

**Minnetonka Planning Commission
Minutes**

Sept. 5, 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, Powers and Kirk were present. Luke was absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley and Planner Drew Ingvallson.

3. Approval of Agenda

Sewall moved, second by Hanson, to approve the agenda as submitted with additions and modifications provided in the change memo dated Sept. 5, 2019.

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

4. Approval of Minutes: Aug. 15, 2019

Powers moved, second by Henry, to approve the Aug. 15, 2019 meeting minutes as submitted.

Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke 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 Aug. 26, 2019:

- Adopted a resolution approving a dental clinic at 11300 Wayzata Blvd.
- Adopted a resolution approving the final plat for the Fourth Addition of Legacy Oaks.
- Adopted a resolution approving a conditional use permit and expansion permit for an accessory structure on Hwy 7.
- Adopted a resolution approving the preliminary plat of Bird Song, a 13-lot subdivision at 2410 Oakland Road.

Gordon announced that community workshops are being held to discuss options for city-owned property on 5337 Co. Rd. 101. Information on future meetings can be found on eminnetonka.com.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

Item 7B, a conditional use permit for an accessory apartment at 5304 Westmill Road, was removed from the consent agenda for discussion and separate action.

Powers moved, second by Hanson, to approve items 7A and 7C listed on the consent agenda as recommended in the respective staff reports as follows:

A. Variances for a garage addition at 11820 Karen Lane.

Adopt the resolution approving variances for construction of a garage addition at 11820 Karen Lane.

C. Conditional use permit for an expanded medical clinic at 12301 Whitewater Drive.

Recommend that the city council adopt the resolution approving a conditional use permit with access variance for a medical clinic at 12301 Whitewater Drive.

Sewall, Hanson, Henry, Knight, Powers and Kirk voted yes. Luke was absent. Motion carried and items 7A and 7C on the consent agenda were approved as submitted.

Chair Kirk stated that an appeal of the planning commission's decision for Item 7A must be made in writing to the planning division within 10 days and Item 7C is scheduled to be reviewed by the city council Sept. 16, 2019.

8. Public Hearings

A. Conditional use permit for an accessory apartment at 5304 Westmill Road.

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

Ingvanson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report. He explained that the property owner would be required to live in one part of the dwelling.

Shawn Dykhoff, 5304 Westmill Road, applicant, stated that the apartment existed when he purchased the property. He needs to bring the property into compliance with ordinances so he may refinance the mortgage.

Henry asked how many vehicles are usually parked at the residence. Mr. Dykhoff stated that there are eight parking spaces. The other occupant has two vehicles and one motorcycle and Mr. Dykoff has two vehicles.

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

Bev Ryther, 5300 Westmill Road, stated that:

- She shares the driveway with the applicant. She is concerned with parking. She needs to be able to access the driveway.
- Before Mr. Dykhoff owned the property, the previous owner did not live on the property. There were a lot of issues with the occupants in 2003. She did get the city involved. The city took the property owner to court to force compliance with the ordinance requirements.
- She was not really against the application. She was concerned with being able to access the driveway.

Ron Buchanan, 3033 Chase Drive, stated that:

- All bedrooms should have an egress window.
- He questioned if the city licenses and inspects rental properties.

No additional testimony was submitted and the hearing was closed.

Ingvalson explained that:

- The city does not license rental properties or have annual inspections. Inspections are performed on a complaint basis.
- The amount of parking is adequate.
- The city does not regulate parking on a private drive. A private agreement could be utilized.

Mr. Dykhoff stated that the apartment has one bedroom.

Sewall supports staff's recommendation.

Hanson moved, second by Henry, to recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 5304 Westmill Road.

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

Chair Kirk stated that this item is scheduled to be heard by the city council Sept. 16, 2019.

B. Conditional use permit for an accessory apartment at 13052 Stanton 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.

Scott Bosch, 13052 Stanton Drive, applicant, stated that:

- The proposed accessory apartment is intended for his mother-in-law and father-in-law.
- All ordinance requirements would be met.

The public hearing was opened.

Ron Buchanan, 3033 Chase Drive, stated that the plan looks great. He asked what could happen with the next owners of the property.

No additional testimony was submitted and the hearing was closed.

Cauley explained that a future property owner would have to live on the property for the conditional use permit to be valid.

Chair Kirk noted that the proposal would create affordable housing. The conditional use permit would be tied to the property and future owners.

Powers visited the site and noted that there is plenty of room on the property. It would look appropriate for the neighborhood. He spoke to a neighbor who was comfortable with the proposal.

Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 13052 Stanton Drive.

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

C. Amendment to the Minnetonka Corporate Center sign plan at 5900 Clearwater Drive.

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.

Ryan Novaczyk, president and chief financial officer of New Perspective, stated that:

- The corporate headquarters would be moving to the location.

- The horse-shoe shape of Whitewater Ave. creates the need for two signs. There needs to be a sign visible from Clearwater Road and a sign visible from Whitewater Ave. or visitors would miss the turn.
- The business would occupy two suites totaling 30,000 square feet of the 96,000 square-foot building. There would be visitors traveling to the site for trainings and meetings.
- The brushed-metallic signs do pop with the brick wall.
- There are multiple signs on the adjacent building surrounding the office park. The Gardner School is an example. Each business has its own entrance into the building.

Chair Kirk confirmed with Mr. Novaczyk that the signs would be located on parts of the building occupied by the applicant.

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

Sewall moved, second by Powers, to adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 5900 Clearwater Drive with a modification provided in the change memo dated Sept. 5, 2019.

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

D. Amendment to the West Ridge Market sign plan at 11390 Wayzata Blvd.

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

Cauley reported. She recommended approval of the application for a wall sign on the rear elevation and the blade sign on the west elevation, but denial of the wall sign on the west elevation and parking lot sign based on the findings listed in the staff report.

Henry asked for the square footage of the proposed Olive Garden building. Cauley answered just over 7,000 square feet.

Chair Kirk asked if the proposed west sign would be visible from eastbound traffic on I-394. Cauley stated that the sign would be visible from Wayzata Blvd. and the applicant believes that a driver would be able to see the sign from I-394.

Chair Kirk noted that the city does not want areas to have too many signs that would appear cluttered.

Powers asked if approval for additional signs could be requested in the future. Cauley answered affirmatively. She provided an illustration that shows the signs that staff is recommending be approved.

Chair Kirk confirmed with commissioners that all were comfortable with the signs staff was recommending for approval. He suggested that discussion be limited to the two signs that staff recommended for denial.

Sean Smith, representing the applicant, stated that:

- The applicant was delayed in applying for the sign plan amendment sooner.
- The proposed Olive Garden is being located four miles from its current location in another city.
- The proposed Olive Garden is “stronger” than the anchor stores. It would probably attract more traffic to the center than the current anchor stores.
- The wall sign on the front was modified to meet the opening on the front elevation. It would have exposure.
- The blade sign design was modified from the typical sign to make it more directional in nature. Visitors park in that area and access the egress and ingress.
- He appreciated staff’s interpretation for the rear wall sign.
- The west elevation sign would provide visibility from I-394 before the exit. If the property would have been platted separately, then the building would be allowed to have 15 percent of the elevation and a wall-face sign up to 150 square feet in size. Olive Garden will not have a freestanding sign.
- The applicant is requesting appropriate branding to provide quality way-finding devices for drivers to prevent erratic driving behavior.
- The directional sign in the rear was intended to provide direction if the west sign would be overlooked.
- He introduced Justin Wing, the tenant coordinator.

Justin Wing, director of leasing for CSM, stated that:

- He agreed with Mr. Smith’s comments.
- He was sad to see two failed restaurants on the site previously. Olive Garden is investing a lot of money into the building.
- The applicant does not want to clutter the building with signs. It would not look good. The building elevations have been tastefully done. The signs would fit the façade.
- He was available for questions.

Powers confirmed with Cauley that the proposed freestanding Olive Garden building would have a separate sign plan from the rest of West Ridge Market buildings.

Sewall asked how many signs the Shane, Co. building has. Mr. Smith answered two signs. The Shane Co. building is over 10,000 square feet in size. Mr. Smith said that it is extremely rare that a free-standing building like the proposed one would only be allowed one sign. Three signs would not feel like too many.

Knight confirmed with Mr. Smith that a patron could reach the to-go pick up area by entering the front door.

Mr. Smith stated that the Olive Garden plans to open in approximately four weeks, although the parking lot is not as far along as he thought it would be by now.

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

Sewall felt that the rear elevation sign and blade sign make sense. He did not think that the parking lot sign would make sense, because it would be redundant to the rear sign. He agreed with those three parts of staff's recommendation. He struggled with the west elevation. He questioned if the front elevation sign would give a motorist traveling east on I-394 enough time to see it and exit onto Hopkins Crossroad.

Hanson agreed with the middle column. The site would be more attractive with fewer signs. He thought most families who visit Olive Garden would have planned out the route. He did not think a wall sign would cause drivers to divert their course to go to Olive Garden. He supports staff's recommendation.

Powers supports the west-side sign because he is older and finds it helpful to see the sign. He did not think it would feel intrusive to the integrity of the city. The site is located on a freeway corridor. He thought the secondary "to-go" sign would not be as necessary. He did like the proposed signs on the walls.

Henry and his young nephew recognize Olive Garden by the appearance of the exterior walls. He thought the sign would blend in well with the design of the building. It would not cause any intrusiveness. Neighbors would not complain about it. He leaned more toward allowing the sign on the west. He did not think the other "to-go" sign would be helpful at all.

Knight agreed with Henry and Powers. The building can be driven all the way around. The building would be attractive. He likes the Olive Garden sign. He supports the three wall signs, but not the other parking-lot sign.

Sewall was optimistic regarding the appearance and design of the signs.

Powers wants Olive Garden to succeed. He appreciated that the applicant is not taking that for granted.

Chair Kirk appreciated the applicant rebuilding the building to look like an Olive Garden. He supports approving the west sign because the site can be accessed from any

direction. A lot of the parking lot is located west of the building and visitors may not see the signs on the north or south sides.

Hanson moved, second by Powers, to adopt a resolution approving an amendment to the West Ridge Market sign plan to allow a wall sign on the north (rear) elevation and a blade sign and wall sign on the west elevation.

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

E. Amendment to the 7-Hi Center sign plan at 11790 Hwy 7.

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 and Thomas provided the sign history of the location.

Eric Bjelland, chief manager of 7-Hi Retail, LLC, stated that:

- His company purchased the site in 2001.
- He wants to address the changes that have happened since the sign criteria was created in 2001 including the creation of Amazon.com, Blue Plate, and Stitch Fix.
- There is a need to create a way-finder sign to Target on Hwy 7.

Rick Ferraro, Spectrum Science Systems, stated that:

- A 50-square-foot allotment of graphic area for six or seven tenants creates a difficult task.
- Every inch of character height provides 30 feet of visibility.
- The tree scape blocks the view of the tenants from Hwy 7 and the major road. The Walgreens and bank also block the view of the on-building-tenant signs.
- The proposal would provide a uniform tenant list that would provide visibility rather than a hodge-podge of different logos displayed on a sign competing against each other.
- The sign would be internally illuminated and have a mason base to tie it into the building.

Sewall asked if the applicant has a formal sign agreement with Target. Mr. Bjelland explained that a reciprocal easement agreement was signed in 2001 between the developer tract, which his company owns, and the Target tract, which Target owns. Mr. Bjelland has been requesting that Target change the signs since his company bought

the center in 2001. Target is now going to change its graphics and said that it would be a good time to get the proposed changes done.

Mr. Bjelland said that representatives were present from Club Pilates, Cigar Lounge, and Original Pancake House to speak on the importance of the proposed signs.

The public hearing was opened.

Gary Olson, general manager of the Original Pancake House in Minnetonka, stated that:

- The growth of the location is not moving as fast as the owner would like to see.
- Numerous customers who live in the area have commented that he or she did not know that the business existed for the past three years.
- The restaurant needs more exposure.
- The Maple Grove location has three signs directing traffic from I-494 and Bass Lake Road and have seen growth in patronage each year.

Steve Bounds, co-owner of Club Pilates at the Seven-Hi Shopping Center, stated that:

- He owns four Club Pilates locations. The Minnetonka location has the lowest visibility. The walk-in traffic from seeing a sign is less than 10 percent. His best studio has close to 30 percent of customers walking-in from seeing a sign. The business is hidden in a valley.
- When free classes are offered to new customers, the Minnetonka location has more late participants than any other studio by far because the customers have trouble finding the business.
- If a driver misses the turn off of Hwy 7, it is another mile before the motorist may turn around.
- Any kind of sign to help with way finding would be beneficial.

Ed Elliot, owner of The Cigar Lounge, stated that:

- His business has operated at the 7-Hi location for 10 years. The business used to be located across the street in the Westwind Plaza for 13 years. Newcomers find it hard to locate the store. He receives phone calls asking where the store is located. Callers recognize Wendy's, but most do not know that Walgreens or Discount Tires exist.
- The numbers speak for themselves. He had more sales when the store was located in Westwind Plaza due to the lack of visibility at the current location.
- He supports approval of the proposed signs. He requested commissioners approve the proposal.

Mr. Bounds added that:

- Traveling west on Hwy 7, he has found that the sign is very visible when sitting at the Co. Rd. 101 and Hwy 7 intersection.

No additional testimony was submitted and the hearing was closed.

Knight confirmed with Ingvalson that the Target sign is not located on property owned by Target, but on property owned by 7-Hi Retail, Inc. He knew that the Original Pancake House was in that location, but he was not aware of the surrounding businesses. He thought a way-finding sign would be appropriate.

Sewall agreed that those businesses have insufficient way-finding signs. He noted that a sign may have helped the previous restaurant at that site. He noted that it would be a pretty big departure from ordinance requirements, but there is a need for more signage for those businesses.

Powers agreed with the business owners. He has heard comments from residents of the city who were unaware that the Original Pancake House existed in Minnetonka. There is a need for signage there. He was undecided.

Mr. Bjelland explained that the applicant does not have the authority to prevent Target from having its sign. Target controls the signage. Target has given 7-Hi Retail, Inc. an opportunity while Target is planning to rebrand to expand the tenant sign to include the businesses located in the rear of the site from Original Pancake House to Discount Tire. That is why there would be six businesses listed on the sign. There is a reciprocal easement agreement signed in 2001 between Target and 7-Hi Retail, Inc. that has been amended three times. It would be amended again if this sign plan would be approved. He would love to redo all three signs, but Target would not allow that. Hwy 7 has the most visibility. The users in the back have the least amount of visibility. The sign needs to get done.

Chair Kirk noted that this type of sign would be unusual for Minnetonka. The oddly-shaped property line was done deliberately for Target to own property for a sign. Approving this request could impact other village centers in Minnetonka.

Hanson empathized with the business owners. He did not think the sign would be very attractive. If the sign would be more attractive, he would be more supportive.

Henry thought the sign would be too large. He was concerned with setting a precedent. There is an aesthetic standard to be held. He sympathized with the businesses. He hoped a sign could happen, but the proposed sign grossly outweighed the standard.

Powers drove up and down Hwy 7 looking at signs. Some of the signs near the high school are not pretty. The sign is not very attractive and appears very utilitarian, but he supports the proposal because the businesses need the help.

Sewall agreed that the sign is not attractive, but would be a better alternative than businesses that would not get enough patronage and be forced to close.

Chair Kirk wants to support the tenants, but is leaning towards voting to deny the application because he did not want to set a precedent. This site is unique. If the site is identified as unique enough to prevent a precedent being set for other village centers, then he would lean more towards approving the proposal.

Powers recalled an application for a dynamic sign for Caribou Coffee and Bruegger's Bagels that rotates that he supported because he did not think it would set a precedent for other dynamic signs. He was less worried about setting a precedent for this proposal than other commissioners. The sign would not be perfect, but it would serve its purpose.

Knight asked if the Town and Country Village Center has a sign identifying all of the tenants and if the proposed sign would set a precedent. Ingvalson explained that a legal precedent has to show that the two situations are very similar. It is common for people to question staff as to why something was approved in one place, but not another. Approving a sign now that would be 50 percent larger than ordinance allows, could be questioned by an applicant in the future who would want a multi-tenant sign of similar size. Gordon provided that the Town and Country Village Center has a Lunds and Byerly's monument sign at the entrance and on Minnetonka Mills Road, but none of the other businesses are listed.

Hanson struggled with allowing 50 percent more than what the ordinance allows.

Powers noted that buffer zones exist between commercial and residential areas. He would be hesitant if the sign would be located near a residential area.

Hanson moved, second by Henry, to adopt the resolution denying the requested amendment to the 7-Hi Shopping Center sign plan as it pertains to the monument sign at 17790 State Hwy 7.

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

F. Preliminary plat for Highwood Ridge at 14916 Highwood Drive.

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.

Scott Koppendrayner, LDK Homes, applicant, stated that he was available for questions.

Chair Kirk encouraged the applicant to save as many trees as possible. Mr. Koppendraye agreed. Each lot would be graded for each buyer. A rambler is planned for one lot.

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

Knight moved, second by Powers, to recommend that the city council adopt the resolutions approving the preliminary and final plats of Highwood Ridge.

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

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Sept. 16, 2019.

9. Adjournment

Powers moved, second by Sewall, to adjourn the meeting at 9:20 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary