

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**APRIL 12, 2007**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Adams, Brandt, Dahl, Lehman, Schmitz, and Hart were present. Cheleen was absent.

Staff members present: Community Development Director Ron Rankin, City Planner Julie Wischnack, Principal Planner Susan Thomas, Natural Resource Manager Jo Colleran, and Planning Technician Jeff Thomson.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with the removal of 8A, sign plan review, with variance, for the office condominiums at 1000 Twelve Oaks Center Drive for Nordquist Sign Company (07008.07a) per the applicant's request.

- 4. APPROVAL OF MINUTES:** March 29, 2007

***Brandt moved, second by Adams, to approve the March 29, 2007 meeting minutes as submitted with the following change:***

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***Schmitz, Adams, Brandt, ~~Cheleen, Dahl, Lehman, and Hart~~ voted yes. Cheleen and Dahl were absent. Motion carried.***

***Adams, Brandt, Dahl, Lehman, Schmitz, and Hart voted yes. Cheleen was absent. Motion carried.***

**5. REPORT FROM STAFF**

Wischnack briefed the commission on land use applications considered by the city council at its meeting of April 9, 2007:

- Adopted a resolution approving the final approval of The Exchange plat at 14400 Excelsior Blvd for Glen Lake Redevelopment Project, LLC.

- Adopted a resolution approving a preliminary plat for a four-lot subdivision at 13800 Spring Lake Road for Steve Lynch.
- Introduced an ordinance approving a master development plan for the General Mills Credit Union expansion project at 9999 Wayzata Boulevard.

Wischnack reminded commissioners of a board and volunteer recognition dinner to be held April 18, 2007 and a workshop regarding the billboard with electronic display ordinance on April 25, 2007.

**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.

***Schmitz moved, second by Adams, to approve the items listed on the consent agenda as recommended in the respective staff reports and change memo dated April 12, 2007 as follows:***

**A. Conditional use permit to operate a garden center at 11400 State Highway 7 (Country Village Shopping Center) for Linders Greenhouses, Inc. (90044.07a)**

Recommend that the city council adopt the resolution on pages A6-A11a of the staff report approving the Linder's Greenhouses' request for a conditional use permit to operate a flower mart at 11400 State Highway 7. Approval is based on the findings in the staff report and is subject to the following conditions:

1. Record this resolution with Hennepin County before operation of the flower mart.
2. The flower mart may be operated annually from April 15<sup>th</sup> through July 20<sup>th</sup> on a daily basis from 8:00 AM to 8:00 PM.
3. The flower mart, and its fencing perimeter, must be configured as shown on Page A11a, Exhibit A of this resolution. The drive aisle immediately west of the flower mart and all parking spaces accessible from that drive aisle must be completely enclosed in patio fencing.

4. The end parking space at the north and south ends of the subject drive aisle remain unobstructed by the flower mart. To prevent parking in the area, these four parking spaces shall also be marked off as shown on Page A11a, Exhibit A of this resolution.
5. Display of items must be arranged in as compact a manner as reasonably practicable.
6. Any change in proprietor, operator, location, or items sold at the flower mart renders this permit invalid.
7. Business operator shall secure all applicable licenses and approvals from the city, Hennepin County, or other appropriate jurisdictions.
8. This conditional use permit does not approve any signs at the site. A sign permit application must be submitted for staff review and approval. Any proposed sign must meet requirements outlined in city code.
9. No portable sanitation facilities are permitted on the site.
10. The city council may reasonably add or revise conditions of approval 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 city council may revoke this conditional use permit if any future traffic, parking or public safety issues arise as a result of the flower mart use.
13. The site must be completely cleaned of all merchandise, equipment and debris within 3 days of the last day of operation.
14. The water supply for the market cannot be from a fire hydrant.
15. Violation of any these conditions of approval or conditional use permit standards outlined in the city code will result in immediate revocation of this conditional use permit.
16. The applicant must agree to the above conditions in writing.

**B. Sign plan review, with variances, for the new park and ride ramp at 11201 Wayzata Boulevard (I-394 and Hopkins Crossroad) for the Metropolitan Council. (05033.07a)**

Adams asked if the signs would be consistent with the metropolitan council's policy. Thomson answered in the affirmative. The signs would be similar to the ones located on the Plymouth and Eden Prairie parking ride ramps.

Approve the sign plan with variances for freestanding and wall-mounted signs at 11201 Wayzata Boulevard as shown on pages A5-A12 of this staff report. Approval is based on the following findings:

- 1) The proposed wall signs are reasonable:
  - a. The signs are appropriate to control vehicle and pedestrian traffic around the site.
  - b. The site has road frontage on all four sides.
  - c. The wall signs would be architecturally compatible with the principal structure and would maintain a high standard of aesthetics.
  - d. The use is distinct from other public institutions and allows special consideration.

Approval is subject to the following conditions.

- 1) The size and location of wall signs must conform to the staff recommended plans dated March 15, 2007.
- 2) The sign noting the hours and rules (shown as PR-4 on the sign plan) must be attached to the building and must not be freestanding.
- 3) Sign permits are required for the monument and wall signs.
- 4) All signs listed in the "Prohibited Signs" section of the code are prohibited.

***Adams, Brandt, Dahl, Lehman, Schmitz, and Hart voted yes. Cheleen was absent. Motion carried and the items on the consent agenda were approved as submitted with the change provided in the change memo dated April 12, 2007.***

Item 7A is tentatively scheduled to be reviewed by the city council on April 23, 2007. Item 7B may be appealed to the city council by providing notice to the planning division within 10 days.

**8. PUBLIC HEARINGS**

**A. Sign plan review, with variance, for the office condominiums at 1000 Twelve Oaks Center Dr. for Nordquist Sign Company. (07008.07a)**

This item was removed from the agenda.

**B. Site and building plan review, with variance, for a parking lot reconfiguration and building addition at 5500 Opportunity Court for OPUS. (07011.07a)**

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.

Chair Hart asked if vacation of the right of way would eliminate the need for a variance. Thomas explained that Hennepin County owns the right of way. Hennepin County will not vacate the right of way, but has agreed to provide the applicant with a permit to allow the project.

Dahl asked if a landscaping plan had been submitted. Thomas explained that the landscaper for the project met with neighbors to discuss their vegetation preferences. A landscape plan would have to be approved by the city's natural resources division.

The applicant was present to answer questions.

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

Chair Hart confirmed with Thomas that the bus route would not change.

Chair Hart reviewed the primary issues.

Adams felt relocation of the loading docks was necessary and the best location was being proposed. It was unfortunate six neighbors would view them, but the location was reasonable.

Chair Hart lives in the neighborhood. The east parking lot is not safe as it is. The proposal would make the area safer.

Brandt understood that the applicant would work with the neighbors to provide screening. Thomas stated that the applicant's landscaper responded positively to neighbors' requests.

In response to Adams' question, Thomas stated that the meeting with the neighbors and the applicant's landscaper was held the Monday prior to the meeting. The vast majority of residents who attended the meeting were more comfortable with the project at the conclusion of the meeting.

***Dahl moved, second by Adams, to approve the final site and building plans, with variance, for a parking lot reconfiguration and building addition at 5500 Opportunity Court. Approval 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 would meet the required standards for a variance, because:
  - a. Several large oak trees and the property owner's desire to preserve them present a practical difficulty.
  - b. The right-of-way along Opportunity Court is oddly configured; it reflects the previous cul-de-sac design of the street. Though the addition would technically be 28 feet from the front property line, it would be 100 feet from the traveled portion of Opportunity Court. This is a unique circumstance not common to every similarly zoned property.

Approval of the site and building plans 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 March 12, 2007.
  - Grading plan date-stamped March 12, 2007.
  - Landscaping plan date-stamped March 12, 2007.
  - Building elevations date-stamped March 12, 2007.

- 2) Prior to issuance of a grading permit, complete the following:
  - a. Install erosion control and tree protection fencing for staff inspection.
  - b. Submit final site, grading, drainage, utility and erosion control plans for staff approval. As required by the city engineer, the plans must:
    - (1) Include hydrologic analysis for the entire site verifying rate and volume controls are being met.
    - (2) Verify storm sewer sizing and designs, ensuring the existing and proposed systems meet the 100-year design.
    - (3) Disconnect existing and/or proposed storm sewer system from the existing roadway storm sewer as required by the city engineer.
    - (4) Include infiltration for new impervious area for the first 1-inch of rain over the area.
    - (5) Include an emergency overflow and appropriate calculations associated for the infiltration trench directed into the proposed storm sewer system.
    - (6) Provide an emergency overflow for the proposed pond.
    - (7) Include appropriate cross sections of the pond and cross section details of the outlet control structure.
    - (8) Total project cost and associated landscaping values. The landscaping values must meet the minimum standard as outlined in city code.
  - c. Submit a letter of credit or cash escrow for 150% of an estimated cost or 125% of a bid cost to comply with grading permit requirements and restore the site.
  - d. Submit a construction management plan for staff review and approval.

- e. Permits may be required from other outside agencies, including but not limited to Mn/DOT and the Minnehaha Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- 3) Prior to issuance of a building permit, submit the following:
    - a. A final landscape and irrigation plan for staff review and approval. The plan must include total project cost estimates and associated landscape values. The landscape value must meet the minimum standard as outlined in city code.
    - b. A final illumination plan for staff approval.
    - c. A letter of credit or cash escrow for 150% of an estimated cost or 125% of a bid cost of all required landscaping
  - 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) Construction must begin by December 31, 2008, unless the planning commission grants a time extension.

***Adams, Brandt, Dahl, Lehman, Schmitz, and Hart voted yes. Cheleen was 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.

**C. Items concerning the proposed expansion of the General Mills Federal Credit Union at 9999 and 10001 Wayzata Blvd for HTG Architects. (03012.07a)**

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.

The applicants were present to answer questions.

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

Chair Hart commented on traffic in the area. Thomas explained that a transportation plan for the area would be considered during the comprehensive guide plan review process.

No additional testimony was submitted and the hearing was closed.

Chair Hart reviewed the primary issues.

Brandt asked how an underground retention system would operate. Thomas explained that the magnitude of the site would require it to have its own water quality treatment system. There would be little area to accommodate a storm water retention pond. Two underground retention systems currently operate in Minnetonka.

Chair Hart confirmed with Colleran that parking lot drainage would be directed to the storm drains which would run into an underground tank and slowly infiltrate the water into the groundwater. A maintenance agreement would be kept with engineering staff to make sure it would operate properly to protect the water quality. The tank would be large and solid. It would have the ability to infiltrate clean water.

Dahl asked if the lighting would change. Thomas stated that an illumination plan would be reviewed during the building permit process. Lighting ordinance requirements would have to be met.

***Dahl moved, second by Schmitz, to recommend that the city council approve items concerning the proposed expansion of the General Mills***

***Federal Credit Union at 9999 and 10001 Wayzata Boulevard for HTG  
Architects:***

***Preliminary Plat***

- 1) *Recommend that the city council approve the preliminary plat. Approval is based on the following findings:*
  - a. Complete the following before final plat approval:
    - (1) Show the following on the final plat:
      - (a) At least ten-foot-wide drainage and utility easements next to public street rights-of-way and at least seven-foot-wide drainage and utility easements along all other lot lines.
      - (b) A drainage and utility easement over storm sewer improvements. The easement must extend a minimum of 10 feet from the edge of the treatment system and required grit chamber. The easement must include access from the public roadway.
    - b. The following items must be submitted to the city before the city releases the final plat:
      - (1) An electronic CAD file of the final plat in microstation or DXF on a CD disk.
      - (2) The following documents for the city attorney's approval:
        - (a) Title evidence that is current within thirty days before release of the final plat.
        - (b) Provide restrictive covenants to be recorded against the property. The covenants must include conditions that have not been met as of the release of the plat.
  - These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
  - c. Any other requirements included with final plat approval.

***Master Development Plan and Final Site and Building Plan, With Variances***

- 2) *Recommend that the city council adopt the ordinance on pages A33–A38 of the staff report, which approves the proposed master development plan and final site and building plans, with variances. This ordinance is based on the following findings:*
- a. The proposal meets all minimum zoning ordinance requirements.
  - b. The proposal would meet the required standards for a variance, because:
    - (1) The proposal is reasonable for two reasons:
      - (a) The existing, non-conforming northerly parking lot presents a practical difficulty from both a functional and aesthetic standpoint. Maintaining the existing setback line is reasonable.
      - (b) The westerly parking lot would follow the setback line of an existing drive aisle and would be adjacent to another parking lot. As such, the variance would have little to no impact on surrounding buildings.
    - (2) The Wayzata Boulevard area is characterized by office development and associated parking lots. The requested setback variances would not alter this character.
  - c. The addition could be supported by the existing roadway system.

Approval of the site and building plans is 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 28, 2007.
  - Grading plan date-stamped February 28, 2007.
  - Building elevations date-stamped February 28, 2007.

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

- b. Prior to issuance of a grading permit, the following must be completed:
  - (1) Submit the following for staff review and approval:
    - (a) Final site, grading, drainage, utility and erosion control plans.
      - (i) Plans must limit the driveway radii to 10 feet.
    - (b) A hydrology report for the entire site. Rate and volume must be less than existing conditions.
    - (c) Infiltration calculations.
    - (d) Calculations for the underground stormwater retention system verifying correct sizing based on added impervious surface and site soil type.
    - (e) Profiles for all watermain, sanitary, and storm sewer lines as required by the city engineer.
    - (f) A Stormwater Pollution Prevention Plan acceptable to the city engineer and natural resources staff.
    - (g) A maintenance agreement for the underground stormwater retention system.
    - (h) A construction management plan.
    - (i) Permits, including an NPDES permit, may be required from other outside agencies, including but not limited to Mn/DOT and the Bassett Creek Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
    - (j) A letter of credit for 150% of an estimated cost or 125% of a bid cost to comply with grading permit requirements and restore the site.

- (2) Install a temporary rock driveway, erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
- c. Complete the following prior to issuance of building permit:
  - (1) Submit a final landscape and irrigation plan for staff approval. The plan must include total project cost estimate and landscaping cost estimates. These estimates must meet minimum requirements outlined by city code. The plan itself must contain plantings meeting all minimum requirements outlined by city code or as required by natural resources staff.
  - (2) Submit a letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost for all required landscaping.
  - (3) A final illumination plan for staff approval.
  - (4) Record this ordinance with the county.
- d. The property owner is responsible for replacing any required landscaping that dies.
- e. 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.
- f. Approval does not include the signs shown on the drawings. Separate permits are required from staff.
- g. Space presented as storage area on the plans must remain as such or additional parking would be required.
- h. Construction must begin by December 31, 2008, unless the planning commission grants a time extension.

***Appeal of the maximum trip generation***

- 3) *Recommend that the city council approve the applicant's appeal of the maximum trip generation outlined for the properties at 9999 and 10001 Wayzata Boulevard. Approval is based on the following findings:*
- (1) Though the development would generate more vehicle trips that outlined city code, no major traffic impacts are anticipated.
  - (2) The Ford Road/Wayzata Boulevard intersection would continue to operate at Level of Service A.
  - (3) New vehicle trips from the proposed development would not increase at the delay at any major intersection by more than four seconds.

***Conditional Use Permit***

- 4) *Recommend that the city council adopt the resolution on pages A39–A43 of the staff report, which approves the conditional use permit for a drive-up bank facility. This resolution is based on the finding that the proposal meets all conditional use permit standards. Approval is subject to the following conditions:*
- a. Public address systems must not be audible from any residential parcel.
  - 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.

***Adams, Brandt, Dahl, Lehman, Schmitz, and Hart voted yes. Cheleen was absent. Motion carried.***

Chair Hart stated that the item was tentatively scheduled to be reviewed by the city council at its April 23, 2007 meeting.

9. ADJOURNMENT

*Adams moved, second by Schmitz, to adjourn the meeting at 7:15 p.m.  
Motion carried unanimously.*

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