

**Minnetonka Planning Commission
Virtual Meeting
Minutes**

March 4, 2021

1. Call to Order

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

2. Roll Call

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, and IT Assistants Gary Wicks and Joona Sundstrom.

3. Approval of Agenda

Powers moved, second by Henry, to approve the agenda with moving Item 5, Report from Staff, to the end of the agenda.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. Motion carried.

4. Approval of Minutes: Feb. 18, 2021

Waterman moved, second by Banks, to approve the Feb. 18, 2021 meeting minutes as submitted.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. Motion carried.

5. Report from Planning Commission Members: None

6. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

Powers moved, second by Maxwell, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Resolution reaffirming approval of an expansion permit to replace the flat roof of an accessory structure with a pitched roof at 16816 Grays Bay Blvd.

Adopt the resolution reaffirming an expansion permit to replace the flat roof of an accessory structure with a pitched roof at 16816 Grays Bay Blvd.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. 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 may be made in writing to the city council within ten days.

7. Public Hearings

A. Resolution approving a conditional use permit for an expanded outdoor eating area with setback variance at 15600 Hwy 7.

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.

Henry asked if the site previously generated noise complaints. Thomas explained that no noise complaints have been received stemming from outdoor dining, but residents have complained about early morning garbage pickup for businesses on the frontage road.

In response to Maxwell's question, Thomas explained that some of the trees would be removed from the patio area.

Luke Derheim, applicant, stated that he was excited to become part of the neighborhood. He was available for questions.

Powers asked if music would be played on the outdoor patio. Mr. Derheim said that speakers would play music. There would be no live entertainment outside. The speakers would be pointed toward the west. An eight-foot fence would surround the perimeter to mitigate the sound. The patio is a substantial distance away from the neighbors on the north and west. The adjacent property on the north already has a 12-foot wall. He has not received any concerns from neighbors.

Banks asked if creation of the patio would cause the removal of parking stalls. Mr. Derheim answered in the negative. The fence line would follow the same footprint of a previous fence. There is a lot of green space not being used. The parking area would not be impacted.

Maxwell asked what materials would be used for the floor of the patio. Mr. Derheim explained that a third of the patio would have a concrete floor and the majority of the rest of the patio would have a pervious surface made of something similar to astroturf which would look like green space throughout the rest of the patio and would have trees and vegetation. As much pervious surface would be utilized as possible.

Maxwell asked if he received comments or complaints from neighbors regarding his other restaurant that allows dogs on the patio. Mr. Derheim answered that the majority of

patrons bring dogs on the patio. There are many rules enforced to protect patrons who are not comfortable with dogs.

In response to Henry's question, Mr. Derheim did not foresee the indoor and outdoor seating being full at the same time. His other restaurants have dramatically less parking than this one would have and still have enough, so he is confident there would be adequate parking. He is working on an agreement with the adjacent North Memorial neighbor to provide overflow parking if needed.

In response to Henry's question, Mr. Derheim explained that he is receiving bids to consider adding solar panels to his restaurant in St. Louis Park and the proposed site.

Chair Sewall asked if there would be a designated dog relief area. Mr. Derheim answered in the affirmative. There is an area from the pylon sign to the west that currently has rocks. He is considering replacing the rocks with astroturf and an irrigation system so the area would be kept clean and looking good.

Powers asked if relief bags would be provided. Mr. Derheim said that biodegradable bags would be provided in the front area.

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

Hanson felt that the proposal is straight forward. He supports staff's recommendation. He visits Pub 819 in Hopkins and it has been a good neighbor. He looks forward to the proposal being completed.

Maxwell likes the proposal. It is unique, exciting, and fills a need in Minnetonka. She used to live close enough to walk to The Howe in Minneapolis which was always a good steward of the space and good at what they do. The proposal would be a good addition to Minnetonka.

Waterman agrees with Hanson, Maxwell, and staff. When looking at the site, he would not have guessed that a variance would be needed. The existing footprint looks appropriate. The site looks sharp. He supports the proposal. The management at Craft and Crew have done an amazing job keeping employees employed during the pandemic. He is thrilled the restaurant would be coming to Minnetonka. He supports staff's recommendation.

Henry noted that no neighbors expressed concern. The location would be next to Hwy. 7. He supports the proposal. He enjoys hanging out outside. The existing, large trees would make the site attractive. He supports the use of solar energy.

Powers concurs with commissioners. He likes the business plan that shows that the applicants have a sense of community. He supports the proposal.

Banks agrees with commissioners. He supports the proposal. The existing footprint would be utilized. Neighbors did not express concern. He looks forward to visiting the restaurant with his canine companions in the future.

Chair Sewall supports the proposal. He is glad the existing building would be able to be used for a restaurant and bring new life and vibrancy to the area. The operator has a proven track record. There should be ample parking. He is excited for it to open.

Hanson moved, second by Waterman, to recommend that the city council adopt the resolution approving a conditional use permit with a setback variance for an expanded outdoor seating area at 15600 Hwy 7.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. Motion carried.

8. Elections

A. Elections of Planning Commission Chair, Vice Chair, and Liaison to the Sustainability Commission

Chair Sewall introduced the agenda item to elect a planning commission chair, vice chair, and liaison to the sustainability commission.

Gordon reported. He recommended commissioners elect a planning commission chair, vice chair, and liaison to the sustainability commission.

Henry moved, second by Hanson, to elect Sewall to serve as the Minnetonka Planning Commission Chair for the remainder of 2021.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. Motion carried.

Powers moved, second by Waterman, to elect Hanson to serve as the Minnetonka Planning Commission Vice Chair for the remainder of 2021.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. Motion carried.

Hanson moved, second by Banks, to elect Henry to serve as the Minnetonka Planning Commission Liaison to the Minnetonka Sustainability Commission for the remainder of 2021.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. Motion carried.

In response to Chair Sewall's question, Gordon explained that the sustainability commission would not review specific land-use applications, but would look at broader topics decided on by the city council.

9. Planning Commission Bylaws and Policies

A. Planning Commission Bylaws and Policies

Chair Sewall introduced the agenda item to readopt the planning commission bylaws and policies for 2021.

Gordon reported. He recommended commissioners readopt the bylaws and policies for the remainder of 2021.

Hanson thanked staff for working through the challenges of virtual meetings. He looks forward to being able to meet in person. He understands the benefits of not having a porch policy. He looks forward to supporting porches. More residents may want to add a porch to create a nice, neighborly feel. He did not think a formal policy is needed.

Powers agrees that a formal policy is not needed, but he agrees that porches help with the cohesiveness of neighborhoods which he supports. A porch invites neighbors to interact with each other. He would like to encourage cohesion between neighbors. He leans in the direction of making allowances for the construction of porches.

Chair Sewall recalled how the idea of creating a porch policy was brought up by the number of variance applications being approved by the commission to allow a porch to be constructed. He understood a formal policy may not be warranted, but noted that the commission generally supports the approval of porches.

Henry moved, second by Waterman, to readopt the bylaws and policies.

Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. Motion carried.

10. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Feb. 22, 2021:

- Held a concept plan review for a residential subdivision for Wooddale Builders at 16509 McGinty Road West.
- Adopted a resolution approving items for a multi-family residential development by Dominion at 11001 Bren Road East.

Gordon noted that Minnetonka Chief of Police Scott Boerboom was one of four police chiefs who served as members of the Hopkins Race and Equity panel to discuss

community policing through a series of on-line meetings. Links can be found on Facebook to watch the event.

Gordon noted that the last in-person planning commission meeting was held one year ago. Waterman and Maxwell had just joined the commission and attended one in-person meeting. He appreciated commissioners continuing to serve on the commission and dealing with the challenges that come with virtual meetings.

Wischnack briefed the commission on the Minnetonka Community Development 2020 Annual Report. She stated that Minnetonka Community Development staff:

- Deployed \$225,000 in emergency assistance grants to 37 Minnetonka businesses impacted by COVID-19.
- Increased business outreach efforts to ensure all businesses were informed of COVID-19 related assistance and resources. This resulted in 916 Minnetonka businesses receiving approximately \$27 million in COVID relief from all funding sources at various levels of government.
- Partnered with Hennepin County and hired a marketing consultant to develop nearly \$10,000 worth of marketing materials to encourage customers to visit the Glen Lake area over the holiday season.
- Began participating in Hennepin County's deconstruction grant program.
- Created many programs to assist residents with rent and mortgage payments. \$1,300 was the average amount of assistance.
- Continue to encourage the public to contact city staff or the ICMA food shelf staff if rent or mortgage assistance is needed.
- Dealt with 110 land-use applications in 2020 that included some very complex cases.
- Completed an energy action plan and created a sustainability commission.
- Completed the 2040 Minnetonka Comprehensive Guide Plan.
- Processed a significantly higher number of building permits in 2020.
- Utilized on-line building permitting and virtual inspections when possible.
- Researched health-related complaints and food-borne illnesses.
- Dealt with 500 nuisance complaints often relating to tall grass and garbage containers being left outside. She encouraged neighbors to check on neighbors who may need assistance.
- Issued 610 licenses including those for alcohol, message, tobacco and garbage haulers.
- Produced 62 agenda packets for planning commission, economic development authority commission, and city council meetings.
- Created a business newsletter which was mailed to 1,100 businesses and sent electronically to 846 subscribers.
- Worked on numerous major redevelopments that occurred in 2020.
- Hosted 18 neighborhood meetings in 2020.

Wischnack noted that 760 people subscribe to receive every planning commission packet. She stated that she will send commissioners the entire report.

Powers thanked staff and planning commissioners who made it possible to accomplish all of the spectacular things accomplished in 2020. Chair Sewall felt like the cadence and flow of business continued as usual which shows the amount of work staff put in to make it happen and the resiliency of commissioners and staff. He felt great that the tax dollars are paying the right people.

11. Adjournment

Waterman moved, second by Hanson, to adjourn the meeting at 8 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary