

**Minnetonka Planning Commission
Virtual Meeting
Minutes**

Nov. 19, 2020

1. Call to Order

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

2. Roll Call

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

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 IT Assistants Gary Wicks and Joona Sundstrom.

3. Approval of Agenda

Powers moved, second by Henry to approve the agenda as submitted with additions and modifications provided in the change memo dated Nov. 19, 2020.

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

4. Approval of Minutes: Oct. 22, 2020

Maxwell moved, second by Waterman, to approve the Oct. 22, 2020 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Nov. 9, 2020:

- Adopted a resolution approving the conditional use permit and site and building plan review for Crane Lake Park at 11905 Ridgedale Drive and the new Park at Ridgedale at 12590 Ridgedale Drive.
- Adopted a resolution approving the preliminary plat with variances for Tonkawood Farms Third Addition at 15014 Highwood Drive.
- Directed staff to prepare a resolution denying a conditional use permit for a licensed residential care facility at 12701 Lake Street Extension.
- Discussed a concept plan for Minnetonka Station at 10400, 10500, and 10550 Bren Road East.

- Discussed a concept plan for Doran Development at Shady Oak Road at 5959 Shady Oak Road.

The next planning commission meeting is scheduled to be held Dec. 3, 2020.

6. Report from Planning Commission Members

Chair Sewall expressed his appreciation for early voting at city hall and all the work done by election officials.

7. Public Hearings: Consent Agenda

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

Henry moved, second by Waterman, to adopt a resolution denying the variance request to deem the vacant lot at 3274 Fairchild Ave. developable for a principle structure as recommended in the staff report as follows:

- A. Resolution formalizing a denial of a variance to declare the property at 3274 Fairchild Ave. developable for a principle structure.**

Adopt the attached formal resolution denying the variance request to deem the vacant lot at 3274 Fairchild Ave. developable for a principle structure. This resolution includes findings from the Oct. 22, 2020 planning commission meeting.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were 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 for a garage and living space addition at 16856 Sherwood Road.**

Chair Sewall 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 there was a concern with runoff. Thomas explained that a condition of approval would require stormwater management practices to be used if the amount of disturbance would meet that requirement.

Steven Eggert, representing Curt Fretham at Lakewest Development, applicant, stated that he was available for questions.

The public hearing was opened. Wicks indicated that no one was waiting to speak. No testimony was submitted and the hearing was closed.

Waterman supports the proposal. It makes sense. It would add value to the property. It would have the same footprint and setbacks. It would be reasonable.

Powers supports the proposal. It would add value to the property and neighborhood while maintaining the character of the neighborhood.

Powers moved, second by Maxwell, to adopt the resolution approving the expansion permit for a garage and living space addition at 16856 Sherwood Road.

Waterman, Henry, Maxwell, Powers, and Sewall voted yes. Hanson and Luke were 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 a detached structure with an accessory apartment at 4225 Tonkawood Road.

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.

Maxwell asked how visible the height would be from the road. Cauley provided an exhibit that showed a berm with vegetation on top of the berm that would separate the proposal from the road.

Henry asked why the property has a larger than usual right of way area between the paved portion of the road and the property line. Cauley explained that the large right of way was a result of Tonkawood Road being reconstructed.

Powers asked if comments had been received from neighbors. Cauley noted that two letters from neighbors are included in the agenda packet.

In response to Waterman's question, Cauley explained that staff would investigate a complaint regarding a property not complying with the home occupation ordinance or conditional use permit requirements and enforcement action would begin with a violation notice sent to the property owner. Several enforcement steps would be taken until the property would be in conformance with ordinance and conditional use permit requirements.

Tom Larson, of Gonyea Transformations, representing the Fickle family, applicant, stated that he was available for questions. He assured everyone that the purpose of the space would be for a home office for the resident to utilize instead of having to travel to an office.

Henry suggested adding a shower to the half bath. Mr. Larson said that a rough-in to add a shower in the future may be included.

Henry noted that the neighbors did not express concern with the structure. It would be a good use of space. He encouraged the property owner to speak with the neighbors to address their concerns. Mr. Larson said that he would contact the authors of the letters to address their concerns.

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

Waterman encouraged the applicant to work with the neighbors to address their concerns. The project looks great. He supports the proposal.

