

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**JULY 16, 2009**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, Planning Technician Stephanie Scott-Sims, and Natural Resource Manager Jo Collieran.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted with modifications provided in the change memo dated July 16, 2009.

**4. APPROVAL OF MINUTES:** June 18, 2009

***Sjeklocha moved, second by Lehman, to approve the June 18, 2009, meeting minutes as submitted.***

***Blatz, Lehman, Sjeklocha, A. Thomas, Walker, Adams, 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 meetings of June 22, 2009 and July 13, 2009:

- Adopted a resolution denying items regarding Hillside Senior Living, 5431 and 5439 Williston Road, in accordance with the planning commission's recommendation.
- Approved items concerning tearing down the existing house and rebuilding a new home on the property at 2618 Crosby Road.
- Approved an extension for the Fetterly View final plat located at 11519 Fetterly Road West.
- Adopted a resolution approving an amendment to the existing conditional use permit for wireless telecommunications facilities at 4400 Baker Road for Verizon Wireless, LLC.

- Introduced an ordinance amending Section 300.34 regarding telecommunications facilities. The planning commission will review it in August.
- Reviewed a traffic study presentation of the Baker Road Corridor Study.
- Removed from the agenda, at the request of the applicant, an application for items concerning a 2-lot subdivision of existing properties at 12910 Rutledge Circle, 12918 Rutledge Circle, and a parcel with an unassigned address.

Gordon announced that the next meeting of the planning commission is scheduled for August 6, 2009. Commissioners are invited to attend the city council meeting August 3, 2009 at 6:30 p.m. where there will be a presentation on the development objectives and final report created during the Minnetonka Mills area study.

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

**7. PUBLIC HEARINGS: CONSENT AGENDA**

The item was not removed from the consent agenda for discussion or separate action.

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

**A. Variance from the floodplain from 10 feet to 0 feet for a deck addition to the property at 5918 Red Cherry Lane. (09011.09a)**

Adopt the resolution on pages A8–A10 of the staff report, which approves the proposed floodplain setback variance from 10 feet to 0 feet at 5918 Red Cherry 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 rear yard of the existing home mostly consists of 100-year floodplain, except the small area where the applicant's are proposing to build their deck. Because of this, it would be nearly impossible for the applicants to build in the rear yard and meet the floodplain setback.

- b. UNIQUE CIRCUMSTANCE: Most of the homes on the applicant's block, including the existing house, were built within FEMA floodplain. The rear yards of these homes back up to Purgatory Creek. This is a unique situation, not common to most homes in the city.
- c. INTENT OF THE ORDINANCE: The proposed deck meets the intent of the ordinance provisions.
- d. NEIGHBORHOOD CHARACTER: The proposed deck would not alter the essential residential character of the surrounding neighborhood.

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) 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.

***Blatz, Lehman, Sjeklocha, A. Thomas, Walker, Adams, and Cheleen voted yes. Motion carried and the item on the consent agenda was approved as submitted.***

## 8. PUBLIC HEARINGS

- A. **Multiple variances to permit the installation of a monument sign containing a digital dynamic display located at 15915 Excelsior Blvd. (88061.09a)**

Chair Cheleen introduced the proposal and called for the staff report. Gordon recused himself from participating in discussion. He is a member of the church and his wife is on the church council.

Scott-Sims reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Sjeklocha asked if the reverse would be shown on the other side of the sign. Scott-Sims believed the sign would be double sided, so it would be the same on both sides. The sign would be positioned perpendicular to the road.

In response to Blatz' question, Scott-Sims explained that staff did not support a sign larger than allowed by ordinance especially in a residential area. The ordinance is restrictive regarding the copy and graphic. The recommendation attempts to ensure that the applicant is allowed to place a message on the sign that is meaningful while not increasing the sign size overall.

Lehman confirmed with Scott-Sims that the recommendation calls for the height of the sign to be reduced four inches. Without the cross, the sign would meet monument-sign-height requirements. The cross is considered part of the copy and graphic area of the sign. Scott-Sims explained that a business logo would also be considered part of the copy and graphic area, so it would be included in the height restriction.

