

**MINNETONKA PLANNING COMMISSION
MINUTES**

MARCH 10, 2005

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Bonoff, Cheleen, Dahl and Hart were present. Allendorf, Britain, and Periolat were absent.

Staff members present: Planning Director Geoff Olson, Planner Susan Thomas, and Environmental Intern Aaron Schwartz.

Chair Hart welcomed Mike Dahl to the planning commission.

3. APPROVAL OF AGENDA: The agenda was approved as submitted. Olson reviewed information provided in the change memo dated March 10, 2005.

Olson apologized for items 8A, a rear yard setback variance for additions to the home at 3975 Brown Lane (05004.05a), and 8C, a site and building plan review for a garage and warehouse addition at 11401 Excelsior Boulevard (95057.05a), having to be postponed to the March 31, 2005 meeting since five commissioners needed to be present. One commissioner was out of the state and two commissioners were absent due to illness. The five majority vote items would require three votes to pass a motion.

4. ELECTION OF CHAIR AND VICE-CHAIR

Cheleen moved, second by Bonoff, to elect Hart to serve as chair of the Minnetonka Planning Commission for 2005.

Bonoff, Cheleen, Dahl, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Motion carried.

Bonoff moved, second by Cheleen, to elect Dick Allendorf to serve as vice-chair of the Minnetonka Planning Commission for 2005.

Bonoff, Cheleen, Dahl, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Motion carried.

5. APPROVAL OF MINUTES: February 24, 2005

Bonoff moved, second by Cheleen, to approve the February 24, 2005 meeting minutes as submitted.

Bonoff, Cheleen, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Dahl abstained. Motion carried.

6. REPORT FROM STAFF

Olson briefed the commission on land use applications considered by the city council at its meeting of March 7, 2005:

- Adopted a resolution that approved a conditional use permit for a flower and bedding plant stand at the southwest corner of the Westwind Plaza parking lot, 4795 County Road No 101, for Sever's Farmers Markets.
- Adopted a resolution that approved a lot division to re-divide the properties at 13 Westwood Road and 15 Westwood Road into two buildable lots for Lance Rosenberg with the planning commission's recommendation.
- Overturned the planning commission's denial of a variance to remodel the home at 3926 Vandan Road for Kenneth Heim. The council felt the area was mixed with setbacks and, while the council agreed there were other options, practical difficulties existed for the other options.

Olson reminded commissioners that the 2005 Volunteer Recognition Dinner will be held at 6:00 p.m. on March 23, 2005 at the Minnetonka Community Center.

Olson reminded those present that the next planning commission meeting would be in three weeks on March 31, 2005.

7. REPORT FROM PLANNING COMMISSION MEMBERS: None

8. PUBLIC HEARINGS: CONSENT AGENDA

Bonoff moved, second by Cheleen, to postpone review of items 8A, a rear yard setback variance for additions to the home at 3975 Brown Lane (05004.05a), and 8C, a site and building plan review for a garage and warehouse addition at 11401 Excelsior Boulevard (95057.05a), until the March 31, 2005 planning commission meeting.

Bonoff, Cheleen, Dahl, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Motion carried

A. Rear yard setback variance for additions to the home at 3975 Brown Lane (05004.05a)

Was postponed until the March 31, 2005 meeting.

Bonoff moved, second by Cheleen, to approve item 8B, a conditional use permit, with variance, for an existing medical clinic at 13580 Wayzata Boulevard for North Memorial Health Care (86052.05a), listed on the consent agenda as recommended in the respective staff report as follows:

B. Conditional use permit, with variance, for an existing medical clinic at 13580 Wayzata Boulevard for North Memorial Health Care (86052.05a)

Recommend that the city council adopt the resolution on pages A1–A4 of the staff report, which approves a conditional use permit for an existing medical clinic at 13580 Wayzata Boulevard for North Memorial Health Center. This resolution is based on the following findings:

- 1) Apart from the conditional use permit standard that medical clinics “shall not be adjacent to low density residential areas,” the existing clinic meets all conditional use permit standards.
- 2) The existing medical space meets the required standards for a variance, because:
 - a. A medical clinic is a reasonable use on the property. The existing clinic does not negatively impact parking, traffic, or noise levels.
 - b. The clinic is located in an interior lease space of the building; this is a unique circumstance. Though the clinic space is on property adjacent to a residential area, the clinic itself would be over 300 feet from the property line.

Approval is subject to the following conditions.

- 1) Record this resolution with the county before the city issues further building permits.

- 2) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 3) 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.
- 4) The applicant must agree to the above conditions in writing.

Bonoff, Cheleen, Dahl, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Motion carried and Item 8B, a conditional use permit, with variance, for an existing medical clinic at 13580 Wayzata Boulevard for North Memorial Health Care (86052.05a), on the consent agenda was approved as submitted.

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning director within 10 days.

C. Site and building plan review for a garage and warehouse addition at 11401 Excelsior Boulevard (95057.05a)

Was postponed until the March 31, 2005 meeting.

9. PUBLIC HEARINGS

A. Items concerning a salt storage building and storage bins at 11522 Minnetonka Boulevard for the City of Minnetonka (01056.05a):

- 1) **Conditional use permit;**
- 2) **Site and building plan review with variances;**
- 3) **Height variance from 35 feet to 54.5 feet; and**
- 4) **Setback variance from 50 feet to 20 feet.**

Chair Hart 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. Thomas pointed out additional comments provided in the change memo dated March 10, 2005.

Brian Wagstrom, City of Minnetonka Public Works Director, stated that staff's report was complete. The size of the building was based on the amount of materials used. It would be the minimum height necessary to allow trucks to

dump into it. The south side would not be enclosed. There would be some flexibility with color choice. He was working to meet the regulations of the Pollution Control Agency and Environmental Protection Agency that require undercover storage while addressing neighbors' concerns.

Cheleen asked if other types of structures had been considered. He acknowledged that the proposed structure would be tall. He recognized the higher cost potential, but he asked if it could have a movable roof structure that could be raised and lowered. Wagstrom stated that it might be possible, but that there would be a higher cost and he was unaware of any other facility in the state that utilized that type of system. One of the goals would be to dump the loads under cover, in case it would be raining or snowing, to keep it separate from precipitation. The proposal's height calls for the minimum necessary to accommodate the trucks.

Chair Hart asked if the entire structure needed to be at that height. Jeff Oertel, architect for the project, explained the need for the height. He stated that:

- The existing bunkers are 180 feet apart.
- A concrete division is at 90 feet.
- The proposal attempts to utilize what exists currently on the site.
- Long-term planning calls for a minimum clearance of 40 feet to 42 feet.
- There are only a few companies that make this type of dome.
- 54 feet is the lowest dimension needed to span the 180 feet with the trusses.
- He predicted that environmental laws will be enacted that would require mixing as well as storage of salt under cover. The proposed building could be expanded to the front.

Bonoff asked if the height could be lowered if the existing bunkers were not used. Mr. Oertel explained that if the site was a clean slate, the dome could be 45 feet to 48 feet maximum in height. It could be more slender and longer. It cost a similar project approximately \$60,000 to modify the bunkers. The cost would go up to remove them.

Dahl asked if the bunkers are cast in place or permanent. Mr. Oertel responded that they are cast in place. Dahl asked if the salt is stored year round or seasonally. Wagstrom stated that care is taken when ordering so that the pile is depleted as much as possible at this time of the year. Remaining salt is located in a dome structure, but the weather is hard to predict.

Dahl questioned if Hennepin County utilizes the salt. Wagstrom answered in the affirmative. Hennepin County will not be funding the new structure and will have to find a new facility for their salt next year if the proposal is completed.

Dahl asked if the public works site is the best location for the salt storage building. Wagstrom answered in the affirmative. The trucks are stored in the new building. When the plows are called out on an emergency basis, the salt needs to be close.

Mr. Oertel stated that the public works site is the ideal location because it is used primarily through the fall to the spring. The opening of the structure would face south to southeast, away from the prevailing winds. It is a great orientation for the building.

Chair Hart confirmed with Mr. Oertel that the proposal would provide the best location to protect the salt from weather elements.

Cheleen questioned if the proposal is the most cost-effective option because of using the bunkers. Wagstrom answered in the affirmative. Wagstrom explained that the city had considered a wooden structure in the past, but it was too expensive. Since then, the fabric covered trusses were developed and significantly reduced the cost.

Chair Hart asked if the roof would hold snow. Mr. Oertel answered positively. He gave examples of similar domes. It would have to be replaced or repaired after 20 years. The choices for structure material are fabric, timber, or concrete. Woodbury has a fully-enclosed concrete salt storage building at four times the cost.

Bonoff asked if the bunkers are functional. Mr. Oertel answered in the affirmative. They are vital to the success of storage. The bunkers would need to be added if they did not currently exist.

Dahl asked how the proposal's height compares to other cities' domes and how the trucks would put the salt in the structure. Mr. Oertel showed photos of other structures.

Chair Hart noted that starting with a clean slate would only lower the structure seven feet to eight feet in height. Mr. Oertel agreed that a flat-trussed building would require a custom building and increase the price and complexity.

Mr. Oertel compared photos he provided of other structures with the proposal.

Chair Hart asked for the height of the trees behind the dome. She noted that the dome would be above the tree tops at the peak, but not at the ends. Mr. Oertel estimated the trees to be approximately 30 feet to 40 feet high.

Dahl asked if the structure in Shakopee was intended for salt storage. Mr. Oertel stated that it is used for plow storage in the summer. In the winter, it is pretty much all salt. Mr. Oertel felt the worst noise created at a public works site is the back-up beep. The back-up horns are required by federal regulations.

Bonoff asked what kind of noise complaints have been received from neighbors. Wagstrom stated that the most distressing noises for neighbors are the after hours noises caused by snow plowing, water main break, and other emergencies. Residents are allowed to drop off brush. The brush grinder noise causes complaints when it is in operation.

Cheleen asked about reducing the height with two domes instead of one. Mr. Oertel stated that that had been discussed many times. The problem is that the height is not enough to get the big dump trucks in the structure and it would not meet future regulations. Another problem would be a large snow load not being able to get under the common crease.

Bonoff asked if an off-site facility had been considered. Wagstrom did not know of any other sites that would work.

Mr. Oertel explained that the plow trucks are enormous, but travel very similar to a regular vehicle with an empty box. There would be operational and safety problems with the plows traveling to an off-site salt storage dome during bad road conditions. Preloading salt trucks would also cause rapid disintegration of trucks.

Bonoff asked what the color options would be. Wagstrom recalled sand beige, royal blue, green, white, and yellow were listed in the brochure.

The public hearing was opened.

Sheila Goldstein, 3013 Cedar Crest, stated that:

- The existing trees are inadequate. Deciduous trees do not provide screening in the winter.
- She visited the Plymouth site. She provided pictures. It is a mammoth facility.

- She spoke on behalf of her neighbors.
- Neighbors understand the need for the salt storage building.
- It should be moved to the west. There are higher trees in that location, it would still have a south opening, and it would have more of an impact on the ball field than on the residences.
- The dome will lower their home values.
- It seems like the present facility is right on top of them sometimes.
- They requested that the city work with the neighbors to determine the color, noise, and lighting.
- She appreciated the commission's help.

Chair Hart asked about moving the dome to the west. Mr. Oertel explained that the proposal includes the east and middle bays. There would be an option to add a new bunker to the west and use the existing middle and west bunkers.

Bonoff asked if the unused bunker would create an eye sore. Wagstrom stated that the city would use the bunker on the east for exterior storage. Moving the dome further to the west would be a possibility, but research regarding the location of a water main that runs north and south through the area would have to be done.

Chair Hart requested Mr. Oertel explain the proposed lighting. Mr. Oertel stated that there would be lights in the middle of the dome. The fabric is 98 percent solid and 2 percent transparent. Lights would cause a minimal glow on the fabric. Lights would be focused on the salt pile.

Steve Usem, Creekside, spoke on behalf of many neighbors that are gone in the winter, but had general concerns with the project. He agreed with Ms. Goldstien. Noise, appearance, and location are concerns. A metal door may cause opening and closing the doors to be louder. The noise has increased from the site over the years. He asked if the dome could be moved farther away from the tracks.

Chair Hart stated that the noise created is dependent on the number of emergencies. The proposal would not cause an increase in the use of the site and it would not be additional storage space. The proposal would cover the existing salt supply. There would be no doors.

Wagstrom explained that moving the structure to the south would not allow use of the north bunker wall and would equal starting from scratch. Noise would not be worse than it occurs now and, in fact, it may be decreased with the dome.

No additional testimony was submitted and the hearing was closed.

Dahl asked if a lean-to style would meet the requirements. Mr. Oertel had never seen a pre-engineered building of that style, but it would be possible. They had not considered that option. It would cost more money and reduce the storage capacity.

Chair Hart reviewed the primary issues.

Bonoff hated to make a hasty decision. The project would have a long term impact on the community. The commission wants to do what is right for the environment, plan for the future, and agreed with the need for the building. But it would be a monstrosity. Other options were brought up at the meeting that should be considered.

Cheleen concurred with Bonoff. More information needs to be provided regarding different options. Moving the building to the west 60 feet may not be that big of an aesthetic benefit, depending on the cost. If the roof was lowered from 54 feet to 45 feet, the view from the railroad tracks may not be noticeable.

Chair Hart agreed. The setback is reasonable. It would not increase the noise level and amount. It may make sense to move it further to the south. The height is the issue.

Bonoff moved, second by Dahl, to table action on items concerning a salt storage building and storage bins at 11522 Minnetonka Boulevard for the City of Minnetonka (01056.05a) to provide an opportunity to research additional information.

Bonoff, Cheleen, Dahl, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Motion carried.

Olson stated that public hearing notices would be mailed to surrounding residents to inform them of the date of the first April planning commission meeting.

B. Preliminary plat, with lot width variance, to divide the existing lot at 18724 Ridgewood Road for Thomas Gagner (04089.04a)

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

Olson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Olson passed on Allendorf's concern for the loss of trees on the north side of the lot. Allendorf favored a conservation easement be implemented to protect the trees. If the site would be developed into four lots, a street would need to be added and would require the removal of the trees. Olson discussed a conservation easement with the applicant, but since the applicant was unsure of future plans wanted to keep that option open.

Olson pointed out the trees he referred to for Chair Hart. Chair Hart noted that the lot would meet all ordinance requirements. Olson agreed that a conservation easement would eliminate one lot.

In response to Bonoff's question, Olson explained that the applicant could construct a street and subdivide the property into four lots without a variance. The lot split may make further division in the future less likely. It would make it less economically feasible to construct the street in the future.

Chair Hart and Olson discussed the setbacks if a street was constructed. Chair Hart felt that the subdivision seemed reasonable.

Tom Gagner, 18724 Ridgewood Road, applicant, stated that he has enjoyed working with staff on the project. He has lived in Minnetonka 25 years and he wishes to continue to live here. He would conserve as many of the trees as possible.

The public hearing was opened.

Jim Holton, 18730 Ridgewood Road, spoke for the Graves, Harrisons, and Langleys who reside around the applicant's property. He stated that the neighbors' biggest concern is the loss of open space in the area with the elimination of the golf course and development of Dunibar Ridge. Each event may seem like "small potatoes," but they add up. Neighbors put a cattle grate in their drive and an eight-foot high fence to keep deer out of gardens. He asked if commissioners had any questions.

Bonoff felt the area was breathtaking. She shared the neighbors' concerns regarding the loss of trees and open space.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues. She stated that staff did an excellent job of working with the applicant. If the request is denied, the applicant could subdivide the property into four lots that would meet all ordinance requirements.

Bonoff felt that staff did an excellent job of working with the applicant. She has compassion for the neighbors, but noted that the homeowner has the right to plat the property into four lots with a public street. She agreed with staff's recommendation.

Chair Hart asked what other future subdivisions could be done in the area. Olson and Thomas identified a couple other areas that appeared developable, but that a wetland covered most of the open areas.

Cheleen visited the site and spoke to Ms. Gagner. He was impressed with the applicant's care and concern for the land. The property is large. The proposed lot would not be much smaller than the adjacent lot. Change is hard, but the applicant advised him that she did not intend further subdivision in the foreseeable future and, economically, at that point, the best thing to do would be to create a third lot. Four lots would require a public street and would not make sense at that point. The proposal seems to be the best solution.

Bonoff moved, second by Cheleen, to recommend that the city council give preliminary approval to the Gagner's 1st Addition, date stamped February 28, 2005, with a lot width at the right-of-way variance from 80 to 0 feet. Approval is based on the following findings:

- 1) Except for the variance(s), the proposal meets the required standards and ordinance for a preliminary plat.
- 2) The proposal meets the required standards for a lot width at the right-of-way variance in Section 300.10, Subdivision 5(h)(2)(b).
- 3) The site could be developed with a public street to meet all minimum zoning ordinance standards; however, under that plan 28 trees would be removed.

Approval is subject to the following conditions:

- 1) Complete the following before final plat approval:
 - a. Show the following on the final plat:

- (1) At least ten-foot-wide drainage and utility easements next to any existing or proposed public street rights-of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.
 - (2) Utility easements over existing or proposed public utilities, as determined by the city engineer.
 - b. Pay the city a park dedication fee of \$2,375.00.
- 2) The following items must be submitted to the city before the city releases the final plat:
 - a. An engineering/utility inspection fee.
 - b. An electronic CAD file of the final plat in microstation or DXF on a CD disk.
 - c. The following documents for the city attorney's approval:
 - (1) Title evidence that is acceptable to the city attorney. Title evidence must be current within thirty days before release of the final plat.
 - (2) Conservation easements over mature trees east and west of the proposed home. A drawing of the easements must be submitted for the approval of the city attorney. The easements and drawings must be recorded with the final plat.
 - (3) A private driveway easement between the street right-of-way and Lot 1. The easement must state the maintenance responsibilities of each owner. The easement must be 34 feet wide. The minimum driveway width must be as required by the fire marshal.
 - (4) A private utility easement across Lot 2 to provide services to Lot 1.
 - (5) Provide restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the

plat. These covenants must first be submitted for the city attorney's approval.

These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.

- d. Any other requirements included with final plat approval.
- 3) The following must be submitted to the city before the city issues a building permit:
- a. A grading and tree preservation plan for each lot, subject to staff approval. The plans must be in substantial compliance with agreed building areas as required with the final plat. The sewer and water services must be shown to minimize impact to the significant trees.
 - b. A temporary rock driveway, erosion control, tree protection fencing must be installed, subject to review and approval of the city's environmental resources coordinator.
 - c. A copy of the recorded plat and any easement or covenants required to be recorded.
 - d. A hookup fee for sanitary sewer and water.
 - e. The new home must be constructed with an automatic sprinkler system, subject to approval of the fire marshal.
 - f. A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance. If the grading for proposed streets has not been completed, the planning director may approve a time extension to this requirement.
- 4) During construction, the streets must be kept free of debris and sediment, and the tree protection fencing, and erosion control fencing must be maintained.
- 5) Review and approval of the proposal by the City of Deephaven. The applicant must meet any conditions required by Deephaven.
- 6) Trees must be planted to compensate for significant trees removed from each site that would be outside of the building pad and driveway area. The

trees must be primarily species native to the area. They must be at least 2 ½ inches in diameter for deciduous trees and 6 feet tall for coniferous trees. The property owner or original developer must replace the required trees if they die within one year after installation.

- 7) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be

Bonoff, Cheleen, Dahl, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Motion carried.

Chair Hart stated that an appeal of the planning commission's decision must be made in writing to the planning director within 10 days.

10. OTHER BUSINESS

A. Review of planning commission by-laws and policies.

Cheleen moved, second by Dahl, to adopt the planning commission's by-laws and policies to remain the same for 2005.

Bonoff, Cheleen, Dahl, and Hart voted yes. Allendorf, Britain, and Periolat were absent. Motion carried.

11. RECOGNITION OF COMMISSIONER MAES

Chair Hart welcomed former commissioner Katherine Maes to the meeting and thanked her for serving a two-year term on the planning commission. Chair Hart congratulated her on the success of her new business. Chair Hart stated that Ms. Maes provided a clear vision of the issues and defined issues for the other commissioners. She was good at appreciating staff's efforts, expressed strong concern for the environment, and supported meeting affordable income housing goals. Ms. Maes thanked Chair Hart and expressed appreciation for her gained knowledge of subjects including Minnetonka's watershed districts. Ms. Maes stated that it had been an honor to work with brilliant people and a true blessing to work with staff, commissioners, and city council.

12. ADJOURNMENT

*Bonoff moved, second by Cheleen, to adjourn the meeting at 8:15 p.m.
Motion carried unanimously.*

By: _____
Lois T. Mason
Planning Secretary