

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**MAY 5, 2011**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, and Natural Resource Manager Jo Colleran.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted with an additional comment included in the change memo dated May 5, 2011.

**4. APPROVAL OF MINUTES:** April 21, 2011

***Sjeklocha moved, second by Adams, to approve the April 21, 2011 meeting minutes as submitted with the following changes:***

- Page 5: Sjeklocha rejoined the meeting after the staff report of 8B, items concerning construction of a 64-unit apartment building at 12708 and 12720 Wayzata Boulevard.
- Page 17: ~~Spaze~~ Spasso
- Page 17: ~~Magenta~~ Sygenta

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

**5. REPORT FROM STAFF**

Wischnack briefed the commission on land use applications considered by the city council at its meeting of May 2, 2011:

- Approved sign permits for the Farmers Market at 14600 Minnetonka Boulevard.
- Introduced an amendment to the telecommunications ordinance regarding industrial zoning districts and towers.
- Adopted a resolution approving items related to a 64-unit affordable

housing proposal north of Interstate 394 for Duffy Development. The city council, acting as the economic development authority, signed a contract with the developer at a separate meeting after the city council meeting.

- Tabled action regarding an application submitted by Hillside Memory Care on Williston Road to allow more time to research additional information.
- Discussed a concept plan submitted for Highway 169 and Minnetonka Boulevard.
- Discussed a concept plan submitted for a 68-unit senior building on Parkers Lake Road.

Wischnack noted that Governor Dayton signed the variance bill into law (House File Number 52 and Senate File Number 13). The city's ordinance will be updated to match the state statute.

The next planning commission meeting is scheduled for May 19, 2011.

There will be a neighborhood meeting regarding a proposed YMCA redevelopment the week after May 19, 2011. The exact date and time will be provided when determined.

Lehman asked if the variance statute would impact the city's expansion permit. Wischnack said that process will be evaluated during the variance ordinance amendment process.

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

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

**8. PUBLIC HEARINGS**

**A. Floodplain alteration permit and vacation of drainage easement to construct a pool in the backyard at 5414 Byscane Lane. (11004.11a)**

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.

Ken Ronsberg, Performance Pool and Spa, representing the applicant, stated that S. Thomas explained very well that the project would minimize the impact in

a floodplain area by working with drainage and making sure that the water would continue to flow through the neighborhood as it always has. The plan would not adversely affect anything that goes on in the neighborhood. He was available for questions.

Chair Cheleen noted that there would be room between the three-season porch and pool for drainage. Mr. Ronsberg answered affirmatively. There is a swale now for drainage from the adjacent home. That swale would be maintained.

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

***Adams moved, second by Magney, to recommend that the city council adopt the resolution on pages A9–A12 of the staff report, which approves a floodplain alteration permit for construction of a swimming pool at 5414 Byscane Lane. This resolution is based on the finding that the proposal meets the required floodplain alteration standards. Approval is subject to the following conditions:***

- a) The site must be developed in substantial conformance with the plans date-stamped April 8, 2011, unless modified by any other conditions.
- b) The following must be completed before the city issues a building permit:
  - (1) Submit the final site plan, grading and erosion control plan, and floodplain alteration plan. The floodplain mitigation area must be located to minimize impacts on significant trees, subject to review and approval by city staff.
  - (2) Install a temporary rock driveway, erosion control, and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.
  - (3) This resolution must be filed with Hennepin County and a copy of the recorded resolution returned to the city.

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

**B. Conditional use permit to operate an adult day care center at 1712 Hopkins Crossroad. (08009.11a)**

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.

Sjeklocha asked if adherence to federal laws and the Americans with Disabilities act should be stated in the resolution. S. Thomas explained that compliance with the Americans with Disabilities act is enforced during the building permit review process and each state provides statutes in regard to child and adult daycare facilities.

The applicant was present and available to answer questions.

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

Adams toured the facility and thought 60 adults would be a tight fit. He asked if the floor plan would remain as it is.

Elanora Novik, representing the applicant, stated that the current layout would serve the intended purpose and would be large enough to handle more than 60 adults. Adams asked how soon she anticipated reaching the 60-adult capacity. Ms. Novik said it would depend on different factors. She has seen similar facilities reach capacity in a couple months to six months. Approval from the State of Minnesota is pending.

***Sjeklocha moved, second by Adams, to recommend that the city council adopt the resolution on pages A15–A18 of the staff report. This resolution approves a conditional use permit for an adult day care facility to be located within the existing building at 1712 Hopkins Crossroad. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:***

- 1) Appropriate permits must be obtained from the city's building division and any necessary approvals must be obtained from the fire marshal.
- 2) Prior to issuance of any building permits:
  - a. Record this resolution with the county. A copy of the recorded

resolution must be returned to the city.

- b. Submit evidence of all applicable state, county, and city licenses.
- 3) If no permit is necessary, the following must be completed prior to occupancy by the adult day care business.
    - a. Record this resolution with the county. A copy of the recorded resolution must be returned to the city.
    - b. Submit evidence of all applicable state, county, and city licenses.
  - 4) The number of adult clients at any one time is limited to 60.
  - 5) The day care must have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements.
  - 6) The day care must have an outdoor area for use by clients which is located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas.
  - 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.

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

**C. Items concerning redevelopment of the former Market BBQ site at 15320 Wayzata Boulevard. (11004.11a)**

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.

Adams had no problem with the nature of the business on the site. The parking is adequate. It appeared to him that the biggest problem is the drainage. The water that falls now travels over the curb and into the street or onto the adjoining property. He asked for a description of the infiltration pond. Colleran explained that the site currently drains to the northwest as well as capturing water that runs off of the Montessori property on the east. The water flows over the proposed site to the northwest corner into a grassy-swale area, proceeds north underneath a driveway, and then into a pond area located further north as Twelve Oaks Drive makes a bend. The infiltration basin is designed to capture most of the water from the proposed site and the emergency overflow would occur at the north end of the infiltration basin.

Adams noticed that a Montessori property next door drains onto the proposed site. He asked if the infiltration basin would be sufficient to handle drainage from both properties. Colleran answered affirmatively. If a high-rain event would occur, then the water would discharge to the north as it currently does.

Adams confirmed with Colleran that there is no storm-water sewer in the area. If the Montessori school would redevelop, then engineering staff would look at that parcel at that time to implement best management strategies and practices to try and get more infiltration on that site as well.

Adams asked if it is legal for an adjoining property to drain onto an adjacent property. Colleran explained that current ordinances and water resources plan allow for the existing drainage pattern. One cannot increase the amount of drainage leaving one's property and traveling to another. At a point of redevelopment, then the drainage would be looked at. In most cases, the applicants would be required to reduce the amount of drainage that is leaving one's site. The goal is to infiltrate and hold water back.

Chair Cheleen asked for the rules regarding cleaning out a swale and drainage pond. S. Thomas explained that the city requires a developer or property owner to enter into a storm water maintenance agreement with the city. This provides the city with the ability to inspect the site to see that it is properly maintained and functioning correctly and require rectification of the situation if necessary.

Chair Cheleen asked if the types of plantings and trees had been determined. Colleran responded that a landscape plan would be reviewed and approved by staff prior to issuance of any permits to ensure compliance with ordinances.

In response to Lehman's question, S. Thomas explained that if someone would want to install gas pumps on the site, then that would be considered a change to

the original approval. One of the last conditions of approval requires a change to be reviewed and approved by the city council. Staff is comfortable with the language. Commissioners are welcome to add extra protection. Adding a condition would make it very clear. Lehman was comfortable with staff's recommendation.

Steven Youngstedt, applicant, thanked Gordon and S. Thomas for their time. His family has been in business in the west suburbs for 40 years. He currently has 2 locations in Minnetonka. His family's business is a big supporter in the community including youth sport teams. The business is being forced to relocate from its current Wayzata location. He is excited about the project. The site fits the business' needs and provides the needed exposure. He is willing to work with the city council. He wants the site to look nice and is willing to work with staff to determine proper landscaping. He plans on it being the nicest location to date. He was present with his dad, Larry, and the project's architect, Kathy Anderson.

Chair Cheleen noted that all of the work would be done in the building. Mr. Youngstedt agreed. His business has 13 locations and work is never done outside.

Chair Cheleen pointed out that overnight storage of vehicles would be prohibited. S. Thomas agreed.

Mr. Youngstedt confirmed with Chair Cheleen that if a vehicle had to stay overnight, it would remain inside the building. Mr. Youngstedt said that his business gets rid of abandoned vehicles within a certain amount of time. All of the used tires and used oil are stored inside the building.

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

***Adams moved, second by Daeges, to recommend that the city council approve the following items regarding 15320 Wayzata Boulevard:***

**Master Development Plan and Site and Building Plan Review**

*Recommend that the city council adopt the ordinance on pages A15-A21 of the staff report which adopts the master development plan and approves final site and building plans for construction of an automotive service and tire center at 15320 Wayzata Boulevard. Approval is based on the finding that the proposal meets all required standards and ordinances.*

Approval is subject to the following conditions:

- 1) The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
  - Site plan date-stamped March 21, 2011
  - Utility plan date-stamped March 21, 2011
  - Grading and erosion control plan date-stamped March 21, 2011
  - Landscaping plan date-stamped March 21, 2011
  - Building elevations date-stamped March 21, 2011

The above plans are hereby adopted as the master development plan and as final site and building plans.

- 2) A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
  - a. The following must be submitted for the grading permit to be considered complete. Submit an electronic PDF copy of the plans and specifications.
    - (1) Three full size copies and an electronic PDF copy of the final site, grading, drainage, utility and erosion control plans must be submitted for staff approval.
      - (a) Final utility plan must detail the proposed connection to city utilities. If the applicant chooses to connect to the existing sanitary sewer service line, the applicant is required to televise the line to verify no deficiencies exist and there is no infiltration or inflow of groundwater into the line. If a new connection is provided, the existing connections must be removed and repaired to city standards.
    - (2) Final stormwater plans meeting Rule A criteria outlined in the city's Design Guidelines and Standards. The plans must include the following:
      - (a) Project Plans, including at least:

1. Scale drawing of the site showing property lines and delineation of lands under ownership of the applicant.
  2. Proposed stormwater facility location, alignment and elevation.
  3. Construction plans and specifications of all proposed stormwater management facilities.
- (b) Stormwater Management Plan, signed by a professional engineer, including:
1. Narrative documenting compliance with the city's Design Guidelines and Standards.
  2. Delineation of the subwatersheds contributing runoff from off-site and proposed and existing subwatersheds on-site.
  3. Stormwater runoff volume and rate analyses for existing and proposed conditions for 2-, 10-, and 100-year storm events.
  4. All hydrologic and hydraulic computations necessary to design the proposed stormwater management facilities.
- (3) A landscaping and tree mitigation plan. The plan must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be decreased based on any of the following: the health of trees removed; the ability to appropriately install trees and other shrubbery given existing vegetation and/or topography.
- (4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with grading permit, landscaping requirements, and to restore the site. The developer may submit one itemized letter of credit, if approved by staff. The city will not release or reduce the

letters of credit or cash escrow until work has been completed according to the plans approved by the city.

- (5) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
- (6) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge: The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and if compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

b. Prior to issuance of a grading permit:

- (1) Enter into an encroachment agreement with the city for the parking stalls and drive aisles located within the sanitary sewer easement along the south property line.
- (2) Obtain approval from MnDOT for the new access along Wayzata Boulevard. A copy of the access permit must be submitted to the city.
- (3) Submit all required administration and engineering fees.
- (4) Submit a SWPPP.
- (5) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for staff inspection. These items must be maintained throughout the course of construction.
- (6) Permits may be required from other outside agencies including, but not limited to Hennepin County, the Minnehaha Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits. Copies of all required permits must be submitted to the city.

- 3) Prior to issuance of a building permit:
  - a. Submit an illumination plan for staff review and approval.
  - b. All required hook-up fees must be paid.
  - c. All delinquent property tax and utility bills must be paid in full.
- 4) The approval does not include the signs shown on the plans. Separate sign permits are required for the wall and freestanding signs which meet all sign ordinance standards. Wall signs may only include the tenant's name and logo and must not include any product or service advertising. The monument sign must be located a minimum of 20 feet from the sanitary sewer line. If located within an easement, an encroachment agreement is required.
- 5) The property owner is responsible for replacing any required landscaping that dies.
- 6) All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- 7) Construction must begin by December 31, 2012 unless the city council grants a time extension.

### **Conditional Use Permit**

*Recommend that the city council adopt the resolution on pages A22-A25 of the staff report. This resolution approves a conditional use permit for an automotive service and tire center at 15320 Wayzata Boulevard. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:*

- 1) Prior to issuance of a building permit, this resolution must be recorded with Hennepin County, and a copy of the recorded resolution must be returned to the city.
- 2) The business must comply with all building and fire codes.

- 3) There must be no unlicensed and inoperable vehicles stored on premises.
- 4) All automobile services must be conducted within the building. There may be no service, repair, assembly, disassembly and maintenance of vehicles outside.
- 5) There must be no public address system on the property.
- 6) There may be no sales, storage or display of motor vehicles on the exterior of the property.
- 7) There may be not outside storage on the property, including vehicles, products, parts or service items. All of these items must be stored inside of the building.
- 8) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 9) 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.
- 10) The applicant must agree to these conditions in writing.

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

**9. ADJOURNMENT**

***Magney moved, second by Lehman, to adjourn the meeting at 7:18 p.m. Motion carried unanimously.***

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