

**MINNETONKA PLANNING COMMISSION
MINUTES**

MARCH 6, 2003

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, and Planning Intern Ed Davis.

- 3. APPROVAL OF AGENDA:** The agenda was approved with the removal of Item 8A, items concerning a proposed 60-unit condominium project at 408 Parkers Lake Road for Yellowstone Trail LLC (03001.03a).

- 4. APPROVAL OF MINUTES:** February 20, 2003

Gallop moved, second by Egge, to approve the February 20, 2003, meeting minutes with the following correction:

- Page 6, Paragraph 4: Chair ~~Sodergren~~ **Wagner** concurred with Gallop and Britain.

Maes, Britain, Egge, Gallop, Hart, and Wagner voted yes. Knight abstained. Motion carried.

5. REPORT FROM STAFF

Olson announced that the public hearing for Item 8A, items concerning a proposed 60-unit condominium project at 408 Parkers Lake Road for Yellowstone Trail LLC (03001.03a), will be held March 20, 2003, in the City Hall Council Chambers at 6:30 p.m. No new public hearing notices will be sent out. The item was postponed to allow time to research the steep slopes on the site.

Olson briefed the Commission on land use applications considered by the City Council at its meeting of February 24, 2003:

- Adopted an ordinance approving a rezoning and a resolution approving a two-lot subdivision, with a buildable area variance, at 26 Kingsview Lane for Gonyea Properties, Inc., as recommended by the Planning Commission. The rezoning is from R-1 low density residential, to R-2 low density residential, to create two lots, each

with a minimum lot size of 15,000 square feet. The two-lot subdivision is with a buildable area variance from 2,400 square feet to 2,340 square feet.

- Introduced and referred to the Planning Commission an ordinance approving a rezoning from R-1 low density residential to PUD planned unit development and approving a PUD master development plan, with final site and building plans, for a 30-unit townhouse project called “The Sanctuary” at 3230 and 3306 Groveland.
- Introduced and referred to the Planning Commission an ordinance approving a rezoning from R-1 low density residential to PID planned I-394 district, and a master development plan, with final site and building plan, for a 60-unit condominium project at 408 Parkers Lake Road for Yellowstone Trail LLC.
- Introduced and referred to the Planning Commission an ordinance amending a PID master development plan for the Bonaventure Shopping Center to allow outdoor seating for the Bacio restaurant at 1571 Plymouth Road.
- Adopted as recommended by the Planning Commission a resolution approving a two-lot subdivision, with a front yard setback variance from 25 feet to 3 feet, at 13326 North Street for Gary and Shirley Smith.

Olson informed the Planning Commission of an application from the Hopkins High School for review of a site and building plan for a 900-seat theater and an inflatable dome over a practice field.

Olson invited the public and the Commissioners to meetings regarding a proposed 30-unit townhouse project called “The Sanctuary.” On March 18, 2003, at 6:00 p.m., in the Purgatory Creek Room of the Community Center, the Economic Development Authority (EDA) will conduct a public hearing to review the affordable housing aspects of the proposal. April 3, 2003, is the tentative date set for the Planning Commission to hold its public hearing on this project.

Olson invited Commissioners and the public to a Citizen Academy meeting that will be held March 11, 2003, from 7:00 p.m. to 9:00 p.m. The meeting will focus on the development process.

Olson stated that the Volunteer Recognition Dinner will be held March 26, 2003, at 6:00 p.m. He requested that R.S.V.P.s be received by March 19, 2003.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA

No item was removed from the Consent Agenda for discussion or separate action.

Hart moved, second by Britain, to approve the item listed on the Consent Agenda as recommended in the respective staff report as follows:

A. Resolution for a conditional use permit for a vehicle audio installation business with parking variance for Ultimate Electronics, 12901 Ridgedale Drive (Ridge Square South shopping center) (89035.03a)

Recommend that the City Council adopt the resolution on pages A1–A4 of the staff report. This resolution approves a conditional use permit for an audio-system installation business with parking variance.

1. Apart from parking standards, the proposal meets the required conditional use permit standards.
2. Strict enforcement of the ordinance would cause undue hardship because of circumstances unique to this property.
 - a. The applicant is proposing to use the property in a reasonable manner. City code requirements that must be applied to auto-related uses were intended for more traditional or intense auto repair or servicing uses.
3. The variance would be consistent with the spirit and intent of City ordinance for the following reasons:
 - a. The proposal would not impose any negative impacts on existing parking conditions. Auto-related parking requirements are intended for more traditional, intense repair or service operations where spaces must be provided for vehicles waiting to be serviced or picked up by owners.

Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

1. Record this resolution with the county before the City issues a building permit.
2. Provide ordinary 1 density for automatic fire sprinklers in the lease space.
3. A separate sign permit application must be submitted for staff review. Any proposed sign must meet conditions outlined in the Ridge Square South sign covenants.

4. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
5. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
6. The applicant must agree to the above conditions in writing.

Knight, Maes, Britain, Egge, Gallop, Hart, and Wagner voted yes. Motion carried and the item on the Consent Agenda was approved as submitted.

8. PUBLIC HEARINGS

A. Items concerning a proposed 60-unit condominium project at 408 Parkers Lake Road for Yellowstone Trail LLC (03001.03a):

- 1) **Ordinance rezoning the property from R-1 low-density residential, to PID planned I-394 district; and a master development plan, with final site and building plans; and an**
- 2) **Ordinance approving a wetland rezoning.**

Was postponed until the March 20, 2003, Planning Commission meeting.

B. Items concerning a proposed outdoor seating area for the Bacio restaurant at 1571 Plymouth Road South (Bonaventure shopping center) for Bacio (86014.03a):

- 1) **Ordinance amending the existing master development plan;**
- 2) **Resolution for a conditional use permit, with variance**

Chair Wagner 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.

Gallop asked how patron traffic would enter the outdoor seating area. Thomas explained that the outdoor seating area could be accessed without entering the building. A host stand would be located at the outside entrance.

Britain asked if the area could be covered. Thomas stated that the space would not be enclosed, with the exception of a trellis. Britain asked if the applicant could add cover to it at

a later date. Olson stated that a cover would be allowed as long as the outdoor area is not used as a year-round, heated space. Olson provided Champs as an example of a covered outdoor eating area. Olson stated that the Planning Commission could add conditions restricting the amount of covering.

Olson and Britain discussed that the peak season for business and lack of parking is during November and December. The additional vehicles created by the proposal would not affect parking during the peak months.

Gallop asked if the wall would be extended to the gate. Thomas explained that aesthetic plantings would be added to provide a perimeter.

Chair Wagner confirmed with Thomas that only the Bonaventure parking area was included when the number of parking stalls was calculated. The Ridgedale parking lot was not included.

Thomas explained that a shaded-in area represented a wall, if it would be determined in the future that the area needed to be separated from the walkway.

In response to Knight's question, Thomas explained that if the Community Development staff determined that a full perimeter was necessary to deter under-age drinking, the condition would be implemented.

Fred Richards, 7225 Fleetwood Drive, Edina, representing the applicant, was present to answer questions. He stated that all three of the owners' eating establishments have hosts and hostesses seating people. The hostess station would be staffed at all times. He explained the establishment's traffic pattern.

Knight felt that the proposal would increase the need for parking since additional tables would be added.

Rick Webb, applicant/owner, stated that he provided parking records for outdoor seating of his other restaurants to staff. The customer volume is less during non-winter months. Outdoor seating would increase the marketing potential of the number of customers coming to the restaurant in the warm-weather months.

Hart asked if outdoor seating would attract more customers during non-winter months than winter months. Mr. Webb stated that outdoor seating would add some customers in the warm-weather months.

Maes asked if the trees near Linens 'N Things would remain. Mr. Webb stated that the trees would remain on the west side of the hedge.

Chair Wagner asked if Ridgedale Mall management expressed any concern regarding the proposal. Mr. Webb answered in the negative.

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

Chair Wagner reviewed the issues.

Britain asked staff if Bonaventure had met its maximum parking capacity. Olson acknowledged that the entire Ridgedale parking area is an annual problem during the holiday months. During the remainder of the year, there is adequate parking. Olson confirmed that Bonaventure meets parking ordinance standards.

Britain was concerned with pedestrians crossing Ridgedale Drive. Olson was not aware of patrons crossing Ridgedale Drive to reach Bacio. He recalled Red Stone Grill requesting to use Ridgedale Center parking as their parking, but the City denied the request due to the safety concerns of patrons crossing the street.

Egge was in favor of the proposal. It met the intent of the ordinance. Parking is not an issue. As a former Ridgedale employee, Egge stated that, other than the holiday season, the parking is adequate. The proposal is a seasonal use and the conditions are in place to enforce further restrictions if warranted.

Knight asked if parking in the Ridgedale Center lot is allowed for Bonaventure patrons. Olson received a concern from Ridgedale Management that Bonaventure employees, that did not include Bacio employees, were parking in the Ridgedale parking lot.

Knight asked if a crosswalk exists at the intersection of the Bonaventure and Ridgedale parking lots. Olson was not positive. Knight favored a crosswalk. Chair Wagner pointed-out that the intersection is private property.

Knight was comfortable with the proposal. The seasonal nature of the use and its location adjacent to additional parking helped him support the proposal.

Maes asked how the site would be monitored to determine if the stonewall was needed. Thomas stated that the Community Development staff would monitor the situation during its enforcement of alcohol statutes.

Maes asked if a condition could be added to require valet parking, or another alternative, during times of high volume. Olson referred her to condition number five, allowing additional conditions to be added if problems develop. Maes supported the plan and felt it would be a great place to visit.

Gallop felt that an additional fourteen tables would not cause a significant difference in the parking problem during peak times. Commercial uses surround the site. He supported staff's recommendation.

Chair Wagner supported the proposal.

Egge moved, second by Knight, to recommend that the City Council approve the following items for the Bacio restaurant at 1571 Plymouth Road So. (Bonaventure shopping center) for Bacio:

A) Adopt the ordinance on pages A1–A4 of the staff report allowing unenclosed, outdoor seating areas at Bonaventure Restaurant.

Approval is based on the following findings:

1. The proposal meets the intent of the Bonaventure master development plan. The existing lease restriction is in place to ensure parking at the site meets minimum requirements. City policy has been to not require additional parking for outdoor seating areas. These spaces have not traditionally increased the number of restaurant patrons and vehicles; instead, they simply offer a seating option. Available parking at the site would not be affected by the proposal.

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 dated February 22, 2003

B) Recommend the City Council adopt the resolution on pages A5–A8 of the staff report, which approves a conditional use permit with variance for an outdoor seating area at the Bacio restaurant at 1571 Plymouth Road So. (Bonaventure shopping center) for Bacio. This resolution is based on the following findings:

1. Apart from providing an uninterrupted enclosure and being accessed only through the principal building, the proposal meets the required conditional use permit standards
2. Strict enforcement of the ordinance would cause undue hardship because of circumstances unique to this property.

- a. The applicants are proposing to use their property in a reasonable manner, acceptable to City staff charged with the issuance and enforcement of the City's liquor licenses.
3. The variances would be consistent with the spirit and intent of City ordinance for the following reasons:
 - a. A stonewall, gate, and hedge would physically separate the outdoor seating area from the Bonaventure parking lot and surrounding sidewalks.
 - b. A host stand would be located directly inside the proposed gate; no one would be seated excepted by a host.
 - c. The proposed stone wall and building design could be altered to fully surround the outdoor seating area in the future, should the City deem it necessary.

Approval is subject to the following conditions:

1. The outdoor seating area must not impede egress from the building. The proposed stonewall and gate must be approved by the City's Fire Marshall prior to issuance of a building permit.
2. In the future, should the City find it warranted, the City may require the stone wall fully surround the outdoor seating area and building design be altered to allow access only from the building
3. The outdoor seating area must remain as seasonal seating. It may not be incorporated into the building, fully enclosed, or converted to year-round usable space.
4. Record this resolution with the county before the City issues a building permit.
5. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
6. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
7. The applicant must agree to the above conditions in writing.

Knight, Maes, Britain, Egge, Gallop, Hart, and Wagner voted yes. Motion carried.

Chair Wagner stated that the City Council is tentatively scheduled to review the item at its March 31, 2003 meeting.

9. Other Business

A. Review of the Planning Commission's By-laws and Policies

Olson gave the staff report. He advised Commissioners to look for ways the Commission has treated similar applications consistently contrary to current by-laws and policies. The Commissioners had no suggestions.

Knight asked that the rules and policies be kept in the binders. He mentioned that while materials are received by staff up until the time of the meeting, this did not allow him sufficient time to review the information.

Hart moved, Britain seconded, to approve the Planning Commission's by-laws and policies for 2003.

Knight, Maes, Britain, Egge, Gallop, Hart, and Wagner voted yes. Motion carried.

Chair Wagner stated that the next Planning Commission meeting will be held March 20, 2003, at 6:30 p.m.

10. ADJOURNMENT

Hart moved, second by Egge, to adjourn the meeting at 7:35 p.m. Motion carried unanimously.

By: _____
Bernadette H. Leaf
Planning Administrative Assistant