

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**JULY 3, 2003**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

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 as submitted. Olson corrected that Item 8A, items concerning West Oaks Community Church expansion at 11901 Excelsior Boulevard and 11815 Pioneer Road for Miller Architects & Builders (03022.03a), is a four-vote item. Since five members of the Commission were present, the majority-vote items required three votes to pass a motion.

- 4. APPROVAL OF MINUTES:** June 19, 2003

*Gallop moved, second by Hart, to approve the June 19, 2003, meeting minutes as amended in the July 3, 2003 Change Memo as follows:*

Page 17 - paragraph 5.

Gallop asked if the property could be accessed from the north, rather than from Hilloway Road West. Regarding additional traffic, the proposal would not be significant by itself but additional development ~~to the north~~ in the area could cause an impact on Hilloway.

Page 24 - paragraph 4 - second sentence.

~~His main issue-~~ One of his issues was the traffic on Austrian Pines and on Hilloway.

Page 24 - paragraph 7 - first sentence.

Gallop supported tabling the item to have staff and the developer review ~~rerouting the construction traffic~~ alternate access to the site and elimination of the flag lot.

Page 25 - paragraph 8 - first sentence.

Gallop acknowledged that shifting the construction traffic would not appease everyone.

Page 26 - paragraph 3 - The Motion.

Gallop moved, second by Knight, to table item 8C, concerning the Austrian Pines plat at 2016 and 2020 Dwight Lane for Michael Barry, to allow time to redesign the cul-de-sac to eliminate the flag lot; study options to prevent the need for any variances; and to consider alternative access to the site for **both** construction **and roadway** traffic, including statistics on the necessary modifications to the existing drive ~~to make it accommodate construction traffic and access to the north~~ **and the possibility of access from the north**, to the July 17, 2003, Planning Commission meeting.

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

## 5. REPORT FROM STAFF

Olson briefed the Commission on land use applications considered by the City Council at its meeting of June 23, 2003.

- Introduced an ordinance rezoning from R-1, low-density residential, to PUD, planned unit development, and approving a master development plan, with final site and building plans and variances and an ordinance changing wetland overlay district boundaries concerning the proposed Meadowwoods Residential Development at 18300 Ridgewood Road.
- Introduced an ordinance amending a PID master development plan, with final site and building plans, to reduce the number of condominium units from 46 to 39 at 408 Parkers Lake Road for Yellowstone Trail, LLC.
- Denied the preliminary plat for a two-lot subdivision, with lot area and depth variances, at 4760 Dominick Drive for Christopher J. Sirianni. The City Council will review the application again when the applicants will be able to attend.
- Postponed action on a resolution approving a comprehensive guide plan amendment from RL, low-density residential to RM, medium density residential; 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; and a preliminary plat concerning The Sanctuary Third Addition plat at 3230 and 3306 Groveland School Road and 3305 County Road 101 for Halley's Custom Homes, Incorporated. The City Council was not comfortable with the specific site plan. There were concerns regarding the height of the three-story building; the mass of the six and eight-unit buildings; the amount of impervious surface; and possibly connecting the driveways. The City Council is tentatively scheduled to review the application further at its August 11, 2003, meeting.

Olson announced that a study session will be held August 7, 2003, with City Attorney Desyl Peterson from 5:00 p.m. to 6:30 p.m. A joint meeting will be held with the City Council October 2, 2003, from 5:00 p.m. to 6:30 p.m. One of the issues to be discussed is a proposed back-up Commissioner plan.

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

**7. PUBLIC HEARINGS: CONSENT AGENDA**

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

Olson clarified for Gallop that a hardship does not need to be present to approve a conditional use permit, unlike a variance.

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

**A. Side yard setback variance from 10 feet to 8 feet for a home addition and a new garage to replace the existing garage at 4927 Dominick Drive for Bill and Lynn Zuidema (03009.03a)**

Adopt the resolution on pages A1–A3 of the staff report. This resolution for Bill and Lynn Zuidema approves a side yard setback variance from 10 feet to 8 feet for a new garage to replace their current, detached garage at 4927 Dominick Drive, 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 steep topography on three quarters of the lot limits the buildable area to the front and northeast corner of the lot.
  - b. The proposed location provides a garage addition of functional size with adequate internal circulation.
2. The variance would be consistent with the spirit and intent of this ordinance for the following reasons:
  - a. The 34-foot separation between the proposed home and nearest adjacent home is greater than the possible 20-foot separation assuming the homes were built to the minimum 10-foot, side setback.

- b. The proposed location utilizes the flatter area of the lot and preserves steeper portion of the lot.

Approval is subject to the following conditions:

1. Before the City issues a building permit, the applicant must submit proof of having recorded this resolution with the county.
2. Before issuance of a building permit, the applicants must install temporary rock driveways, erosion control, tree protection and wetland protection fencing, subject to review by the City's Environmental Resources Coordinator.
3. 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.

**B. Conditional use permit for an oversized detached garage at 12201 Golden Acre Drive for Randy Gerard (03021.03a)**

Recommend that the City Council adopt the resolution on pages A1–A4 of the staff report. This resolution approves a conditional use permit for construction of a 26-foot by 45-foot detached garage with height of 15 feet. Approval is based on the finding that the proposal meets the required conditional use permit standards and other city code. The permit is subject to the following conditions:

1. The applicant must plant three, 6-foot spruce trees as indicated on the Planner's Amended Site Plan in this report. (See page A10.) The applicant is responsible to replace any tree or shrub that dies within five years of planting.
2. The 12-foot by 20-foot, temporary storage building must be removed.
3. The building materials for the garage must match the color and style of the existing home.
4. Tree protection/erosion control fencing must be installed and maintained throughout the construction process.
5. The site must be graded to minimize impact to adjacent properties.
6. The structure may not be used for commercial activity, such as off-premise business or home occupation storage and activities.
7. The structure may not be converted to a residential dwelling.

8. This resolution must be recorded with the county before the City issues a building permit.
9. The existing sewer and water lines on the property must be located and protected during construction before the City issues a building permit.
10. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
11. 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.
12. The applicant must agree to the above conditions in writing.

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

Acting Chair Egge mentioned that Item 7A, side yard setback variance from 10 feet to 8 feet for a home addition and a new garage to replace the existing garage at 4927 Dominick Drive for Bill and Lynn Zuidema (03009.03a), is approved, but subject to appeal to the City Council and Item 7B, a conditional use permit for an oversized detached garage at 12201 Golden Acre Drive for Randy Gerard (03021.03a), is tentatively scheduled to be reviewed by the City Council on July 28, 2003.

## **8. PUBLIC HEARINGS**

### **A. Items concerning West Oaks Community Church expansion at 11901 Excelsior Boulevard and 11815 Pioneer Road for Miller Architects & Builders (03022.03a):**

- 1) conditional use permit; and**
- 2) building and site plan review.**

Acting Chair Egge 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.

Maes questioned if the benefit of the additional parking stalls outweighed the impact of the increased impervious surface. Thomas explained that the expansion would nearly doubled the size of the building. Maes pointed-out that ordinance standards require 64 stalls for the proposal, but the proposal is for 130 stalls.

Maes asked if it had been confirmed that the sign would not contain a scrolling or running message. Thomas stated that a condition for approval would prohibit any type of scrolling message. The City's ordinance does not expressly prohibit electronic message centers, but would prohibit a scrolling message.

Dave Tebrake, 3335 West Saint Germain, St. Cloud, applicant, stated that Thomas was good to work with and that she addressed all of the issues. He introduced Michelle Cowen, the engineer on the project, and Senior West Oaks Pastor John Goodman who were present to answer questions.

The public hearing was opened.

James Twain, 4638 Church Lane, resides on the corner adjacent to the proposed site. He questioned how the berm would be landscaped and how the outside of the building would be lighted. He met with Thomas and the City Engineer and was comfortable with the rest of the project. He was in favor of the infiltration system.

Thomas explained the landscape plan. The City's environmental experts found the plan acceptable. She explained the regulations regarding lighting, but invited the applicant to provide specifics.

Mr. Twain described the proposed lighting for the parking area and building. All regulations would be followed. Ms. Cowen pointed-out that the existing wooded area would not be impacted and the areas that would be screened by shrubs and trees. Once the addition would be completed, the berm and erosion control would be completed next, and, finally, the landscaping.

Hart asked if the berm and the infiltration basin would be done prior to construction of the proposed addition. Ms. Cowen stated that erosion control would be implemented prior to construction of the addition. A portion of the infiltration system could be functioning to assist with the runoff.

Acting Chair Egge asked if the berm should be included in the requirement to create the infiltration basin before construction would begin. Thomas stated that that was the condition's intent and that the condition could be reworded specifically to include the berm.

Sandy Warner, 4646 Church Lane, requested that the applicants walk the property lines with her and describe what landscaping would be done in relation to what currently exists. She would appreciate knowing that because some of the current vegetation should be removed. She questioned if an irrigation system would be included to prevent the landscaping from dying-out in a short period of time.

Thomas stated that the landscaping plan does include an irrigation system. An environmental staff member would be willing to walk the site with the neighbor and explain the landscaping. Thomas stated she would provide Ms. Warner with the proper phone number and give Ms. Warner's number to the appropriate person.

Ms. Cowen explained the trees that would be planted would require water as they are established, but that vegetation had been chosen that would not require a large quantity of water after they were established. She was willing to work with staff and the residents to complete a final design. She was willing to listen to neighbors' concerns.

In response to Knight's question, Ms. Cowen explained the warranty on the new vegetation. Teague explained that a condition of approval requires the property owner to replace required landscaping, even once the letters of credit have expired.

Acting Chair Egge asked why Black Hills spruce was required rather than Colorado spruce. Ms. Cowen was happy to work with staff to create the best possible landscape plan. Knight stated that he learned from the City Forester that the Black Hills spruce grew better in Minnetonka than the Colorado spruce.

No additional testimony was submitted and the hearing was closed.

Acting Chair Egge reviewed the primary issues.

Hart felt it was a nice proposal. She questioned if it would really need so many parking spaces, but she assumed that they would be needed for the additional classrooms. Mr. Goodman clarified that the classroom space would also serve as additional fellowship hall space. Hart felt the landscaping plan, with the berm surrounding the property, would look nice.

Maes was pleased with the drainage improvements for the area. She was in favor of the plan.

Knight was comfortable with the proposal. He preferred additional parking to eliminate the impact on neighbors and the city street. He was pleased to see the smaller sign. Overall, he was comfortable with the plan.

Gallop was pleased with the site plan and the smaller sign.

Acting Chair Egge favored adding language to require the infiltration and berm be in place before construction of the addition would begin.

*Hart moved, second by Knight, to approve items concerning West Oaks Community Church expansion at 11901 Excelsior Boulevard and 11815 Pioneer Road, with the restriction that the berm be completed at the same time as the infiltration system area, for Miller Architects & Builders (03022.03a):*

- 1) *Recommend that the City Council adopt the resolution on pages A1–A4. This resolution approves a conditional use permit for a religious facility at 11901 Excelsior Boulevard and 11815 Pioneer Road. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:*
  - a. The two properties, 11901 Excelsior Boulevard and 11815 Pioneer Road must be combined.
  - b. Record this resolution with the county before the City issues a building permit.
  - c. The City Council may reasonably add or revise conditions to address any future unforeseen problems.
  - d. 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.
  - e. The applicant must agree to the above conditions in writing.
- 2) *Approve the site and building plans for West Oaks Community Church at 11901 Excelsior Boulevard and 11815 Pioneer Road, subject to the following conditions:*
  - a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
    - (1) Grading plan dated May 16, 2003.
    - (2) Landscaping plan dated May 16, 2003; Black Hills spruce must be planted rather than Colorado spruce.
    - (3) Building elevations dated May 16, 2003.
  - b. The following work must be completed before the City issues a grading permit or before starting any site work:
    - (1) Submit for staff review and approval drainage calculations.

- (2) Submit for staff review and approval a revised site plan eliminating parking stalls near the large basswood tree on the east side of the proposed parking lot.
  - (2) Curb and gutter must be extended to the garage currently located on the south side of the west parking lot.
  - (3) Install for staff approval erosion control and tree protection fencing. The fencing must be maintained throughout the construction process.
  - (4) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
  - (5) Submit copies of Nine-Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
  - (6) Submit a construction management plan for staff approval. This plan should include a timeline for work on the site. The infiltration basin and berm must be constructed before any other work occurs on the property.
- c. The following must be submitted to the City before the City issues a building permit:
- (1) A letter of credit or cash escrow for 150% of the estimated cost of all required landscaping
  - (2) An illumination plan for staff approval
  - (3) All required hook-up fees
- d. Remove existing water and sanitary service to the main line per the requirements of the Public Works Department if applicable.
- e. Install new 6-inch water line where the existing water service is located to prevent further road cuts.
- f. The property owner is responsible for replacing any required landscaping that dies.
- g. 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.
- h. Install automatic fire sprinklers throughout the church building.

- i. Install fire hydrant at the northeast entrance of parking lot.
- j. A separate sign permit is required prior to installation of the sign.
- k. Within the electronic display area, flashing and/or scrolling messages are not permitted.
- l. Construction must begin by December 31, 2004, unless the Planning Commission grants a time extension.

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

**B. Ordinance amending a PID master development plan, with final site and building plans, to reduce the number of condominium units from 46 to 39 at 408 Parkers Lake Road for Yellowstone L.L.C. (03001.03b)**

Acting Chair Egge 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.

Hart asked if the trail was new. Teague explained that the trail along Parkers Lake was new to the revised plan.

Gallop asked why the number of units was reduced. Teague explained that the applicant's market research indicated that buyers want larger units.

Tom Threlkeld, Wayzata, applicant, stated that the floor area of the building was reduced from 84,000 square feet to 74,000 square feet. The average unit size would be just under 2,000 square feet.

Hart asked what size the affordable housing units would be. Mr. Threlkeld explained that the affordable housing units would be one bedroom, approximately 750 square feet, with a den and laundry area. Each would have one underground parking stall in the garage. He confirmed that \$170,000 would be the planned price. The income of the first buyer would qualify or disqualify the purchaser. Sales thereafter would be limited by restrictive covenants and indexed for future appreciation.

Hart asked that staff consider income limits for future buyers of the affordable housing units. Mr. Threlkeld explained inflation of the market.

Maes thanked the applicant for keeping the affordable units.

Knight asked if the exit-only and entrance-only drives could cause confusion. Mr. Threlkeld explained the traffic pattern.

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

Knight thanked the neighbors, Commissioners, applicant, and City Council for spending the time necessary to create the best possible proposal.

***Hart moved, second by Maes, to recommend that the City Council adopt the ordinance on pages A1–A6 of the staff report. This ordinance approves an amendment to the master development plan Yellowstone Trail at 408 Parkers Lake Road.***

The ordinance is based on the following findings:

- 1) The proposal would meet the required standards and ordinances for a site and building plan approval.
- 2) The proposal increases green space on the site.

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 June 2, 2003
  - Grading plan dated May 29, 2003
  - Landscaping plan date stamped June 2, 2003
  - Building elevations date stamped June 19, 2003
  - Wetland/wetland buffer summary dated May 29, 2003
  - Utility plan dated May 29, 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 environmental 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 on the west side of the building.
    - (2) Add two catch basins at the entrance of the north driveway.
    - (3) 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.
    - (4) Utility plan must be revised so the connections do not encroach on the property to the north.
    - (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) The floor area ratio must not exceed 50 percent of the site above the wetland boundary.
- 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.

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

Knight, on behalf of the Commission, wished everyone a happy Independence Day.

## 9. ADJOURNMENT

***Knight moved, second by Hart, to adjourn the meeting at 7:25 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary