

**UNAPPROVED  
MINNETONKA PLANNING COMMISSION  
MINUTES**

**JULY 3, 2008**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Josh Metzger, and Planning Technician Jeff Thomson.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with additions and modifications provided in the change memo dated July 3, 2008.

- 4. APPROVAL OF MINUTES:** June 19, 2008

*Adams moved, second by Sjeklocha, to approve the June 19, 2008 meeting minutes as submitted.*

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

**5. REPORT FROM STAFF**

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 30, 2008:

- Adopted a resolution approving items concerning 14414 Stewart Lane, 14403-14421 Excelsior Boulevard for The Exchange.
- Adopted a resolution approving a one-year time extension of the Fetterly View final plat approval at 11519 Fetterly Road West.
- Introduced an ordinance and referred to the planning commission items concerning a five-lot subdivision at 2714 Oakland Road.
- Introduced an ordinance and referred to the planning commission items concerning Woolman Woods at 18601 and 18617 Woolman Drive.

- Adopted a resolution approving items concerning a new home at 2827 McKenzie Point Road.
- Introduced an ordinance and referred to the planning commission items concerning Glacier Properties.
- Adopted a resolution in accordance with the Planning Commission approving a variance at 17622 Ridgewood Road for JoAnne Liebeler.

Gordon shared a “thank you” card addressed to the planning commission from Jerry Greene of Evergreen Jewelers for the time and attention paid to his sign application.

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

**7. PUBLIC HEARINGS: CONSENT AGENDA:** None

**8. PUBLIC HEARINGS**

**A. Conditional use permit for an auto repair business at 12201 Minnetonka Blvd (Old Time Auto).**

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

Thomson reported. He recommended denial of the application based on the findings listed in the staff report.

Adams asked how many and what type of complaints have been received regarding the site. Thomson responded that two complaints were received in the year 2002 related to items being stored outside.

Lehman asked if the 100-foot separation was measured from the activity or the property line. Thomson explained that the site’s property line cannot be within 100 feet of residential property.

Lehman asked if the actual separation of the use would be less than 80 feet. Thomson answered affirmatively. The width of the county property is 80 feet.

In response to Walker’s question, Thomson explained that the Hennepin County Railroad Authority could take legal action to rectify the fence encroachment issue.

George Caviness, owner of Old Time Auto, applicant, stated:

- He did not get a staff report prior to the meeting. He was unprepared to address the commissioners. He requested review of the item be postponed until July 17, 2008.
- The photograph was old. All outdoor storage has been cleaned. A recent picture showed no outdoor storage nuisance violation.

Lehman asked if he was the only employee. Mr. Caviness answered affirmatively. Mr. Capone assisted him with cleaning up the outside.

In response to Lehman's question, Thomson explained that a tenant may apply for a conditional use permit. The property owner must sign the application agreeing to the use. The property owner is responsible for the site complying with a conditional use permit.

Walker asked Mr. Caviness how long his business has operated at that site. Mr. Caviness estimated five years to seven years. Walker asked how much longer he planned to continue. Mr. Caviness estimated a couple years at least. He stated that he has always been careful with how he disposes of oil. He has a 250-gallon drum pumped regularly. Nothing goes into the ground. It is all contained.

Chair Cheleen was surprised that he and Mr. Capone did not check with the city regarding requirements to operate a business at the site. Mr. Caviness stated that Mr. Capone is the owner of the building. As far as Mr. Caviness understood, his business fit zoning for the site. City staff required removal of items located outside the buildings. He complied. Mr. Caviness was never questioned in regard to his business. He did not understand why, since there was no problem two years ago, why there is a problem now.

Chair Cheleen asked if the city instructed the property owner to clean the site. Thomson answered affirmatively. A staff person visited the site to investigate a nuisance complaint regarding junk and debris being stored outside of buildings. At that time, there was no indication given to the city that an auto repair business was being operated.

The public hearing was opened.

Gary Capone, owner of 12201 Minnetonka Boulevard, stated that:

- Clean up of the site took place as a result of city staff requiring it to be cleaned up. A group of his employees cleaned the site. The mess was not created by Mr. Caviness or him. It was left from a previous owner. He reacted to the complaint right away and it was taken care of.
- He provided a photograph showing the site in compliance with nuisance ordinances.
- Mr. Caviness initially was hired to work as a mechanic to fix vehicles on the site. He does an excellent job. He was more of an employee than being in business himself.
- More customers came to Mr. Caviness to fix their vehicles on a referral basis.
- Complaints were received by individuals who did not understand the facility. The business has been operating for 6 years to 7 years without a problem since the clean up.
- Mr. Caviness does not do body work or painting.
- Mr. Caviness is a good person and Mr. Capone hopes that he will be able to continue.
- The fence was there when he purchased the building. He assumed it was put up by the railroad or the City of Minnetonka. He never put it up.

Walker asked if he owns the entire property. Mr. Capone answered affirmatively. Walker noticed a landscape requirement that is due July 21, 2008. Mr. Capone stated that the landscaping is almost completed. Walker did not see any done the day prior to the meeting. Mr. Capone said that installation had started that day and would continue the next few days.

Walker asked how long Mr. Capone planned to operate his business at that location. Mr. Capone answered that he would continue until a buyer offers him a lot of money for the property. He has no specific plans to sell.

Sjeklocha clarified with Mr. Capone that Mr. Caviness was an independent contractor when he was hired to work on vehicles.

Sjeklocha asked if Mr. Capone cleaned up junk vehicles or other items from the site. Mr. Capone stated that Mr. Caviness's old truck and other vehicles are now gone. His boat remains.

Gordon explained that once staff is made aware of an ordinance violation, staff takes steps to rectify the situation. A conditional use permit is necessary for the auto repair business.

Gordon noted that the fence encloses and screens the property. It is not a fence the city installed. At some point in time, the property owner or tenant installed the fence.

Chair Cheleen verified with Thomson where the fence would need to be relocated.

Walker asked if the garage access would remain the same once the fence is relocated. Mr. Capone responded that he would need to verify the property line. There would still be room for a vehicle to get in and out.

Camille Calderaro, 13416 Inverness Road, stated that:

- Mr. Caviness has been fixing her vehicles for six years. He is a trustworthy mechanic. Everyone would all go to Mr. Caviness to have vehicles fixed if everyone knew of his prices and ability. He has saved them thousands of dollars.
- It would be a shame if he was put out of business because of compliance and screening issues. His business is not visible from Minnetonka Boulevard. She is a landscape architect. Screening would not be difficult.
- The area is clean and organized. It is worth working with him to bring the site into compliance.

No additional testimony was submitted and the hearing was closed.

Adams was surprised anyone knew the business existed. He lives in the neighborhood and drives by the location frequently. He was never aware of the auto repair business. It is not visible from a residence in the summer. He could not see a house when looking south from the site. The visual impact to the surrounding area is minimal. It is visible to users of the trail. He was willing to grant the variance with the condition that the fence be moved so it would not encroach on Hennepin County property.

Walker concurred. He had trouble locating the business. The fence should be moved to accurately define the property line. A solid fence would be preferable. Landscape requirements must be met. If Mr. Caviness said that he would work

five years and retire, then Walker would be comfortable with him continuing on as is until that time and then discontinuing the auto shop. He supported the application with conditions.

Schmitz concurred with a limit on the conditional use permit. She did not want to encourage someone operating a business without the proper permit and then asking for one later. She understood the current arrangement. She supported removing the current fence, installing a new fence, and including a deadline for the conditional use permit to expire. Chair Cheleen understood that a conditional use permit runs with the property and cannot have a set expiration date. Schmitz was unsure if the site would be appropriate for an auto repair shop.

Lehman saw an issue with requiring an applicant to remove a fence from someone else's property. The condition could require the property owner provide fencing at the property line for buffering and screening purposes. Hennepin County will have to deal with the fence on its property. He agreed with Mr. Capone that he was not responsible for it. Lehman leaned toward allowing the current operator to continue with the auto repair business. He requested staff provide a resolution that would approve the application.

Thomson went over items standard in a resolution to approve a conditional use permit including findings, standards for a variance, and applicable additional conditions. Gordon suggested the item be tabled until the next meeting to allow staff time to prepare a resolution.

Chair Cheleen saw the one issue with the site that it cannot meet the 100-foot setback from residential property. Gordon agreed.

***Adams moved, second by Walker, to table action until the July 17, 2008 planning commission meeting to allow staff time to prepare a resolution approving a conditional use permit with variances for an auto repair business at 12201 Minnetonka Boulevard.***

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

**B. Conditional use permit for a juice bar at 12201 Minnetonka Blvd (Living Waters Market).**

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

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

Gary Capone was present to answer questions.

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

***Sjeklocha moved, second by Lehman, to recommend that the city council adopt the resolution on pages A11-A14 of the staff report. This resolution approves a conditional use permit for a juice bar with seating area at 12201 Minnetonka Boulevard. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:***

- 1) The following must be completed prior to issuance of a building permit:
  - a. A copy of this resolution must be recorded with Hennepin County and a copy of the recorded document returned to the city.
  - b. Submit a proof of parking plan for city staff approval. The plan must show the location of all minimum required parking spaces in conformance with setback and buffering requirements. The city may require the installation of the additional parking spaces whenever the need arises.
- 2) The juice bar and seating area cannot exceed 606 square feet in size.
- 3) The applicant must obtain the appropriate food and beverage licenses from the city.
- 4) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 5) 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.
- 6) The applicant must agree to the above conditions in writing.

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

**C. Rezoning of existing properties on Shady Oak Road (Glacier Properties).**

Chair Cheleen 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.

Lehman asked if the city issues a stop order when it learns that a business is operating without a conditional use permit when it should have one. Thomas explained that staff meets with the property owner and discusses what would need to happen to allow the use. The property owner has met with planning, natural resources, and engineering staff to develop a plan to address how the stock piling could occur in the most sensitive manner. The city does take action and implements a time line of things that need to occur to correct the situation.

Lehman acknowledged that the city has the authority to stop business on the site, but staff works with the property owners to solve the situation in a reasonable manner. Thomas agreed.

Walker asked which road would provide access. Thomas responded that access to the site would be from Excelsior Boulevard. There would be no access onto Shady Oak Road.

In response to Walker's question, Thomas explained the possibility of light rail being located on Shady Oak Road. A master plan would need to be developed to establish circulation and traffic patterns. Wischnack added that the studies had just gotten underway. Over the next six months, more will be learned regarding potential locations for light rail stations.

Sjeklocha asked if complaints had been received regarding noise, dust, and disruption. Thomas was unaware of resident complaints. City staff recognized a potential erosion problem with the site. Staff met with the property owner and worked through the process to rezone the property and prepare a plan to contain the stock-pile area.

Sjeklocha asked how noise could be addressed now. Thomas explained that staff will continue to work with the property owner on that issue. Staff has

indicated to the owners that a grading plan will need to be submitted. That will include an operations management plan to address how noise, dust, and runoff from the site will be controlled.

Chair Cheleen summarized that the property was zoned R-1 and had houses, but is now surrounded by industrial uses. The zoning is being changed to reflect the present and future comprehensive guide plan.

Todd Bollig, applicant, thanked staff for working with him.

No one was present for the public hearing.

***Schmitz moved, second by Adams, to recommend the city council adopt the ordinance on pages A4–A5 of the staff report for Glacier Properties.***

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

**D. An ordinance regulating outdoor display in the Planned I-394 District.**

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

Gordon reported.

In response to Adams' questions, Gordon identified the areas and overlay districts. He explained that a parking space is required for every 200 square feet of building. A chart compared parking for office and commercial uses.

Lehman was perplexed if a condition would restrict where test drives would be allowed and who would be allowed to be in the vehicle at the time of a test drive. Gordon stated that the proposal relates handling test drive issues with how traffic demand management issues are handled. New corporate office complexes have traffic demand management plans that minimize the impact of traffic coming to and from that use. This is another way to make the proposal a better neighbor. It is a reasonable attempt to locate vehicles where they should be and keep them out of places they should not travel. Lehman questioned how it would be enforced. Gordon recognized that as the heart of the issue. It would be difficult to track, monitor, and enforce. The intent is to promote use of major thoroughfares. Lehman disagreed with the concept of ordinances which may not be easily enforced.

Chair Cheleen noted that since an employee of the car dealership must ride with on a test drive, car dealership employees would have the opportunity to control the route of the test drive.

Sjeklocha confirmed with Gordon that car dealerships outside of the Planned Interstate 394 District would not have to comply with the ordinance. Gordon stated that auto uses east of Plymouth Road have existing ordinance provisions.

Sjeklocha asked if there are car dealerships located anywhere else in the city besides on Interstate 394. Staff was not aware of any.

In response to Sjeklocha's question, Gordon explained that the trigger would be the property owner applying for a building permit. The building footprint would be determined at that time.

In response to Walker's question, Gordon answered that lighting standards address overall intensity of the site. Lighting standards would not be limited to the brightness of lighting on the building at any particular location, but it would take one foot candle average over the entire property. Building and free-standing-light standards may be utilized as well.

Walker understood that the high value of property in Minnetonka requires higher density. He asked if car dealership buildings would be allowed to expand vertically in the future. Gordon stated that the regulatory approach would be to limit the impervious surface area and the floor area ratio. That could change over time, but is currently the standard. Walker felt a business owner would want to include the potential to make a structure taller.

Walker requested a definition of "wall structure." Gordon explained that a wall structure recognized the impact of the commercial on a residential area behind a business. Utilizing a wall structure is an approach to provide more of a permanent barrier between the use and residential property. It would do a better job of screening than a typical wood fence. Berms and topography may also be considered. Walker's reaction was that it could be interpreted many different ways. He suggested a clearer definition of "wall structure".

Adams asked how many existing dealerships meet the 1 stall for every 200 square feet parking ratio. Gordon responded none. The existing dealer provisions do not contemplate structured parking. Building expansions would trigger site modifications to achieve that goal. Existing businesses would be grandfathered until it applied for a building permit to expand.

Adams questioned if there have been many complaints. It seemed that a mosquito was trying to be killed with a sledge hammer. He wondered if the proposed ordinance would be necessary. Wischnack explained the policy decision related to the fair number of complaints regarding screening, trees, noise, test-driving traffic, and safety issues that arise from locating that type of use adjacent to residential properties. Staff is presenting options, in terms of performance standards, that the city has not had before. All the businesses are non-conforming uses. As dealerships have expanded their buildings, the city has considered variances. Different standards have been developed for different years and have created an inconsistency. That is confusing for the dealership and neighbors. Performance standards aim to be specific and deal with all of the issues.

Chair Cheleen asked if the 10-year plan would change the direction of the proposal. Wischnack noted that the comprehensive guide plan will be reviewed by the planning commission July 22, 2008. There is no overlay proposed, but the transitional issue between the neighborhood and businesses is included in the comprehensive guide plan as part of the city's effort to modify regulation to help with buffering and screening issues.

Chair Cheleen encouraged the blending of staff's view point with car dealership owners' viewpoints so that existing dealerships may survive, compete, and update themselves realistically. Information is being gathered tonight to solidify a proposal in a few weeks. Chair Cheleen asked if action could be tabled. Gordon answered affirmatively. The city is responding to a written request and is treating that request the same as a land use application. Action by the city council is required by the end of July 2008.

Peter Coyle, Larkin Hoffman, representing Twin City Automotive Group, focused on a new dealership's opportunity. He stated that:

- He was comfortable with the proposed standards, except for a couple of points.
- The standards are strict, but he understood that there is a higher design and aesthetic standard, higher property tax base, and somewhat stronger attention to neighborhood concerns that must be achieved. He believed that the use his business wishes to locate on the site would achieve those desires.

- The historical model for the structure originates out of Bloomington. The Motorworks BMW dealership at Interstate 494 and 35W is the template for the proposal.
- The City of Bloomington has been difficult to work with for auto dealerships. A very high standard was imposed on the property as a condition of approval. The City of Bloomington has been pleased with the outcome.
- He supports the proposal's parking ratio. It balances the outside display needs with the practicality of consolidating expensive land to ensure the inventory that customers expect.
- The goal is to construct a very attractive building and address neighbors' concerns with lighting, noise, traffic movements, and landscaping.
- He suggested a clearer standard for the light standard to prevent a measuring device from triggering a false reading.
- He hoped the item could be acted on tonight.
- The proposal is a good start. He is committed to work with staff, commissioners, and the city council.

The public hearing was opened.

Mark Saliterman, owner of Wayzata Nissan, purchased the property in 2000. He stated that:

- He has invested time and money to make the building attractive.
- The proposal would be first class and he looked forward to having the owner as a neighbor.
- At the same time, he was concerned with the language of the proposed ordinance.
- He knew that Village Chevrolet has 1 parking stall for every 200 square feet of building and his dealership is worse off than that because his building is small and property is large. He did not want to be penalized because his facility is small.
- Tying the size of the building is a strange mechanism to judge how much inventory a merchant may carry.
- The slope and proximity of the building allows approximately a third of his vehicles to be viewed. Merchants should not be limited to how much inventory may be carried. It is in the best interest of the consumer to have a selection.
- A large part of his concern comes from the size of his building.

- The trigger is based on 5 percent of the building size. He is disadvantaged with what he can do because 5 percent of small is still small.
- He would hate to be prevented from making small improvements because he would be required to make huge improvements that he cannot afford.
- He questioned what would cause the trigger.
- He asked if the entire building must meet the architecture standard or only the addition.
- He questioned if “jack” or “stand” referred to a device that elevates a car. Staff responded affirmatively.
- He appreciated everyone’s time.

Chair Cheleen appreciated his comments.

Peter Beck, on behalf of Sears and Morris Automotive Groups, requested more time to review the proposal. He stated that:

- He wanted to refine his response to the 1 stall for 200 parking stall requirement. That standard would eliminate the possibility of reinvestment in virtually all circumstances.
- Achievable standards would be beneficial. He would like time to determine what would be reasonable. Staff assembled information for them so he knows where their business stands in relation to the proposal. He wants to complete the analysis.
- The trigger is contrary to the intent of promoting reinvestment and also the intent to reduce the number of parking spaces per square foot. It would prevent a dealership from adding interior space. He suggested that a 20 percent increase or more in footprint be the trigger. If the footprint is being increased by 20 percent, then a large investment is already being made.
- The use is desired by residents.
- Dealerships are not opposed to reinvesting. That is their goal too, but it needs to be able to be done in a financially feasible method.
- In a more global consideration, every other use in the city has a minimum parking requirement. The one use that needs parking to store its inventory is going to have a maximum. He has a problem with that concept. He will try to find an acceptable number.
- Auto dealers would be subject to a lower light level. There would be no problem limiting lighting in the back adjacent to residential

areas. He would like consideration for at least existing light levels on Interstate 394 because that is the inventory.

- It is the policy of Sears Automotive and Morris Automotive to have an employee in the car during test drives and stay out of residential neighborhoods. Enforcement may be impractical, but he did not object to the condition because that is his business' practice.

Chair Cheleen appreciated his comments. Mr. Beck will do his best to get a proposal ready by the July 17, 2008 meeting.

Steve Bloomer, Village Chevrolet, observed that Target on Interstate 394 is not as attractive as his auto dealership that has 42,000 square feet and substantially less than that parking. He stated that:

- Most of his parking is more than 600 feet from the roadway.
- The proposed ordinance's 1 stall per 200 square feet of building requirement would inhibit his ability to continue to operate in the City of Minnetonka. A domestic auto manufacturer would not be able to meet the proposed standards. He has a luxury dealership next to the Chevrolet dealership and understands that the luxury dealership can do different things. Understand that some businesses are attempting to continue to operate in the city.
- If the ordinance would be adopted, and if his business could afford to build a ramp that would house 50 percent of the inventory, he did not understand how the residents behind the business would be better served than keeping the current 20-foot-high berm and 30-foot to 40-foot trees that totally block the view of his automobiles parked at ground level.
- If he had to put up a 100-foot tall parking ramp, then the residents would view it.
- The soil under his building would not allow for a large, 2-story parking structure.
- He had difficulty with the fact that he has known about the proposal for a little over a week and he has not had an opportunity to obtain legal advice to see what his rights are and consider how it would totally impact his business.
- Building a ramp would more than double the assessed value of his property.
- A ramp would cost nearly \$5,000,000. That is nearly impossible to do with his business.

- It is imperative that existing dealers have the opportunity to add square footage.
- Mr. Bloomer was not in favor of having separate new dealer and existing dealer ordinances. It should be the same for all.
- He had difficulty visualizing how his existing Chevrolet dealership would ever meet the standards required of the proposed ordinance. His family has run the business for over 50 years. Please do not force them to leave because of the proposed ordinance.

Richard Stewart, 13910 Knollway Drive South, stated that:

- He met with Morris Automotive and Sears Automotive. A lot of issues were addressed. Mechanics who perform acceleration tests on the frontage road are a concern.
- He would be greatly offended if the 5-story structure was located in his line of site.
- He questioned if a domino effect would be created.
- The Toys R Us tower is viewed from his window. The city required a Toys R Us beacon be blackened out. Hind sight is 20-20.
- A working relationship with the dealerships is important and has been productive to work out some issues.
- Loading docks and trucks cause congestion and have knocked over fences due to improper planning. The templates did not reflect the size of the current transportation trucks.
- BMW's promotion at the Sears dealership caused speeding and reckless driving in the area.
- The ordinance should be able to be enforced and be applied with cut and dry standards across the board.
- Historically, car dealerships and retail cannot be separated because of creating a double standard.
- Allowing a big, 5-story building can only topple the whole mechanism of dealerships being adjacent to residences.
- He suggested thinking the proposal through early on.

John Wallace, 1001 Horn Drive, said that there are no berms or fences between his residence and the dealerships. He looks at cars 8 months of the year. He does not want a 5-story building within 150 feet of his residence. He did not want vertical development encouraged. Most dealerships are land locked.

Al Verpe, Deer Hill Drive, resides next to Village Chevrolet. He was concerned with BMW constructing a 3-story or 5-story building. Right now Village Chevrolet is a very good neighbor. The berm and lighting work well. In the winter, he can see the Lexus dealership. If a taller building would be constructed, then he would see it all the time. Bloomington cannot be compared to the proposed location. There are no private residences in Bloomington near the BMW facility.

No additional testimony was submitted and the hearing was continued to the July 17, 2008 planning commission meeting.

Walker requested that Dallas and Houston car dealerships number of parking stalls and square footage of building comparisons be provided.

Schmitz was interested in a realistic time standard to meet the requirements.

Walker asked if staff could address how the tall building would look to residents.

Chair Cheleen asked if square footage of the property could be considered.

In response to Adams' question, Gordon explained the foot candle requirements in the proposed and current ordinances.

Sjeklocha asked how the proposal would address reinvestment and what prompted the proposed changes.

Wischnack requested commissioners comment on surface parking versus structured parking. Adams said structured parking is not important. No complaints were received in regard to vehicles being visible. It would put the existing dealers at a disadvantage in a difficult economic climate for car dealers. Walker stated that parking requirements are in place to maintain the amount of required parking by visitors and staff on a property. In this case, it may be wise to separate that requirement from inventory. It would restrict trade to not allow what level of inventory the business owner would want.

Lehman found it hard to believe that constructing parking ramps along Interstate 394 would be well received by the residents in the area.

Schmitz saw the benefit of the parking ramps and considered them the trend for new dealers. It would give the facility a cleaner look from the front. She was not opposed to a dealership suggesting a ramp, but she was unsure if it would be a

standard she wanted to encourage. It makes a difference if the dealership backs up to a residential area or a shopping center.

Blatz concurred with Schmitz.

Wischnack asked if staff should look into diminishing the amount of surface parking for auto dealerships. Adams felt that could lead to buildings being increased in height to provide inventory storage space. He was concerned with runoff, swamps, and rivers, but he was also concerned with residents having to view a parking ramp from a bedroom window. For existing dealers, he did not favor stricter impervious surface requirements.

Sjeklocha concurred with Adams. She asked if it would be possible to look at the promotions that utilize streets. She requested more information regarding loading and unloading trucks, especially for dealerships that abut residential neighborhoods.

Walker commented that ramps are a fact of real estate economics. Ramps can financially kill projects. It would be beneficial to set an architectural standard for the buildings that would be visible from residences. Lighting, landscaping, and volume standards need to be considered fairly and with the best interests of the community in mind. He was not opposed to ramps when one is done properly.

Chair Cheleen agreed with Walker on the economics of ramps. Keeping existing dealers viable is also a priority. A 5 percent change may be too stringent and prevent improvements.

***Adams moved, second by Lehman, to continue the public hearing until the July 17, 2007 planning commission meeting.***

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

**E. Items concerning ordinances regarding tree protection.**

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

Thomas reported. She recommended approval of the application based on the findings listed in the staff report.

Lehman provided staff with grammatical changes. In response to Lehman's question, Thomas confirmed that the "look ahead" clause has been included in the proposed ordinance since the first draft. Thomas explained the requirement.

Chair Cheleen felt the proposal is pretty good. He asked if a maximum of 50 percent of the buildable area could be allowed. Thomas felt that maximum would be implied. Slight modifications may be made to the buildable area. Chair Cheleen understood and agreed with staff's recommendation.

Lehman asked if only the city council would have that discretion and the planning commission prohibited from recommending approval of an application. Thomas provided an example of how the planning commission may recommend discretion to the city council.

Adams thanked staff for their patience and diligence. It is a first step for woodland preservation. Chair Cheleen concurred.

The public hearing was opened.

George Macgibbon, 11500 Timberline Road, loves trees but wanted to protect his rights. He stated that:

- He suggested "dbh" be added when referring to trees being 2 inches in size and "trees" be added in reference to 25 percent being removed.
- He wondered if a new ordinance is really necessary since 94 percent of Minnetonka is developed.
- Opus removed 40 percent of the canopy of the trees and will replace it with a building that will be too big.
- High density housing should be looked at. The higher the density, the wider the road would have to be and the more trees removed.
- He provided an example of a saying in Latin that means something close to: Do not let others grind you down.

No additional testimony was submitted and the hearing was closed.

***Schmitz moved, second by Blatz, to recommend the city council adopt the tree ordinance and associated ordinances. Approval is based on the following findings:***

- a. The ordinances protect, promote, and enhance the quality of the community's forest.
- b. The ordinance protects diversity of age and species.
- c. The amendments to associated ordinances would ensure consistency with the tree ordinance.

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

The city council is tentatively scheduled to review the item at its July 14, 2008 meeting. Lehman suggested a planning commission member attend the city council meeting to answer questions. Chair Cheleen will check with Mayor Callison on the procedure to be followed.

**9. ADJOURNMENT**

***Lehman moved, second by Walker, to adjourn the meeting at 9:44 p.m. Motion carried unanimously.***

By:



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Lois T. Mason  
Planning Secretary