Chair Cheleen noted that the existing sign is at 30 feet and the property line is at 12 feet. The yellow line that goes through the illustration at knee level shows that the sign needs to be moved back a few feet to meet ordinance requirements. Scott-Sims explained that the yellow arrow represents the 10-foot setback. The image shows the proposed sign at the 10-foot setback.

Myrna Orenstein, representing Imaginality, applicant, said that staff has been helpful going through the issues dealing with a sign being located perpendicular to the street. The approach the applicant took was to meet ordinance requirements. There were challenges to allow for visibility and height. She stated that:

- The base was reduced to meet the 8-foot height requirement. The cross was reduced in height as much as possible to keep the words legible. The sign is an icon known by the church members and it is a good design element. The proposal is different from typical fabricated signs that have a large reader board and small message. It was balanced to make it as attractive as possible. It is a reasonable request. If the cross was made smaller, the message would have reduced visibility. The cross is used as a divider between the dynamic reader board and the name of the church. It

- became a very functional piece.
- The applicant has had trouble determining the exact setback requirement. The first proposal looked at 5 feet back from the 10-foot setback. She clarified that the property line is back from the curb. It looks like a 6-foot setback from the property line is about 21 feet back from the curb. There is an additional 14 feet or 15 feet that goes from the curb to the property line. She wanted to make sure that is a clear item. The many obstructions that exist for the street traffic control lights create more of a safety hazard. She provided an illustration of the west side of Woodland street signs that are blocked by the signal light, lots of hanging wires, and a traffic control box. She wanted to ensure visibility of the sign.
- The concept is that the dynamic display is on the roadside back to back and the name of the church is on the other side back to back. With a lot of obstructions and the heavily wooded lot, she tried to do something to promote visibility.
- The sign would not be in the sight triangle.
- The existing sign has a large footing underneath it. Locating the proposed sign in front of that sign would help and the footing would not have to be removed.
- Street improvements are not currently planned for the future, but the sign would be far enough back if it did happen.
- The 9-inch letters and 12-foot-wide cabinet are comparative to the City of Minnetonka sign on Minnetonka Boulevard. The proposed sign would be a fraction of the copy and height.

Adams asked the height of the sign without the cross. Ms. Orenstein responded six feet, eight inches. Adams asked if shrinking the cross was considered. Ms. Orenstein answered affirmatively. It was reduced in size already. It needs to be visible. The word "church" was not included so there would be no unnecessary message. It was reduced proportionately. Originally, it had gone down to the area of the stone cap, but then it exceeded the height requirement more than four inches.

Adams asked for the height of the current sign. Ms. Orenstein believed the brick to be six feet tall. Ms. Orenstein explained that the sign could not be located within three feet of the base for snow removal and landscaping. The intent is to landscape the sign attractively.

The public hearing was opened.

Tim Johnson, Pastor of All Saints Lutheran Church, resides in Mound. He appreciated the commission's consideration of the variance. The sign is intended to provide an attractive sign that represents the church and the community. The intent is to communicate a variety of programs and activities that go on in the church. Accessibility and visibility near enough to the street is hampered by the significant easement.

Lucy Powers, resident of 15841 Elodie Lane and owner of the property at Woodlawn Road and Excelsior Boulevard, was concerned with a limit to the number of signs allowed on the property. There is a daycare sign. She asked if the new sign would be used to display or grow the daycare business. She was concerned with the area looking like a commercial area. Signs and a parking lot decrease the property value located across the street.

Scott-Sims stated that the property is allowed one monument sign. Chair Cheleen did not see a daycare sign. Scott-Sims was not aware of a daycare sign. Pastor Johnson explained that further east on Excelsior Boulevard there is a small sign that says "All Saints Lutheran" and a banner sign that names the daycare center and preschool. There are no other signs on the church property.

No additional testimony was submitted and the hearing was closed.

Walker asked if the cross would be back lit. Ms. Orenstein responded that "All Saints Lutheran" letters would be lit and the fine, white line in the cross would be illuminated. She imaged that the squares at each of the cross' tips would have a translucent color, but there would not be much illumination. The cabinet would be solid aluminum.

Walker supported staff's recommendation for the setback variance. The city does not control when the county decides to widen the pavement of Excelsior Boulevard. He did not want to put the community in a position to have to move the sign because that would be difficult. He supported denying the setback variance. He had no problem with the height variance, the copy and graphic variance, and the dynamic display variance.

Lehman concurred with Walker. The extra four inches can be related to point intrusions. If the entire sign had been four inches above, then it would have been reasonable to require it to be reduced.

Adams is indifferent regarding the height difference. The sign could have been designed to fit without requiring a variance. No one will mistake the structure for anything other than a church, even without a cross on the sign. He agreed that it

could be considered a point intrusion and was comfortable with that. He was concerned with the setback variance. It does create a barrier to a view down Excelsior Boulevard from the intersection. He stood where he thought the sign would be located. It is a significant barrier. There are already existing significant barriers to the view with all of the poles. He supported staff's recommendation that the setback requirement be maintained. He supported the other variances.

A. Thomas concurred. He was not going to waive on the setback variance. A lot of it has to do with safety and sight lines. He did not feel comfortable giving variances to setback requirements for signs. Regarding the sign height, he could go either way. He believed it could be lowered four inches.

Blatz agreed. She would not approve the setback variance. She is fine with the copy and dynamic display variance. She could support what the other commissioners were saying and rationalize the height variance as a point intrusion.

Chair Cheleen agreed with all of the comments. He was puzzled why the cross would not be lowered four inches. He clarified with the applicant that the dynamic part of the sign would be closest to the street. The 4-inch-height variance is reasonable for the cross portion of the sign, but keep the 10-foot setback.

***Adams moved, second by Lehman, to adopt the resolution on pages A17-A21 of the staff report which denies the setback and approves the height variance, copy and graphic area variance, and dynamic display variance based on the following findings:***

- 1) The setback variance is not reasonable and would not meet the required standards for a variance, because:
  - a. **UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES:** The requested variance is a result of the applicant's chosen design and not to a definable hardship that is unique to the property.
  - b. **INTENT OF THE ORDINANCE:** The variance would not meet the purpose and intent of the ordinance. The location of the proposed sign would interfere with both the city and county's responsibility to make future road improvements, and the location of the sign would potentially impact driver visibility at the intersection.
  - c. **NEIGHBORHOOD CHARACTER:** The ordinance provides strict regulation of signage for conditionally permitted uses in residentially

zoned areas in order to preserve the essential residential character of the neighborhood. The location of the proposed sign would affect the aesthetics of the residential area.

- 2) The height, copy and graphic area, and dynamic display variances are reasonable and would meet the required standards for a variance, because:
  - a. **UNDUE HARDSHIP AND UNIQUE CIRCUMSTANCES:** The competing requirements of maximum size and minimum font height provide an undue hardship in constructing a sign which provides appropriate site identification and a useable dynamic display.
  - b. **INTENT OF THE ORDINANCE:** The variances would meet the intent of the ordinance to maintain the way-finding purpose of the sign. The proposed variances would provide an equal balance between way-finding, site identification and advertising with changeable messages.
  - c. **NEIGHBORHOOD CHARACTER:** The proposed sign would not adversely impact the character of the neighborhood, and the sign fits the residential context of the area. Only the top of the cross would extend four inches above the height requirement and is considered a point intrusion.

Approval is subject to the following conditions:

- 1) Prior to issuance of a sign permit:
  - a. The site plan must be revised such that the sign complies with the minimum 10-foot setback requirement.
  - b. A copy of this resolution must be recorded with the county and a copy of the recorded document returned to the city.
  - c. 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) This variance will end on December 31, 2010, unless the city has issued a sign permit for the project covered by this variance or approved a time extension.

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

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

**B. Items concerning a parking lot expansion at Minnetonka High School located at 18301 Highway 7. (97001.09a)**

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

Gordon reported. He recommended the application be reviewed, discussed, and continued to the August 6, 2009 planning commission meeting.

Mike Condon, Supervisor of Buildings and Grounds for Minnetonka Schools, 5621 County Road 101, applicant, thanked staff for working hard with the school district to create a proposal with a lot of win-win components. He provided background information. Since 1997, the high school's enrollment increased by 15 percent, but is now holding steady. The number of staff increased with the increase in students. The parking lot consists of 947 stalls. The original proposal would increase that number to 1,046, an 11 percent increase. He stated that:

- The site is landlocked. The Minnesota Department of Education recommends a school of the high school's size have at least 120 acres. Minnetonka High School consists of 95 acres with 45 of those acres dedicated to wetland and tree preservation areas. The space is being used efficiently.
- The number of proposed parking stalls started with 121, was revised to 114 stalls, then 102 stalls, and now to 61 stalls on the west side. The first plan would have required the removal of 115 prime trees. Today's proposal would require the removal of 15 prime trees.
- Staff suggested adding a parking lot on the northeast which would add 60 stalls to 70 stalls.
- The west parking lot would be the first sequence. It would be able to be completed before the start of school. The northeast concept still needs a lot of homework to be done prior to construction.
- He was available for questions.

Lehman asked if there would be time taken after completion of the west side to determine if the east additional parking stalls would be necessary. Mr. Condon stated that there is already a waiting list for spots. Every day, at least 50 students park on the frontage road by the medical clinic. Motorists may drive by the school and see vacant spots in the parking lot, but those stalls are reserved for students participating in work or college programs.

Lehman asked if the number of stalls for the west side could be reduced so the total number of stalls would be closer to 102 stalls. Mr. Condon responded that the target number is 120 stalls. He explained that the increase in parking stalls is needed for events including theater and music productions and hockey and football games. The center of the fields is located on the west side. There are 60 staff members who park on the west side who need to be relocated so those stalls may be used by students. There has been 15 percent growth in student population, but 120 stalls would only be an 11 percent gain.

Lehman asked what the no build option would be. Mr. Condon did not bring those numbers with him. There are a number of stalls dedicated to carpoolers.

Blatz asked how much it costs for a student to park for a school year. Mr. Condon responded \$300 a year. Mr. Condon stated that safety is the first priority. He has received numerous phone calls regarding parking on Delton Avenue. In the cold, snowy weather motorists are almost on top of the kids crossing the road. The safest thing to do is get the students onto school property and off the side roads.

Blatz asked for the width of the stalls. Mr. Condon responded eight and a half feet. She asked if restriping could be done to maximize the number of spaces. Mr. Condon stated that has been done. Staff visited the site and found it has been done as efficiently as possible.

Blatz questioned if having traffic travel one way had been considered. Mr. Condon explained the traffic pattern. It would require an additional semaphore.

A. Thomas asked if the school district looked at off-site parking with a shuttle. Mr. Condon explained that financing would not pay for off-site parking. Paul Bourgeois, Executive Director of Finance and Operations for the Minnetonka School District, stated that to lease property and operate a shuttle bus on an on-going basis would be very expensive. The amount of budget dollars continues to be squeezed just like every other government agency for the coming years. There is no mechanism in state law that would allow a district to finance

purchase of part of a parking ramp or a facility of that type. A. Thomas felt it is an option that should be considered. Every option possible should be looked at instead of trying to cram everything onto the campus. Mr. Bourgeois appreciated that thought. For a high school its size, Minnetonka has 60 percent to 70 percent of the number of stalls compared to Wayzata, Hopkins, and Eden Prairie. Those high schools have from 800 parking spaces to 1,100 parking spaces. The proposal would bring Minnetonka High School up to 530 stalls to 550 stalls, potentially up to 600 stalls with the second phase. The school would love to have more than that amount.

Mr. Bourgeois stated that the issue with the buses is that any bus used as a shuttle would be an additional bus. There are 45 regular buses and 40 special-education buses that transport over 3,000 students. The buses make 4-tier trips in the morning. They pick up for non-public school, elementary, high school, and middle school. There are staggered start times. Otherwise, there would be 80 buses.

Mr. Bourgeois explained that the current site has 27 parking spots that are an expansion of the shoulder going up to the existing pavement. The other 34 are a result of having an extension of the footprint by 90 feet. There would still be a considerable wooded boundary around the parking lot. Each tree taken down would be replaced with a new tree. Double rows of evergreens would be added to the campus in addition to make sure the top and bottom are screened from the neighbors. The campus has become the downtown of the South Lake area. A. Thomas felt reducing the hard surface area and buffering are benefits, but still favored looking at options. Comparing other high school's parking is comparing apples to oranges due to the differences in physical characteristics. A lot of them do not have wetland and tree preservation issues.

Sjeklocha suggested teachers could be shuttled since their start and stop times are routine. Sjeklocha asked if the school board is the decision-making body. Mr. Bourgeois answered affirmatively. The school board has approved expanding to 120 parking stalls.

Sjeklocha asked who monitors the parking lots and how often. She questioned if a permit could be revoked. Mr. Condon stated that the high school administrative staff is responsible for monitoring. There is a parking lot attendant during the day. Stickers are given if in violation. Permits may be revoked. Students have lost their permits for 5 days to the remainder of the school year.

Adams learned from Mr. Condon that events take place at the Pagel Center and Art Center during the same time school is in session. Adams asked if expanding

the ball field parking would be an option. Mr. Condon explained that the expansion need is related to the students. The need is not driven by youth association ball fields. Adams wanted reassurance that all options have been considered.

Mr. Condon stated that shuttling has been done for football and hockey games. As much as it is a good idea, very few motorists drive to the pick-up location and take the shuttle because it is just not convenient.

Sjeklocha requested information be provided at a future meeting regarding what kind of city services are being utilized, if 120 spots would make any difference, and the amount of impervious surface.

The public hearing was opened.

Matt Jerome, 18900 Kingswood Terrace, recalled a meeting held last year that discussed the impact of the ball fields and Diamond Club on the neighborhood. Neighbors were told that the school district could not expand. The site was fully developed and there would be no expansion. It was promised last year that a row of trees would be planted to help buffer residents from the ball fields. Those trees are not being taken care of. The Black Hills Spruce trees are dying. He questioned if the proposal would really help and what would the impact cause. Less trees and more lighting would impact the neighborhood immensely.

Lori Strommen, 19001 Kingswood Terrace, stated that she walks her dog on the nature path behind Minnetonka High School every day. It is a beautiful area with a diverse ecosystem. She has seen crayfish, turtles, ducks, birds, squirrels, and a fisher. The area deserves respect, care, and consideration. She was pleased with the questions commissioners have been asking. Wildlife needs to be preserved. The area also has marsh marigolds and a wetland. One of her major concerns is that the parking lot is not taken care of now. There is trash in the pond year round. She has called the city and the school district. There are 100 plastic bottles in the pond. She opposed the expansion.

Ann Christian, 19013 Ashcroft Circle, was concerned with the loss of trees in the area. Most of the remaining trees are located at the bottom of the grade. There would not be many left at the top. However many trees are planted to mitigate the removal would not create the same woods as exists now. Of the 30 trees planted last year, 8 have died. The trees provide a buffer to the high school and noise and lights on the fields. She quoted from Page A21 of staff's report stating that the school district intends on being a good neighbor. She wanted commissioners to keep that in mind.

Timothy Anglum, 3835 Susan Lane, stated that:

- Students do not need to drive to school. They can take the bus. He saw no need for more parking. It discourages carpooling.
- Other schools should not be used as a standard to follow.
- Three of his daughters play softball. He is there four days a week. Additional parking for that purpose has not been demonstrated at all.
- Enrollment at the high school is relatively flat. He deduced that if there was no open enrollment, then there would be no need or a decrease in need.
- He questioned what percent of the land is used for parking and sports facilities. Bad decisions may have been made in the past.
- A compact-car lot would encourage smaller cars and fit more cars.
- There could be an increase in requirements in carpooling.
- He does not live in the general area. He questioned if there is a better way to spend or save money.

Mr. Condon stated that carpooling is working. Of the 2,800 students, 1,300 to 1,400 ride buses. There are 497 parking stalls, so carpooling is a success. He explained that shuttling had been done for after-hour uses for large crowds. The shuttle was not utilized. There are 2 dead black spruce trees which are being replaced. City staff visited the site. Staff recommended adding 26 aspen trees. The district planted 40 aspen trees.

No additional testimony was submitted and the hearing was continued to the August 6, 2009 planning commission meeting.

Chair Cheleen appreciated the insightful and caring comments. Staff did a good job of coming up with alternatives. Realistically, adding 61 stalls on the west side is a much smaller number than the original 102 stalls. There are some issues determining if more parking is needed. He noted the possibility of the city providing parking permits for businesses on Delton Road. He did not know what could be done with vehicles parking in the K-Mart parking lot. Students crossing County Road 101 is a less than safe situation. It is not an easy situation to fix. Chair Cheleen suggested school staff meet with students in clubs or sports teams to put into writing that they will clean the area. Maintenance can be overlooked.

A. Thomas supported asking questions. He suggested asking the property owners of residences along Delton Road, toward Willow Lane, if they are willing to sell so the district could purchase and use the land for additional parking.

Walker asked for the value of the project. Mr. Condon responded that the cost for the 102-stall lot with 15-foot retaining wall came in at \$366,000. The new figures have not been worked out yet. Walker asked if traffic mitigation had been considered.

Mr. Bourgeois explained that a lot of the trips in are trips in and out during peak times because there is not sufficient parking stalls. More stalls would allow one trip in at the start of the day and one trip out at the end of the day, so it would cut the traffic of parents dropping off and picking up kids by half. Walker mentioned using a lottery and incentive system. He was concerned that the site's capacity was being maxed out.

Adams requested open enrollment figures be provided for the next meeting.

Bill Melchert, 18413 Delton Avenue, stated that:

- The payback on \$366,000 for 102 stalls is over 15 years.
- Bureaucrats everywhere do not have fiscal responsibility. Hennepin County spent \$1 million for solar panels on Medina City Hall's roof. It will take over 50 years for the city to cover the cost. The panels will need to be replaced before that. Tax payer's pockets are not deep enough for that.
- He questioned the cost of an education. It is crazy.
- More jobs will be lost in the next couple of years. Tax money is not collected. Figure out how to do things responsibly. No one would run his or her house budget like this.

Blatz asked if a new tree study needs to be completed. Colleran answered that she visited the site last week. At that time, it was estimated that 10 to 12 high-priority trees and 22 to 24 significant trees would have to be removed for west side's 60-stall proposal. A specific plan will provide a better estimate.

Blatz suggested looking at adding 27 spaces by expanding the shoulder of the road. Those added with the proposed increase for the east parking lot would equal almost 100 new stalls.

Chair Cheleen suggested finding out if it would be feasible to get things done so that the east parking lot could be done before fall.

Sjeklocha agreed with Blatz and Chair Cheleen. She did not see it as an “either/or,” but as an “and” situation.

Gordon summarized thoughts mentioned: minimize west parking lot expansion; add more stalls at the art center; utilize softball diamond parking; research off-site busing solutions; consider ways to monitor permitting; deal with issues with on-site circulation; and consider traffic mitigation. More data regarding storm water, open enrolled student population, and permitting is requested. Colleran added to the to-do list: look at long-term solutions for landscaping to become established.

Colleran noted that the school district planted six evergreens near Mr. Jerome’s property that were not required by the city. Five of those are dead. The school district planted 24 aspen trees, but the deer are prevalent there and protection was not added soon enough, so 20 are dead. She knows Mr. Condon and his staff have been struggling with that issue. The students keep cutting a hole in the chain-link fence and littering. There is a good neighbor policy worked out with the school district.

Mr. Bourgeois commented that paving a 3-stall car driveway costs \$15,000 to \$20,000. Sixty-one stalls would cost approximately \$180,000. In terms of relative cost, it sounds like a lot of dollars, but for the size and scope of the project, it is very reasonable. The school district has kept the levy absolutely flat for the last 3 years and will do so again this year. The school district is trying to be good stewards of funds and stretch dollars wherever possible and be good neighbors.

Mr. Melchert stated that:

- Maybe if the litterers were made to pick up trash that would change things.
- The school district should be shown the definition of “discipline” instead of “self esteem”. He favored “getting back to basics.” Maybe the rules for students today are the reason the “country is going in the toilet.”

A. Thomas asked that the school district consider obtaining first right of refusal to purchase the properties adjacent to the parking lot along Delton Road. He supported planning for the long term.

***Lehman moved, second by Adams, to continue the hearing to the August 6, 2009 meeting.***

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

Chair Cheleen thanked those present for a productive discussion.

**9. OTHER BUSINESS**

**A. Concept plan review of 5430 Dickson Road for Sathre-Bergquist, Inc. (09013.09a)**

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

Gordon explained the informal-input-retrieving structure of the meeting. He recommended the planning commission provide comments and feedback to assist the development team with preparation of more detailed development plans.

Rick Sather, Wayzata, representing Blair and Shari Bury and himself as co-owners, applicants, provided a series of handouts. He stated that:

- The location map shows the Glen Lake area and the proposed site. He explained the location of businesses and residences in the area.
- The site is zoned R-1. Townhomes, zoned planned unit development, are west of the site.
- He used to live in the Glen Lake area. He has enjoyed seeing the improvements.
- Two parcels will make up the site's 1.37 acres. The Blairs own the small parcel and he purchased the large property. They discussed creating a master plan for Stewart Lane, but not all residents of Stewart Lane were amenable to selling in the short term.
- The proposal would mirror Lakewoods Townhomes on the west. The density would be 4.4 units per acre. Lakewoods Townhomes are 7.3 units per acre.
- He hoped the city would approve replatting and rezoning of the properties. He would look for a small, local builder who would build the six units shown on the proposal. He would establish the covenants.
- He hoped to receive preliminary and final plat approval by the end of this year and hope to build next spring or summer if the market returns.

Adams stated that the property has a significant drop off on the south side. He asked how much fill would be required. Mr. Sather stated that the total grade difference from the corner of the building to the street would be about 10 feet. Two units would be walk outs, so that the grade at the rear of the building would be 18 inches above the grade to make the drainage work.

Blatz asked how the plan would minimize tree impact. Mr. Sather said that preserving as many trees as possible is important from a marketing stand point. The rear trees would be protected to preserve the buffer. Some of the trees are good trees and some are less desirable.

A. Thomas asked how many single-family residences could fit on the site and why he has chosen to create townhomes. Mr. Sather responded that approximately three single-family residences would meet R-1 requirements. He had a vision for what the remainder of Glen Lake would look like in the future. The way things have gone in that area, it would be difficult to market two or three new single-family residences in that setting. It does not fit anymore. He is proposing what the land use transition should look like. The rest of Stewart Lane should become some sort of multi-family residential. He has 30 years of land planning experience in his career. He tries to find the best use of land and do things in a good way.

In response to Sjeklocha's question, Mr. Sather stated that neighbors are concerned with cut-through traffic on Stewart Lane and that the city is doing a "piece meal" guiding and rezoning for the area. It should be thought of in a more global way. County Road 101 and Minnetonka Boulevard is similar. Every little thing cannot be thought of when updating the comprehensive guide plan. It may take residents coming forward to get the thought process going. Locating single-family residences on Dickson Road is not a viable option.

Chair Cheleen tended to agree that constructing three single-family residences may not be appropriate next to the townhomes and substation, but he encouraged more creativity than six townhomes in a row.

Mr. Sather commented that the residence located directly south is owned by Jan and Pat Lembecker. It is a fairly new home. They hosted the first neighborhood meeting in May of 2008. The rest of the homes date back to the 1940s and 1950s. He agreed that no more than six units could fit on the site. He tried to mirror Lakewoods Townhomes to the west, but with half of the density. He wanted to target the \$350,000 to \$400,000 niche in the market. Chair Cheleen did not like 6 driveways being located on Dickson Road. He thought a more

creative plan could provide more green space and fewer driveways. Mr. Sather appreciated his point.

Adams asked if there is a current traffic count on Stewart Lane to consider the proposal's impact on traffic. He supported affordable housing. A. Thomas agreed the question will come up whether an increase in density would be compensated by an affordable unit.

Adams asked why some residents of Stewart Lane did not want to sell. Mr. Sather said that timing and price could not be agreed upon by the residents. Ultimately, he could not make a land plan work financially.

Walker felt residents may rethink the offer if the proposal would increase the value of their property. He agreed with Mr. Sather that the area will have greater density in the long term.

Mr. Sather said the only way to put it all together is to go with much higher density or obtain a subsidy. Purchasing residences to be removed is a loss to the developer. It would not be fair to the neighbors if he tried to do it on his own.

Tom Cook, resident of Stewart Lane, was concerned with resident and cut-through traffic on Stewart Lane. The road capacity needs to be looked at. He and his neighbors are concerned because there is no pedestrian walkway.

Dan Shannon, 5501 Dickson Road, purchased his house a year ago. He and his wife are concerned with doubling the number of houses on Stewart Lane. People stay on Dickson Road because they love the area. His is the smallest lot and it is .8 of an acre. He just spent \$100,000 on landscaping and the residence. The proposal would turn a quiet neighborhood into a really busy neighborhood with lots of driveways. It seems like there are lots of plans to move forward, but he did not understand how much it could grow. Splitting the lot and building 2 residences would make sense. He did not see how the proposed units would be worth \$350,000 to \$400,000. They would not have the lake view. It would not be part of a big community. The units would be single file.

Mr. Sather agreed that there is nowhere for pedestrians to walk. The Exchange Building parking lot can now be cut through to get to Excelsior Boulevard and the commercial stores. He liked the notion of that. Traffic issues are huge and the proposal would add to the problem.

Wischnack suggested commissioners provide their thoughts regarding changing the comprehensive guide plan and zoning for the area.

A. Thomas felt that there needs to be something in exchange for a change in zoning. He is not real supportive of changing an R-1 district. The comprehensive guide plan is only a year old. It is a big deal to change it. The city needs to get something in return for an increase in density.

Lehman felt the government "ought to keep its hands out of our pockets," so he was less inclined to require the developer do something in exchange for the proposal.

Adams noted that changing the zoning would be a big deal and compensation should be provided.

Blatz agreed with Adams and Chair Cheleen. Changing the new comprehensive guide plan is a big deal and there should be compensation. She supported approaching the property more creatively to minimize the driveways, access points, tree impact, and grading.

Sjeklocha concurred with Blatz. She added that the neighbors' concerns need to be addressed including providing walk ability and safety.

Walker agreed. The creativity issue is a big issue. There is a 20 percent affordable multiple-family housing goal. It will have to be addressed. The comprehensive guide plan promoted interconnectivity between neighborhoods. He respected what Mr. Cook said.

Chair Cheleen agreed that the comprehensive guide plan should not be taken lightly. He recalled looking at this part of the city. It was not changed because there are single-family residences located directly to the south. He was concerned for the residents who do not want to leave. Development is bound to happen in the area. It is a logical place to do a step down in density to protect the other single-family residences. Showing the larger-area plan would be helpful. Providing for pedestrian movement may be addressed.

Mr. Sather appreciated the wise comments. The neighbors talked about wanting a trail that would follow the edge of the lake. The problem with a trail along Stewart Lane is that mature trees line the sides of it. A sidewalk would be hard to construct without tree loss, but there probably needs to be one. He thanked the neighbors and staff.

Gordon explained that comments will be posted on the "Projects" page of the city's website at *eminnetonka.com*. It will be going to the city council August 3, 2009 for a similar discussion.

**10. ADJOURNMENT**

***Lehman moved, second by Walker, to adjourn the meeting at 9:45 p.m.  
Motion carried unanimously.***

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