

**MINNETONKA PLANNING COMMISSION
MINUTES**

MARCH 6, 2008

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Lehman, Schmitz, Sjeklocha, Walker, Adams, Blatz, and Cheleen were present.

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

3. APPROVAL OF AGENDA: The agenda was approved as submitted with additional information provided in the change memo dated March 6, 2008.

Wischnack reminded commissioners that a study session will follow completion of the planning commission meeting.

4. APPROVAL OF MINUTES: February 21, 2008

Adams moved, second by Schmitz, to approve the February 21, 2008 meeting minutes as submitted.

Lehman, Schmitz, Sjeklocha, Walker, Adams, Blatz, and Cheleen voted yes. Motion carried.

5. REPORT FROM STAFF

Wischnack briefed the commission on land use applications considered by the city council at its meeting of March 3, 2008:

- Introduced a rezoning ordinance for a 10-lot subdivision, Braeburn Woods, at 16400, 16408 and 16416 Hidden Valley Road.
- Denied a conditional use permit for a licensed day care facility at 11213 Minnetonka Boulevard for Jewish Family Foundation.

Adams and Rankin discussed the city council updating the city's ordinance to match the state's ordinance to allow off-sale liquor establishments to stay open

until 10 p.m. Monday through Thursday. Of 10 off-sale liquor stores in Minnetonka, 4 wanted the opportunity to stay open until 10 p.m.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA: None

8. PUBLIC HEARINGS

A. Site and building plan review, multiple parking setback variances, and maximum impervious surface variance for improvements to the parking lots on the east side of the Minnetonka Industrial Park.

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

Sjeklocha recused herself from the discussion and vote.

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

Adams questioned if the stalls illustrated on the north existed. Thomson explained that the revised plan removed those stalls, which were originally located in the flood plain, and replaced them with compact stalls. The number of stalls would remain the same. The existing bituminous would be striped.

Adams asked if nine stalls in the northwest corner would be removed. Thomson explained that the Hennepin County Railroad Authority owns the property. Staff suggested either an encroachment agreement be reached or the stalls be removed as required by the railroad authority.

Chair Cheleen asked for a description of a travel demand management plan. Thomson obliged. The document provides alternative forms of transportation to the site including transit, biking, and walking. The plan could also address issues relating to shift work to balance the number of employees present during peak hours. The applicant would submit the plan for staff's approval.

Adams asked how the site's existing 648 stalls falls so short of the required 1,100 stalls. Thomson stated that the facility's square footage requirement had been updated and increased to 911 stalls. The parking requirements at the time the project was developed did not require as much parking area. A gradual intensification of the industrial use of the property with a reduction in office use

occurred over an extended period of time. This is the first opportunity staff has had to review the current square footage of the facility.

Chair Cheleen calculated the proposal would be 49 stalls, less than 5 percent short of the requirement.

In response to Walker's question, Thomson explained that the gross square footage of the facility is based on the lease agreements between the property owner and the tenants.

Andrew Krenitz, T. M. Architects, applicant, stated that the plan was designed to minimize the impact of additional paving. The ultimate goal is to provide safe maneuvering for motorists, pedestrians, and emergency vehicles.

Chair Cheleen felt the parking area was tight, especially with the snow. He asked if removing the snow had been considered. Mr. Krenitz stated that the drive lanes are wider than the city requires, but not wide enough to support double-loaded parking. Not all of the parking taking place right now is in compliance with city ordinances. By adding a few feet of bituminous, the area would be expanded to allow parking in accordance with the ordinance and provide a safe driveway.

Chair Cheleen asked if 10 reserved parking spots would still be reserved. Gary Lindstone, manager of the property, stated that there had not been a decision on assigned parking. It is difficult to monitor visitors who are given permission by residents. Chair Cheleen suggested he address that with residents.

Walker asked if parallel parking is allowed on Industrial Boulevard and if off-site parking is included in the count of vehicles for the site. Mr. Krenitz stated that the vehicle count included only vehicles on the site. Thomson confirmed that parking is allowed on both sides of Industrial Boulevard.

The public hearing was opened.

Jim Hendricks, 3809 Williston Road, asked how close the bituminous would be located next to Williston Road, if there would be a berm or other type of screening, and what is meant by impervious service. Chair Cheleen explained the difference between impervious and pervious surfaces.

Mr. Krenitz stated that 8 trees would be planted along Williston Road to provide screening, but there would not be a berm. The 20-foot setback requirement from Williston Road would be met. Mr. Hendricks asked if additional trees or bushes

could be added. Mr. Krenitz asked if there was something specific he wanted. Mr. Hendricks said that trees would be more attractive to look at than cars.

Wischnack stated that commissioners could require more landscaping in the motion. The applicant could discuss specific issues with staff. Chair Cheleen felt that the applicant was fairly amenable.

John Deveau, 14819 Margaret Place, asked if a 4-foot concrete wall and slope to the property line would be constructed. Thomson described the proposed setback, grade, and retaining wall. Additional evergreens would be planted along the property line to provide a buffer. The slope would remain as it is now. The state building code would require a fence to be located on top of a retaining wall of a certain height.

Mr. Deveau asked if the stalls encroaching on the railroad property would be removed. Thomson explained that the property owner and the applicant would need to reach a private agreement.

No additional testimony was submitted and the hearing was closed.

Adams felt the need for additional parking is apparent when visiting the site. The proposal's design would help alleviate the situation. He was concerned motorists would park on the street. He supported posting "no parking" signs on one side of the street. His other concern was the intensity of use of the site. The site's limits are being pushed. He could agree to the proposal with its benefits of additional parking area and buffering. The site has reached its maximum capacity for vehicles.

Walker recommended that the applicant work with staff to determine appropriate additional landscaping for buffer areas.

Chair Cheleen felt the proposal would be an improvement. The proposal would be within five percent of the required parking, which is quite close. Considering the amount of available land and that the variances are not located near a residence, the proposal is a good compromise.

Adams moved, second by Schmitz, to approve the site and building plans with variances for St. Jude's Parking Expansion at 3700 and 3800 Williston Road, 14900 Minnetonka Industrial Road, and 14850, 14851 and 14901 Deveau Place with the condition that additional vegetation be planted adjacent to Williston Road and 14819 Margaret Place to provide screening. Approval is based on the following findings:

- 1) The proposal would meet all ordinances and standards for a site and building plan approval.
- 2) The proposal would meet the required standards for a variance, because:
 - a. Undue hardship: There is a hardship due to the existing conditions of the site. The location of the buildings and parking areas provide a limited opportunity to construct additional parking while complying with setback requirements.
 - b. Unique circumstance: A unique circumstance is that the original site development did not provide accommodation for such substantial increases in parking requirements for permitted industrial uses. The parking requirements could vary up to 500 stalls based on the actual occupancy type of the buildings. The deficiency of parking on the site is a unique circumstance not similar to all industrial properties.
 - c. Intent of the ordinance: The proposal would provide additional parking stalls to meet the existing parking demands of the site and the total number of stalls would be more consistent with industrial parking requirements.
 - d. Neighborhood character: The variances are internal to the business and industrial park and would not impact the character of the surrounding neighborhood.

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 February 25, 2008
 - Grading and drainage plans date-stamped February 25, 2008
 - Tree preservation/removal plan date-stamped February 25, 2008
 - Landscaping plans date-stamped February 25, 2008
 - Site lighting plan date-stamped January 23, 2008
- a. The site plan must be revised to reflect:

- (1) No parking stalls are allowed within the floodplain on the north side of 3700 Williston Road/14900 Minnetonka Industrial Road. The nine parking stalls shown within the floodplain must be removed.
 - (2) Retaining walls are not allowed within any drainage and utility easements
- b. The landscape plan must be revised to provide additional landscaping along the east property line of 14901 Deveau Place, which abuts the single-family home, and screen 14819 Margaret Place and Williston Road. The landscaping must include evergreens or conifers to provide year-round screening of the new parking area.
- c. The site lighting plan must be revised to comply with city ordinance standards along the south lot line of 14851 and 14901 Deveau Place. Specifically, the site lighting plan must be revised to reflect:
- (1) Reflected glare or spill light shall not exceed five-tenths footcandles as measured on the property line when abutting any residential parcel and one footcandle on any abutting commercial or industrial parcel.
 - (2) Mitigative measures shall be employed to limit glare and spill light to protect neighboring parcels and to maintain traffic safety on public roads. These measures shall include lenses, shields, louvers, prismatic control devices and limitations on the height and type of fixtures.
 - (3) Direct, off-site views of the light source are not permitted.
- 2) A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
- a. The following must be submitted for the grading permit to be considered complete:
- (1) Final grading, drainage and erosion control plans which include the following information:

- (a) Existing and proposed contours with spot elevations
 - (b) Detailed grading plans for each infiltration area including planting and landscaping. The infiltration swales must be basins that will not simply act as ditches. The infiltration plans must be more detailed addressing all elements as indicated and shown in Appendix E of the stormwater report.
 - (c) All existing and proposed drainage and utility easements
 - (d) Retaining wall details
 - (e) Temporary inlet protection
- (2) Final tree preservation and landscaping plans
 - (3) Revised drainage calculations and computations verifying compliance with the city's water quality and quantity standards
 - (4) A maintenance plan for each of the infiltration systems
 - (5) Drainage and utility easements over each of the infiltration areas
 - (6) A travel demand management plan
 - (7) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with grading permit, landscaping requirements, and to restore the site. The developer may submit one itemized letter of credit, if approved by staff. The city will not release or reduce the letters of credit or cash escrow until work has been completed according to the plans approved by the city.
 - (8) Submit cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- (9) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
- b. Prior to issuance of a grading permit:
- (1) Install a temporary rock driveway, erosion control, trees and wetland protection fencing for staff inspection. These items must be maintained throughout the course of construction.
- 3) Permits may be required from other outside agencies including, but not limited to, MnDOT, Hennepin County, and Minnehaha Creek Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.
- 4) The property owner is responsible for replacing any required landscaping that dies.
- 5) Construction must begin by December 31, 2009, unless the planning commission grants a time extension.

Lehman, Schmitz, Walker, Adams, Blatz, and Cheleen voted yes. Sjeklocha recused. Motion carried.

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

Sjeklocha rejoined the 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