

**MINNETONKA PLANNING COMMISSION
MINUTES**

MAY 7, 2009

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Sjeklocha, A. Thomas, Walker, Adams, Lehman, and Cheleen were present. Blatz was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, and Planning Technician Stephanie Scott-Sims.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with modifications provided in the change memo dated May 7, 2009.

4. APPROVAL OF MINUTES: April 23, 2009

Walker moved, second by Adams, to approve the April 23, 2009, meeting minutes as submitted.

Sjeklocha, Thomas, Walker, Adams, Lehman, and Cheleen voted yes. Blatz was absent. Motion carried.

5. REPORT FROM STAFF

Gordon briefed the commission on land use applications considered by the city council at its meeting of May 4, 2009:

- Adopted a resolution approving items concerning Sunrise Farm, a 2-lot subdivision of existing properties at 4813 Williston Road.
- Adopted a resolution approving items concerning extension of a preliminary plat with variance located at 13800 Spring Lake Road.
- Adopted a resolution approving items concerning an extension for the Coyote Song preliminary plat located at 2714 Oakland Road.
- Adopted a resolution approving items concerning a conditional use permit for a pediatric rehabilitation center at 5900 Rowland Road.
- Adopted a resolution approving items concerning items concerning Hopaca Hollow located at 4404 and 4412 Wilson Street.

Gordon announced that the planning commission will meet May 21, 2009. The tentative agenda includes an application for Minnetonka High School to expand the west parking lot and review of a proposed Twin Cities BMW project.

Gordon reported that a community planning meeting was held regarding the Minnetonka Mills area on April 14, 2009. Information was gathered from neighbors regarding what is wanted for the area. The next meeting will be May 19, 2009 from 6 p.m. to 8 p.m. The location is still to be determined.

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.

A. Thomas moved, second by Adams, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Front yard setback variance for a detached garage located at 16710 Edgewood Avenue (08048.09a)

Adopt the resolution on pages A9–A11 of the staff report, which approves a front yard setback variance from 35 feet to 20 feet for a detached garage at 16710 Edgewood Avenue. Approval is based on the following findings:

- 1) The proposal is reasonable and would meet the required standards for a variance.
 - a. PRACTICAL DIFFICULTY AND UNIQUE CIRCUMSTANCE. A standard-sized garage could not be built on this site which would meet required setbacks and also preserve the natural features of the property. This presents a both a practical difficulty and a unique circumstance inherent to this property.
 - b. NEIGHBORHOOD CHARACTER: The proposed garage would not negatively impact neighborhood character.
 - (1) The proposed garage would result in removal of an existing, non-conforming and dilapidated structure.

- (2) Given the configuration of the existing boulevard area, the garage would be set back nearly 37 feet from the paved surface of Edgewood Avenue.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
 - b. Install erosion control and tree protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.
 - c. Install temporary fencing around the perimeter of the archeological area. This fencing must be maintained throughout the course of construction.
- 2) This variance will end on December 31, 2010, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

B. A setback variance for a 4-season porch addition at 11816 Karen Lane (09003.09a)

Adopt the resolution on pages A9 – A11 of the staff report, which approves the proposed setback variance from 27 feet to 17 feet at 11816 Karen Lane.

Approval is based on the following findings:

- 1) The proposal is reasonable and would meet the required standards for a variance, because:
 - a. **UNDUE HARDSHIP:** The existing house has legal, non-conforming setbacks to the south property line. Any addition on the south side of the house would also have non-conforming setbacks to the south property line.
 - b. **UNIQUE CIRCUMSTANCE:** The existing house was built in 1940 and has legal, non-conforming setbacks at the south property line.

- c. INTENT OF THE ORDINANCE: The proposed 4-season porch addition is consistent with the low-density residential provisions of the city ordinance.
- d. NEIGHBORHOOD CHARACTER: The proposed 4-season porch addition would not alter the character of the surrounding residential properties.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
 - b. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.
 - 2) Runoff from the addition must be adequately controlled and dispersed to prevent erosion to the slope behind the home. Runoff may not be channelized or directed to cause adverse impacts to adjacent properties from erosion or drainage.
 - 3) This variance will end on December 31, 2010, unless the city has issued a building permit for the project covered by this variance or approved a time extension.
- C. Conditional use permit to install an outdoor seating area at 14401 State Highway 7 (86096.09a)**

Recommend that the city council adopt the resolution on pages A8 – A11 of the staff report. This resolution approves a conditional use permit for an outdoor patio at 14401 State Highway 7. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Prior to issuance of a building permit, record this resolution with the county. A copy of the recorded resolution must be returned to the city.
- 2) The outdoor patio must be equipped with refuse containers and periodically patrolled for litter pick-up.

- 3) The outdoor patio must not have speakers or audio equipment that is audible from surrounding parcels.
- 4) The patio will be enclosed by an existing garden/landscaped area located between the sidewalk and the patio, and enclosed at both ends by large planters.
- 5) Obtain all required liquor, food and beverage licenses from the city.
- 6) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 7) 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.
- 8) The applicant must agree to these conditions in writing.

Sjeklocha, Thomas, Walker, Adams, Lehman, and Cheleen voted yes. Blatz was absent. Motion carried and the items on the consent agenda were approved as submitted.

8. PUBLIC HEARINGS

A. Amendment to an existing conditional use permit, with variance, at 12207 Excelsior Boulevard (91008.09a)

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

S. Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

A. Thomas asked why the applicant needs a park permit. S. Thomas explained that the original conditional use permit requires the school to have outdoor recreation space. The park across the street fulfills that requirement. The city requires large groups to obtain a park permit. A. Thomas felt the park permit is unnecessary.

A. Thomas forgot to look for signs in front of the school indicating the speed restriction for motorists when school is in session. He asked if they exist. Staff did not recall. S. Thomas invited the applicant to comment.

A. Thomas asked if a condition restricting bus idling and/or parking on the public street was considered. S. Thomas responded that a condition could be added. The site is similar to most residential streets. A. Thomas wanted to mention the possibility. Gordon noted that uses that have a lot of traffic coming and going would benefit from such a condition, but it does not appear that is an issue at this time. The condition could be added at a later date.

Sjeklocha asked where the bus would drop off and pick up. S. Thomas explained that the bus would drop off and pick up on Pioneer Road and other vehicles would drop off and pick up in the south parking lot.

Sjeklocha asked for the right of way to be outlined and if the condition regarding the public right of way is a standard condition for buses. S. Thomas explained that one standard for schools prohibits buses from dropping off and picking up passengers in a street right of way. A traditional school may have dozens of buses transporting riders. This could cause a safety hazard for motorists. The applicant would have two or three buses and Pioneer Road has a low volume of traffic, so no traffic safety hazard is anticipated. The right of way was pointed out on the proposed plan.

Sjeklocha asked if the city could be liable if an accident occurred in the public right of way. S. Thomas will need to check with the city attorney. S. Thomas explained the traffic flow pattern. Sjeklocha wondered if it made a difference since the application included a variance request. S. Thomas answered in the negative.

Rick Read, Faith Presbyterian Church business administrator, applicant, was present to answer questions. Mr. Read clarified that there has been no problem getting a permit to use the park land. The park actually is Faith Presbyterian Church land which the city leases from the church for the purpose of a park. He has asked the city to install a crosswalk from the church to the park. There are signs that request motorists use the church parking lot instead of the street. He has been told that the city does not like to locate crosswalks in the middle of a block. He has petitioned and asked the city to install additional signs for "Children at Play." The bus turn around space is very wide and buses and cars parked there do not even extend into the lanes of the road. While it is in the public right of way, it is a safer location than a bus stopping on a street.

Chair Cheleen noted that the kids would exit off the bus and go directly into the building. The children would not be allowed to exit the school until the bus is present and staff escorts the kids. The rest of the kids would be picked up by parents on the south side parking lot.

Walker asked if the enrollment would be capped at 190 students. Mr. Read responded positively.

Walker asked how feasible it is to not schedule funerals and other church activities during drop off and pick up times. Mr. Read said that it has been working beautifully for two years now. The majority of use for the church Monday through Friday is in the evenings and during the day Saturday and Sunday.

The public hearing was opened.

Carol Rodine, 4708 Barbara Drive, stated that the applicant has been a good neighbor. She has a few concerns:

- She and her grandson love to use the park. The wood chips under the play equipment have been deteriorating and need to be fixed particularly if more students will be added.
- The school staff stops traffic carefully by using flag bearers. She enjoys the children. She begged the city to be responsible and figure out who is in charge and make sure the park is maintained for everyone's safety.
- Signs need to be added on Pioneer Road.
- If plowing is not adequate, it will be difficult to get by the buses. The buses do not activate their stopping lights when dropping off and picking up. She sees adults supervising the children and is not concerned for their safety, but she questioned if the bus drivers are doing what they are suppose to do.
- She volunteered to help with fixing up the playground and suggested making it part of the school curriculum for the students.

No additional testimony was submitted and the hearing was closed.

A. Thomas felt the park permit did not make sense. He was concerned with the signs. He supports the city adding signs and adding some type of crosswalk from the school to the park.

Lehman agreed with not having unnecessary conditions, but there are a few situations which require a user to have a permit to use a city park including for commercial or group use. So, he understood the necessity for the condition.

Sjeklocha asked for the city's plowing plan regarding schools and public right of way. S. Thomas will check with public works for procedures regarding schools. S. Thomas had already sent the parks department an e-mail regarding wood chips for the park. The signs, crosswalk, and plowing will be looked into also.

Walker asked if any other school allows the drop off and pick up on a street right of way. S. Thomas did not recall a similar variance. It is not the church or ISLA that is requesting the change, but the Hopkins School District because it provides the bus service. Making the 180 degree turn in the parking lot is cumbersome.

Chair Cheleen felt a sign indicating where the buses would be stopping would be beneficial. Non-bus drop off and pick up would be better in the parking lot on the north side of the building.

Adams moved, second by Sjeklocha, to recommend that the city council adopt the resolution on pages A9–A14 of the staff report which approves, repeals, and replaces an existing conditional use permit for an educational facility at 12007 Excelsior Boulevard. Approval is based on the following findings:

- 1) Aside from the bus drop-off/pick-up location, the proposal meets the required conditional use permit standards as outlined in City Code Section 300.16 Subdivisions 2 and 3(a).
- 2) The bus drop-off/pick up location meets the intent of required conditional use permit standards.
 - a. There is a wide sidewalk adjacent to the drop-off/pick-up location, which provides access to several building entrances. As such, students would have a safe pedestrian connection between the busses and the school.
 - b. It is unlikely that a small number of busses stopping on Pioneer Road directly north of the Faith Presbyterian Church will negatively impact traffic operations. Pioneer Road in this area has a relatively low volume of traffic.

Approval is subject to the following conditions:

- 1) Record this resolution with the county and return a recorded copy of the resolution to the city.
- 2) School enrollment is limited to 190 students. Annual enrollment numbers must be submitted to the city prior to July 15th of each year.
- 3) Daytime church activities, such as funerals, must not be scheduled during student drop-off/pick-up times.

- 4) Maintain signs on Nelson Drive identifying “Entrance Only” and “Exit Only” drives.
- 5) Obtain any necessary permits from various city departments and divisions, including:
 - permit from the Recreation Department for use of the neighboring public park;
 - permits from the Building Division to ensure the building meets minimum building code requirements; and
 - permits from Environmental Health Division;
- 6) All external doors must be signed to meet requirements for emergency response.
- 7) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 8) 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.
- 9) The applicant must agree to these conditions in writing.
- 10) This resolution repeals and replaces Resolution No. 2007-068 adopted on June 4, 2007.

Sjeklocha, Thomas, Walker, Adams, Lehman, and Cheleen voted yes. Blatz was absent. Motion carried.

B. Sign Plan Review, located at 10955 and 11055 Wayzata Blvd (06071.09a)

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

S. Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

A. Thomas asked if a precedent would be set by doubling the letter height. S. Thomas stated that the planning commission has broad discretion in regard to sign plans. Each case may be considered uniquely. A four-foot sign in this case,

given the size of the building, staff found reasonable. It would not set an undue precedent.

A. Thomas asked if there is a building in the area that has a 48-inch sign. S. Thomas stated that the proposed sign is shorter than Crescent Ridge's sign and the total amount of the size of the sign is in proportion to the Crescent Ridge sign. The applicant's development would be 50 percent of the size of Crescent Ridge's building area and the proposed sign would be half the size of Crescent Ridge's sign.

Chair Cheleen confirmed with S. Thomas that each planned unit development's sign plan is unique so there would not be a precedent set for the next one. The signs would be located on the north and west so that the signs would not face residential housing. He asked if the signs would be lighted. S. Thomas responded that the signs would be internally illuminated.

Adams asked if the plat name has been determined. S. Thomas said that the plat has been filed with the name "Crest Ridge." Adams was concerned it would be confused with Crescent Ridge.

Adams asked if there would no longer be two parking ramps. S. Thomas pointed out the location of the two parking ramps that did not show up on the screen.

Sjeklocha asked if the property is part of the Interstate 394 District. S. Thomas answered affirmatively.

Lehman asked if tenant names would be identified on the monument sign. S. Thomas confirmed that is the intent. Lehman favored a monument sign being used for way finding rather than to identify each tenant. S. Thomas explained that the signage itself meets ordinance standards. The sign with tenant names meets all ordinance requirements in terms of size. The Welsh application requested a small font. The current application meets the font-size requirement. Staff is in the process of redrafting the sign ordinance. City Attorney Desyl Peterson suggested that the restriction prohibiting tenant identification on monument signs be eliminated. The proposed ordinance would regulate the total size of the sign and required font height. The font must be large enough to be legible. The property owner would decide the content displayed on the sign. The sign would meet the current standard and the proposed ordinance. Lehman agrees with the city attorney in regard to the content of the sign.

George Parrino, Opus Construction, explained that the building sign would be internally illuminated. The monument signs would have either flood lights pointed

at them or be internally illuminated. Tenant names on the monument signs would identify which tenant would be in which building.

The public hearing was opened.

Susan Peterson, Plymouth, use to live on the street and thinks the applicant has done a really nice job. The City of Minnetonka and Opus have done a great job. The proposal is very nice. The south side should look as good as the north side.

No additional testimony was submitted and the hearing was closed.

Adams moved, second by Lehman, to adopt the Crest Ridge sign plan criteria on page A6 of the staff report. The sign plan establishes the standards for all monument and wall signs within the Crest Ridge Corporate Center at 10955 and 11055 Wayzata Boulevard. Approval is based on the following findings:

- (1) A sign plan is appropriate for the Crest Ridge Corporate Center given the site's two separate buildings and parking facilities.
- (2) The proposed signs:
 - a. Are generally consistent with standards applied to signage in the traditional B-1 zoning district;
 - b. Are proportioned to the scale of the Crest Ridge Corporate Center site and buildings;
 - c. Have been designed to a high-quality; and
 - d. Are intended to lend an overall "campus" feel to the property.
- (3) The proposed sign plan complies with the sign plan review standards as outlined in the "Supporting Information" section of this report.

Approval is subject to the following conditions:

- (1) Prior to installation of any signs, submit appropriate permits for review and approval of city planning and building staff.

Sjeklocha, Thomas, Walker, Adams, Lehman, and Cheleen voted yes. Blatz was absent. 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.

Adams thanked Ms. Peterson for attending the meeting to give a complement.

9. ADJOURNMENT

***Adams moved, second by Walker, to adjourn the meeting at 7:35 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary