

**MINNETONKA PLANNING COMMISSION
MINUTES**

JULY 1, 2010

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Natural Resource Manager Jo Colleran, and City Attorney Desyl Peterson.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with the removal of items 7A, 7B, 8A, 8C, and 8D from the agenda and additional comments and modifications to staff reports provided in the change memo dated July 1, 2010.

- 4. APPROVAL OF MINUTES:** June 17, 2010

A. Thomas moved, second by Sjeklocha, to approve the June 17, 2010, meeting minutes as submitted.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, 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 28, 2010:

- Postponed action on a resolution approving a lot division, with variances, for subdivision of the existing property at 5435 Woodland Road.
- Adopted a resolution approving a conditional use permit to operate a part-time pre-school program at 131 Cheshire Lane.
- Adopted a resolution approving a conditional use permit for an accessory apartment at 2336 Linner Road.
- Adopted a resolution approving a conditional use permit for a detached garage at 2720 Olde Wood Court.

- Upheld the planning commission's denial of a variance for a garage addition at 15012 Cherry Lane.
- Held discussion regarding a concept plan review for a single-family, residential, housing development at 11809 Bren Road and had many of the same comments as the planning commissioners regarding density.

Peterson explained how a recent decision by the Minnesota Supreme Court changes how variances have been decided for the last 21 years. Prior to the court decision, a city had a lot of discretion in granting variances, but that is no longer the case. A city is required to grant a variance when there is no reasonable use of the property because of the regulations. The court has now made that the standard for when a city may grant a variance. That eliminates all discretion because a city may only grant a variance when it has to grant a variance. Minnetonka has approved expansions of nonconforming uses by granting a variance. The new, restrictive standard for a variance will now limit Minnetonka's ability to approve nonconforming use expansions.

Peterson recommended to the city council that an ordinance be introduced Monday night that would change the process that would allow for expansions of nonconforming uses. Instead of always requiring a variance, an expansion permit could be required. If the expansion would intrude into the setbacks by more than what the existing building already was, then that would require a variance. But, if the expansion would stay within the same intrusion, then only an expansion permit would be needed. That would allow the same standard that the city thought it had when going through the variance process. That ordinance will be reviewed by the planning commission in early August. There are a number of applications pending that revolve around the expansion of a nonconforming use. The planning commission would be the final decision maker with the applicant having the ability to appeal the decision to the city council.

Peterson recognized that there is the broader question of what will be done regarding variances in general. Staff and Peterson are looking at alternatives. In an appropriate situation, Planned Unit Development zoning could be utilized. Peterson will be meeting with other city attorneys to brain storm ideas. Minnetonka needs discretion in reviewing applications because it is not a grid-street city. Minnetonka has very unusual lot sizes, topography, and vegetation that other urbanized cities do not have.

Peterson anticipates a coalition of people getting together to address the legislature and ask for an amendment to the language in the state statute. That will not happen until after January 1, 2011. Usually those items do not get passed

until May, if at all. Additional new ordinances may be necessary. She is working on finding realistic and workable solutions.

Lehman asked if another city has a similar permit. Peterson answered affirmatively. Other cities have chosen to allow expansions through a nonconforming permit. St. Paul is a good example.

Lehman questioned if Minnesota is unique or if it is common among other states. Peterson explained that the court's decision looked at a variety of legislative provisions from other states. The Minnesota Supreme Court felt that a majority of states have this restrictive language; although, it did cite New Hampshire as having a standard similar to what Minnesota was using.

Adams asked how this would impact a property owner who has a variance that was approved, but the project not done yet. Peterson said it would not have an impact because the variance was obtained according to the law that was in effect at the time. The property owner has vested rights and would be protected.

Sjeklocha asked if it is common practice for courts to rule on building-related permits. Peterson responded that this was unusual because the Minnesota Supreme Court is not required to take any appeal. It grants review when it chooses. Anybody has the right to appeal a variance that is granted by the district court to the court of appeals. She did not know how many cases are appealed each year.

Sjeklocha asked if an expansion permit would be different in the law than a variance. Peterson explained that if the building would intrude further in the setback, then a variance would still be required. If the nonconformity is not made worse, then there is justification for only using a nonconforming use expansion permit.

Wischnack noted that the city has provided this information on its website, eminnetonka.com.

Gordon announced that the July 15, 2010 planning commission meeting is cancelled. The proposed expansion permit ordinance will be reviewed by the planning commission August 5, 2010. The city council will review the ordinance August 16, 2010. The second planning commission meeting in August will be rescheduled to August 26, 2010 to allow time for staff to prepare staff reports to be reviewed by the planning commission at that meeting.

6. REPORT FROM PLANNING COMMISSION MEMBERS

Adams provided that July 8, 2010 at 7:15 p.m. the Minnehaha Watershed District will have a meeting regarding proposed lakeshore buffer changes.

7. PUBLIC HEARINGS: CONSENT AGENDA

Lehman moved, second by Adams, to postpone items 7A, a floodplain setback variance for a home addition at 11698 Cedar Pass (10022.10a), and 7B, shoreland setback variance and floodplain setback variance for the construction of a deck at 5658 Seven Oaks Court (10017.10a), on the consent agenda.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

Lehman moved, second by Sjeklocha, to postpone items 7A and 7B and approve the remaining items listed on the consent agenda as recommended in the respective staff reports as follows:

- A. A floodplain setback variance for a home addition at 11698 Cedar Pass. (10022.10a)**

Action on this item was postponed.

- B. Shoreland setback variance and floodplain setback variance for the construction of a deck at 5658 Seven Oaks Court. (10017.10a)**

Action on this item was postponed.

- C. Conditional use permit for an accessory apartment at 14465 Orchard Road. (10023.10a)**

Recommend that the city council adopt the resolution. This resolution approves a conditional use permit for an accessory apartment at 14465 Orchard Road. Approval is based the following findings:

- 1) The proposed apartment would meet all conditional use permit standards as outlined in City Code 300.16 Subd.2 and Subd.3.
- 2) The size of the proposed apartment is reasonable.

- a. The rambler-style layout of the existing home provides for a logical up/down split of the home.
- b. The presence of an apartment of this size would not be apparent from the exterior of the home. Given this, the size would not alter the single-family character of the area or substantially impact the surrounding neighborhood.

Approval is subject to the following conditions:

- 1) A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city prior to issuance of a building permit.
- 2) The accessory apartment must be constructed and maintained in substantial compliance with the site plan, floor plans, and building elevations date-stamped June 1, 2010.
- 3) The structure must be owner occupied. The property owner must reside in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.
- 4) The apartment must comply with all building, housing, electrical, plumbing, heating and related codes of the city.
- 5) All other provisions of the ordinance relating to single family dwelling units must be met, unless specifically amended by this resolution.
- 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 the above conditions in writing.

D. Amendment to the existing conditional use permit for Rakhma, Inc. at 5126 Mayview Road. (86034.10a)

Recommend that the city council adopt the resolution on pages A11–A15 of the staff report which amends an existing conditional use permit for a community-

based residential care facility at 5126 Mayview Road. Approval is based on the following findings:

- 1) The proposal meets the required conditional use permit standards as outlined in City Code Section 300.16 Subdivisions 2 and 3(i) and is consistent with previous conditional use permits approved for a community-based residential care facility at the site.
- 2) The proposal requires no physical changes to the home. Rather, the requested amendment simply allows full occupancy of the existing bedrooms.
- 3) The proposal would not significantly impact traffic generation or parking demand on the property.
- 4) The proposal is consistent with several goals and policies of the Minnetonka Comprehensive Guide Plan, specifically those encouraging the development of diverse lifestyle programs and housing options attractive to a wide variety of ages.

Approval is subject to the following conditions:

- 1) Record this resolution with the county and return a copy of the recorded resolution to the city.
- 2) Occupancy of the community-based residential care facility is limited to 12 residents. Prior to full occupancy, the house must conform to the requirements of the Minnesota State Building Code.
- 3) Maintain a contract/agreement with Immaculate Heart of Mary for use of existing parking lots to accommodate overflow parking as needed.
- 4) If required by the police department, a background investigation must be performed to verify the qualification of the director and the responsible operation of the program. The costs associated with the investigation must be borne by the applicant.
- 5) The city council may reasonably add or revise conditions to address any future unforeseen problems.

- 6) 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.
 - 7) The applicant must agree to the above conditions in writing.
 - 8) This resolution repeals and replaces the existing conditional use permit adopted by motion on January 11, 1993.
- E. Amendment to the existing conditional use permit at 12007 Excelsior Boulevard to increase the maximum student enrollment from 190 students to 230 students. (91008.10b)**

Recommend that the city council adopt the resolution on pages A8–A12 of the staff report, which amends an existing conditional use permit for an educational facility at 12007 Excelsior Boulevard. Approval is based on the following findings:

- 1) The proposal meets the required conditional use permit standards as outlined in City Code Section 300.16 Subdivisions 2 and 3(a) and is consistent with previous conditional use permits approved for an educational facility at the site.

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 230 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:
 - 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. 2009-040 adopted on May 18, 2009.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried and items 7C, 7D, and 7E on the consent agenda were approved as submitted.

8. PUBLIC HEARINGS

Adams moved, second by A. Thomas, to postpone items 8A, variance from the minimum low floor elevation for the floodplain district for a home addition at 3408 Jidana Lane (10020.10a), 8C, items concerning Minnetonka Animal Hospital at 3318 Groveland School Road and 17408 Minnetonka Boulevard (10019.10a), and 8D, items concerning construction of a new home at 16901 Grays Bay Boulevard (10007.10a), indefinitely.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

- A. Variance from the minimum low floor elevation for the floodplain district for a home addition at 3408 Jidana Lane. (10020.10a)**

Action on this item was postponed.

- B. Conditional use permit to operate a commercial kennel at 6133 Baker Road. (10025.10a)**

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. She made one correction to the change memo dated July 1, 2010. It should read that no more than 200 animals are allowed on the property at the same time.

Lehman noted that 200 dogs would be more difficult to take care of than 100 dogs and 100 cats. S. Thomas explained that the number of animals allowed would be determined by the number of parking stalls and the standards for a commercial kennel license as required by the Minnetonka Police Department.

Lehman commented on a concern provided by a neighbor regarding noise. He asked if the proposal would be required to meet the noise ordinance in general or if there is a specific requirement for a kennel. S. Thomas spoke to the resident who submitted the letter. The resident was glad to see the conditions that address noise and waste in the conditional use permit recommendation. Condition number four allows the city council to review the conditional use permit at any time in the future to revise conditions to address disturbances caused by frequent howling, barking, or yelping, as provided as a specific condition for kennels.

Lehman asked if the condition is a unique standard for commercial kennels or if it is a standard that applies to barking dogs as a whole in the city. S. Thomas stated that she used the language provided for conditional use permit requirements for commercial kennel uses. It is a standard specific to commercial kennels.

Adams asked who issues a kennel license. S. Thomas answered that Community Service Officer Deeann Bloom reviews, monitors, and issues kennel licenses.

Don Sturges, 6133 Baker Road, applicant, stated that:

- He has been in the human hotel business for 23 years. He has been a dog lover his whole life.
- He has been modeling a luxury dog hotel. The pet industry continues to grow even in this economy. His product would be at the level of a J.W. Marriott.
- There would be an employee working in each of the 3 daycare areas.
- There would be an 8-foot fence outside and an employee outside whenever a dog is outside.

- The fenced area would face Interstate 62 and a parking lot. The noise of the vehicles would be louder than dogs barking.
- He explained the floor plan that would include 100 rooms. There would be a lot more dogs in rooms over the holidays. The facility would be at full capacity at 200 dogs, but there would never be 200 dogs in the same room.

Sjeklocha asked if a human would be at the facility 24 hours a day. Mr. Sturges answered affirmatively. Daycare would begin at 7 a.m. and end at 7 p.m. There would never be 200 dogs overnight. Grooming and training occur during the day. Training would occur in the dog-run rooms from 7:30 p.m. to 9:30 p.m. because the daycare dogs would have left by then. A manager would be present from 6 a.m. to 5 p.m. Front office staff would work from 6 a.m. to 7 p.m. Trainers would stay until 10 p.m. A night person would stay overnight to provide security for the building and the dogs, clean up, and do bookkeeping. Facility staff would clean continually.

Adams asked for the size of each room/kennel. Mr. Sturges responded that there would be 4 types of rooms. There would be 10 4' x 4' rooms, 52 4' x 5' rooms, 26 4' x 6' rooms, and 5 suites.

A. Thomas provided the nuisance ordinance that deals with dog barking. He questioned where the room for the mean dogs would be located. When Mr. Sturges said "big dog," that meant more aggressive dogs. A Jack Russell Terrier is a more aggressive dog and a Great Dane is one of the most docile dogs. Mr. Sturges explained the size and use of gates to separate dogs in the daycare areas. There would be a "holding area" where each dog would be evaluated for an hour before let into the general population. Specific vaccinations must be completed to attend the facility. He would have an agreement with a local veterinarian in case of emergencies.

A. Thomas asked what the estimated cost would be for a large, gentle dog. Mr. Sturges said that the average rate for daycare would be \$29. The rates for the rooms would run from \$29 to \$49 a night.

Chair Cheleen commented that a 6,000 square-foot run would be fairly large. Mr. Sturges said that the area would also have 2 trees.

Chair Cheleen asked how many dogs would be in the outdoor area at one time. Mr. Sturges stated that the number would fluctuate. He estimated 50 to 75 or 100

dogs. There would always be a staff person present when a dog would be outside.

Chair Cheleen noted a resident's concern with how waste would be handled. Mr. Sturges said that there would be a contract to have it picked up once or twice a week. He is looking into compost options for composters to pick it up and use it for fertilizer. Chair Cheleen asked where it would be stored until pick up. Mr. Sturges said that the facility currently has a dumpster. The dumpster enclosure would be fenced in. Based on occupancy, waste would be collected two or three times a week.

A. Thomas asked from what type of material the bottom of the kennel would be made. Mr. Sturges answered that several options are being considered. There are 8 companies that specialize in kennels. One option is to have an epoxy or sealed concrete of some nature. There would be adequate drainage. A. Thomas asked if the liquid waste would be hosed into a drainage area. Jason Rich, Bloomington, contractor for the project, stated that interior waste collection and management would tie in floor drains to the building's existing sewer and sanitary system. Mr. Sturges stated that the outdoor area would be turf for pets with a drainage system. Some of the liquid waste would soak into the ground and the remainder would be hosed off as needed.

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

Sjeklocha asked if a condition is needed for the small, specialty store included in the facility. S. Thomas responded that the specialty store would be covered by the conditional use permit.

Sjeklocha felt the proposal meets the intent of a conditional use permit. She is concerned with the amount of time the ordinance would allow for barking if several dogs would bark consecutively. S. Thomas suggested a condition referencing the city ordinance as it pertains to animal noise.

A. Thomas found the noise ordinance, but he did not find a smell ordinance. He asked what could be done if there would be an issue with smell. Gordon agreed that is a concern that demonstrates why a conditional use permit is required to mitigate impacts of the use. If that situation would happen, then the facility's conditional use permit would be reviewed and conditions could be added. If the situation cannot be satisfied long term, then the conditional use permit could be voided by the city council. Wischnack explained that a bad odor is covered by the

nuisance ordinance. A commercial kennel license is issued on top of a conditional use permit. If there is a smell, odor, or waste issue, the police department could revoke the commercial kennel license as well as the city council enforcing the conditional use permit.

A. Thomas was curious as to how a smell would be judged and measured. Wischnack worked for a city that had a tool like a sound meter to measure odors. If it would become a subjective issue, then a nasal ranger could be utilized. Something like a dog-waste smell is very detectable and easily identified. Gordon added that the Minnesota Pollution Control Agency has standards for acceptable levels of what the nasal ranger smells.

Adams felt the use would be very creative for the office building. There is light manufacturing going on in the building right now that is pretty noisy. He cannot believe that a kennel would create more odor or noise than the current tenant. The use would also have fewer semitrailers loading and unloading. He noticed that the portion of the building referenced in the change memo that faces the proposal consists of loading docks. He saw no reason to reject the proposal.

Chair Cheleen felt the proposal was nice. The applicant is making a rather large investment. It would cater toward people willing to utilize a high-end operation that would need to be kept clean and smelling good to attract customers.

Adams moved, second by A. Thomas, to recommend that the city council adopt the resolution on pages A12-A15 of the staff report with a modification provided in the change memo dated July 1, 2010 to allow up to 200 animals and the addition of a condition referencing the public nuisance noise ordinance be enforced. This resolution approves a conditional use permit for commercial kennel to be operated out of the site and building at 6133 Baker Road. Approval is based on the following findings:

- 1) Given the location of the subject property, a commercial kennel is an appropriate land use on the site.
 - a. The property is bound by major roadways which provide good access and would accommodate traffic generated by the use.
 - b. The property is surrounded by light industrial and retail uses. The use would not, therefore, impact of the use on residential land uses.
 - c. The existing site has been vacant, and underutilized, for some time.

- 2) The proposal would meet the intent of required conditional use permit standards outlined in City Code 300.21 Subd.6(b).
- 3) The proposed use represents a logical and feasible adaptive reuse of an existing building.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit, complete the following:
 - a. Record this resolution with the county and return a copy to the city.
 - b. Apply for and obtain a city kennel license.
 - c. Submit a waste management/removal plan, detailing how often animal waste will be removed from the site.
 - d. Submit a final landscape plan for review and approval of natural resources staff. The plan must include genus and species of proposed plantings and must meet minimum value requirements as outlined in city code.
 - e. Submit a letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost of all required landscaping.
- 2) The maximum number of animals allowed on site is limited to 200.
- 3) This resolution does not approve any signs. Separate sign permits must be submitted for staff review and approval.
- 4) The city council may reasonably add or revise conditions to address any future unforeseen problems. In particular, the city may add or revise conditions to address disturbance caused by frequent howling, yelping or barking.
- 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) Failure to obtain and maintain a valid city kennel license or comply with building, health, maintenance, and nuisance requirements outlined in city code will render this conditional use permit null and void.
- 7) Failure to obtain and maintain any required county and state license and permits will render this conditional use permit null and void.
- 8) The applicant must agree to the above conditions in writing.

Magney, Sjeklocha, A. Thomas, Adams, Daeges, Lehman, and Cheleen voted yes. Motion carried.

C. Items concerning Minnetonka Animal Hospital at 3318 Groveland School Road and 17408 Minnetonka Blvd. (10019.10a)

Action on this item was postponed.

D. Items concerning construction of a new home at 16901 Grays Bay Boulevard. (10007.10a)

Action on this item was postponed.

9. OTHER BUSINESS

A. Concept Plan for Hillside Senior Living at 5431 Williston Road (04037.10a)

Gordon reported.

Michael Seuss, 197 Willoughby Way West, applicant, was present with Brian Lubben, 4501 Hunters Ridge Road, architect for the applicant.

Chair Cheleen asked the applicant to go over the different sizes and describe how the proposal would fit into the space. Mr. Seuss described an illustration of the site plan. The last building proposed 69 units. This building would have 40 units. The "units" would not have kitchens. It would be strictly memory care, like a hotel room. There would be a common kitchen in the center area and a commercial kitchen in the basement. The parking issue has been overcome. The facility would be required to have a minimum of 16 parking stalls, the proposal would have 20 stalls. Proof of parking could be located south of the building. The building would have a 26,000 square-foot footprint. The previous plan would

have been 54,000 square feet in size. The hard surface coverage would be 25 percent. The floor area ratio would be 33 percent. He incorporated direction provided by the city council. A medium-density use would be appropriate for the site. The site is difficult because of its topography and tree placement. The best building location would be the upper left corner, as shown on the site plan. Forty units of memory care would have way less of an impact than 16 apartments.

Lehman felt the view from the street would be much less intrusive than the last proposal. It looks more like a large house. He questioned if the view from Excelsior Boulevard had been considered. Mr. Seuss felt the view would have minimal impact especially considering the tree coverage. Lehman noticed the south side would be available for planting to help minimize the view from the low side. Mr. Seuss agreed.

A. Thomas asked how much excavation would have to occur to make the whole drive area flat. Mr. Seuss explained that the blue house is not in the rendering. The elevation total picture is the bigger lot of the two lots and the driveway is almost exactly where the driveway of the white house is now. A. Thomas asked what the slope of the driveway would be to Williston Road. Mr. Lubben stated that the drive would maintain three to four percent.

A. Thomas asked how a delivery truck would navigate the site. Mr. Lubben said there would be a "T" for a garbage truck to pull in and turn around. There would be no semi traffic.

A. Thomas suggested the applicant check the spring weight restrictions on Williston Road for big trucks.

A. Thomas asked what type of external lighting would be utilized. Mr. Lubben stated it would be kept low key. The parking area would use low posts. There would be building lights on the west side, some landscape lights, and more lights at the front entry.

A. Thomas questioned if memory care patients would walk around outside. Mr. Lubben said that they would walk in a fenced, contained area with staff supervision. A. Thomas noted the trash would be located next to the garden.

A. Thomas suggested staff look at parking restrictions on Williston Road in front of the facility since there is a hill and there would be no time for a driver to react.

A. Thomas asked how runoff would be handled. Mr. Lubben responded that there would be storm water storage on the south portion of the site. He hoped to have a couple rain gardens also.

Sjeklocha asked about a Phase 2 expansion. Mr. Lubben stated that this proposal would disturb less of the site, have less impact, and make it easier to preserve trees.

Adams knows there is a demand for this type of facility. Every similar facility seems to have a waiting list. He asked who would manage the facility. Mr. Seuss answered International Care Management Services, Dave Edwards.

Chair Cheleen asked if a walkout on the rear of the building had been considered. Mr. Lubben stated that there is a basement in the building. It would have daylight potential. Mr. Seuss said there would be the opportunity to lower the building. The proposed elevation would not show that. His intention is to do that.

Gordon asked commissioners if they were comfortable rezoning the site from low density to high density to accommodate the use. Adams supported the 69-unit building. He understood it did not meet some of the concerns of the neighborhood, but it is consistent with what he saw happening in the comprehensive guide plan which includes areas of retail surrounded by high or medium density uses going out to R-1, residential. The proposal would be consistent with the approach to plan around the village centers. There are always issues when residents live adjacent to industrial, commercial, or office uses. The proposal would provide a nice transition into the residential neighborhood.

Lehman was not concerned with the density of the last proposal. His concern was the mass and scale of the building. The current proposal looks like it fits in with the character of the neighborhood.

A. Thomas opposed the last proposal and did not support this one. He did not favor going from low density to high density. The hardware store provides a transition. The residential area should not be encroached into further. The commission's scope is land use and that is what he will stick to considering.

Chair Cheleen asked staff to define low, medium, and high density. Gordon provided that low density is 1 to 4 units per acre; medium is more than 4 units and less than 12 units per acre; and high density residential is more than 12 units per acre. The site is just over 2 acres.

Chair Cheleen asked how the property east of the site is guided. Gordon answered high density.

Chair Cheleen understood A. Thomas' position and understood the need to use the property. He agreed that if it could be used as R-1, that would be ideal. He was torn in that he did not see a lot of difference between the proposal and a planned unit development with 12 housing units. He was not sure that would look appreciatively better. This concept fits the site better than the previous proposal. He agreed that 4 residential houses would be the best use, but that may not be the case. He suggested lowering the building to be as less intrusive as possible.

Lehman lived in the Glen Lake area for nearly 50 years. The hardware store, Presbyterian Homes, and Alanon building would not be there if the same philosophy was used.

A. Thomas recalled that Glen Lake was a tax increment finance district at one time and that is the reason a fountain was located there. Nancy Countryman upgraded Glen Lake. At some point, one must decide what is more important: either residential housing or continued development. There are certain areas of the city where it would not occur, but fringe areas keep getting pecked at a little bit more. He understood change. He went through a huge change with the Glen Lake development. He spoke first hand and is willing to discuss it. He is not opposed to change, but he is opposed to going into residential areas and pecking away at those instead of redeveloping a commercial area.

Sjeklocha served on the steering committee for the comprehensive guide plan. There is a reason that the area was not changed. She was going to look at her notes to see why it did not make the list for potential redevelopment. She leaned toward leaving the designation as it is.

Chair Cheleen asked for the distance between the north side of the building and the closest residential house. Mr. Seuss estimated the setback of the building to be 30 feet and the residence is another 100 feet away. Chair Cheleen suggested lowering the building as much as possible to be less intrusive to the west and north neighbors.

Mr. Seuss stated that he views the proposal as a residential use. He expected to draw residents from a couple-mile radius. The tenants would be neighborhood people who grew up and lived here. It would be a neighborhood housing amenity.

Mr. Fretham noted that the Metropolitan Council would call the proposal a 4-unit building. It would have 4 kitchens and 10 bedrooms per kitchen. The Metropolitan Council would define it as 4 units and low density residential, so it would not need a comprehensive guide plan change in accordance with its definition. Gordon said that would refer to sewer access charges for kitchens and how environmental services payments are made to the Metropolitan Council. When dealing with population and housing density, the proposal would meet the definition of high density for the comprehensive guide plan.

Mr. Fretham provided a definition of “dwelling unit” that stated it would include a kitchen.

Chair Cheleen explained that the next step is for the city council to hold an informal concept review tentatively scheduled for July 19, 2010.

10. ADJOURNMENT

Adams moved, second by A. Thomas, to adjourn the meeting at 8:20 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary