

**MINNETONKA PLANNING COMMISSION
MINUTES**

JUNE 2, 2011

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, Planner Stephanie Scott-Sims, Natural Resources Manager Jo Colleran, and Water Resource Engineer Liz Stout.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with an additional condition for Item 8A as provided in the change memo dated June 2, 2011.

- 4. APPROVAL OF MINUTES:** May 26, 2011

Magney moved, second by Daeges, to approve the May 26, 2011, meeting minutes as submitted.

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

5. REPORT FROM STAFF

Wischnack updated commissioners on the actions of the city council on land use items from its May 16, 2011 meeting:

- Adopted a resolution approving the adult day care center on County Road 73 with conditions.
- Introduced an ordinance amendment regarding zoning variances. It will be reviewed by the planning commission at its next meeting.
- Adopted an amendment to the telecommunications ordinance regarding horizontal projections.
- Adopted a resolution approving a flood plain alteration permit for a pool on Biscayne Lane.
- Adopted a resolution to vacate easements on Lake Street Extension.

- Adopted a resolution approving a conditional use permit and site plan approval for Youngsted's Goodyear on Wayzata Boulevard.
- Adopted a strategic profile for the city.

Adams asked if the city is facing a backlog of variance applications once the ordinance is adopted. Wischnack answered affirmatively. S. Thomas stated that the city has received seven variance applications that will be reviewed by the planning commission in July 2011. Of those seven, four were on the agenda for the planning commission meeting prior to the ruling by the Minnesota Supreme Court.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA: None

8. PUBLIC HEARINGS

A. Expansion permit and floodplain alteration permit for construction of a new home at 20 Westwood Circle. (10043.10a)

Acting Chair Adams introduced the proposal and called for the staff report.

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

A. Thomas asked if the rain garden is a condition of approval. Scott-Sims answered that it is not because other techniques could be used to meet the storm water management requirements. It would probably be the easiest tool to meet the requirements, so staff made the suggestion. It is a requirement that the applicant provide a storm water management plan before issuance of a building permit.

A. Thomas questioned what would be possible options. Stout listed options that would include credit for additional wetland buffers, a compost amendment to decompact the soil and add organic material to increase the perviousness of the disturbed soil, installing a rain garden at other locations, and utilizing pervious pavement for the driveway and other hard surfaces.

A. Thomas asked if a depression that would hold water would be an option. Stout explained that the city's infiltration management rule does require infiltration. Most stormwater ponds do not infiltrate through the bottom into the ground water, so a traditional stormwater pond would not be an option. A. Thomas commented

that the traditional ones are a breeding ground for mosquitoes and can be an eye sore.

A. Thomas asked why expansion permits are granted and why nonconforming uses are allowed to perpetuate. He understood that state law allows a nonconforming use to be maintained, replaced, and reconstructed. Scott-Sims explained that there is no option for the property to become a conforming use with current setback regulations due to the limited buildable area.

A. Thomas read "reconstruction" to mean reconstruction that would exactly match the preexisting condition. He was troubled with expanding a nonconforming use and making it more nonconforming. S. Thomas stated that staff discussed the application at length and, at first, did not unanimously agree on the best course of action. The city must allow the property owner reasonable use of the property. Tearing down and rebuilding the residence in the same footprint is one option and would not require any action other than receiving a building permit. Though there are areas of the proposed footprint that are different than the existing footprint, in this case, no part of the proposed house would be located closer to the property lines or required setbacks from the natural features. The footprint would expand in some areas, but would not be closer or more nonconforming in terms of its setbacks. The options are build what was there before or build something different without getting closer to property lines and protected areas. Staff recommends building something preferred over the existing structure that would not increase the nonconformance of the setbacks. Review of an expansion permit allows conditions of approval to be added to the proposal such as stormwater management practices or a conservation easement. That would not be possible if the property owner tore down the existing residence and built in the same footprint.

A. Thomas asked if staff is 100 percent behind a recommendation by the time it is presented to the planning commission. S. Thomas answered affirmatively. Conditions are added until everyone, including engineering and natural resources staff, are comfortable with the proposal.

Magney asked for the differences in the types of wetlands. Colleran explained the eight types of wetlands. Type 1 has saturated soil with plants that will grow in wet conditions and the ground would dry out in summer; type 2 has cattails and looks like a marsh; types 3 and 4 are cattail marshes with open water; type 5 is an open pond; 6 is a shrub-type environment; 7 is a shrub-tree swamp; and 8 is a Tamarack bog and swamp.

In response to Magney's question, Stout explained that any amount of soil would be considered floodplain fill. Fill less than 1,000 square feet or 50 cubic yards could be allowed with just staff approval and any fill over those amounts would require approval of the city council.

Magney noted that the east side of the site is bordered by St. Louis Park.

Adams asked if the property has city water and sewer. Scott-Sims answered affirmatively.

Greg Mlodozyniec, 20 Westwood Circle, applicant, stated that the tank is the clean-out valve for the city sewer. He is acting as the contractor for the project. He has been planning it for 2.5 years. He has met all of the requirements staff requested. He would appreciate approval of the application.

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

Magney visited the site and was concerned with low soil conditions. He was glad a condition of approval would require a soil report approved by the city's building official. Mr. Mlodozyniec has contacted a structural engineer and is waiting to hear back from the geotechnical engineer who would do the soil borings and assist with the structural slab. He is following the recommendations of the building department staff.

A. Thomas moved, second by Daeges, to adopt the resolution on pages A12–A15 of the staff report including an addition provided in the change memo dated June 2, 2011, which approves an expansion permit and a floodplain alteration permit for the construction of a new house at 20 Westwood Circle. Approval is based on the following findings:

- 1) The applicant has met the burden of proof outlined in City Code §300.29 Subd. 7(c):
 - a. Reasonable expansion and circumstances unique to the property:
 - The proposed construction of a new home is reasonable.
 - The existing house was built in 1948 and predates the city's zoning ordinance. The existing house has non-conforming wetland, floodplain, and side yard setbacks.

- The proposed house will maintain the existing non-conforming setbacks and will not intrude into the required setbacks beyond the distance of the existing structure.
 - The proposed floodplain alteration amount is minimal and necessary in order to allow for the grading of the new home. The proposed compensation area is adequate.
- b. Neighborhood character: The proposed new house will maintain the 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.
 - c. Provide a stormwater management plan to the city's engineering staff for review, comment, and approval.
 - d. The property owner must stake the area where the Type 1 wetland edge ends and the Type 2 wetland begins as a "no mow" area beyond that point. Staff must review and approve the location of the stakes.
 - e. The property owner must enter into a "hold harmless/restrictive covenant" agreement with the city. A copy of this agreement must be recorded with the county and a copy of the recorded document returned to the city.
 - f. Provide a soils report from a licensed engineer and structural information from a structural engineer for the new house as required by the city's building official.

- 2) This expansion permit approval will end on December 31, 2012, unless the city has issued a building permit for the project covered by this resolution or approved a time extension.

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

9. OTHER BUSINESS

A. Concept plan review for YMCA at 12301 Ridgedale Drive.

Acting Chair Adams introduced the concept plan and called for the staff report.

S. Thomas reported. Staff recommends the planning commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Lehman asked if the aerial view is accurate. The property appears to overlap with an adjacent property. S. Thomas explained that the Red Stone Parking area does encroach onto the YMCA property. There is a lease agreement between the YMCA and Red Stone for those spaces. The parking agreement will need to be considered for redevelopment of either property.

Tom LaSalle, representing the YMCA, applicant, stated that:

- The YMCA was built in 1979.
- It is a 73,000 square-foot building on 10.5 acres.
- There are 255 parking stalls on one side and 35 on the other.
- In 2009, a market study showed that 7,000 people are members. If a new building would be constructed, then it is estimated that number could be increased by 1,400 new members. Also, 45 percent of the households have interest in programs for individuals 55 years of age and older; 76 percent want a larger indoor walking area; 71 percent want a warm-water, zero-entry pool; and 61 percent want rehabilitation programs.
- The site is not being used efficiently. It is guided for mixed use.
- The programs have become obsolete. It has racquetball courts and cold-water pools. What is being done in 73,000 square feet can be done more efficiently and better in 50,000 square feet. The features people want now can be added.

- The current facility has structural issues. The groundwater is pressing up against the slab, the heat pump is inefficient, and the visibility of the facility needs improvement.
- YMCA has looked for redevelopment options. The goals include moving the YMCA closer to the road to provide better visibility, adding senior housing which meets the market study needs, and constructing a medical office building that would fit in well with the program.
- A neighborhood meeting was held and the feedback was favorable.

Lehman asked what happened when a car ran into a wall near the pool. Mr. LaSalle said that was repaired and did not factor into the decision.

Lehman asked how the programs would change to meet seniors' needs. Mr. LaSalle said that a warm-water, zero-entry depth pool works better for youth and seniors. The summer programs would continue for teens.

Lehman asked what the marketing study showed related to senior housing for the area. Mr. LaSalle said that YMCA is the land owner. A senior housing developer feels the location would be ideal and would fit a niche in the market particularly with the YMCA located next to the senior housing. It would give the senior housing a competitive advantage.

Lehman asked how this project would compare to other redevelopments of YMCAs. Mr. LaSalle said that the Southdale YMCA just began construction. That site had complications. The Minnetonka site will be able to continue to operate until the new YMCA would be operational. If the mixed use plan would not be feasible, then the YMCA would have to close for remodeling. In either case, the result would be an updated YMCA. The operating cost savings would be significant and the spaces would be easier to make work for today's demands.

Daeges asked what type of senior housing would be provided. Mr. LaSalle looked at a combination with primarily independent living and a piece of assisted care or possibly memory loss.

Adams asked if senior housing would be rental or owner-occupied. Mr. LaSalle stated that the developers he has talked to provide rental units.

Adams questioned if there is a similar facility with a YMCA attached to senior housing. Mr. LaSalle explained that the site's size is unique. Woodbury has a similar mixed development.

Adams noted issues for redevelopments of this scale include tree loss and affordable housing. Wischnack provided that the concept plan has been reviewed by the Minnetonka Economic and Development Advisory Commission who has been considering tax increment financing (TIF) and other avenues for the project.

Adams opened a public hearing.

Mike Berry, 2020 Dwight Lane, received a postcard from the city notifying him of the meeting. He was not informed of a previous neighborhood meeting held by the applicant. He is nervous regarding tree loss on the south side of the site and the height of the senior-living building. He questioned how far south the senior building would be located and its elevation.

Mr. LaSalle explained that the concept plan includes a four-story senior building with underground parking for 100 cars. The plan is very preliminary. There is no developer associated with the project yet. The senior building would need to have 150 units, the office building would need to be a reality, and the city would assist with some type of financial assistance for the site in order for the applicant to build a new YMCA financially. If that would not work out, then the current YMCA would be remodeled. The YMCA Board has not approved the proposal.

In response to Adams' question, Wischnack provided that the site is guided for mixed use in the Comprehensive Guide Plan.

Wischnack noted that the city provided the applicant with a list of addresses of surrounding properties and 2020 Dwight Lane was included in the list to be notified of the neighborhood meeting. There will be many more meetings to discuss the proposal.

Mr. Lasalle stated that there is a senior housing building attached to a YMCA and a church in Prior Lake.

Bruce Hofferber, 2100 Dwight Lane, stated that he is a member of the YMCA and has the same concerns as Mr. Berry. He was pleased with the residential concept maintained east of the site instead of a 5-story to 7-story office building that was once proposed. He was concerned with the increase in traffic that would be created by 150 units. The adjacent apartment building currently functions well. He was not sure how YMCA Lane could handle traffic from the office building and senior housing. He did not receive a postcard for the neighborhood meeting, but he did get one from the city for this concept plan review.

The public hearing was closed.

Wischnack will suggest to the developer that another open house be held to provide an opportunity to visit with neighbors. She recapped a list of issues including height of the senior housing building, the need for senior housing, location and presence of the YMCA to be competitive, type of senior housing, rental versus owned, affordable housing, tree loss, sight lines to existing residences, traffic, structural problems with existing YMCA, updating programming, and compare to mixed use redevelopment in Prior Lake. The next part of the process will be a concept review by the city council and then review of a formal application.

Adams asked if there is a sidewalk on the south side of Ridgedale Drive. Wischnack answered affirmatively.

10. ADJOURNMENT

S. Thomas announced that commissioners will be getting an invitation to a concept plan meeting/site walk/open house for a six-story, mixed-use building on the old Samaritan Tire site on June 29, 2011 from 5 p.m. to 7 p.m. The city council and public are also invited.

Lehman moved, second by A. Thomas, to adjourn the meeting at 7:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary