

**MINNETONKA PLANNING COMMISSION
MINUTES**

NOVEMBER 7, 2002

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Gallop, Hart, Knight, Wagner, Egge, and Clinton were present. Sodergren was absent.

Staff Members Present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Environmental Coordinator Jo Colleran, and Planning Intern Janice Waataja.

3. APPROVAL OF AGENDA

Olson explained that Item 8B, site and building plan review for a Barnes and Noble bookstore and façade renovation at 13081 Ridgedale Drive, Ridgehaven Mall, would need four votes for approval since Chair Sodergren excused herself due to a conflict of interest. Review of Item 8A, site and building plan review of existing warehouse and parking stall additions at 13201 Ridgedale Drive (Target Greatland) for the City of Minnetonka, was postponed for two weeks at Target's request.

The agenda was approved as submitted with the aforementioned changes.

4. APPROVAL OF MINUTES: October 17, 2002

Egge moved, second by Hart, to approve the October 17, 2002, meeting minutes as submitted.

Gallop, Hart, Wagner, and Egge voted yes. Knight and Clinton abstained. Sodergren was absent. Motion carried.

5. REPORT FROM STAFF

Olson briefed the Commission on land use applications considered by the City Council at its meeting of October 28, 2002:

- Adopted a resolution approving a conditional use permit for a 1,040-square-foot, detached garage, with height of 14.7 feet at 5219 Scott Court for Craig Stephens.

- Adopted an ordinance amending the political sign requirements to adhere with state law. The City Council kept size restrictions regarding the size of city political signs in odd years (state law prohibits political sign-size restrictions in even years).

Edge asked how the City would communicate the odd-year restrictions to candidates. Olson stated that the City Council was concerned that the regulations be consistent to make them easier to enforce. An extra effort will need to be made to inform candidates of the difference in the regulations. A brochure will be distributed to all candidates stating the regulations.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA

No items were removed from the Consent Agenda for discussion or separate action.

Gallop moved, second by Hart, to approve the items listed on the Consent Agenda as recommended in the respective staff reports as follows:

A. Resolution approving a front yard setback variance from 35 feet to 27 feet to add an attached two-stall garage to the existing home at 12900 Shady Dale Road for Paula and Gary Chambers (02056.02a)

Adopt the resolution on pages A1–A3 of the staff report, which approves the proposed variance. This resolution is based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
 - a. The existing home and garage have a zero front yard setback.
 - b. There is a limited amount of buildable area due to the contours of the property.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. The proposed addition would provide adequate separation between the garage and street, thus improving the existing conditions.

- b. There wouldn't be any tree loss and the integrity of the oak woodland forest would not be compromised.

Approval is subject to the following conditions:

1. Submit proof of having recorded this resolution with the county before the City issues a building permit.
2. The building materials and color must match the existing home.
3. This variance will end on December 31, 2003, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

B. Resolution approving a centerline of the waterway setback variance from 100 feet to 55 feet for a deck and three-season porch at 5432 Maple Ridge Court for Eric Hansen (02059.02a)

Adopt the resolution on pages A1–A3 of the staff report. This resolution approves a waterway setback variance from 100 feet to 55 feet at 5432 Maple Ridge Court, based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to the property:
 - a. Hardship is caused by the home's existing non-conforming setback.
 - b. Enforcement of the setback would render this lot unbuildable.
2. The variance would be consistent with the spirit and intent of the ordinance for the following reasons:
 - a. The proposed additions would maintain the existing setbacks, not encroaching further into required setback than has already occurred on the property.
 - b. The proposed additions would be adequately separated from adjacent homes.

Approval is subject to the following conditions:

1. Submit proof of having recorded this resolution with the county before the City issues a building permit.

2. Submit proof of having recorded with the County a 10-foot conservation easement upland from the wetland elevation of 899.
3. Install erosion control measures prior to issuance of a building permit, to ensure that no erosion occurs toward the wetland.
4. This variance will end on December 31, 2002, unless the City has issued a building permit for the project covered by this variance or has approved a time extension.

C. Resolution approving a lot area variance from 22,000 square feet to 10,000 square feet, and a lot width variance from 110 feet to 50 feet, for a new home at 17205 Gray's Bay Boulevard for David H. Anderson (02061.02a)

Adopt the resolution on pages A1–A4 of the staff report. This resolution approves lot area and lot width variances at 17205 Gray's Bay Boulevard for David Anderson based on the following findings:

1. Strict enforcement would cause undue hardship because of the following circumstances that are unique to this property:
 - a. The property is a 10,000-square-foot lot of record. Given changes to lot area and width requirements, a variance would be required to construct any new home on this property.
 - b. The owner is proposing to use the property in a reasonable manner.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
 - a. Construction of a home on the subject property is consistent with the character of the neighborhood. Homes have previously been constructed on properties of similar size.
 - b. An addition of the same size as the proposed home could be added to the existing house without requiring a variance.

Approval is subject to the following conditions:

1. Record this resolution with the County.
2. The home must maintain a 58-foot setback from front property line.

3. Prior to issuance of a building permit, silt fence must be installed along east property line and as depicted on attachment A10. The fencing must be maintained throughout the construction process.
4. No stockpiling of materials may occur outside the silt fencing as depicted on attachment A10.
5. Construction must conform to the plans submitted.
6. Prior to issuance of a certificate of occupancy, roof runoff from the new home will be assessed by staff. Gutters will be required at that time if necessary.
7. This variance will end on December 31, 2003, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Gallop, Hart, Knight, Wagner, Egge, and Clinton voted yes. Sodergren was absent. Motion carried and the items on the Consent Agenda were approved as submitted.

8. PUBLIC HEARINGS

A. Site and building plan review of existing warehouse and parking stall additions at 13201 Ridgedale Drive (Target Greatland) for the City of Minnetonka (94034.99a)

Wagner questioned if Item 8B, a site and building plan review for a 2,746-square-foot addition to the existing Barnes and Noble bookstore and a façade renovation at Ridgehaven Mall, 13081 Ridgedale Drive, should be postponed until Item 8A, a site and building plan review for Target Greatland for the City of Minnetonka was discussed by the Commission. Olson explained that the two items could be acted on independently. He referred the Commissioners to a revised proof-of-parking plan submitted by the applicant that provided sufficient proof-of-parking for both applications.

Gallop stated that he and Acting Chair Clinton would be absent at the next meeting. Olson appreciated Gallop bringing that to his attention. He reviewed the notification and postponement options and each ones' voting consequences.

Acting Chair Clinton favored postponing action until a date specific. If the applicant was not prepared by that date, another postponement could be requested.

Knight moved, second by Wagner, to postpone Item 8A, site and building plan review of existing warehouse and parking stall additions at 13201 Ridgedale Drive (Target Greatland) for the City of Minnetonka (94034.99a), until the November 21, 2002, Planning Commission meeting.

Gallop, Hart, Knight, Wagner, Egge, and Clinton voted yes. Sodergren was absent. Motion carried.

B. Site and building plan review for a 2,746-square-foot addition to the existing Barnes and Noble bookstore and façade renovation of Ridgehaven Mall at 13081 Ridgedale Drive for Thrivent Financial (formerly Lutheran Brotherhood) (94034.02b).

Acting Chair Clinton 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.

Egge asked if a management plan was in place to work with employees who would allow the delivery trucks to operate contrary to the regulations. Thomas stated that Target personnel have been instructed not to accept deliveries prior to 8:00 a.m. Employees are documenting which vendors arrive prior to the allowed time and they will be dealt with internally with the assistance of mall management.

Gallop asked if the façade renovation of Barnes and Noble would be on the rear or front. Thomas clarified that the illustration referred to the façade on the front of the building and explained how the rear would look. Thomas confirmed that customers would not arrive through the rear.

Wagner asked if the proposed façade would require a variance for its height. Thomas explained that the face would be between 32 feet and 34 feet at its highest point. The Byerly's façade is just under 37 feet in height. Olson confirmed that there is no height restriction for the 394 District. The façade would be considered part of the building, not signage.

Hart questioned if there would be enough room for trucks to turn around in the rear parking lot of the building. Thomas referred the question to the applicant.

John Dietrich of RLK (6110 Blue Circle Drive), civil engineer and site planner for the project, provided illustrations of how four different types of trucks would maneuver on the site. He explained the reason for relocating the fire hydrant.

Hart asked if a concrete barrier would protect the fire hydrant. Mr. Dietrich stated that the same type of barrier would be used as is currently in place. Mr. Dietrich stated that the average driver would be familiar with the layout and with maneuvering the turn.

Eric Simmer of Thrivent Financial, 625 4th Avenue South, Minneapolis, applicant, explained that Byerly's now locks its docks during non-delivery times and Target added additional refrigeration fixtures to accommodate larger deliveries on Saturdays as there can be no deliveries on Sundays. He provided background regarding how the project was created. The applicant plans to stabilize the tenancy of the mall by requiring longer leases.

Egge asked if creating an access between Target and the rest of the mall was being considered. Mr. Simmer stated that the tenants prefer to have their own store fronts to handle security issues individually. Egge acknowledged, as a patron, the convenience of the stores being connected in the winter.

Egge asked how the concern of loud employees' vehicles' radios was being handled. Mr. Simmer stated that each tenant is responsible for the actions of their own employees. He was aware that Target discussed proper conduct with its employees.

Wagner asked what the proposed expansion would be used for. Mr. Simmer explained that it would be a warehouse and a break room.

In response to Acting Chair Clinton's question, Mr. Simmer explained the landscape and irrigation plans. He stated that \$25,000 is allocated for landscaping for each of the next two years. A landscape architect would be hired to meet with neighbors and determine the areas in need of improvement.

Olson received an e-mail from a resident that stated that the radio noise from vehicles parked behind the Target has decreased significantly in the past few weeks. Residents have been provided the names and phone numbers of store management they may contact directly.

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

Wagner asked if there would be a gain in parking spaces created by moving the rear spaces to the front and changing the curb and gutter. Thomas stated that there would not be a net gain, but the parking requirements would still be met.

Acting Chair Clinton appreciated the applicant working with neighbors to address and resolve issues prior to the Planning Commission meeting.

Gallop moved, second by Wagner, to approve the site and building plans as submitted and modified by the Change Memo dated November 7, 2002. Approval is based on the following findings:

1. The proposed addition and façade treatment meet all architectural and site standards pertaining to structures within the Planned I-394 District.
2. The proposed addition and façade treatment meet the intent of city code.

Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan as depicted on the utility plan dated 10-10-02.
 - Building elevations dated 05-03-02.
 - Proof-of-parking exhibit dated 11-07-02
2. Approval does not include any sign depicted on the submitted plans. A separate sign permit must be submitted for staff review and approval.
3. Prior to issuance of a building permit, submit a construction management plan for staff approval; construction activity is limited to 8:00 am – 8:00 pm Monday through Saturday.
4. Construction must begin by December 31, 2003, unless the Planning Commission grants a time extension.
5. Spaces shown as proof-of-parking may not be paved or restriped, unless approved by the City upon showing of a demonstrated need for these spaces. The City may require paving or restriping of proof-of-parking areas.
6. Staff may approve minor amendments to the building elevation dated 05-03-02

Gallop, Hart, Knight, Wagner, Egge, and Clinton voted yes. Sodergren was absent.
Motion carried.

9. ADJOURNMENT

Wagner moved, second by Gallop, to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

By: _____

Bernadette H. Leaf
Planning Administrative Assistant