

**Minnetonka Planning Commission
Minutes**

July 18, 2019

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda

Powers moved, second by Sewall, to approve the agenda as submitted with a modification provided in the change memo dated July 18, 2019.

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

4. Approval of Minutes: None

5. Report from Staff

Gordon welcomed feedback from commissioners on the training held on Monday and announced that the next regular planning commission meeting is scheduled to be held Aug. 1, 2019.

6. Report from Planning Commission Members

Powers said that he learned a lot and enjoyed the speaker at the training. Chair Kirk concurred.

7. Public Hearings: Consent Agenda

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

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

A. Front yard setback variance for a front porch addition at 600 Townes Road.

Adopt the resolution approving a front-yard setback variance for an addition to the existing house at 600 Townes Lane.

B. Lot-behind-lot setback variance and expansion permit for additions at 2356 Gray's Landing Road.

Adopt the resolution approving a property line setback variance and expansion permit for an office addition and a variance for a porch addition at 2356 Grays Landing Road.

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

8. Public Hearings

A. Items concerning a new home at 11405 Timberline 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.

Powers confirmed with Cauley that the proposed house would only extend five feet further than the existing house, so a majority of the trees would be saved. Yetka confirmed that the existing trees would not be harmed.

Todd Simning, Kroiss Development, representing the applicant, stated that staff did a great job of introducing the project. The one dead oak would be removed, but the rest of the trees would remain.

The public hearing was opened.

Jeanne Ripley, 11420 Live Oak Drive, stated that she was concerned with the impervious surface and water runoff traveling onto her property and the marsh. The two-story house would face her deck and into her house. The house would be a different style than the rest of the community. She wanted the site to have a fence to prevent the applicant's dogs from leaving their property. There is a power pole that may need replacing.

Ray Klemp, 1829 Timberline Trail, stated that the setbacks make sense to him. He asked if an accessory apartment could be rented. A rented apartment would not fit in with the nature of the neighborhood.

Angie Olson, 11621 Timberline Road, stated that the structure would be a vast improvement to the neighborhood. She asked what a conditional use permit would allow.

Tara Gustilo, 1919 Timberline Spur, stated that he was concerned with rental of the property, protecting the marsh, protecting the trees' root systems, and requiring the builder to repair any damage to the street done during construction.

No additional testimony was submitted and the hearing was closed.

Cauley stated that the building permit would require stormwater management practices to be followed. Inspections would occur during construction to make sure erosion control measures would be in place.

Yetka added that the proposal meets all wetland setback requirements. Erosion control and tree protection measures including those to protect the critical root zone would be required.

Chair Kirk noted that a fence cannot be required of a property building a single-family residence adjacent to a single-family residence.

Cauley stated that a property owner may submit a request to the utility company to request a new utility pole.

Cauley explained that a conditional use permit for an accessory apartment would require the property owner to occupy one of the dwelling units. It would be allowed to operate as long as the conditions would be followed. Parking for both units would be required to be accommodated on the property.

Cauley stated that the applicant would be required to fix any damage to the street.

In response to Luke's question, Cauley explained that the construction management plan would address where construction vehicles would park. If the road would be blocked, then the police should be notified.

Koshy Samuel, 11405 Timberline Road, applicant, stated that his mother would live in the mother-in-law suite to allow him to take care of her.

Mr. Simning stated that he is easy to get a hold of and invited residents to contact him. Construction would be a disruption to the neighborhood, but he pays attention to the neighbors. The trees would be protected with fencing. He employs professional contractors. A double silt fence would be used to prevent erosion. There would be a rain garden in the front, west corner to treat the runoff. Construction would begin in September and be completed in the spring.

Luke moved, second by Powers, to recommend that the city council adopt the resolution approving a front-yard setback variance, for the construction of a new house, and conditional use permit for an accessory apartment at 11405 Timberline Road.

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

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Aug. 5, 2019.

B. Items concerning a new house at 17028 Gray's Bay Blvd.

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.

Powers asked if fill would be added to the front yard. Thomas stated that the fill would be located out of the floodplain and allowed as part of construction activity.

David Steingas, of Steiner and Koppelman, representing the applicant, stated that he has worked with staff. He was also the contractor for all three houses west of this property. He was available for questions.

Powers asked what measures would be taken to prevent runoff. Mr. Steingas explained that the fill would come from the area where the garage sits. A water management plan would require double silt fences all the way around the lakeshore property and engineered by a survey company.

The public hearing was opened.

Jim Portilla, 17025 Grays Bay Blvd., stated that he was concerned that the water would runoff onto his property and that the trees on 17024 Grays Bay Blvd. that border 17028 Grays Bay Blvd. would be damaged. The previous owners of his property added a patio made of pavers and the holding area required for that is 28 feet by 25 feet and three feet deep and a 5-foot wide by 45-foot long canal in front of the lake. He questioned what water management practices would be required. He provided pictures. He was concerned with the water runoff that already travels onto his property. In 2014, his property was underwater. Elevating the proposed property would increase the runoff onto his property.

Craig Peterson, 17009 Grays Bay Blvd., stated that he was concerned with runoff traveling from Grays Bay Blvd. into the lake. The proposal would contribute to the overall, continued pollution of Grays Bay. It is an ongoing problem.

Colleen Nelson, 17012 Grays Bay Blvd., stated that she has not had water in her crawl space since 1983. She was concerned that the fill would cause flooding or moisture problems. She questioned what measures would be taken to prevent impact to surrounding properties. The drainage and water would impact the properties east of the site.

No additional testimony was submitted and the hearing was closed.

Thomas explained that:

- Any new construction on the site must be raised vertically above the floodplain elevation.
- The volume of water stored on the site would have to remain the same. One area would be elevated, but another area would be lowered in the same amount to hold the same volume of water.
- There would be an eight-foot elevation change. The city engineer has reviewed the plans and new home construction grading plans would be reviewed again during the building permit process to make sure the drainage pattern would be maintained. The rate, volume, and quality of runoff before development must be the same or better post development.

Yetka confirmed that the proposal would be required to show that runoff would not exceed predevelopment condition in terms of rate, quality, and quantity. The storm drains travel directly to Grays Bay. A sump man hole would capture leaves and other debris before traveling into the lake. The sump man holes are inspected and cleaned out by staff.

Thomas pointed out that the proposed house would be located further away from the trees to the east than the existing house.

Gordon noted that the current impervious surface on the site is 38 percent. The proposal would decrease that amount to 25 percent.

Knight moved, second by Powers, to recommend that the city council adopt the resolution approving a floodplain alteration permit and setback variances for construction of a new house at 17028 Grays Bay Blvd.

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

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Aug. 5, 2019.

C. Conditional use permit for a gym at 15400 Minnetonka Industrial 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.

Joel Schrimpf, applicant, described the wrestling, gym and office areas.

In response to Luke's question, Mr. Schrimpf stated that there would be no practices or classes on Sunday mornings during the church services. He has not heard any noise from the surrounding uses. Events would be held at the gymnasium. This would be a practice facility.

Chair Kirk noted that he may want to check with the church's schedule for large weddings or gatherings that might cause a parking shortage. Mr. Schrimpf agreed.

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

Sewall moved, second by Luke, to recommend that the city council adopt the resolution approving a fitness facility at 15400 Minnetonka Industrial Road.

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

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Aug. 5, 2019.

D. Amendment to the existing Ridgedale Center Sign Plan for Cycle Bar at 12401 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.

Zach Pettus, applicant, stated that:

- He is the owner and operator of the Cycle Bar in Minneapolis. He and his wife have built an exciting concept in uptown.
- The mall has evolved since 1986.
- The brand is focused on music, community and having fun while reaching fitness goals.
- The sign is a part of their lease agreement.
- The Minneapolis Cycle Bar has raised \$350,000 for local non-profit organizations.
- A representative from Brookfield Properties was going to attend the meeting to support the application, but there are delays at the Chicago airport.
- The space does not have access to the mall. The outside door would be the only door. It would not be possible to add a sign to the top row of windows because of the duct work and dropped ceiling.

- The business would not exist without a sign. The space has been vacant since 2017. All 186 Cycle Bar locations have exterior signs.
- Employees of Ridgedale Center have been asking when Cycle Bar would open in Ridgedale Center. It would be a logical fit for the spot.
- He wanted to respect the commission's time.
- He was available for questions.

Knight thought a sign could be located in the front windows if enough money would be spent and a person with the knowledge could be found to make it work. Mr. Pettus stated that "Jim from Brookfield" would say that there is no tenant that would spend the six-figure amount needed to redo all of the duct work and change the drop ceiling to put a sign behind glass. There is no such thing as a Cycle Bar with a sign behind glass which is why it is written in the lease that if an exterior sign would not be allowed, then the lease would be void.

Luke thanked Mr. Pettus for his presentation. She knows the franchise does a lot of good things. The application has to do with how Minnetonka treats signage and Ridgedale Center's sign plan. She respects the business and recognizes the good the organization has done, but her decision is based on the city's regulations. She asked staff if the overlay shown in the picture currently exists. Ingvalson said that it is on the exterior of the window now. If it was advertising for a business, then it would be considered a sign. Since it is not advertising for a business, it is considered art.

The public hearing was opened.

Corey, from the Crohn's and Colitis Foundation, stated that the Cycle Bar in uptown has helped the foundation raise \$65,000 for local patient programs including a camp for kids with Crohn's and Colitis.

No additional testimony was submitted and the hearing was closed.

Chair Kirk stated that commissioners want the business and for the business to be successful and do not want an empty store front. He supports a new master sign plan. It is out of date. He would error on the side of adhering to the master sign plan.

Powers liked the applicant's presentation. The timing is bad. The issue is not with the quality of the business. The proposal would break the master sign plan and set a precedent. He hoped the project would be done after the Ridgedale master sign plan would be updated.

Sewall agreed that a new master sign plan is needed. He did not think a sign could be put behind the glass. The road is too far away. He did not see how an exterior sign would adversely affect the health, welfare and aesthetics of the building. He wanted to be reasonable.

Mr. Pettus requested that the application be approved.

Ingvolson clarified that the Ridgedale Center master sign plan has been reviewed in 1987, 1990, 2013, and 2015. Gordon explained that the owner of Ridgedale Center could initiate a change to the master sign plan at any time.

Luke was hesitant to create an amendment to a master sign plan of this magnitude. Cycle Bar would be one small portion of a large mall that currently has a large vacant space that could use this approval as a way to do additional things that may not be in the best interests of the center. She supports the business, but did not support the proposal because of the greater implications for Ridgedale Center.

Chair Kirk agreed. The applicant's presentation was great. He would also love to support the business, but because of the implications for the entire center, he supports staff's recommendation to deny the application.

Powers moved, second by Knight, to adopt the resolution denying the requested amendment to the Ridgedale Sign Plan associated with the Cycle Bar at 12401 Wayzata Blvd.

Knight, Luke, Powers, and Kirk voted yes. Sewall voted no. Hanson and Henry 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.

9. Adjournment

Powers moved, second by Luke, to adjourn the meeting at 9:13 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary