

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**APRIL 3, 2003**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Britain, Egge, Gallop, Hart, Knight, Maes, and Wagner were present.

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

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted.

**4. APPROVAL OF MINUTES:** February 6, 2003 and March 20, 2003

*Hart moved, second by Egge, to approve the February 6, 2003, meeting minutes as submitted.*

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

*Hart moved, second by Egge, to approve the March 20, 2003, meeting minutes as submitted.*

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

**5. REPORT FROM STAFF**

Olson reported that staff attended a Meadowwoods Golf course neighborhood meeting on March 27, 2003. The developer was proposing to construct seventeen market-rate single-family homes and a triplex of affordable housing that would equal twenty units on a twenty-acre site. The houses would cost approximately \$900,000. Significant wetland restoration and landscaping would be included in the project. The north side of Ridgewood Road would be left as green space. A formal application has not been submitted yet.

Olson summarized a meeting staff had with Sears Imported Autos regarding an application to expand the business' parking lot to the north. Thirty to forty residents expressed concern that the proposal would negatively affect the North Ridge and South Ridge neighborhoods redeveloping in the future. The area is guided as a medium density residential district.

Olson announced the following tentative meeting dates:

- Accel sign appeal to be heard by the City Council on April 14, 2003. A court hearing will take place April 16, 2003.
- The Glen Lake Redevelopment Project Planning Committee will be meeting on April 23, 2003, to reach a consensus regarding what the neighbors would like the redevelopment plan for the area to include.
- The Sanctuary project, which proposes to construct thirty townhouses, is scheduled to be reviewed by the Planning Commission on May 1, 2003.

Olson stated that the Minnetonka School District has met with staff and discussed enclosing a dome around the Minnetonka High School football field.

Olson encouraged everyone to visit [eminnetonka.com](http://eminnetonka.com) and look under “hot topics” to get more information on all of the projects.

Olson invited the Planning Commissioners to attend the Land Use and Planning Workshop. Anyone interested should contact Bernie Leaf at City Hall to register.

Olson reviewed the changes listed in the Change Memo dated April 3, 2003.

**6. REPORT FROM PLANNING COMMISSION MEMBERS:** None

**7. PUBLIC HEARINGS: CONSENT AGENDA**

The following item was removed from the Consent Agenda for discussion and separate action: 7C, a resolution approving a setback variance from 25 feet to 15 feet for a lot without public road frontage to build a single-family home at 2435 Emerald Trail for Smuckler Architecture, Inc. (03006.03a).

*Britain moved, second by Gallop, to approve Items A, B, and D, as listed on the Consent Agenda as recommended in the respective staff reports as follows:*

**A. Resolution approving a variance for a second freestanding sign at 2301 Crosby Road for Damon Farber Associates on behalf of Cargill Incorporated (97092.03a)**

Adopt the resolution on pages A1–A4 of the staff report. This resolution approves a variance for a second freestanding sign for a limited tenant building under 100,000 square feet (Cargill Incorporated) at 2301 Crosby Road, 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 large size of the site (18 acres).
  - b. The significant building setback of the Research Center from McGinty and Crosby Roads.
  - c. The site has three natural resource features (a pond, a wetland, and a stand of mature trees) that cover about 4/5ths of the site and restrict views of the Research Center especially from the McGinty Road driveway.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. One sign at the Crosby Road driveway does not adequately advertise the Research Center, since the driveways into the site are physically separated by 1/4 of a mile.
  - b. The natural features on the site (a pond, a wetland, and a stand of mature trees) visually block the Research Center from the McGinty Road driveway.

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 applicant must apply for a sign permit.
3. The new signs must be setback 10 feet from the property line.
4. The existing Crosby Road monument sign must be removed within 30 days upon the installation of the new sign.
5. The zero foot setback variance (December 1997) for the existing Crosby Road monument sign is immediately voided.
6. The variance (December 1997) for the existing Crosby Road monument sign and one of the smaller 8-square-foot monument sign is immediately voided.
7. This variance will end on December 31, 2004, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

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

*Britain moved, second by Gallop, to approve Items A, B, and D, as listed on the Consent Agenda as recommended in the respective staff reports as follows:*

**B. Sign plan review to modify the monument sign and building identification signs as part of the current renovation of the facilities at 5950 Clearwater Drive for Children's Hospitals and Clinics (89006.03a)**

Approve the amended sign plan to allow a 40-square-foot wall sign, and a 40-square-foot monument sign with 10 square feet of copy/graphic area.

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

*Britain moved, second by Gallop, to approve Items A, B, and D, as listed on the Consent Agenda as recommended in the respective staff reports as follows:*

**D. Resolution approving a front yard setback variance from 35 feet to 32 feet for an enclosed entry at 3811 Dartmouth Drive for Debi Berns (03007.03a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 35 feet to 32 feet at 3811 Dartmouth Drive for Debi Burns. 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 applicant is proposing to use the property in a reasonable manner.
  - b. The proposed 36 square-foot addition may be considered an architectural feature, rather than a livable space addition. By city code, architectural features may encroach into required front yard setback by 5 feet. Were the entry not enclosed, no variance would be required.
2. The variance would meet the intent of the ordinance since:
  - a. Adequate separation would be provided between the entry and Dartmouth Drive. Right-of-way in front of the home is 15 feet in width; the addition would be 47 feet from the roadway.

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. This variance will end on December 31, 2004, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

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

## **8. PUBLIC HEARINGS**

### **A. Resolution approving a setback variance from 25 feet to 15 feet for a lot without public road frontage to build a single-family home at 2435 Emerald Trail for Smuckler Architecture, Inc. (03006.03a)**

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

Davis reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report. He reviewed that primary issues.

Gallop was concerned that the screen porch on the southeast side of the structure did not meet the hardship standard. He understood the setback requirements at the time the lot was platted. Gallop confirmed with Davis that the area east of the residence would remain a park. Gallop questioned if the application met the hardship standard. He questioned if the structure could be placed differently to meet setback requirements.

Chair Wagner asked if alternative plans had been submitted to staff that would meet setback requirements. Davis responded in the negative.

Gallop visited the site and felt the residence “stuck-out”.

Chair Wagner asked if the four-season porch did not have a roof on it, if it would require a variance. Olson confirmed that an uncovered deck or porch would be allowed a five-foot intrusion into the setback.

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

Knight voiced his opposition to flag-lots, but acknowledged that that issue had already been decided. The variance concerned him. He was unsure if the application met the “undue

hardship” standard. The history of the property and the minimal size of the intrusion caused him to struggle with his decision.

Hart stated that the shape of the lot causes a hardship to place the residence and allow access to the garage. The intrusions were mostly point intrusions. The screen porch would be ten feet beyond the current setback requirements, but given that the intent of the setback is to prohibit the intensification of residences, and there would only be a park on the porch side of the residence, it would not intensify the closeness of residences. Given that houses with street frontages have a ten-foot setback, she felt the request was reasonable.

Chair Wagner concurred with Hart given the size of the lot, from an angle stand point, and the 33 feet of separation between the residences. He supported staff’s recommendation.

***Egge moved, second by Maes, to adopt the resolution on pages A1–A4 of the staff report. This resolution approves a setback variance for the east and west lot lines from 25 feet to 15 feet for a lot without public road frontage to construct a single family home at 2435 Emerald Trail, 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 plat for the property was approved when the setback for all lot lines was 15 feet.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The 33.75 feet separation between the proposed home and nearest adjacent home is less than the possible 20 feet separation assuming the homes had road frontage and were built to the minimum side setback.
  - b. The rear lot line is adjacent to a large public natural area and the 15 feet setback adequately separates these land uses.
  - c. The 10 feet minimum side setback for a lot with road frontage is less than the proposed 15 feet.

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 applicant must apply for a separate building permit for the construction of any retaining walls over 4 feet.
3. The applicant must apply for a separate grading permit.
4. The home must have automatic 13D fire sprinklers.
5. This variance will end on December 31, 2004, unless the City has issued a building permit for the project covered by this variance or approved a time extension.

*Britain, Egge, Hart, Knight, Maes, and Wagner voted yes. Gallop voted no. Motion carried.*

**B. Items concerning a proposed 53-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.**

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

Teague reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report and the Change Memo dated April 3, 2003.

Egge asked how the density was calculated. She questioned why the wetland was not factored into the impervious surface calculations, but was used for calculating the density. Teague stated that the City's ordinance allows a density credit of two units per acre of wetlands when calculating density. Wetlands are considered pervious surface in the zoning ordinance

Egge wanted to understand the rationale for using the two units per wetland standard when it had not been utilized for years. She recognized that adhering to the wetland credit ordinance impacted the density. Teague agreed that the developer reduced the number of units as a

result of the ordinance. Teague stated that gross density had been used in the past. The wetlands, in those instances, were included in the density calculation.

Teague explained that a survey of ten similar cities was conducted. Six of the ten use credits for wetlands when calculating the density. Blaine, Maple Grove, Woodbury, and Plymouth do not have wetland credits.

Egge asked how the two credits per acre of wetland was agreed upon. Teague stated that the ordinance dated back to the 1981 Comprehensive Guide Plan. Olson stated that the consensus, at the time the ordinance was created, was that full credit ought to be given wetlands. Wetlands should not be excluded, a person should not be penalized in terms of density for having wetlands, and wetlands should be considered part of the gross area of the property. The City Council determined that two units per acre of wetland would allow for some recognition of the fact that the property included a wetland and it was of some benefit. Olson stated that the City Council decided that no consideration would be given for properties with lake frontage.

Chair Wagner confirmed with Teague that four of the ten cities gave no credit for a wetland located on a property.

Olson explained that since single-family plats can use wetlands for buildable lot area credit, it then makes sense to allow some density credit for multiple-dwelling projects with wetlands.

Knight asked if property with a wetland would be restricted to a fewer number of units than a property of the same size without wetlands. Teague answered in the affirmative and explained that the calculation initially gave full credit to the wetland, treating the wetland as buildable area.

Knight asked if the current Comprehensive Guide Plan included the credit for wetlands. Teague stated that the requirement is part of the City's current zoning ordinances. It may have been missed in the past, but staff does not wish to make the same mistake. It was in the 1981 Comprehensive Guide Plan language.

Gallop asked why the wetland is being filled. Teague understood the filling was to allow realignment of the driveway entrance. He suggested the applicant provide further background information.

Chair Wagner thanked the residents for their well thought-out correspondence and comments. Chair Wagner confirmed with Teague that the wetlands would not be constructed on and, in fact, would be part of a conservation easement.

Chair Wagner asked if, due to the reduction of 60 to 53 units, the number of parking spaces remained the same. Teague stated that the amount of required parking changed, but the amount of proposed parking remained the same. The amount of proposed parking exceeds the City's requirement.

Chair Wagner asked if the holding pond would be filled with impervious clay. Colleran answered in the negative. She explained that the pond water would remain cleaner if it was allowed to infiltrate into the ground, if the soils allow it to do so. She also explained that the wetland would be filled-in to protect the proposed buffer and avoid the removal of four significant oak trees.

Tom Threlkeld, applicant representative, was present with the architect and engineer of the project to answer questions.

The public hearing was opened.

Linda Lemke, 100 Parkers Lake Road, was frustrated with the City. She stated:

- The hearing was postponed a number of times.
- It took a month and-a-half for staff to discover that the density was miscalculated. She wondered what else was "misrepresented."
- Two-thirds of the proposed site is wetland.
- Minnetonka has never approved a development where the wetlands were the majority of the proposed site. She asked if the Planning Commission was ready to set that precedent.
- P.I.D. density is more restrictive than regular medium density.
- The applicant has no justification for the high density.
- The proposal was not consistent with the comprehensive plan.
- The density of the project without the wetland credit would allow twelve units per acre. The density using the wetland credit would allow fifteen units per acre. That puts it into high density.
- She found that no other city in this area, Wayzata, Edina, St. Louis Park, Medina, Orono, and Plymouth, allows wetland density credit. Those cities were "appalled" that Minnetonka would consider allowing wetland credit.
- It would not be just or right to allow 53 units on three and a-half acres.
- Was the buildable area three and a-half acres or three acres.
- She opposed approving a density at the high end of the density range.
- Conservation easements and saving trees are not a justification for higher density, because it would be required anyway.
- She questioned if density was calculated with or without the conservation easement area.

- To reduce the amount of outdoor parking, the footprint of the building was enlarged.
- The proposal does not meet the required ten percent of the site for recreational areas. The trail would not be enough to meet the standard.
- She questioned where children residing in the affordable housing units would play. She saw no room for a patio or a grill.
- The plan lacked the appealing and interesting living environment where the residents could be outside.
- Should the wetlands considered as a private recreation use.
- The proposal does not meet the intent of the medium density designation to provide a transition area.
- The property west of the proposed site is primarily a wetland. The property on the north consists of single-family homes valued between a half and three-quarters of a million dollars.
- The intent of the adjacent property owners is to develop higher-value single-family homes, rather than medium density. Since the city has not used the two units per acre credit for wetland before, the commission would be setting a precedent on this project.
- The Gates apartments are fourteen units per acre. The proposal would be developed at a higher density than what is located across the road.

Gallop asked how she calculated fifteen units per acre. Ms. Lemke stated that the 54 units are not spread-out over nine acres, they would all be constructed on three acres, so the actual, real density would be fifteen units per acre. She felt seven units per acre on the three and-a-half acres with the addition of two units per acre for the wetlands would equal 38 units. She could live with 38 units.

Knight stated that this was the first time he saw a rule discovered at the last minute. He asked what specific changes she would make to the plan. Ms. Lemke answered that she would support reducing the density to 38 units, which would be the seven units and the wetland credits, and a reduction of the building footprint. The footprint remains huge. The size of the building was not reduced because seven units were removed; the units were made larger.

Knight pointed-out that the wetland creates a buffer and open space, as opposed to a fully buildable property. Ms. Lemke stated that that logic does not apply, as far as she was concerned. There is only three and a half acres of buildable property. The six and-a-half acres is a small portion of the property. The blue herons and cranes live on the property. She told the City six weeks ago that the City did not allow wetland credits. She was informed she did not know what she was talking about. It was because she insisted that the error was found. Otherwise, the project would still be at 60 units per acre and staff would be saying, "It's really only seven units per acre, because we can count the whole thing."

Chair Wagner appreciated the work Ms. Lemke has done regarding the project.

The commission discussed with Ms. Lemke her example that illustrated that 180 units would be allowed to be built on ten buildable acres, if 30 additional acres of the property was wetland, using the definition of wetland credit applied on the current project.

It was noted by a commissioner that the affordable housing units would all be one and two bedroom condominium units. Ms. Lemke was asked how many families she expected to reside in the affordable housing units. Ms. Lemke felt the units would attract single-parent families and young professionals. If she resided in one with her husband, she would still want an area to be outside. It was further noted by the commissioner that similar condominiums, apartments, and townhouses do not have the same amount of outside space as single-family residences.

Chair Wagner asked Teague to address Ms. Lemke's questions. Teague agreed that staff could not find another site where its percentage of wetlands was that much higher than its amount of buildable land.

Chair Wagner commented that the same cities that Minnetonka uses to benchmark itself were used in this project. Teague affirmed his comment.

Chair Wagner asked Teague to clarify the discrepancy between three and six acres verses three and a-half and six and a-half acres. Teague explained that the difference is the area of the buffer. The buffer is considered regular, buildable land. Teague clarified that Ms. Lemke arrived at a density of fifteen units per acre if the wetlands were removed completely.

In response to Chair Wagner's question, Teague stated that fifteen percent of the project would be affordable housing. The City's goal is to have each project include twenty percent of affordable housing. The project always included affordable housing, but the number of units was reduced by two units. The project's inclusion of affordable housing is part of the justification for applying the higher end of the medium density.

Teague stated that staff calculated that the proposed trail and natural areas would provide the site's required ten percent of passive recreational area. Teague confirmed that residents would have access to the south side of the building.

Teague explained that the term "transition area" comes from the Comprehensive Guide Plan defining medium density residential as providing a transitional area. Typically, it could provide separation of a single-family residential district from a commercial area. The proposed medium density site would provide a transitional use between higher density to the east, commercial to the south, and single-family residences to the west in Plymouth.

Ms. Lemke argued that the proposed site would not be medium density. The maximum density plus wetland credits were used and would not serve as a transition at fifteen units per acre. She compared the footprint of the proposed building to the Gates apartments. The Gates apartments provide “a ton” of outdoor green space for their residents.

Knight verified with Teague that the affordable housing units provided justification to use the highest end of medium density allowed.

Britain asked if the trail would encircle the building. Teague stated that the trail would be located primarily along the south and west side. He invited the applicant to elaborate further. Mr. Threlkeld stated that the trail would be located on the south and west sides of the building. It would be difficult to have a trail on the north side because of the steep grades. Britain favored the trail encircling the building.

Gallop asked the distance from the wetland to the building on the west side. Colleran stated that the distance would be approximately fifty feet. Jeremy Boots, engineer for the applicant, explained that distance from the middle of the pond would be approximately 45 to 50 feet. On the southwest corner, the building would be 35 feet from the edge of the wetland.

Dan Lemke, 100 Parkers Lake Road, stated:

- The Gates apartments have no access to Parkers Lake and provided a proper buffer.
- The proposed project is different because the majority of the site is wetland. He did think the calculations used by staff applied.
- The hard surface requirements have been misapplied and not in vein with the spirit and intent of the ordinance.
- The hard surface calculations should only be over the high ground.
- The holding pond was used as a hard surface for the purpose of determining the ratios. He asked if the pond was included in the hard surface calculation. He received a positive response.
- Aesthetically, the impervious service area was maximized and artificially designed drainage to accommodate the increased run-off, in contradiction to the ordinance.
- The underground parking was misleading and confusing. The footprint remained the same. Underground parking did not reduce the amount of hard surface. It gave the developer space for more units. It cannot be used as a reason to justify maximum density.
- More traffic would go north than is forecasted by the traffic consultant.
- There was supposed to be a bike lane on the east side of Parkers Lake Road. He felt such a bike land would be critical.
- The project would look like a huge structure in the middle of a small hill.
- The project looked like high density and would be detrimental to his property value.

- He was not opposed to the two units per acre of wetland, but he was opposed to going to the higher end of the density range.
- The City should abide by its own Comprehensive Guide Plan and be true to the values of the Minnetonka community, bring the density of the development down to a reasonable level, reduce the hard surface footprint to less than 50 percent of the upland, provide reasonable access to the west side of the building, and create open recreation space for the residents.

Knight asked Mr. Lemke if there were specific changes he would recommend. Mr. Lemke stated that he did not mind if credit was given to the low-land area of two units per acre, however, what happened was staff used the high-end of the density credit for the upland area. So, the amount allowed for the upland was increased. The total nine acres allowed seven, but now that only the three and-a-half acres was included in the calculation, the high-end of density was used.

Knight asked Mr. Lemke how he would prefer the building to be. Mr. Lemke stated that motorists passing by would see concrete and building everywhere on the site.

Mr. Lemke stated that the real issue was that the City never approved anything where the low land percentage of a site was greater than the upland. He felt that the ratios do not apply. The structure would use 50 percent of the buildable property. He asked if it made sense to apply the low land as if it was upland. He stated that it did not make sense.

Knight asked why Mr. Lemke felt the density ordinances should not apply. Mr. Lemke stated that the proposal was not in the allowable range unless all of the low land was used to calculate it. Mr. Lemke calculated that if two units were allowed per acre, for six acres, that would equal twelve units. Two units per acre, as opposed to seven or eight units, equals one-sixth credit when the calculations were calculated that "Cary Teague would use." So, take the two units per acre and apply it to the same logic Teague uses, so only one-sixth of each acre should be used for the calculation. Hart interjected that that was not how the ordinance was written. Hart explained that the ordinance gave two units of credit for each acre of wetland. Mr. Lemke agreed. Hart stated that the remainder of the site could be up to twelve units and still be medium density. So, the twelve units times three and-a-half acres, plus the eleven units from the wetland would equal 53 units.

Mr. Lemke agreed that Hart's calculations would equal 53 units, but, he stated, that when it was calculated with the allowable credit of the low land to the units, that number is not accurate. Mr. Lemke asked why it was not calculated that way. Hart stated that the ordinance calculates it the way she described it, with credit for two units per acre.

Mr. Lemke objected to the total nine acres being used to calculate the density. Hart stated that that was not the way the ordinance is written. Mr. Lemke stated that if logic says that

two units are allowed per acre, then full credit was not given. Hart stated that the calculation would then equal eleven units there. Mr. Lemke felt the full square footage of the acreage should not be used.

It was clarified that Mr. Lemke was referring to hard cover. Hart was referring to density. Mr. Lemke was against giving full credit to the low land to calculate the density for the hard surface.

Chair Wagner confirmed with Mr. Lemke that he was not opposed to 53 units for density. Mr. Lemke stated that he was arguing the relationship of the hard surface to the total. Chair Wagner asked again if he was fine with the calculation that there were two units per acre for density. Mr. Lemke disagreed with allowing twelve units per acre. Chair Wagner acknowledged that Mr. Lemke disagreed with allowing twelve units per acre, but that Mr. Lemke acknowledged that the calculation was correct. Mr. Lemke stated that whatever he decided to apply to the up-land, the same logic could not be applied when calculating the total hard surface, because only partial credit was being given to the low-land. The logic of the City's ordinance stated that.

Teague explained that the three and-a-half acres times twelve units equals 42 units. The five and-a-half acres of wetland times two units equals eleven. Eleven plus 42 equals 53 units. In regard to the impervious surface, the total lot area is defined as total area within the lot lines excluding dedicated rights-of-way. It does not exclude wetlands. So, the wetlands were included as impervious surface. All the area in the conservation easement was considered impervious surface.

Chair Wagner confirmed with Teague that the entire lot, except for rights-of-way, are considered impervious surface. Teague explained that floor area ratio is calculated by building square footage divided by lot area.

Mr. Lemke stated that the logic used by the City is not good logic. Total credit cannot be given to the calculation of a surface area when only partial credit is given to the units that can be built. Chair Wagner understood what he was saying, but explained that the ordinance dictates the Planning Commission's guidelines.

Knight asked if the two units per acre wetland credit is discretionary or something the Planning Commission must apply. Chair Wagner stated that the two units per acre wetland credit is allowed by the City's ordinance. If a development is smaller, it would not utilize the wetland credit. Olson confirmed that the ordinance does allow two units per acre for wetland credit. Olson explained that on the high-ground, medium density has discretion from five to twelve units per acre. The Lemke's are arguing that the City should not allow the high-end of the medium density classification.

Mr. Lemke stated that if the development had 38 units, it would meet the hard surface requirements of the City and he would support it.

Ms. Lemke asked why the assistant engineer said that the pond is considered a hard surface. Teague stated that the engineering definition differs from zoning.

Bruce Jondahl, trustee of John Jondahl's estate, 75 Navajo, Medina, asked three questions:

- Is the conservation easement part of the property after the building is completed or if it is removed?
- The 1999 Comprehensive Guide Plan did not include wetland credits, but the 1981 Comprehensive Guide Plan did. Why is staff using the old ordinance pertaining to the wetland credits. Usually a new ordinance supersedes an old ordinance.
- The open space is so steep it would not be used for walking.

Colleran responded that the conservation easement would stay with the property. A homeowner's association would be responsible for maintaining the buffer area for the future.

Chair Wagner stated that even though the wetland credit ordinance is not in the most current Comprehensive Guide Plan, it is still part of the City's most current ordinance, which supersedes the Comprehensive Guide Plan.

Chair Wagner confirmed with Teague that steep slopes are considered open space.

Mr. Jondahl felt the lower-end of the medium density range should be applied since the property is surrounded by steep slopes and wetland. Yet the entire plan utilizes the higher end. It would appear to be a high-density development. Even though an excellent job was done with the building, the transition area would appear to be a high-density development. Minnetonka is setting a precedent. If this became the norm, property values would also change. Property owners with wetland on their property would be smiling quite a bit.

Mark Kipp, 17 Niagara Lane, spoke on behalf of his wife, two children and his in-laws, Jan and Jerry Leaf, who reside at 15105 Gleason Lake Drive. He stated that:

- The Ron Clark development has a playground and kids. His kids visit their grandparents all the time. There would be no place for a kid to ride a bike in the proposal. He favored including a play area for children. The five-foot pond has no fencing. He questioned what would prevent a child from falling in.
- He noted that Parkers Lake Road was flooded earlier this year. He asked what would prevent water from running down the driveway and causing a larger problem.
- The original plan called for a bedroom and den. The proposed plan would allow for more bedrooms.

- He figured that the existing 25 houses generate a total of 38 peak trips each morning. The traffic study stated that the proposal would generate 33 peak trips in the morning. In the afternoon, the existing traffic count shows 69 trips end-up between Twelve Oaks Drive and Gleason Lakes Drive. He calculated that the project would generate 20 trips per unit per day to equal over 1,000 trips per day. He explained his calculations.
- The calculations already exceed the 2010 year forecast.
- The traffic flow problem on Gleason Lake Road would be exacerbated.
- He thought more traffic would go north on Parkers Lake Road than the traffic engineer forecasts, to get to the schools.
- He asked how firefighters would access the west wall with the four-foot wide wooden chip trail and a pond located in front of it and the steep slopes on the north side.

Teague stated that the traffic consultant advised staff that he believes that 400 trips would be generated, based on 60 dwelling units. Teague expressed the concern to the traffic consultant that a large percentage of the traffic may travel north. The traffic consultant stood-by the numbers in the traffic report and still did not believe that that many trips would go north. The traffic consultant happens to live in the area of the proposed site.

Mr. Kipp stated that 211 vehicles make a right-hand turn, heading north, onto Parkers Lake Road while only 146 cars turn onto Gleason Lake Drive. He concluded that 65 vehicles disappeared between the two stop signs. He discussed with the Commissioners the configuration of the streets. The residents who live in the area stated that 65 cars did not go down the street between 2:00 p.m. and 3:30 p.m., the afternoon peak hours.

Hart questioned how 53 units could generate 1,000 trips. Mr. Kipp agreed and questioned how 25 units could generate the traffic consultant's estimate. Hart speculated it was a "bleed-off." Mr. Kipp stated that the vehicles do not bleed off, the traffic study even says that the vehicles do not turn south on Niagara Lane. Thirty-two of them do not go because there are only five houses right there, between Gleason Lake Drive and Kingsview Lane. He stated that there is no way that 32 cars heading southbound each morning stop between Gleason Lake Drive and Parkers Lake Road.

Teague reviewed the traffic study. It concluded that two percent of the trips would go north on Parker's Lake Road. The study also pointed-out that if all of the traffic from the site traveling north . . .

Mr. Kipp interrupted Teague and stated that he was not saying that the traffic was not going to travel north. His concern was the amount of traffic the units would generate. The 25 existing units are generating 20 trips per unit. Chair Wagner clarified that there are 25 trips going down the street, not necessarily tied to the existing residences.

Mr. Kipp stated that the units would be home to single-parent families and empty nesters. Chair Wagner and Mr. Kipp discussed drivers traveling to work in the area also drive on Parkers Lake Road.

He reviewed a traffic report done by the City of Plymouth that concluded that Gleason Lake Drive is traveled by 4800 vehicles and Niagara Lane is traveled by 1600 vehicles in a 24-hour period. He found a discrepancy between his residence generating six trips and the traffic report showing it would generate 20 trips. He compared the figures of the existing traffic, provided in Figure 2, at twelve Oaks Drive and Parkers Lake Road, added with the 30 trips, listed in Figure 4, from the unit that would head south at the intersection, and it added up in excess of the 2010 forecast. All of the other intersections forecast show a 40 percent increase in traffic at the other intersections.

Chair Wagner confirmed that Mr. Kipp felt there was a discrepancy with the traffic report. Mr. Kipp stated he was an engineer consultant.

Chair Wagner called a short recess. Chair Wagner called the meeting to order.

Mr. Kipp stated that water was flooded over Parkers Lake Road two weeks ago. He questioned how drainage would be handled. Teague acknowledged that a drainage problem occurred at Parkers Lake Road. He explained that it was caused by water traveling from the east. A culvert that continued under the road that lead to the wetland was blocked, frozen-up with ice, so the water had nowhere else to go. The development on the west side would not have an effect on that. The grading and drainage plan has a series of catch basins. The water would be channeled into the catch basins and would not run into the street as it would today, traveling down the driveway.

Ken Jondahl, 116 Parkers Lake Road, asked what type of housing was usually allowed in medium density districts. He requested the difference between the ordinances and the City's Comprehensive Guide Plan interpretations. He asked how setback and building height calculations were performed. He felt the proposed structure did not fit with the medium density zoning definition.

Teague explained how the height of the proposed structure and compliance with the setback requirements were calculated.

Mr. Jondahl asked if the steep slope was being taken care of by locating the proposed building on top of it. He discussed the flow of water off of the site. He determined that it traveled east, south, and west. The proposal would change the flow of water. He understood that the City's ordinance restricts when the flow of water may be modified. He questioned if

the site would have a single-point discharge, which would violate the Environmental Protection Agency standards.

Jeremy Boots, the applicants' engineer, confirmed that the drainage patterns do go in different directions. A ditch system would run along Parker's Lake Road. The water would flow into a ditch and into the wetland complex. All of the stormwater was routed into a pond in order to collect it and then discharge it into the wetland complex. It would all, ultimately, travel to the wetland. The system does not fall under the single-point discharge classification, but it would be a storm water discharge that is regulated by the Watershed District, the City, and the Federal Clean Water Act regulations.

Mr. Jondahl cautioned future homeowners that it would be pretty tough for the plan to meet federal regulations. He thought the pond should be on higher ground. He suggested some changes to the drainage plan and questioned how the pond would be dredged and how the snow would be removed.

Teague explained how the steep slopes were calculated and found to be in compliance with the City's regulations.

Olson explained how medium density zoning allows a wide variety of multiple dwelling housing variations.

Knight asked if a definition of a "low-rise apartment" existed. Olson stated that the term had no ordinance definition. He considered a low-rise apartment to be anything in the three to four story range. The R-4, Medium Density Residential Zoning District, allows all types of attached dwelling units and multi-family units. There is no height limit. He felt the proposal was well within the guidelines of medium density.

Colleran confirmed that the plan was in accordance with the City's Water Resources Management Plan. The applicant would need to obtain a National Pollutant Discharge Elimination System (MPDES) permit from the Minnesota Pollution Control Agency for the portion of the site where the land was disturbed as well as comply with the City's engineers' inspection of the site.

Mr. Jondahl requested an example of a similar site, with a similar structure design, drainage system, and located on three acres be provided. He stated that if any film would be discharged, in violation of the MPDES permit, a fine of \$25,000 a day would be charged to the property owners.

Chair Wagner asked if the barriers could be modified. Teague stated that the site to the north is guided as medium density. Screening would not be required, but the Commissioners could make it a condition of approval.

Scott Offenheimer, 15 Orchard Lane, Plymouth, asked how many units were used to calculate the traffic study's conclusions. Teague answered 60 units. Mr. Offenheimer asked what the bedroom mix would be.

Tom Threlkeld, Yellowstone Trail, described how a mixture of one, two and three-bedroom units would be somewhat evenly distributed. The specific bedroom mix had not been determined.

Britain asked what the approximate square footage of the units would be. Mr. Threlkeld stated that the average size would range from 800 square feet to 900 square feet for the smallest units to about 1800 sq. ft. for the largest units. The average size would be 1400 square feet, roughly seventeen units of the same size.

Mr. Threlkeld estimated the non-affordable housing units as in the low to mid \$200,000s to the mid \$400,000s.

In response to Mr. Offenheimer's question, Teague explained that the initial traffic study was based on 50 units. When the plans were revised, before the application, the actual application included 60 units, so the traffic study was revised to reflect the increase.

Mr. Offenheimer felt it was difficult to determine how many people would be living in the units, since they would range from one to three bedrooms and would then make the traffic study inaccurate.

Mr. Offenheimer asked if it was fair to say that the Commission was not aware of all of the details of the proposed plan. Chair Wagner stated that it was fair to say that the Commissioners could not know exactly how many residents would live in the proposal, because it would be determined by who ended-up purchasing the units.

Chair Wagner reviewed the issues of density and minimum setback and hard surface requirements. Teague provided the definition of "dwelling unit" to mean one or more rooms designed or intended for occupancy as a single living unit with sanitary, culinary, and sleeping facilities, separate from those of other living units and intended for the exclusive use of a single family.

Mr. Offenheimer asked if a traffic study based on 60 people was logical. Chair Wagner clarified that the study was based on 60 units, not 60 people. Teague stated that it was based on 60 units and the standard used was for a condominium. There is no breakdown for one, two, or three bedroom units.

Mr. Offenheimer asked how the impervious surface area was calculated. Teague stated that impervious surface included the building and the paved surface, the drive aisles and parking lot. Everything else was viewed as pervious surface where water would be able to penetrate. The wetland was treated as a pervious surface. Teague clarified that everything but the public right-of-way was included in the lot area calculation.

Mr. Jondahl stated that the property to the north of the development is still single-family homes, with no plans in the near future, if ever, to develop it into medium density. He stated that there are farm animals on the property and people wandering onto the property would be at risk. Mr. Jondahl stated that the wetland contains the deepest peat in the area. When it is dug into, it collapses. He encouraged that to be looked-at sooner than later because the current plan may not work. He saw the Commissioners role as interpreting what ordinances apply. The maximum density does not automatically apply.

Chair Wagner asked Colleran to address the peat issue. Colleran was not aware of the soil boring results. She felt it was a valid point and should be revisited by engineering staff. She assumed that Mr. Boots looked at the soils in the area when the design was created. She made a note to speak with engineering staff and Mr. Boots. Chair Wagner asked if that should be included as a condition of approval. Olson stated that the building inspector would inspect the site and add additional requirements as needed.

Leona Jondahl, 302 Parkers Lake Road, presented an envelope to staff. She fought to protect wetlands. She stated that the City Council made promises to take care of the Nissan property, but they had not been done.

No additional testimony was submitted and the hearing was closed.

Egge asked whether a bike trail, mentioned earlier, was supposed to be constructed. Teague checked with the trails coordinator who stated that the City has no plans to construct a trail on Parkers Lake Road. Ms. Jondahl suggested the records of previous meetings be looked at.

Chair Wagner reviewed the primary issues.

Chair Wagner requested that the trail issue would be looked into further.

Knight questioned if screening could be required on the north side, since, even though it is guided for medium density housing, it is currently single-family residences. Teague answered in the affirmative. He stated that trees along the north lot line would be preserved and provide a buffer. There would also be mature trees on the west side of the proposed site.

Egge thought a low-level lighting requirement should be addressed for the area on the north. She resides near condominiums that have very soft lighting, so in the evening there are no bright lights.

Chair Wagner asked if there had been discussion with the applicant regarding removing some hard surface area. He asked if parking could be reduced to reduce the amount of hard surface, since it would be fifteen stalls above the City's requirement. Teague discussed those items with the applicant who expressed the desire to maintain the same footprint and amount of parking. If the number of outside parking stalls would be reduced, visitor parking would need to be included inside the building.

Gallop asked if proof of parking could be applied to keep the green area and, if it was needed, it could be converted to parking at a later date. Teague stated that the applicant would need to be agreeable, but that it would be allowed.

Maes asked if, since the number of units was decreased, but the number of bedrooms was possibly increased, and the footprint and parking were the same, could the footprint be modified to allow for amenities like a larger recreation area. Olson stated that the City ordinance defines a recreation area as active or passive, such as trails and nature areas. Maes questioned if the trail constituted ten percent of the site.

Gallop stated that, based on the price of the units, there would not be a lot of children living at the proposed development. He predicted mainly retirees or young business people would desire to live in a condominium for the price of the units. He was not as concerned with providing only passive recreation and felt it might actually detract from the development.

Maes asked if there were other avenues where passive recreation may be provided. Teague stated that staff viewed the entire conservation easement as a nature area. Over 60 percent of the site would be provided as open space and satisfy the ten percent requirement.

Mr. Threlkeld agreed with Teague. He pointed out the location of a deck on the backside of the building, off the community room. He designated an area where the lawn would be located. The trail would surround the property.

Britain favored minimizing the northeast parking to provide additional green space. Mr. Threlkeld stated that the opposite argument had been made, that there would not be adequate parking for guests. He would look at the issue further with staff. Not enough parking would create a situation where motorists would park on the street.

Hart acknowledged that the plan called for trees to be planted along the northern border. Mr. Threlkeld confirmed that the northwest corner has existing mature trees that would be

preserved. He pointed-out where trees would be added. The result would be screening all along the northern perimeter.

Knight asked if the screening would be sufficient. Mr. Threlkeld felt it would be and that it would be to the development's benefit to provide a proper screening.

Knight asked why the footprint did not become smaller with the reduction of the number of units. Mr. Threlkeld stated that market studies showed that larger units are more desirable.

The commission discussed that market research is showing empty-nesters and higher-end singles are most likely to purchase the proposed units.

Gallop confirmed with Mr. Threlkeld that 25 parking spaces would be located outside; the remainder would be underground.

Chair Wagner asked if the project would continue at a lesser density and reduction in the size of the footprint. Mr. Threlkeld was unsure. He worked with staff to present the best project possible, given the compromises. A main issue is that the affordable housing units are all private. There are no subsidies. It can or cannot be profitable. The site is constricted from a building pad stand-point. Any further reduction in either the density or footprint size would be a hardship.

Chair Wagner addressed the primary issues.

Hart felt the proposal was consistent with the comprehensive plan at twelve units for the buildable area and two units allowed for each acre of the wetlands. Knight concurred with Hart. He considered the proposal a low-rise apartment.

Chair Wagner asked if any Commissioner disagreed. No one replied.

Chair Wagner asked for comments regarding the density. Gallop agreed with Hart's previous comments that the density would be reasonable. He agreed with staff's view that the trade-off of using the higher-end of the medium density range for affordable housing units was acceptable.

Egge concurred with Gallop and noted the environmental benefits the conservation easement would provide. She did not have a problem adding-in the two unit credit because it was in accordance with the City's ordinance. The benefits of the project outweighed the density.

Knight was most concerned with the use of the justification for using the maximum density. He leaned in favor of the proposal. He noted the extent of the site that consisted of wetland and contributed to the amount of open space.

Maes leaned toward supporting the density, but wondered if the affordable housing should be increased to the maximum twenty percent, rather than fifteen percent.

Britain noted the maximum, large size of the units. The proposal met ordinance requirements and there were no variances. He supported the project.

Chair Wagner was glad dialogue occurred before the meeting. He was concerned with the amount of coverage on the three and a half acres. He was most concerned with the hard surface coverage. He felt the density would be reasonable.

Gallop was most concerned with the traffic contributing to an increasing future problem.

Knight thought that the traffic forecasts were underestimated. He felt the afternoon peak time would be around 4:00 p.m. to 5:30 p.m. He did not think that the traffic issue alone would cause him to deny the project. He believed that the adjacent streets would accommodate the traffic.

Britain lives within six blocks of the site and he bikes and jogs on it regularly. He found there to be a low level of traffic on the road and felt it could sustain additional traffic.

Egge lives on a lane that supports large condominiums and townhomes. She felt most of the traffic was driving through the area.

Chair Wagner felt the traffic issue was not enough to override the project.

Knight asked if low-lighting had been addressed. Teague explained the ordinance lighting requirements. A lighting plan will be submitted. A light meter is used to test compliance with the ordinance.

Gallop was comfortable with the lighting. The area would be wooded and a lighting plan would be reviewed by staff. He did not want to create restrictions that may not be necessary.

Knight brought up the outdoor parking issue. Gallop agreed that twenty-five outdoors parking spaces were not excessive and creating a parking issue on the street outweighed the benefit of decreasing the hard surface. He favored leaving the proposal as it was rather than using proof of parking.

Chair Wagner asked if moving the outlet from the northwest to the south was addressed. Colleran stated that engineering staff could review the suggestion. Gallop agreed that staff and the engineers make those determinations.

Chair Wagner stated that the City Council will review the item at its meeting April 28, 2003.

Knight thanked the neighbors for their input. He felt their concerns were answered. He wished the footprint size had been reduced when the number of units was reduced, but he was comfortable with the overall picture. Staff was diligent in doing a thorough project.

Chair Wagner thanked the residents and noted that their input resulted in a better project.

***Gallop moved, second by Hart, to recommend council approve the following items concerning a proposed 53-unit condominium project at 408 Parkers Lake Road for Yellowstone Trail LLC with the Change Memo dated April 3, 2003:***

A. *Recommend that the City Council adopt the ordinance on pages A1–A5 of the staff report. This ordinance approves the following for Yellowstone Trail at 408 Parkers Lake Road:*

- A rezoning from R-1, Low-Density Residential to PID, Planned I-394, and
- A master development plan and final site and building plans.

The ordinance is based on the following findings:

1. The rezoning is consistent with the comprehensive plan.
2. The rezoning would be consistent with the public health, safety, and welfare.  
This rezoning 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 January 16, 2003
    - Grading plan dated January 17, 2003
    - Landscaping plan dated January 14, 2003
    - Building elevations dated January 16, 2003
    - Wetland/wetland buffer summary dated January 17, 2003
    - Utility plan dated January 17, 2003
  2. The following work must be completed before the City issues a grading permit or before starting any site work:

- a. The installation and maintenance of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review by the City's Environment Resources Coordinator.
  - b. Submit final site, grading, drainage, utility and erosion control plans for staff approval. Final grading plans must include the following revisions:
    - 1) Add a sump catch basin in the pavement area before discharging into the pond along Parkers Lake Road.
    - 2) A drainage and utility easement must be established over the wetland along Parkers Lake Road. The easement must be established over the 944.7 elevation.
    - 3) Utility plan must be revised so the connections do not encroach on the property to the north.
    - 4) The width of the south driveway entrance must be reduced to 24 feet.
    - 5) Use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the City Engineer.
  - c. Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
  - d. Submit copies of the watershed district permit. The City may require revisions to the approved plans to meet the district's requirements.
  - e. Submit a construction management plan for staff approval.
  - f. A wetland certificate of no loss or exemption form must be completed and mailed to the appropriate parties.
3. The following must be submitted to the City before the City issues a building permit:
- a. The installation and maintenance of a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review and approval of the City's Environmental Resources Coordinator.
  - b. An illumination plan for staff approval. Exterior lighting must be designed and arranged to limit direct illumination and glare upon or into any contiguous parcel.

Reflected glare or spill light shall not exceed five-tenths (.5) foot-candles as measured on the property line when abutting a residential parcel.

- c. All required hook-up fees
  - d. Record this ordinance with the County.
4. The following must be submitted to the City before the City issues a certificate of occupancy for the building:
- a. Conservation easements over the wetland and buffer areas, including a drawing of the easements for the approval of the City Attorney. The easements and drawing must be recorded with the final plat.
  - b. Documents establishing a homeowners' association. The association must be responsible for maintaining any common areas, common drives, the required drainage pond and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits. Documents must also include maintenance agreement for the wetland and buffer areas. This language shall be subject to review and approval of the City Attorney and Environmental Resources Coordinator.
  - c. A final landscape and irrigation plan for staff approval. Minimum planted tree sizes shall be 3-1/2 inch caliper for deciduous trees, 2-inch caliper for ornamental trees and 10 feet in height for coniferous trees; or the sizes must meet the minimum code requirement at the time of submittal of the final landscape plan.
  - d. The landscape plan must include a minimum investment of 2 percent of the total project value.
  - e. A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping.
5. Revegetate disturbed slopes as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.
6. The property owner is responsible for replacing any required landscaping that dies.

7. The eight affordable housing units are to be priced at \$170,000 or less, and be subject to resale indexing covenants approved by the city council, after EDA review of the City's indexing policies.
8. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
9. The building must be constructed with automatic fire sprinklers throughout.
10. A wood chip trail must be constructed along the west side of the building to allow for pedestrian movement around the building and wetland area. Construction of this trail shall be subject to review and approval of the Environmental Resources Coordinator and the Fire Marshal.
11. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
12. Total number of units may not exceed 53.
13. Construction must begin by December 31, 2004, unless the Planning Commission grants a time extension.

The above plans are hereby adopted as the master development plan and as final site and building plans.

*B. Recommend that the City Council approve the ordinance on page A6–A7 of the staff report. The ordinance rezones areas designated as Wetland to PID, Planned I-394, and areas designated as R-1 Low-density to Wetland, subject to the following conditions:*

1. Obtain a grading permit as part of the Yellowstone Trail project.
2. Must be developed per the grading plan dated January 17, 2003.

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

***It was moved and seconded to extend the meeting past 11:00 p.m.***

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

**C. Site and building plan review, with a building height variance for the proposed auditorium, for building additions, an enclosed athletic practice field, and various site work at Hopkins High School at 2400 Lindbergh Drive for Hopkins School District 270 (91009.03a)**

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

Teague reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report and the Change Memo dated April 3, 2003.

Chair Wagner asked if there was a condition that provided a deadline for when construction would have to be completed. Teague stated that one could be added.

Chair Wagner asked if each time the bubble was taken down, if it would need to be reviewed by the Planning Commission before it was put back up. Teague answered in the negative. The conditional use permit would be reviewed by the Planning Commission if the applicant or the City wished to modify it. Chair Wagner asked if a condition regulating the amount of time the bubble could be up should be added to prevent the bubble from never being taken down. Teague answered in the affirmative.

Hart asked if the bubble would be removed when not in use. Teague answered in the affirmative. The site would revert back to an outdoor football field.

Gallop asked who maintained Cedar Lake Road; who would determine if there was a need for a traffic light; and who would fund a streetlight on Cedar Lake Road if it was determined that it was needed. Teague answered that it is a city street, the city has discretion to require a stop light if the traffic levels warranted the need for a light. Otherwise, it is up to the discretion of the school district and the school district would pay for the light.

Gallop asked how the proposal would affect the traffic flow and location of ticket booths. Teague stated that the proposal would not change the current traffic flow pattern and asked the applicant to address that further.

Knight asked why the City would want to restrict the flexibility of putting the dome up and down. Teague stated that the site plan review would be the same if the bubble was temporary or permanent. Olson encouraged neighbors' input regarding the aesthetic value or detriment of the proposal. If neighbors favored it being removed when it was not needed, a restriction may be appropriate.

Maes asked if keeping the bubble up would create noise.

John Pfluger, architect for the applicant, with the Cunningham Group, stated that the proposal includes a reconfiguration that would provide an internal bus loop and a separate parent pick-up and drop-off for Tanglen Elementary School. The proposal would also develop the area south of Tanglen Elementary School for a future softball pinwheel. The turf field currently sits atop the varsity field and would be relocated.

Mr. Pfluger stated that a safe, pedestrian path would be created between North Junior High and the stadium. Multiple ways out of the parking area should distribute the parking in a fairly quick, efficient manner.

Mr. Pfluger provided three-dimensional images of the proposed bubble from the surrounding streets. The construction project currently occurring at the site does not include the bubble.

Mr. Pfluger stated that traffic and civil engineers were also present to answer questions.

Mr. Pfluger stated that the dome would be serviced by a mechanical building that would house fans. He said that the sound would not be more noticeable than anything else already going on at the high school. The bubble would be removed and stored off-site when not in use.

Knight asked how long the bubble be used. Mr. Pfluger stated that the business plan calls for the dome being up six months and stored six months. He stated Eden Prairie High School is currently doing that. Artificial Astroturf would make-up the football field floor. The cooling requirement would make it difficult to inflate it in the summer months.

Teague explained that if the funding was not available next year, the applicant could request an extension of the approval.

Gallop asked if the footings for the dome would be installed at this time. Mr. Pfluger stated that the foundation and footings would occur at the same time the bubble would be installed.

The public hearing was opened.

Karen Von Holtz, 2508 Birchview Lane, stated that her neighborhood is a cul-de-sac and during times of high traffic at the high school, she is unable to leave her neighborhood. She stated that the Lindbergh Center and the synagogue also use the school's parking lot. The athletic field and bubble would create too much extra traffic. The traffic study did not address what would happen in her neighborhood. She felt it should be redone to address how she would get in and out of her neighborhood. The traffic study did not include a big, sporting event. A traffic engineer told her that her intersection would definitely be an "F." She proposed a sign be posted at Cedar Lake Road and Lindbergh Drive in the westbound lane saying "no right turn on red" to give her time to get on the road.

Teague stated that a request for a right turn on red sign could be made to Lee Gustafson, the City Engineer. Ms. Von Holtz felt the neighborhood should be given some consideration for the increase in traffic. She requested a traffic light be installed at the intersection. Teague acknowledged that the traffic problem currently exists.

Ms. Von Holtz stated that when the athletic field was approved in 1991, the City Council stipulated that there had to be a management plan on how to deal with traffic in the area. She stated that the management plan that was adopted also stated that the school would hire off-duty police officers to manage traffic. She suggested a management plan similar to the original one be put together for the current proposal. Ms. Von Holtz stated that the school district was supposed to be taking care of barricades for her neighborhood, because motorists park on both sides of the street when the parking lot fills-up. It is then nearly impossible to get one vehicle down the road. Emergency vehicle traffic would be impeded. She supported requiring the applicant to provide barricades during all events held at the dome.

Ms. Von Holtz stated that her concerns regarding noise and trees had been addressed. She asked for a pedestrian crosswalk. Her neighborhood has many small children.

Gallop stated that the proposal might improve the access problem because the buses would no longer travel on Lindbergh. He stated that the practice football field would not generate traffic. The 900-seat theater would increase traffic, but mostly in the evenings.

Ms. Von Holtz stated that the number of student parking places would be increased. The car volume would be increased. She asked how many parking stalls are currently in the student parking lot. Marie Cody, a traffic consultant with S.R.F. Consulting, stated that currently there are 1,099 parking stalls that serve the junior and senior high schools. The proposed development would increase the capacity to 1,140.

Mr. Pfluger stated that the goal was to maintain the student parking counts. The lot that shows the student parking also has visitor parking for the school and the two centers.

Ms. Von Holtz summarized that twenty buses would be rerouted, but 40 vehicles would be added.

Gallop asked if the southeast parking area would be increased. He saw that the west parking lot would be increased and accessed off of the junior high, which would decrease traffic on Lindbergh Drive. Mr. Pfluger concurred.

Ms. Von Holtz stated that the parking lot appeared larger than it currently does. She requested actual numbers be provided. She pointed-out that more than practices would be held in the dome. Money-raising events would be held at the dome during the winter months.

She interpreted winter months to mean December, January, and February. She preferred the bubble be used only in the winter months. She supported specific put-up and take-down deadlines being included in the conditional use permit.

Ms. Von Holtz preferred the theater being constructed lower in the ground, so the look of the neighborhood and the school would not be changed. She stated that the school district does not control the scheduling. The recreation department schedules all of the gyms and free rooms throughout the district. Synagogue parking is allowed to park in the school's parking lot when they have an overflow. She felt a huge nightmare would be created over who would be scheduling what when.

Ms. Von Holtz stated that a condition of the athletic field required the school to publish an events calendar for the convenience of the neighborhood, so they would know what kind of a mess they had to deal with. She had yet to see one. She has seen a barricade no more than two times. Once was for the state fair stuff, after a resident called the City. She did not support the application. The issues need to be addressed. She received the increase of what the City feels her property is worth. She does not get that much use out of her property and would get even less with the additional activities and traffic. Her property value would be decreased. Information from the reports was missing. She hears recycling trucks at 3:00 a.m. and then has to get up at 3:00 a.m. to find out who is violating the noise ordinance so the City can tell them to stop. She has gone over many times when giant leaf blowers were being used to clean the parking lot at 1:00 a.m.

Britain asked if Ms. Von Holtz had brought the issues up with the school board. Ms. Von Holtz answered in the affirmative. She said that there are additional problems associated with residing near the junior high and high school. She has found kids smoking in her backyard, urinating against her house, doing drug deals in her yard, and parking in her driveway and along the street. She stated that the school graded her property in violation of the property line. She has lived in the neighborhood since 1985. The school district dumped fourteen dump truck loads of dirt on the lot behind her house. It changed the grade and flooded her residence. She had to pay \$2,000 to have her yard regarded in addition to the cost of cleaning the mess in her house. The management plan for the stadium has not been reviewed annually, as it is supposed to be. She stated that the applicant should not be granted free reign to do what it wants, when it has not lived-up to its responsibilities in the past.

Chair Wagner asked how a management plan is managed and enforced. Olson stated that staff will review the management plan for violations. It was completed before he joined the City. Chair Wagner asked if a resident could call the City if the management plan was being violated and the City could enforce the management plan's conditions.

Ms. Von Holtz stated that the management plan also states that there will be a person on duty to receive complaints during times of extra activity. She has never been given a phone number. When she has had problems, she has called the school and it was closed.

Ms. Von Holtz pointed out City Council meeting minutes from 1991 and 1992 that stated that the management plan needed to be reviewed once a year.

Knight was concerned with the access problem on the residential street. Knight asked if conditions could be added to the current conditional use permit to require the items from the management plan be completed. Teague explained the difference between the intersections at Cedar Lake Road and Lindbergh Drive. The number of trips coming out onto Lindbergh Drive may not justify an officer directing traffic.

Knight asked if Ms. Von Holtz would be able to see the bubble from her residence. Ms. Von Holtz stated that the rear of her residence faces the school. She has a view of the entire school. She was not that concerned with the view of the bubble if it was up just during the winter months. She was concerned with the theater "sticking-up in the middle of nowhere." The white color would not fit-in with the rest of the school.

Egge asked if speed bumps are located on Lindbergh Drive. Ms. Von Holtz answered in the negative.

Chair Wagner requested the traffic consultants address Ms. Von Holtz' concerns. Marie Cody, with S.R.F. Consulting, stated that her study focused on what the traffic impacts would be due to the bubble and the auditorium. With the information that she had, the morning arrival, afternoon departure, and evening peak times were studied. With the increase in traffic due to the bubble and the auditorium, the assumption was, with the information that the school district provided its consultants, that those events would not start until 6:00 p.m. The level of service study determined that the two changes of traffic would be relocating the buses from the high school to the junior high and moving the parent drop-off to the high school. Other than that, there would be a relocation of traffic, not an increase. The increase in the parking spaces does not equate to that many more trips in the peak hours. Visitor spots handle the increase in traffic for the period from 6:00 p.m. on. The worst-case scenario consisted of two major events at full capacity for the bubble and the auditorium. It was based on the condition that there would be no other major events.

Ms. Cody stated that the neighborhood intersection was not looked at during the course of the study. She was unaware what the current delay is for the east approach.

Ms. Cody stated that the peak period would be short, unfortunately crammed into fifteen minutes or a half hour prior to the start of an event. It would be expected that the delay at the intersection would increase for the residents to get out, but it would be a short time frame,

similar to a movie theater. The study did not include any other events occurring at the same time at the other facilities.

Chair Wagner asked if the study assumed that there would not be a football or basketball game occurring at the same time the dome and the auditorium would be in use. Ms. Cody clarified that the study assumed that the worst case would be the 900-seat auditorium and the capacity of the dome field being used at the same time.

Knight asked if the volume of traffic would increase. Ms. Cody answered in the affirmative. Knight asked if the assumption was that the event would start at 6:00 p.m. Ms. Cody answered in the affirmative. The worst case included all of the trips arriving between 4:30 p.m. and 5:30 p.m. Knight asked if the two facilities would be used during the day. Ms. Cody stated that the school district stated that the facilities would only be used after 6:00 p.m.

Knight asked if the Cedar Lake Road and Lindbergh Drive intersection should be studied for its impact on the neighborhood. Ms. Cody understood the neighbors' concerns. The number of residents and the number of trips would need to be looked at to determine what improvements would work.

Carrie Hanna, 2500 Birchview Lane, stated that the neighbors' safety would be at risk during the events because a fire truck and ambulance would not be able to drive through the street. Her son was almost killed at the corner and from that time, she drove or walked him to school. She pointed-out on the map where the City had promised, but failed, for about ten years, to plant additional trees. They would help block-out some of the noise. She has had teenagers throwing rocks at her dog, drinking, and selling drugs on her property. It has gotten better the past couple years. The additional traffic would cause more problems. The events are not coordinated. She has seen the "worst case" scenario too many times.

Gallop asked if making one side of Lindbergh Drive a "no-parking" zone would help improve the safety. Olson stated that the City Council could address that issue. He felt it was reasonable to recommend staff include a management plan that must be approved by the City Council before any construction can start.

Ms. Hanna reiterated that a humungous, white, monstrosity building would not be necessary, when it could be constructed at a normal level, blended-in with the school, and dug in below grade. She requested another plan be looked at instead. Chair Wagner stated that the plan is in compliance with the regulations except the height variance for the auditorium. Ms. Hanna stated that the height of the auditorium would cut into her sunlight. She asked how the Planning Commission could be convinced not to give the applicant the variance. Chair Wagner reviewed the primary issues.

Mary Wold, 2264 Cape Cod Place, stated that the traffic has gotten continually worse over the past 29 years. Especially in the winter time, maneuvering around vehicle and pedestrian traffic is horrendous. She asked if there would be no parking on Hillside Lane. Teague confirmed there was a condition prohibiting student drop-off and pick-up on both sides of Hillside Lane. Ms. Wold stated that the kids run across the street because their ride is waiting on Cape Cod Place for them. A semaphore at North Junior High would be five car lengths away from another one. Her main concern was the kids running across Cape Cod Place.

Ms. Cody explained new technology that helps semaphores keep the flow of traffic going.

Ms. Wold asked what would happen at the semaphore along Cedar Lake Road if a semaphore was triggered at the high school on Lindbergh Lane. Chair Wagner clarified that a stoplight was not being proposed at the junior high right now.

No additional testimony was submitted and the hearing was closed.

Chair Wagner reviewed the primary issues.

Knight felt the height hardship standard was met.

Chair Wagner asked Commissioners to say if they disagreed that parking was adequate, on-site circulation would be improved from the current state, and the site would be screened as well as it could be.

Knight reiterated that he did not feel it was reasonable to request the structure be dug into the ground to decrease the height slightly on an 80-acre site. Chair Wagner commented that most of the Commissioners concurred with Knight.

Chair Wagner stated that there are current circulation of traffic issues in the neighborhood that he suggested be added as a condition that the management plan be brought back to the City Council. If the condition regarding the scheduling of the facilities would be followed, Chair Wagner felt that no further degeneration of the traffic situation would occur.

Gallop somewhat agreed that the Planning Commission did not want to lock the school district into what its programming should be, but, on the other hand, some type of enforcement should be in place to ensure that some of the concerns of the neighborhood would be alleviated.

Maes asked if "no parking" around Lindberg Drive, Cape Cod Place, and Birchview Lane could be included in the management plan and enforced. Gallop suggested that the police department be involved in the decision of where to locate "no parking" restrictions. Chair

Wagner added that the neighbors should be included in the process to develop the best management plan.

Knight acknowledged the neighbors' safety concerns. He supported the City Council including a management plan.

Britain sympathized with the neighbors. He felt that the school district did an excellent job of providing the experts to address the issues of the construction and site planning, but what it had not done an excellent job at was communication with the neighborhood and the fact that there was not a representative from Hopkins High School present to hear what was happening. The management plan, created with the neighbors, is critical. He felt a Hopkins High School representative should be present at the City Council meeting to present the plan.

Chair Wagner asked if the noisy trucks during the night could be included in the management plan. Olson explained that the noise ordinance already prohibits such action.

***Gallop moved, Egge seconded, a motion to extend the meeting past 12:00 a.m.***

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

Chair Wagner summarized that the Commissioners were not comfortable with the current enforcement and the school district complying with the current regulations. Chair Wagner felt the Commissioners concurred that a condition should be included requiring the City Council approve a management plan before construction starts.

In regard to restricting the use of the dome, Gallop felt the school would prefer to save the operating expenses and take the dome down when not in use. Gallop asked if the construction schedule could be affected by a management plan taking time to be developed. Olson assumed it would take some time to meet with the neighbors, school district, and police department. The architect for the project explained that it was critical that the site package be done by the start of the school year. He felt the school district would work with the City as soon as possible to complete the management plan.

Gallop preferred no time requirement regarding having the dome up.

Knight preferred the management plan being completed before construction began.

Olson asked for clarification if the Planning Commission wanted the management plan completed before building construction would begin or grading of the site would begin. Gallop made a friendly amendment defining construction to mean building construction. Britain agreed.

*Britain moved, second by Gallop, to recommend the City Council approve the site and building plans to build a 900-seat auditorium, additional cafeteria space, an enclosed, athletic practice field, and parking lots; and to relocate existing bus pick-up/drop-off, and high school tennis courts with the addition that the City Council approve a management plan before building construction starts and the Change Memo dated April 3, 2003.*

Approval is based on the following findings:

1. With the exception of the height variance request, the proposal would meet the required standards and ordinances for a site and building plan approval.
2. The proposal would meet the required standards for a variance, because:
  - a. There is a unique hardship to the property caused by the use of the property for a high school and auditorium in the R-1 district.
  - b. The variance would meet the intent of the ordinance because:
    - 1) The fly loft would not cause any sun or light impacts on adjacent properties.
    - 2) The building mass of the fly loft would be minimal compared to the balance of the high school building.
  - c. Other institutions in the neighborhood have similar building heights that exceed the minimum height requirement.

Approval of the site and building plans 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 3, 2003
  - Grading plan dated February 3, 2003
  - Landscaping plan dated February 3, 2003
  - Illumination plan dated February 3, 2003
  - Building elevations dated February 3, 2003
2. The following work must be completed before the City issues a grading permit or before starting any site work:

- a. The installation and maintenance of a temporary rock driveways, erosion control, tree protection and wetland protection fencing must be installed, subject to review by the City's Environment Resources Coordinator.
  - b. Submit final grading, drainage, utility and erosion control plans for staff approval.
  - c. Submit final plans for the storm sewer and pond calculations, subject to the City Engineer's approval.
  - d. Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with the grading permit requirements and restore the site.
  - e. Submit a copy of watershed district approval. The City may require revisions to the site plan to meet the requirements of the watershed district.
  - f. Submit a construction management plan for staff approval.
3. The following must be submitted to the City before the City issues a building permit:
    - a. A final landscape and irrigation plan for staff approval
    - b. A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping
    - d. An illumination plan for staff approval
  4. The school district must convey a conservation easement over the wetland and it's 25-foot buffer. This easement must be recorded before the final inspection of the auditorium.
  5. The school district must remove all of the fill soil that has been placed within the wetland boundary. No excavation of the wetland bottom shall occur.
  6. No stock piling leaves, grass clippings, soil and other organic debris within the wetland or wetland buffer.
  7. The school district must maintain a 25-foot buffer along the edge of this wetland basin. The applicant must submit a landscape plan of this area subject to review and approval of staff. Replanting with native vegetation will need to occur in the area where stock piling has occurred.

8. A trail/fire lane connection between the north and south parking lots on the west side of the high school must be installed. Construction of this trail shall be subject to review and approval of the fire marshal.
9. Signs must be installed along Hillside Lane, prohibiting student drop-off and pick-up.
10. To reduce heavy delays and replace the need for an officer directing traffic, a traffic signal should be installed on Cedar Lake Road at the entrance to the Junior High. The school district would be responsible for all costs associated with the installation of the signal including providing interconnections between existing signals. The light would have to be installed before the start of school, once the site improvements are completed. If a traffic signal is not financially feasible, the continued use of an officer to direct traffic during the a.m. and p.m. peak hours is required.
11. The School District shall monitor scheduling to ensure that there are no conflicting dates in which large events are scheduled at both the high school auditorium and the gymnasium or football stadium.
12. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
13. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
14. Construction must begin by December 31, 2004, unless the Planning Commission grants a time extension.
15. The lighting for the dome must be turned off at 10:00 p.m., unless the Planning Commission grants approval of extended hours.
16. That the City Council approve a management plan before building construction starts.

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

Chair Wagner stated that the applicant may appeal the Planning Commission's decision to the Planning Director within ten days.

Chair Wagner reminded everyone that there will be no Planning Commission meeting on April 17, 2003. The next meeting will be May 1, 2003.

**9. ADJOURNMENT**

*Egge moved, second by Britain, to adjourn the meeting at 12:25 p.m. Motion carried unanimously.*

By: \_\_\_\_\_  
Bernadette H. Leaf  
Planning Administrative Assistant