Powers concurred with Waterman and Henry. He did not find the structure attractive, but it would not alter the character of the neighborhood enough for him to oppose the project. A driver going by would not even notice it without stopping at the property. He supports the proposal.

Maxwell agreed with commissioners. The use would be reasonable for the space. The footprint would be the same as the existing garage's footprint. She did not have a problem with the stairs on the rear side. She supports the proposal.

Chair Sewall noted that the property has a newer house in an older neighborhood, so he understood that the neighbors dealt with new construction already being done on the site. The proposal would not require excavating or large equipment. He encouraged the property owner to talk with neighbors about their concerns. He supports the proposal. The setback would be reasonable.

Henry moved, second by Waterman, to recommend that the city council adopt the attached resolutions for the property at 4225 Tonkawood Road. These resolutions approve a conditional use permit for a detached structure in excess of 12-feet in height with a setback variance and a conditional use permit with a locational variance for an accessory apartment.

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

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Dec. 7, 2020.

C. Conditional use permit with a variance for Blue Pearl at 10301 Wayzata Blvd.

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.

In response to Powers' question, Ingvalson explained that the door that would be used to bring dogs outside would be located as far away from the residential properties as possible and would be adjacent to the street right of way.

Chair Sewall confirmed with Ingvalson that the proof of parking area would not be paved unless it would be determined in the future that the stalls are needed.

Joshua Pardue, applicant, stated that staff summed up the project well. There would be no outdoor kennels. It would be an animal hospital. He was available for questions.

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

Henry felt it would be a good use of the space. The location would be easy to find. The green space on the west side would be well utilized and prevent disturbance to the neighbors. He supports the proposal.

Chair Sewall noted that there may be a greater demand for pets than office space right now.

Waterman agreed with Henry. The variance makes sense. The topography and distance create a buffer from the site and the closest residential houses. It would operate similar to most commercial operations. He supports the proposal.

Maxwell agreed with commissioners. The conditional use permit and variance would be reasonable. There would be no visible change to the building. She supports the proposal.

Powers supports the proposal. It would be a good use of the site. The building would be far enough away from the residential houses to impact them.

Chair Sewall lives in the area. The noise from Interstate 394 would be louder than any dog barking. He was not concerned since the building would be so far away from the residential houses. He supports the proposal.

Powers moved, second by Maxwell, to recommend that the city council adopt the resolution approving a conditional use permit with variance for a veterinary hospital, Blue Pearl, at 10301 Wayzata Blvd.

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

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Dec. 7, 2020.

D. Items concerning Lake Minnetonka Care Center at 16913 Hwy. 7.

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.

Maxwell confirmed with Cauley that the proposed facility would be required to hook up to the city's sewer service.

In response to Waterman's question, Cauley answered that the 1996 feasibility study studied five options. At that time, the north alignment was selected because it would provide for a more immediate service to the 17101 address and would not preclude further extension. An east extension along the north property line makes sense, but since that time, trees have grown and the trail has been developed which makes the north alignment more challenging.

Powers thought the size of the building would make it too large to appear residential in nature. He found it difficult to drive into and out of the site. Cauley explained that the building's residential appearance refers to it having the aesthetic appearance of a single-family house rather than being institutional or commercial in design. The anticipated number of 13 trips per day includes visitors, employees, and service providers and is similar to the number of trips generated by a single-family residence.

In response to Chair Sewall's question, Cauley explained that the applicant would need to secure permission from a property owner on Clear Springs Drive to grade onto that property. The trench limit on the south side would be just over 50 feet and would accommodate the depth at the minimum grade installation. The trench limit would provide a stable grade change. The applicant's landscaping plan includes plantings within that area. Staff would make sure that the landscape plan meets city requirements.

In response to Henry's question, Cauley stated that density equals units per acre. The state licenses and regulates care facilities.

Jeff Sprinkel, owner and operator of the Lake Minnetonka Care Center, applicant, stated that Cauley did a great job covering the proposal. He stated that:

- The Lake Minnetonka Care Center is the smallest nursing home in Minnesota. His desire is to make the facility as residential in appearance as possible. The building would be two stories.
- The facility has been operating in Deephaven for 33 years. He explained that a third of the residents have no visitors, a third have visitors two days a year, and a third have a regular visitor every week or every other week. Traffic would not be a problem.
- To access Hwy. 7 from the site, he waits about a minute until the light turns red at the intersection of Hwy. 7 and Co. Rd. 101 and then it is easy. He has done it many times.
- He is looking forward to being able to provide private rooms for the residents. A private room is a single, occupied room with a bathroom. The current facility has no private rooms. It has double and triple rooms which cause a safety risk due to the pandemic.
- The turn lane would be worked out with MNDOT and would be funded by the applicant.

David TeBrake, with Miller Architects and Builders, representing the applicant, stated that:

- MNDOT would govern the turn lane and he has been working with them. The applicant would cover the cost to have the turn lane constructed.
- The facility would have the same number of vehicle trips per day as a single-family residence. None of the residents drive. There would be weekly garbage pickup and oxygen delivery.
- A trench box would be used to minimize the amount of slope and width of the trench.
- Ten additional parking stalls would be available on the inside corner and vehicles could park on the driveway since it would be extra wide on the one or two holidays a year that may require extra parking.

Powers asked if something would be done to protect pedestrians on the trail. Mr. TeBrake stated that the staff report includes the application's plan that would straighten out the trail and lower berms at the driveway entrance. Right now, there are berms on both sides that block visibility of someone on the trail until the vehicle driver is crossing the trail. The berms would be shortened and the trail would be straightened to provide better sight lines of the trail and its users. Signs would also be added to identify the trail crossing. The applicant would agree to add striping on the drive to emphasize the crossing area if staff approves.

Henry noted that the current site in Deephaven is operating in a single-family house. Mr. Sprinkel explained that the applicant received a moratorium exception from the Minnesota Department of Health to create a facility to allow the 21 residents to have a

private room due to the risks created by Covid-19 to the residents who currently share rooms with one or two other residents.

Henry asked if neighbors of the site had been informed. Mr. Sprinkel answered affirmatively. As Cauley pointed out, there have been three meetings on the site. He visited adjacent property owners three times and spoke with and delivered flyers to them. Five people attended the virtual meeting. There were two on-site meetings back in June. It was done outdoors and people socially distanced. Everyone he heard from likes the look of the building. Mr. Devins expressed his concern with the hook up of the utilities, but that was the only concern. Everyone else was very positive and likes the look of it.

In answer to Henry's question, Mr. TeBrake stated that MNDOT found that an acceleration lane would not be warranted due to the controlled intersection that would create gaps in traffic when exiting the site. The applicant would pay to create a deceleration lane to enter the site.

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

Waterman likes the proposal. It would be a great use of land. All the requirements for a conditional use permit would be met. The applicant has been diligent working with staff to come up with the best solution for the utility situation and minimize tree loss. He encouraged the applicant to work with neighbors to minimize impact to neighbors during construction. He supports the proposal and staff's recommendation.

Maxwell agreed that the nursing home meets the conditional use permit standards and the site and building plans are reasonable. She was not sure 13 trips a day would warrant the increase in impervious surface to create the turn lane to enter the site. She understood if MNDOT requires the turn lane. Mr. TeBrake confirmed that MNDOT would require the deceleration lane and clarified that no trees would need to be removed because of it. Maxwell supports staff's recommendation.

Powers noted that the proposal meets all conditional use permit standards and setback requirements. The view of the site would change dramatically. He was troubled by it, but not enough to vote to deny the application.

Henry noted that the site is located on Hwy. 7. The use would be a natural progression between the highway and single-family residences. He is glad there would be a turn lane. He supports the proposal.

Chair Sewall stated that his initial concerns related to parking and utility hook up have been addressed. The proof of parking option is the better, ecological option and would save more trees. The use would fit in the area with Hwy. 7 and townhouses. The proposal would meet all tree ordinance requirements. He supports staff's recommendation.

Henry encouraged the applicant to utilize solar power if possible.

Waterman moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit and final site and building plans for a 21-resident nursing home at 16913 Hwy. 7.

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

Chair Sewall stated that this item is scheduled to be reviewed by the city council on Dec. 7, 2020.

9. Adjournment

Maxwell moved, second by Powers, to adjourn the meeting at 8:40 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary