

**Unapproved  
Minnetonka Planning Commission  
Minutes**

**June 18, 2020**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Powers, Waterman, Henry, Luke, Maxwell and Sewall were present. Hanson was absent.

Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley, Planner Drew Ingvalson, and Network Administrator Jeff Dulac.

**3. Approval of Agenda**

***Powers moved, second by Maxwell, to approve the agenda with a modification to Item 8B, items concerning Dairy Queen, provided in the change memo dated June 18, 2020.***

***Powers, Waterman, Henry, Luke, Maxwell and Sewall voted yes. Hanson was absent. Motion carried.***

**4. Approval of Minutes: May 21, 2020**

***Henry moved, second by Waterman, to approve the May 21, 2020 meeting minutes as submitted.***

***Powers, Waterman, Henry, Luke, Maxwell and Sewall voted yes. Hanson 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 8, 2020:

- Adopted a resolution approving the three-lot preliminary plat for Semrud Hills at 4716 Williston Road.
- Adopted a resolution approving the final plat for Standberg East and West at 14616 Woodhaven Road.
- Adopted a resolution approving items concerning The Pointe at 801 Carlson Parkway.

The next regular, virtual planning commission meeting is scheduled to be held July 9, 2020.

**6. Report from Planning Commission Members**

Henry purchased two trees from the city's tree sale.

Powers was supporting a small business by taking karate lessons.

**7. Public Hearings: Consent Agenda**

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

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

**A. Setback variance for freestanding electronic message center sign at 14525 Hwy 7.**

Dulac noted that the applicant was available for questions.

Adopt the resolution approving a setback variance for a freestanding electronic message center at 14525 Hwy 7.

***Powers, Waterman, Henry, Luke, Maxwell and Sewall voted yes. Hanson was absent.***

***Motion carried and the item on the consent agenda was approved as submitted.***

Chair Sewall 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. Expansion permit and variance for additions at 16610 Cottage Grove Ave.**

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

Ingvalson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Henry noted that the house east of the property is located close to the adjoining property line. Ingvalson stated that staff is comfortable with the proposal.

Luke asked if the house is occupied. Ingvalson explained that the house sustained fire damage and is unoccupied.

Waterman confirmed with Ingvalson that the building inspectors would enforce setback and fire separation standards.

Maxwell asked if staff received a comment from the neighbors. Ingvalson answered in the negative.

Erica Koehnen, 16610 Cottage Grove Ave, applicant, stated that she was available for questions.

In response to Waterman's question, Ms. Koehnen stated that the garage was located in a manner to best meet the aggregate-side-yard-setback requirement.

In response to Henry's question, Ms. Koehnen stated that the garage was located on the east side to preserve the hill separating the property from the park.

Maxwell asked if the house would be remodeled or torn down and rebuilt. Ms. Koehnen stated that it would be remodeled. The gravel driveway would be paved.

The public hearing was opened. Dulac stated that there was no one waiting to speak at the public hearing. No testimony was submitted and the hearing was closed.

Maxwell confirmed with Ingvalson that any increase in the approved footprint of the proposal would require approval of a variance.

Luke asked Ms. Koehnen if she talked with the neighbor. Ms. Koehnen responded that she did speak with the neighbor and the neighbor is comfortable with the proposal.

Maxwell appreciates the map showing a comparison of the setbacks for lots in the area being provided in the well-written-staff report. She appreciates the applicant decreasing the size of the garage to prevent additional grading. The proposal would maintain the character of the neighborhood. She supports staff's recommendation.

Waterman noted that the lot has practical difficulties. He leaned toward allowing a standard, two-car garage 24' x 24' in size. He supports the plan.

Henry appreciated the applicant improving the house and property. He would prefer the size of a standard two-car garage, but the perspective home buyer would determine if the garage would meet the buyer's needs.

Powers thought a practical difficulty would be created by the garage not being at least 24' x 24' in size. The proposal does not change the character of the neighborhood. He supports staff's recommendation.

Chair Sewall agreed that he, personally, would like a two-car garage to be at least 24' x 24' in size, but then there would be a chance that the application would not be approved.

*Powers moved, second by Henry, to adopt the resolution approving an expansion permit and a variance for garage and living space additions at 16610 Cottage Grove Ave.*

*Powers, Waterman, Henry, Luke, Maxwell and Sewall voted yes. Hanson was absent. Motion carried.*

Chair Sewall 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 Dairy Queen at 4912 Co Rd 101.**

Chair Sewall 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.

In response to Powers' question, Cauley explained the city's regulations pertaining to the use of EIFS on the proposed building.

Janet Smith, with Fourteen Foods, Inc., applicant, stated that Cauley has been great to work with. The application meets the city's requirements. The business would be family owned. She looked forward to being part of the community. She was available for questions.

Luke asked if the applicant owns other businesses in the area. Ms. Smith said that there are 30 Dairy Queens in Minnesota. The first prototype Dairy Queen was built in St. Michael. This would be the second prototype built in the United States. Visitors would travel to the site to see how it operates.

Luke asked when it would be completed. Ms. Smith stated that the building permit has already been submitted. Construction could begin as soon as the final approval is received. The restaurant could be completed in four months.

Henry asked what would make the building a prototype. Ms. Smith stated that it would have a modern look and feel.

Henry was excited to have a Dairy Queen near his neighborhood. He encouraged the applicant to look into adding landscaping, solar panels, and other sustainability options. Ms. Smith appreciated the suggestion. Her architect would work with city staff and building inspectors to implement feasible sustainability features.

The public hearing was opened. Dulac stated that no one from the public was waiting to comment. No testimony was submitted and the hearing was closed.

Luke appreciated Henry's suggestion to add solar panels on the roof. The location is a very sunny spot. She was excited to have a Dairy Queen in the city.

Powers was glad that it would be a complete restaurant. He felt it would be a lot to ask of a small building to have solar panels, but he would appreciate any effort by the applicant to help the environment.

Waterman supports the proposal. It would add a lot to the neighborhood and would fit in the commercial area.

Maxwell felt that the outdoor seating would be appreciated. The proposal would be a good way to use the space.

Henry liked the blend of the drive thru to accommodate vehicles and the painted pathways for pedestrians. He noted that solar panels could showcase the building.

Maxwell suggested providing a parking area for bikes.

Chair Sewall agreed. He supports the application. The proposal would be more pedestrian friendly than the current site. He likes the outdoor seating. The site would have plenty of parking.

***Maxwell moved, second by Powers, to recommend that the city council adopt the resolution approving the site and building plans and a conditional use permit for Dairy Queen at 4912 Co Rd 101 with a modification provided in the change memo dated June 18, 2020.***

***Powers, Waterman, Henry, Luke, Maxwell and Sewall voted yes. Hanson was absent. Motion carried.***

**9. Adjournment**

***Luke moved, second by Waterman, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.***

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