application.

Luke struggled as well. More closet space and usable area would benefit the small house. When the attached garage would be added, that would diminish the need to use the front door. She leaned toward staff's recommendation to deny the application because there would be other options that could be available in the near future.

Sewall felt that the request is reasonable. The rules are in place to prevent more egregious requests. He was glad the rules are in place, but, as long as the request would be reasonable, he supports the proposal. The property is unique and the house was positioned in 1918. He respectfully disagrees with staff's recommendation to deny the application.

Chair Kirk noted that all of the surrounding houses seem close to the road. He recognized the practical difficulties. He did not see a unique circumstance. The lot is narrow with the rear property line located way back. He knew that the difference is only 1.5 feet, but he leaned toward denying the application. The applicant is doing a marvelous job remodeling the house. He thanked the applicant for providing photos. It is good to see a small house being improved and maintained. He applauded the applicant's efforts.

Hanson felt that the application fits the way people are currently living. He saw no problem with the application. The commission has approved similar enclosed porches. The location of the house and shape of the lot make the site unique and are circumstances not created by the homeowner.

Chair Kirk did not want to set a precedent to allow a front yard setback of 28.7 feet from the right of way for an enclosed porch.

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

Sewall stated that the house's location on the lot occurred in 1918 and the shape of the narrow lot is unique and creates a practical difficulty.

Hanson moved, second by Sewall, to adopt a resolution approving a variance request to construct an enclosed porch onto the single-family home at 18724 South Lane.

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

Hanson noted that the staff report states that the proposal would not change the character of the neighborhood. It did not make sense to him to deny the proposal.

Henry voted “no” for approval of the application because there is the potential to construct a garage on the property.

Chair Kirk noted that the house currently meets the 30-foot front yard setback.

Henry moved, second by Luke, to adopt the resolution denying a variance request to construct an enclosed porch onto the single-family home at 18724 South Lane.

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

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 Chase Bank at 4795 County Road 101.

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 if there would be a snow removal plan. Cauley answered affirmatively. A snow removal plan would be required as a condition of approval.

Hanson noted that the proposal would increase the number of parking stalls, but the site would still have less than the number required. He asked if there would be proof of parking or a shared parking agreement. Cauley explained that parking variances are already in place for the plaza.

In response to Henry’s question, Cauley explained that the temporary uses would be discontinued if the proposal would be approved by the city council. Cauley studied the site, referenced the Institute of Transportation Engineers (ITE) standards, and reviewed a list of the sizes of each business provided by the Westwind Plaza property owner. The ITE concluded that there would be plenty of parking on site.

Cauley stated that a sign could be added to identify additional parking for customers in back of the building if there would be a parking shortage.

Mark Newman, of Brixmor Property Group, representing the owner of the shopping center, stated that Cauley did a thorough job of explaining the situation. He would like to start construction immediately to beat the frost.

Knight asked why the drive-up window would be backwards. Mark Polienie, architect for the proposal, explained that there would be no teller for the drive thru. It would be a drive-up ATM.

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

Sewall felt that the proposal is reasonable. Every time he visited the site, there was enough parking.

Henry moved, second by Knight, to recommend that the city council adopt the resolution approving site and building plans with a parking variance and a resolution approving a conditional use permit for a drive-up window for Chase Bank at 4795 County Road 101 with a modification provided in the change memo dated June 27, 2019.

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

C. Items concerning Chipotle at 10995 Red Circle Drive.

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.

Luke asked what time the photos of the parking lot had been taken. Cauley answered morning, noon, and evening.

Henry asked if the neighboring Holiday Inn personnel expressed concern for restaurant traffic traveling through their parking area. Cauley answered that no one from the Holiday Inn contacted city staff. There is a shared access agreement that already exists between the two properties.

Sewall asked if there would still be room for snow storage. Cauley invited the applicant to answer.

Scott Murdock, representing the applicant, Chipotle, and Kristen Moen, architect for the proposal, introduced themselves. Ms. Moen pointed out where snow would be stored on the site plan.

Luke asked if the pick-up window would help ease parking constraints. Mr. Murdock answered affirmatively. He expected a quarter of the customers to utilize the pick-up window and not have to park in the lot.

Hanson asked if ordering would have to be done ahead of time or if a patron would be able to order from the vehicle. Mr. Murdock explained that an order would not be able to be made in the pick-up window lane. All orders would be placed and paid for online. There would be temporary waiting areas for patrons to wait for an employee to come to the vehicle to take the order and then deliver the order to the vehicle.

Mr. Murdock stated that other locations have found that the average customer service interaction for patrons who preordered and picked up the order at the pick-up window lasts 15 seconds. There would be no squawk box or menu panel. A large percentage of the Chipotle pick-up windows' clientele are drivers for food delivery services.

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

Chair Kirk asked if efface would be used. Cauley stated that the representation is not a final determination of materials that would be used.

Hanson noted that there is a lot going on in Opus. This feels like a good indication of what will be happening in the area.

Sewall suggested signage that would alert drivers that the pick-up window would operate differently than a traditional drive-thru window. He supports the proposal.

Luke moved, second by Knight, to recommend that the city council adopt the resolution approving an amendment to the master development plan and final site and building plans with a parking variance and a resolution approving a conditional use permit for a restaurant with a drive-up window and outdoor seating area.

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

This item is scheduled to be reviewed by the city council at its meeting on July 8, 2019.

D. Ordinance amending various sections of city code related to pollinators.

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

Petersen, Thomas, and Yetka reported. Thomas recommended approval of the application based on the findings listed in the staff report.

Henry confirmed with Petersen that positive changes have already been taking place in Minnetonka. Petersen stated that the amount of herbicides with neonicotinoids used in Minnetonka has already been decreased. Minnetonka has been using goats to remove invasive vegetative species instead of using chemicals. Volunteers completing restoration work has been occurring in Minnetonka for about 20 years.

Petersen said that Janet VanSloun has been working with volunteers for a couple of years to remove buckthorn on the west side of Big Willow Park. This year, swamp milkweed has sprouted and is host to ten monarch caterpillars. Restoration can be highly effective and the fewer chemicals used the better.

Petersen explained that the Mayor's Monarch Pledge specifically addresses the ways that municipalities can contribute to monarch protection and pollinator habitat. The structure and focus helps suggest actions that relate to the organization and community.

Chair Kirk asked if staff have ideas for additional items that should be added to the list. Yetka responded that the last step related to pesticides would be a significant one. Substantive changes to chemical use would be a high bar.

Chair Kirk questioned if mosquito control efforts would be impacted. Petersen understood that the first-round, widespread treatment for mosquitoes uses chemicals that are targeted and used in specific areas shown to be problematic.

Henry asked if the chemicals used for spraying for mosquitoes are considered neonicotinoids. Yetka answered in the negative. Those chemicals target mosquito larvae. It is not the same mechanism that impacts pollinators. The chemical used for mosquitos is not emitted into the air.

In response to Henry's question, Thomas explained that the ordinance would apply to any land use application that would be required to have a landscape plan.

Henry suggested adding native plants to the city's tree sale. Petersen said that the trees and shrubs selected for the sale have benefits for pollinators. Perennials are sold at the pollinator field-day event which she invited everyone to attend July 10, 2019 at Lone Lane Park from 4 p.m. to 7 p.m. There will be two native plant sale vendors selling grasses, shrubs, and vegetation including milkweed.

Luke noted that restriction of the type of chemicals used in Minnetonka is not included in the ordinance. Thomas stated that the best way to address the use of chemicals is being reviewed. A council policy may be created to address the issue.

Hanson was proud and impressed, but he thought more could be done.

In response to Sewall's question, Yetka explained that the 25 percent criteria was created by staff. The goal is to be enduring, layered, and sustainable. The challenge will be to prompt a shift in thinking. Sewall agreed. He thought requiring 50 percent of landscaping to be native would be reasonable. He supports the proposal.

Chair Kirk felt it would be good to start the initiative in a way that would ensure 100 percent success. He supports revisiting the percentage amount in a year. Sewall agreed.

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

Chair Kirk supports the proposal.

Knight asked if development of the lite rail would be able to meet the proposed ordinance's requirements. Thomas explained that the proposed ordinance works as a positive and promotes creating habitat, not as a restriction.

Luke likes the idea of requiring developers to plant native vegetation for landscaping, but she did not want to prevent a project like a bike trail or lite rail from happening in an effort to protect existing habitat. She suggested councilmembers consider the wording. Thomas explained that the zoning ordinance helps promote public safety, health, and welfare. Yetka noted that the city's ordinances already protect woodland preservation areas and wetland communities which are types of habitats. The mitigation component is a part of that to allow flexibility.

Hanson noted that the proposed ordinance would not be punitive, but would be a positive influence. The language is not specific enough to require mitigation. He appreciated the thoughtfulness to protect the city.

Henry was glad that steps would be taken to increase the number of pollinators. He asked what the next steps would be to address chemical usage. Yetka did not have a timeline. The Mayor's Monarch Pledge has been being worked on for two years. She hoped the chemical issue would be tackled during the next year. Petersen added that natural resources staff have been talking with residents about native habitat. This is an active part of the city's outreach and engagement programs.

Sewall felt the mechanisms would still be in place to allow the best decisions to be made for the city and the environment.

Hanson moved, second by Knight, to recommend that the city council adopt the ordinance amending various sections of the city code related to pollinators.

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

9. Adjournment

Hanson moved, second by Luke, to adjourn the meeting at 9 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary