

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**MARCH 30, 2006**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Cheleen, Dahl, Frisque, Adams, Britain, and Hart were present. Brandt was absent.

Staff members present: Planning Director Geoff Olson, Principal Planner Cary Teague, Planner Susan Thomas, Natural Resource Manager Jo Colleran, and Engineer Lee Gustafson.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with additional comments and a modification provided in the change memo dated March 30, 2006.

- 4. APPROVAL OF MINUTES:** March 16, 2006

*Dahl moved, second by Adams, to approve the March 16, 2006 meeting minutes as submitted.*

*Cheleen, Dahl, Frisque, Adams, Britain, and Hart voted yes. Brandt was absent. Motion carried.*

**5. REPORT FROM STAFF**

Olson briefed the commission on land use applications considered by the city council at its meeting of March 27, 2006:

- Adopted a resolution that approved the outdoor eating area for Jimmy's American Grill at 11000 Red Circle Drive for Michael J. Jennings.
- Adopted a resolution approving a conditional use permit with variance for transient sales at the southwest corner of Westwind Plaza for Craig J. Gilb.
- Adopted a resolution approving an ordinance allowing recreational accessory uses on residential lots without permitted uses.
- The first motion, to deny, was withdrawn without a vote. Approved a motion to postpone action until the April 10, 2006 meeting for items

concerning grade changes and a pervious patio on the lake access lot at 17024 Gray's Bay Boulevard for Lakewest Landscape.

Olson announced that the next planning commission meeting will be April 10, 2006.

**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.

***Cheleen moved, second by Britain, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:***

**A. Resolution finding that a proposed modification of the Glen Lake Redevelopment plan is consistent with the comprehensive plan.**

Staff recommends the planning commission adopt the resolution finding that a modification to the Housing Development and Redevelopment Plan for the Glen Lake Station Housing Development and Redevelopment Project and a modification to the Tax Increment Financing Plan for the Glenhaven Tax Increment Financing District conforms to the general plans for development and redevelopment in the city.

**B. Variance to build an addition to the home at 12801 Do Little Drive for Chris and Vollie Heitkamp (00047.06a)**

Adopt the resolution on pages A1–A3 of the staff report, which approves a front yard setback variance from 35 feet to 13 feet to construct a garage addition at 12801 Do Little Drive. This resolution is based on the following findings:

- 1) There is a unique hardship to the property caused by:
  - a. The location of the existing home.
- 2) The variance would meet the intent of the ordinance since:
  - a. The variance request is for a reasonable use of the property.

- b. The addition would create a 24-foot x 24-foot garage, and not compromise the internal floor plan of the existing home.
- c. There is 22 feet of right-of-way in front of the home; therefore, the home would be setback 35 feet back from the paved surface of the street.
- d. The proposed addition would not alter neighborhood character.

Staff approval is based on the following conditions:

- 1) Submit proof of having recorded this resolution with Hennepin County before the city issues a building permit.
- 2) The installation and maintenance of erosion control and tree protection fencing, subject to review by the city's natural resources manager.
- 3) The building material and color of the garage must match the existing home.
- 4) Minimum low floor elevation must be 973.4.
- 5) The existing shed must be relocated to the south side of the home to meet required setbacks.
- 6) This variance will end on December 31, 2007, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

***Cheleen, Dahl, Frisque, Adams, Britain, and Hart voted yes. Brandt was absent. Motion carried and the items on the consent agenda were approved as submitted.***

## **8. PUBLIC HEARINGS**

- A. Items concerning a proposal for a new building on the property at 13000 St. Davids Road for The Episcopal Parish of St. David (92053.06a)**

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.

Chris Winter, senior warden of St. David's parish, applicant, introduced himself, representatives of St. David's church, and representatives of the Intercongregation Communities Association (ICA). In 1971, St. David's was one of the founding members of ICA serving the surrounding cities. St. David's parish is committed to administering to the needs of the local community. The facility hosts community events, fund raisers, boy scouts, support groups, election polling sites, and summer camps. ICA is an association of congregations and volunteers serving Hopkins, Excelsior, Deephaven, Shorewood, Greenwood, Woodland, and the city of Minnetonka.

Mr. Winter stated that a new facility has been needed and planned for years. In November 2003, Karen Anderson, mayor of Minnetonka at that time, challenged churches to find a site for ICA. A centralized location would increase its efficiency to better serve the community and increase the safety of the volunteers, clients, and staff. The current sites are leased and are not long-term solutions.

Mr. Winter pointed out the proposed building layout. He indicated where additional parking and its access would be located. The proposal would fit and blend in with the church and neighborhood. The size and scale of the building would be similar to the church. Much of the building height is a result of the trusses used to create a roof that matches the church building. He provided a variety of views of the proposed project. The lobby would accommodate St. David's and ICA's needs. The lighting plan was designed to minimize impact on the neighbors. He pointed out directional signs that would facilitate motorist navigation. As many trees as possible would be preserved. Unhealthy trees would be replaced.

Britain asked if a neighborhood meeting was held and how their concerns have been addressed. Mr. Winter stated that one large neighborhood meeting and several individual meetings had been held. Traffic and changing the land were primary concerns expressed by neighbors. He and his team have worked with the neighbors to develop the design. He understood that neighbors would prefer the building not be built.

Dahl asked what time delivery trucks would visit the site. Mr. Winter stated that delivery trucks mostly consist of mini-vans. The largest truck would be a 26-foot United Postal Service type truck. No deliveries would be made when ICA is not open.

Dahl asked if the dumpster would be visible. Mr. Winter explained that the dumpsters would be enclosed in accordance with the ordinance requirement.

Adams asked who would hold the title to the property. Mr. Winter responded that St. David's would own the land. ICA would lease the space.

Cheleen questioned if the slope of the rear drive would be acceptable. Gustafson answered that a 12-foot drop from the road to the rear should not be a problem. The site would drain into a pond below the parking lot. Peter Knaeble, engineer with Terra Engineering, explained that the maximum slope would be eight percent, which would meet ordinance requirements. The drainage would travel north, through the storm sewer system, into the pond, and ultimately discharge into the north and east.

Chair Hart noted conflicting days of operation. Mr. Winter confirmed that the facility would operate Monday through Friday from 9 a.m. to 4 p.m.

Chair Hart asked what would buffer the site from the neighbor on the east side. Mr. Winter met with the neighbor and learned the neighbor's preference to maintain a natural buffer as much as possible with the addition of a six-foot wooden fence.

Chair Hart asked if the church considered acquiring the lot on the west side of the site. Mr. Winter answered in the affirmative. The property owner is not ready to sell, but would consider selling to St. David's in the future.

The public hearing was opened.

Dan Baker, 12900 St. David Road, has lived there more than 20 years. He represented 14 property owners that made up *Citizens for the Preservation of St. David's Neighborhood*. He stated that:

- The proposed structure would be 10,000 square feet. The new building would be 47 feet high to the roof peak on the north side.
- He and his group support ICA, but strongly oppose the building.
- The building would be in violation of the ordinance and would not be allowed on a residential street.
- It would be an abuse of the 1992 conditional use permit. It was not intended for this type of a structure or use.
- The setbacks should be farther from the trail.
- It would damage the neighborhood character.
- It would violate the letter and spirit of the ordinance.

- There is no justification for the variance.
- It would be too large to be a reasonable use.
- The hardship is not unique to the property. An existing nonconformance is not a license to make a problem worse.
- There are no current plans Williston Road reconstruction and, therefore, for ponding on the Williston Road site.
- ICA has required access on Williston Road now.
- It would cause destruction of open space and damage natural resources.
- It would cause noise and safety issues.
- The church's parking policy has been ineffective because drivers cannot see the parking lot from the street, so people park on the street. The proposal would make the parking situation worse.
- The proposal would be inconsistent with the comprehensive plan and the Minnetonka Mills special area plan.
- The traffic study is flawed. The programs may be expanded at any time with minimal restrictions.
- Loading docks and the rear parking area have been designed to accommodate heavy trucks. Even a light truck would require parking spaces to be used for turning.
- Drainage run-off would cause unsightly ponds, increase the duration of flooding, add more sediment to yards, and create more insect breeding grounds.
- There are better alternatives.
- The ordinance should be enforced and the application should be denied.

Britain asked what type of neighbor St. David's church has been. Mr. Baker stated that they have had differences of opinion, but he has found them to be good neighbors. The members believe in what they are doing. Enthusiasm can sometimes override real world considerations. The neighbors have been sympathetic during holiday seasons and St. David's church helps the community. This situation is a difference of opinion.

Chair Hart requested a visual aid that would illustrate the height of the current building in comparison to the height of the proposed building. Roger Freeberg, architect for the project, illustrated that the ridge line of the existing church sits eight feet taller than the proposed building. The architectural design is similar, so the existing building sits eight feet higher than the proposed building.

In response to Chair Hart's request, Gustafson explained that the driveway would act as a dam to prevent drainage from flowing to the east, as it does now. Water

currently flowing east would be channeled to the pond. The pond would be visible from the trail. It would probably be a dry pond with vegetation growing in it. Heavy sediment from the parking lot would stay in the pond. It would be easy to maintain the pond from the parking lot.

Mr. Knaeble stated that the pond would be dry, landscaped, and mowed. The site has had one,100-year storm in the last 10 years. The pond would exceed city and watershed standards. The pond would not control the volume of water, only the rate of run-off.

Cheleen asked if the dry pond would have an outlet. Mr. Knaeble answered in the affirmative.

Cheleen questioned the size of the loading dock that Mr. Baker mentioned. Mr. Winter explained that the ground slopes down to the west. Standard, rather than industrial size, garage doors would be used. ICA currently uses United Postal Service size truck. Trucks would not be turning around in parking spaces. Mr. Winter illustrated how trucks would pull into the northeast part of the parking lot and back into the loading dock.

In response to Britain's question, Mr. Winter stated that semi-trucks would not be used.

Britain asked if the area currently generates traffic complaints. Not to Olson's knowledge.

In response to Chair Hart's question, Gustafson explained that the city's capital improvement plan does not include plans to improve Williston Road within the next five years. Improvements to the storm and sanitary sewer system would require reconstruction of Williston Road.

Nick Real, mayor of Excelsior, has enjoyed having the ICA as a tenant. ICA's lease was extended through this year, but the city's intent is to redevelop the site. He supported ICA as a tenant. The city of Excelsior has received no complaints or concerns with the site being located 100 feet from a residential area. He checked with the chief of police and confirmed that no complaints had been received by the police department.

Chair Hart asked Thomas to explain why staff considered the proposed use an allowed use. Thomas explained that the city attorney found that the courts have given broad interpretation to what constitutes a religious use of church property including: ball fields, rehabilitation centers, and feeding of the poor. The

proposed use is a religious use of the property and is allowed as part of St. David's existing conditional use permit.

Adams asked if the structure would fit with the city's historical plan adopted in 1999. Olson stated that staff found that it would, but Mr. Baker disagreed. The issue is subjective.

Terri Barnes, 12950 St. David's Road, neighbor east of the site, stated that:

- She and her husband were not opposed to a food shelf at St. David's church. She had worked at a Salvation Army food shelf for 17 years.
- The size of the proposed building seems excessive compared to her experience with the Salvation Army.
- The Excelsior building is 5,000 square feet and used only as a warehouse.
- The design is not efficient.
- She questioned the need for the amount of rear parking, long driveway, and 7-foot to 11-foot high retaining wall. The view from the trail would be retaining walls.
- She favored using the elevator to drop off donations to the lower level, as previously shown on the front of the building, rather than having a long drive and warehouse façade in the back.
- It would not be compatible with the area. A warehouse should be located in a commercial area.
- The drive would be too close to their living spaces.
- Her concern is the increased volume of storm water, rather than the rate of run-off. Her property would gain standing water.
- The pond design should be detailed before the proposal is approved. She questioned the pond's size, its impact on the trail, its location, if fencing would be necessary, and the overall safety issues it would create.
- She indicated areas she thought would be under water if the building and parking lots were constructed. It would infringe on property owners' properties.
- The increased water could impact the trees.
- The building plan is inappropriate for the area due to the loss of green space and retaining walls.
- She requested commissioners not support the proposal.

Chair Hart clarified with Gustafson that the 100-year floodplain boundary would remain the same. Gustafson stated that the additional run off could cause standing water to remain longer, but it would not cause increased water elevation. It would be regulated by the outlet that travels under the trail and Excelsior Boulevard. It's similar to pulling the drain on a bathtub. Water could only flow out so fast.

Mr. Freeberg explained that the retaining wall would increase in height from 0 feet on the northwest end to 7.5 feet on the northeast end. The retaining wall would be visible from the trail, but not from the parking lot. The distance from the trail to the wall would be approximately 50 feet.

Mr. Freeberg stated that ICA requested the loading dock. It occasionally receives goods requiring a dock. It is not the intent to accommodate large semi-trucks.

Frisque asked if the view from the trail would include the retaining wall, parking lot, and two-stories of the proposed building. Mr. Freeberg answered in the affirmative. The wall ends at the height of the parking lot surface. The natural slope of the site accommodates the dock.

Cheleen was curious if the increased impervious surface would cause the water to runoff faster, the pond to fill up quicker, and the level of water to rise before it would be able to move. He asked how feasible it would be to move the emergency outlet lower. Gustafson stated that the outlet is not an emergency outlet. He illustrated where the pipes are currently located and the drainage pattern. The current drainage to residents is not all from St. David's church. It mainly comes from the county road system. That is where most of the current sediment comes from. The area behind the homes is a designed outflow pond area.

In response to Chair Hart's question, Mr. Winter stated that the Excelsior building does have client pick-up.

Kristine Rydmark, 13010 Inverness Road, stated that:

- Of the 23 children who live in the area, 18 of them are home when the food shelf would be open. The proposal would increase the traffic safety hazard. She believes there are better places for the proposal that would not affect children.
- She was concerned that there would be semi-trucks in the future.
- ICA is a great use, but not in a residential area.
- It would be a 10,000-square foot facility, not a home.

- The police need to focus on more important things than people running stop signs, garbage being left in yards, and motorists tearing out of the streets.

Pat Strandberg, 14616 Woodhaven Road, who resides two houses down from the existing ICA food shelf, stated that she lived in her residence for three years before she realized it was a food shelf. Cars come and go occasionally, but they never guessed it was to pick-up food. She was stunned to learn of the need of a food shelf in an affluent suburb. ICA has a good relationship with the police department. Anyone who requests food has to prove local residence. She suggested those with concerns volunteer at ICA and learn what a blessing the food shelf is.

Beverly Baker, 12900 St. David's Road, questioned why a four-foot dock is included in the plan if large trucks would not be used. If not needed, it should be dropped from the building. She stated that:

- She is the neighborhood crime watch captain. St. David's Road is a dead-end street. The proposal would increase the traffic. The proposal would bring vehicles she would not be able to identify into the neighborhood.
- She questioned how emergency vehicles would get through.
- She and other St. Davids Road residents counted vehicles coming and going from the current ICA location. There were fifteen client pick-ups in four and a half hours.
- ICA does not need to leave its current site. Engineering staff and Mayor Karen Anderson told her in 2005 that there were no plans to widen Williston Road within the next five years. In March of 2006, engineering staff told her that there are no plans to improve Williston Road within the next five years. It is a guide line for the future.
- She opposed the project. There are better sites that would not impact a dead-end street.

Tony Heppleman, traffic engineer, explained how the traffic count was conducted and its results. The Excelsior site was open from 9 a.m. to 1 p.m. and the Williston site is open from 9 a.m. to 4 p.m.

Eric Lundy, resident of Spring Lake Road, supported the project. He resides near the current facility. It has been a great neighbor. The Williston site was supposed to be a temporary building, but it has been there 8 years. The site is not workable as a long-term solution. It only operates 28 hours a week. The traffic has not

been a problem. The view of Thompson plumbing is unsightly from the trail. The proposal would be an improvement. He encouraged approval of the project.

Linda Deroode, 3426 Shady Oak Road, stated that her backyard is adjacent to St. Davids Road. She has lived there 14 years. She was strongly opposed to the proposal. She stated that:

- This is not an expansion of a church. It would change the site to a commercial use.
- It would create a huge concern for the safety of her children. The city has refused to install “slow – children in area” traffic signs.
- In her counts of vehicles coming and going from the current ICA site, she found more vehicles than the traffic study showed.
- She hired a real estate agent to find other sites for ICA. She found a 6,000 square foot site in Hopkins with a dock door. ICA would not look at other sites.
- She was concerned with ICA leasing the space out to other groups.
- There are laws prohibiting locating a church on a local street and they should be followed.
- She supported St. David’s church and ICA, but the proposal would be wrong.

Jack Barbier, 13001 St. David’s Road, stated that:

- Traffic is gridlocked every morning and night. Making a left turn from Shady Oak Road is dangerous.
- Special events that use the property and ICA need to be identified.
- There is a traffic safety issue. There are no sidewalks.
- He does not disagree with the church or ICA in their purpose, but this location is wrong. There would be no bus access. There are plenty of other sites available that are more appropriate.
- “No matter how high-minded the cause, this is not the right thing to do.”
- Twenty out of 23 neighbors oppose the project.

Pat Mahin, 3719 Plymouth Road, supported ICA as a benefit to the community. The benefit to the community must be weighed against potential problems. He would support the facility being constructed on his street.

John Kokesh, 15203 Skyview Drive, has lived in Minnetonka 72 years. He has volunteered at ICA for 6 years. He has handled every job. One vehicle every 15

minutes does not make that much noise. The facility would be lucky to get two, 28-foot trucks per week.

Shirley Koski, 3514 Kohnen's Circle, stated that she lived there 43 years. She raised 6 kids living on St. David's Road and did not have a problem with traffic, even though there was more use of the church site then. The church held two sessions of child care/preschool for many years. Those parents drove up and down the street like maniacs twice a day and everyone survived. She supports food shelves and requested that the proposal be approved.

Michael, 4634 Twin Haven Road, is a member of St. David's and stated that the congregation supports the proposal. It is the right thing to do. He hoped that the commission had the courage to support the project.

Tim Erickson, 3508 Kohnen's Circle, shared his concern that the facility would be used for something else in the future. He was concerned with an increase in the already congested traffic on Shady Oak Road. It could create grid-lock during rush hour on St. David's Road.

Chair Hart confirmed with Thomas that a condition of approval would prohibit the site's use for anything other than parish activities and a food shelf without an amendment to the conditional use permit.

Mr. Winters added that the hours of operation have been 9 a.m. to 4 p.m. for 30 years. If the applicant wanted the hours to change, the conditional use permit would have to be amended.

Jim Hardie, Excelsior resident, volunteered as treasurer for ICA for six years. He stated that the members have been working for five years to raise funds to fund a facility that will accommodate its needs long-term. The Williston facility is not functional. The members visited numerous sites looking for adequate space. The cost of land and real estate taxes are high. He appreciated what St. David's parish is trying to do for ICA and the community.

Kevin Connely, Shorewood resident, St. David's congregation member, was involved in planning the proposed building. As part of his career, he is involved in planning "campus-type" sites. He met with ICA staff and its board. He created a functional space analysis for ICA's projected future use.

Karen Richey, 12940 St. David's Road, stated that the proposal would change her area. It would be a warehouse that would not be appropriate on the site, on a dead-end street. The current locations have access to main streets.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues.

Britain did not believe the proposal would be commercial use of the property. The expanded use is reasonable.

Cheleen noted that a commercial site where real estate taxes would be owed would be prohibitive. The proposal would be reasonable use of the property.

Adams asked who would review and approve the annual operations plan that would be submitted by the applicant. Olson explained that staff would review and approve the plan. A similar situation is working out well for Minnetonka High School. The operating plan would cover the mundane day-to-day activities.

Frisque asked if the applicant would have to apply to operate a day care at the site. Olson stated that the conditional use permit would restrict the site's use to a traditional church use as well as the ICA food shelf. Any other kind of use would have to be applied for separately.

Dahl concurred with the city attorney. The proposal would meet the definition for a church use.

Britain asked when the school previously operated at the site. Thomas explained that the school operated until 1990. It had 100 students and 25 faculty members. Britain did not believe the amount of traffic would be unreasonable on a residential street. He noted that there was a school on St. David's Road in the past which created more traffic than the ICA food shelf would.

Dahl saw that the extra parking may alleviate some of the on-street parking problems that occur now. No parking signs may be utilized. Traffic should be monitored, but it would not be unreasonable. Residents may contact the city if problems occur.

Chair Hart asked St. David's to put together an effective plan to avoid on-street parking. Signs or a person directing traffic may help. The proposed increased traffic would be manageable. The traffic is the most difficult part of the project.

Cheleen appreciated Gustafson's explanation regarding drainage. He thought the proposal's holding pond would improve drainage for the area.

Britain acknowledged that any additional traffic to the access would be difficult, but the operational agreement and commitment to hours of 9 a.m. to 4 p.m. would keep the traffic from happening during rush hour. It would be reasonable.

Frisque concurred with Britain's comments. The food shelf would not affect the highest peak traffic times. To allow a school back on the property that once housed a school ten years ago would also require a variance.

Chair Hart noted that the site would require a variance even if they were to add one parking stall. The site is currently in nonconformance, since it is not located on an arterial or collector road. She felt the variance was reasonable.

Cheleen stated that the proposal would look like a one-story building from the residential side. The building would be lower than the current sanctuary. From the commercial side, it would appear to be a two-story building, but that would be a distance away from the trail. It would be architecturally pleasing.

Britain concurred with Cheleen's comments. It was hard for him to oppose his neighbors, but he saw it as a positive project for the community. The location was the best on that site and it made sense. It would be a very low-profile building. He agreed with the design.

***Britain moved, second by Cheleen, to recommend that the city council approve the following items:***

**CONDITIONAL USE PERMIT**

- 1) *Recommend that the city council adopt the resolution on pages A1–A5a of the staff report, which amends an existing conditional use permit. This resolution replaces the existing resolution and is based on the following findings:*
  - a. Apart from the requested access variance, the proposal meets the required conditional use permit standards.
  - b. The proposal meets the required standards for a variance, because:
    - (1) St. David's Road is the only viable access to the property.

- (2) The church is an existing, non-conforming use. The church building was built, and a conditional use permit was approved, prior to the current access requirement.
- (3) As the property already has access onto St. Davids Road, the variance itself would not alter the character of the neighborhood.

Approval is subject to the following conditions, which amend the existing conditional use permit conditions:

- ~~a. The applicant add landscaping in the east and northeast prior to issuance of a grading permit.~~
- ~~b. The applicant post one-way signs for drive aisle and western parking lot prior to the issuance of a certificate of occupancy.~~
- ~~c. The applicant remove eastern sign within the right-of-way prior to issuance of a grading permit.~~
- ~~d. The applicant submit a bond for grading, landscaping, and tree preservation prior to issuance of a grading permit.~~
- ~~e. The applicant submit an illumination plan prior to issuance of a building permit.~~
- ~~f. The applicant install erosion control along south and east side of the property and fence all trees slated for preservation prior to issuance of a grading permit.~~
- ~~g. The applicant install concrete curb and gutter with patching along St. Davids Road and curb and gutter all revised parking lots and drive aisles.~~
- ~~h. The applicant dedicate the proposed easement and vacate appropriate right of way prior to issuance of a grading permit.~~
- ~~i. The applicant install masonry trash enclosure and submit plans for staff review and approval prior to issuance of a building permit.~~
- a. Physical use of the church property is allowed as depicted on the site plan and existing condition plan dated March 15, 2006.

- b. The new building on the east side of the property may be used for operational and parish activities, and as a food shelf with related services. Any other use of the building requires amendment of the conditional use permit.
- c. Operation of the food shelf must follow a written operations plan to be submitted annually for city staff approval. In preparing the plan, the food shelf must solicit input from the parish and area residents. The plan must limit hours of food shelf operation to Monday through Friday 9:00 a.m. to 4:00 p.m. and to 5:00 p.m. for office staff. City staff may approve food shelf operation one evening a week and occasional administrative meetings, provided these times do not conflict with evening church activities. Approval of extended hours is subject to providing a revised traffic study.
- d. No semi-truck delivery of food to the food shelf is allowed. A 26-foot panel truck is the largest truck permitted to deliver food to the food shelf.
- e. Any special distribution by the food shelf of holiday food, trees, toys, etc. may only occur during regular client visits.
- f. The city council must approve any banners, temporary signs, or other temporary items on the St. David property.
- g. The city council may reasonably add or revise conditions to address any future unforeseen problems with traffic and parking issues.
- h. 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.
- i. Before the city issues a building permit, the applicant must agree to the above conditions in writing and record this resolution with the county.

**SITE AND BUILDING PLAN**

- 2) *Approve the site and building plans for an additional building at 13000 St. Davids Road, subject to the following conditions:*

- a. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan date-stamped March 15, 2006.
  - Grading plan date-stamped March 15, 2006.
  - Landscaping plan date-stamped January 27, 2006.
  - Illumination plan date-stamped January 27, 2006
  - Building elevations date-stamped January 27, 2006.
  
- b. A grading permit is required. The complete grading permit application must include:
  - (1) Final site, utility grading, and drainage plans and calculations for staff review and approval. The plans must:
    - (a) Include a pond acceptable to the city engineer; the pond must be located to minimize tree loss.
    - (b) Minimize impact to the critical root zones of large oak trees northwest of the proposed parking lot.
    - (c) Include a catch basin on the east side of the proposed driveway, opposite catch basin No. 3 near the northeast corner of the proposed building.
  - (2) Final utility and erosion control plans for staff review and approval.
  - (3) A letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
  - (4) If required, copies of the watershed district permit. The city may require revisions to the approved plans to meet the district's requirements.
  - (5) A construction management plan for staff approval.
  
- c. Before the grading permit is issued, temporary rock driveway, erosion control, and tree protection fencing must be installed for staff

review and approval. These items must be maintained throughout the course of construction.

- d. The following must be submitted to the city before the city issues a building permit:
  - (1) A final landscape and irrigation plan for staff approval. The plan must:
    - (a) Meet minimum value requirements as outlined in city code.
    - (b) Include native, hardwood plantings between the new north parking lot and the north property line.
    - (c) Diseased evergreen trees along the east property line must be removed and replaced as required by natural resources staff.
  - (2) A letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost of all required landscaping
  - (3) An illumination plan for staff approval.
  - (4) All required hook-up fees.
- e. The property owner is responsible for replacing any required landscaping that dies.
- f. All rooftop and ground-mounted mechanical equipment 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.
- g. All exterior trash and recycling storage areas/dumpsters must be enclosed with materials compatible with the principal structure, subject to staff approval.
- h. Approval does not include any signs. Separate sign permits must be submitted for staff review and approval. Freestanding, directional signs must meet setback requirements.

- i. New alarm systems must be registered with the police and fire departments.
- j. Construction must begin by December 31, 2007, unless the planning commission grants a time extension.

***Cheleen, Dahl, Frisque, Adams, Britain, and Hart voted yes. Brandt was absent. Motion carried.***

Chair Hart expressed her appreciation for the manner in which everyone expressed their comments.

**B. Items concerning the renovation of the baseball fields at 18301 Highway 7 for Minnetonka High School (97001.06a)**

Chair Hart 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.

Adams asked if the field would be raised. Teague responded positively and explained that a foot of granular material would be added for drainage purposes to slow the rate of run off and provide filtration.

Chair Hart asked if the permanent speaker system would be similar to the current system. Teague referred the question to the applicant.

Tom Berge, director of finance and operations for the school district, stated that the proposal was presented to the school district by the Minnetonka Diamond Club. The proposal represented the baseball and softball interests of the community. It would provide an improved baseball field, two additional practice football fields, stadium seating, and lighting for the facility.

Jon Guy, president of the Diamond Club, explained the serious shortage of diamonds. The proposal started with the site needing new lights. If the lights were added, not much grass would be left due to increased use. Adding turf became a good option. Adding a small stadium made sense since the existing stadium was in need of repair. He explained that there would be two football fields in the fall. He described the plan. The proposal would create tremendous capacity for baseball and football uses and create a better playing service. The

surface would be able to be plowed and the season could be extended. Lacrosse would gain a site to play.

Adams asked how many more game dates would be added if the proposal would be approved. Mr. Berge stated that approximately 150 football games would be added.

Mr. Berge stated that the sound system for the baseball field is much different than the system in the football stadium. When used as a baseball field, the speaker volume would be much lower and pointed toward the stadium. It would be used for varsity games and tournament games. He is looking at ways to redirect the speakers in the football stadium.

Mr. Berge explained that operation of lighting would be similar to Big Willow's where no innings may be started after 10:00 p.m. and lights out by 10:30 p.m.

Mr. Berge stated that gates were installed and have improved the traffic circulation for the site. He meets annually with the neighbors. Last year, one family attended.

Mr. Berge confirmed with Chair Hart that football games would be held at night. Lights would be located around the "arc" of the baseball field.

The public hearing was opened.

Fred Hanus, 15801 West Oaks, was in favor of the project. The site is very tight. It would be a good improvement.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues.

Adams found the project would improve existing drainage. It would also reduce fertilizer use by 1.25 tons a year.

Britain felt a good operation plan would make the project livable with the neighborhood.

Frisque liked that the sound system would not be used for all games; only on a limited basis. Steps were taken to minimize the impact of the lighting system on neighbors. She supported the project and appreciated neighbors' concerns being addressed.

Cheleen commended the district for trying to resolve the traffic issues. He trusted Mr. Hanus' recommendation.

Dahl commended Jon Guy, the Diamond Club, and the school board for addressing issues with the neighbors.

***Dahl moved, second by Frisque, to approve the following items concerning the renovation of the baseball fields at 18301 Highway 7 for Minnetonka High School:***

#### **CONDITIONAL USE PERMIT**

- 1) *Recommend that the city council adopt the resolution on pages A1–A3 of the staff report. This resolution approves a conditional use permit for grading of 6,000 cubic yards of material, and the upgraded lighted baseball field stadium. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:*
  - a. Record this resolution with the county before the city issues a building permit.
  - b. The city council may reasonably add or revise conditions to address any future unforeseen problems.
  - c. All site and building plan review conditions must be met.
  - d. The applicant must agree to the above conditions in writing.

#### **SITE AND BUILDING PLAN REVIEW**

- 2) *Approve the site and building plans for the upgraded varsity baseball field at Minnetonka High School, subject to the following conditions:*
  - a. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
    - Site plan date stamped February 22, 2006.
    - Grading plan date stamped February 22, 2006.
    - Landscaping plan date stamped February 22, 2006.

- Illumination/lighting plans date stamped February 22, 2006.
  - Field and building elevations date stamped February 22, 2006.
- b. The following must be completed or submitted with a grading permit application. All of these items must be completed or submitted to make a grading permit application complete:
- (1) The installation and maintenance of temporary rock driveways, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review by the city's natural resources staff.
  - (2) Submit final site, grading, drainage, utility and erosion control plans for staff approval. Final drainage calculations must be included.
  - (3) Submit a letter of credit or cash escrow for 150% of the estimated cost to comply with grading permit requirements and restore the site.
  - (4) Submit a construction management plan for staff approval.
  - (5) An illumination plan for staff approval
  - (6) All required hook-up fees
- c. The property owner is responsible for replacing any required landscaping that dies.
- d. A 6-8 foot tall wood fence must be constructed along the west side of the westernmost drive aisle to provide screening for the adjacent single-family homes.
- e. 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.
- f. The sound system may not be audible from 500 feet from the speakers.
- g. Baseball lights must be off by 10:30 pm.

- h. The city council shall review and approve the revised site management plan as part of this request. A management plan for tournaments must be detailed in the plan.
- i. All conditions of the Minnetonka High School Site Management Plan must be met.
- j. All 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.
- k. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- l. Construction must begin by December 31, 2007, unless the planning commission grants a time extension.

***Cheleen, Dahl, Frisque, Adams, Britain, and Hart voted yes. Brandt was absent. Motion carried.***

Chair Hart asked the school district and sponsors to be extra sensitive to the neighbors' comments and do everything they can to accommodate them.

**C. Items concerning an office addition to the existing building at 10700 Bren Road West for American Medical Systems, Inc. (05076.06a)**

Chair Hart 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.

David McGinty, facility manager of American Medical Systems, appreciated the commission's consideration of the proposal. He was available for questions.

The public hearing was opened.

No testimony was submitted and the hearing was closed.

***Frisque moved, second by Adams, to recommend that the city council adopt the ordinance on pages A1–A5a of the staff report, which approves the proposed amended Master Development Plan for American Medical Systems with final site and building plan review at 10700 Bren Road West. Approval is based on the following findings:***

- 1) The proposed plans are generally consistent with the existing master development plan.
- 2) The size of the Phase II office expansion would be reduced from 120,000 square feet to 50,000 square feet.
- 3) The proposal meets all minimum zoning ordinance requirements.
- 4) The addition could be supported by the existing roadway system.

This amendment is subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan date stamped February 28, 2006.
  - Grading plan date stamped February 28, 2006.
  - Utility plan date stamped February 28, 2006.
  - Landscaping plan date stamped February 28, 2006.
  - Building elevations date stamped February 28, 2006.

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

- 2) Before starting any site work or obtaining a grading permit, complete the following work:
  - a. The installation and maintenance of temporary rock driveways, erosion control, tree protection and wetland protection fencing for each lot must be installed, subject to review by the city's environment resources staff.
  - b. Submit final site, grading, drainage, utility, and erosion control plans for staff approval. Plans must include the following:

- (1) Re-submittal of drainage calculations showing both ponds meet rate control to existing conditions for a 1-year, 10-year, and 100-year storm event.
    - (2) An emergency overflow must be added to the north pond.
  - 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. If required, 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.
- 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
  - c. An illumination plan for staff approval
  - d. All required hook-up fees
  - e. Record this ordinance with the county.
- 4) The property owner is responsible for replacing any required landscaping that dies.
- 5) 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.
- 6) Approval does not include the signs shown on the drawings. Separate permits are required from staff.

- 7) Spaces shown as proof-of-parking may not be paved, unless approved by the city upon showing of a demonstrated need for these spaces. If proof-of-parking is required, additional screening of the new parking lot may be required if city staff deems it necessary.
- 8) A stop sign must be installed at the new driveway outlet.
- 9) Construction must begin by December 31, 2007, unless the planning commission grants a time extension.

***Cheleen, Dahl, Frisque, Adams, Britain, and Hart voted yes. Brandt was absent. Motion carried.***

**9. ADJOURNMENT**

***Cheleen moved, second by Dahl, to adjourn the meeting at 10:35 p.m. Motion carried unanimously.***

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