

**UNAPPROVED  
MINNETONKA PLANNING COMMISSION  
MINUTES**

**JANUARY 19, 2012**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, and Water Resource Engineer Liz Stout.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted.

**4. APPROVAL OF MINUTES:** December 1, 2011

*Sjeklocha moved, second by Lehman, to approve the December 1, 2011 meeting minutes as submitted with the following modification: change every "Walker" to "Magney."*

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

**5. REPORT FROM STAFF**

Gordon briefed the commission on upcoming meetings:

- The State of the City address will take place on February 29, 2012.
- The boards and commissions dinner is scheduled for April 18, 2012.
- The citizen academy will begin in February.
- The planning commission meetings will be February 2, 2012 and February 16, 2012 with also a workshop on February 16, 2012.

**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.

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

- A. Twelve-month extension of multiple variances at 17306 County Road 101 W (04013.11a).**

Approve the twelve-month time extension.

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

## **8. PUBLIC HEARINGS**

- A. Conditional use permit for a shed at 4404 Camelot Drive (11034.11a).**

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

Thomson reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Greg Oasheim, 4404 Camelot Drive, applicant, was asked by Sjeklocha why he favored 14 feet rather than 12 feet. Mr. Oasheim stated that his household has 3 soon-to-be drivers and the third stall of the garage would hold another vehicle. The shed was being constructed for additional storage and the additional 2 feet would be used to create additional storage space. The footprint would not allow enough room if the height was not increased. When he looked at the requirements to build a shed, he did not see any height requirement for a shed. Now he realizes he should have stopped by city hall and talked to someone. He has looked around Minnetonka and saw a number of detached buildings that exceed the height he is requesting. He did not think there would be an issue. The proposal maximizes the cubic feet of storage. The plan would include a loft-type area for artificial Christmas trees and things of size that are seasonal.

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

***Magney moved, second by A. Thomas, to recommend that the city council adopt the resolution on pages A10-A13 of the staff report. This resolution***

***approves a conditional use permit for a 96-square-foot, 14-foot-tall shed at 4404 Camelot Drive. Approval is based on the findings that the proposal meets all required conditional-use permit standards and is subject to the following conditions:***

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the site plan date-stamped December 15, 2011.
2. A copy of this resolution must be recorded with the county and a copy of the recorded document returned to the city.
3. The shed must be finished with materials similar to the principal structure, and the siding must be the same or similar color.
4. The shed must meet the fire protection building code standards for the exterior walls that are within five feet of the house.
5. No additional curb cuts are allowed for the shed.
6. The shed must not be used for commercial activities.
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.

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

The item is tentatively scheduled to be on the agenda for the January 30, 2012 city council meeting.

**9. OTHER BUSINESS**

- A. **Concept plan for Keith Waters & Associates, Inc. at 118, 116, 200, 220, and 302 Parkers Lake Road and 15545 Ranchview Court (11030.11a).**

Chair Cheleen introduced the concept plan and called for the staff report.

Gordon reported. He requested the commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Keith Waters, applicant, stated that:

- This is an unusual project. He has worked and lived in and around Minnetonka for over 30 years. Ken Jondahl called him up and said that he has 26 acres of undeveloped land that Mr. Waters did not know existed. Jim Loucks called him 2 days later looking for a location for a dance center in Minnetonka. He walked the site with Ken Jondahl and his sisters and talked about what they wanted.
- The view from the site to the east is the Carlson Towers. The view to the west is a farm with sheep.
- His goal is to be a good steward. The land has been precious to the Jondahl children Ken, Betsy, Susie, and Linda who grew up there. They want to treat the land well.
- Linda Jondahl Lemke will provide the history of the land and Jim Knox will explain fiber optics.

Linda Jondahl Lemke, 100 Parkers Lake Road, stated that she grew up on Parkers Lake Road. She recalls dirt roads, farms, fields, and gardens. By 1960, there were 5 kids living in a 2-bedroom home. The Jondahl property is the last working farm in Minnetonka. She and her siblings love the land. Her parents are gone and it is time for the siblings to let go of the land. She and her siblings want to find the plan and design to allow the highest and best use of the land and create a beautiful place for the people who live and work in the area. The Toll Brothers plan is a good plan and still a possibility, but she and her siblings are looking for the best vision. Keith Waters has provided a vision for what might be done for the front parcel. The plan would include 5 of the 7 parcels. The 2 houses on the northeast corner are not included in the proposal. The property is a transitional parcel. She likes the current plan which includes a low-profile office building instead of a high-density, 3-story building; 20 single-family houses instead of 34 single-family houses; a decrease in hard surface coverage and infrastructure; and better views for all.

Jim Loucks, founder of Fiber Optics, Inc., stated that he is looking for a site to locate an office site and technology center. It would be a great location. The building would be used to house sales and marketing staff and maintain the data

and operations center. The data center would provide high-end solutions that focus on small to medium-size businesses and focuses on telecommunications services. The long-term plan is to develop fiber to the site.

Chair Cheleen visited the site and thought the office building would make good sense. It would be low enough. He asked if there would be obvious commercial activities going on. Mr. Loucks answered in the negative. All of the infrastructure would be subterranean so nothing would be seen once construction would be completed. Personnel would park in underground parking. There would be above-ground visitor parking.

Ken Jondahl, 116 Parkers Lake Road, stated that the view from his residence would be the one most impacted by the proposed office building. He would rather look at the proposed building than the previous proposal. He provided a photograph of a building Keith Waters built in a residential district. He and his siblings liked the idea of a beautiful building in the front. He knows it is a change to the plan. He is asking for comments regarding whether it makes sense or not. He is looking for the highest and best use. The original plan was highest use, but he was not sure it would be the best.

Mr. Waters explained how the site plan was created. He looked at the site as a planned unit development proposal. The basis was to provide a solution for a transitional piece of property. The land north and west of the site have single-family residences; the adjacent southwest parcel is a wetland; the adjacent property southeast of the site is a very large, three-story condominium building; and east of the site, across Parkers Lake Road, there are apartments. The plan should be laid out so the commercial building would be next to the large buildings and the residential lots would fit right in with the surrounding neighborhood.

Mr. Waters stated that the road pattern seems to be the best solution because the street would be connected to the west and Parkers Lake Road. The previous proposal had the connection going through east to west. One of the ponds would have been filled in and mitigating storage would be used. He did not think it would be possible to go through there and get between the two ponds without damaging the wetlands. The road enters from the west and drops down. He pointed out groups of trees. His proposal would place the road through scruffy boxelder trees and buckthorn and work around ponds. As many lots as possible would have a view of a pond, oak trees, or the wetland. The plan would accomplish that goal except for the little lot located on the north corner. The proposal makes the most sense. There would be 800 linear-feet less of road than the previous proposal. It is a good environmental practice to reduce the amount of hard surface.

Mr. Waters said that the data center would be designed to appear residential in character. He wants the building to be part of the transition. It would look like it belongs there and provide a transition between single-family residential and higher density structures. The building would be all stone with cut stone around the windows. It would be a story and a half which would be a reduction from the previously proposed size and mass of the building. The roof would have dormers and break it up into three pieces so no piece would be too large. He provided illustrations of the proposal. The equipment bunker would be underground. It would not be seen at all. Jim Loucks has committed to a sustainable design and development. All landscape materials would be native grasses, flowers, etc. The computer drawing is 100 percent accurate.

Mr. Waters shared that the underground parking is the key component. Employees would drive below the street, enter the building, and exit on the north side. Traffic would be one way. Drivers exiting the site would not be able to enter the residential neighborhood. It would empty out onto Parkers Lake Road. There would be 60 underground spaces and 30 above-ground stalls to accommodate drop offs, handicap parking, and visitors. He pointed out the equipment room where fiber optic equipment would be stored. It would be similar to the clean rooms used for large computers. The temperature would be stable and the humidity controlled.

Mr. Waters stated that there would be 42 percent hard surface coverage. Businesses are allowed 85 percent. There would be no parking on the north side of the building to make it a good residential neighbor. People in the building would have a view of a pond from the lunch room. The building would be LEED certified as sustainable. The proposal would have much less hard cover than high-density housing. It would be a good use of the land.

Sjeklocha noted the comprehensive guide plan's affordable housing goals. She asked if affordable housing would be a possibility. Mr. Waters had a couple preliminary meetings with city staff and that issue was discussed. He was told affordable housing would be desirable, but not required.

A. Thomas asked if the proposal would require fill. Mr. Waters explained that preliminary grading has been done and the fill may be able to be balanced almost exactly. A pump sewer system may be utilized because the sewer is so shallow on Parker's Lake Road. Without the pressure sewer system, about 250,000 cubic yards of fill would be needed, so he opted for the pressure system for the whole community.

A. Thomas asked who would maintain the pressure sewer system. Mr. Waters answered the homeowner's association.

A. Thomas questioned if a mitigation plan had been developed. Mr. Waters expected that no mitigation would be needed. The wetland delineators cannot delineate the site until it gets warmer and the vegetation can be inspected. The wetland delineator walked the site with him in November. A more detailed inspection needs to be done yet. The big wetland is classified as a Manage One wetland and the three others are ponds.

A. Thomas asked if there would be conservation easements protecting any of the trees. Mr. Waters stated that conservation easements would tend to be on the back of the lots. He would prefer not to overlay a conservation easement over a lot because it would be too hard for the homeowner to know the exact boundaries of the conservation easement. A. Thomas noted that a homeowner could purchase a lot and cut all of the trees down. Mr. Waters explained that architectural covenants and a homeowner's association with an architectural review committee would prevent that from happening.

A. Thomas stated that the area has had water issues. He asked if a rain garden had been considered near the office building. Mr. Waters pointed out how the pond located near the building could be extended to the east and made part of a rain garden.

Chair Cheleen asked if the streets would be public. Mr. Waters explained it would be similar to the Portico development. The streets would be public, but the conservation easements and village green would be managed by the homeowners association.

Chair Cheleen was curious if a large loop that would only access Parkers Lake Road would be a possibility. Mr. Waters deferred the allowed length of a cul de sac question to Gordon and S. Thomas. He felt a loop would cause damage to the wetland. Chair Cheleen brought it up because he knew residents would raise the issue. Gordon had a preliminary discussion with engineering staff regarding utilities. Water would not be an issue. It would be looped from Ranchview Court to Parkers Lake Road. The sewer in Parkers Lake Road is a little shallow. Most of the property would be able to be served without lift stations with some insulation added over some of the sewer pipes to protect it from freezing. Most of the sewer would be doable from gravity. There may be a need for some lifts or pumps in some areas. It is preliminary to talk about sewer at this point.

Chair Cheleen commented that the zoning is R-1, but the comprehensive guide plan designates the site medium density. He asked if the proposal would require review by the metropolitan council. Gordon answered affirmatively. Approval of the proposal by the metropolitan council would be a condition of approval for all approvals done by the planning commission and city council.

Gordon explained that many areas of the city are guided for a higher density than currently zoned. There are expectations regarding how the city will reach housing requirements for certain areas. The proposed property has been guided for medium density for four decades. The number of units expected would be 120 units to 150 units for an average, medium-density development. There are other areas of the community, for instance Sunset Hills Apartments on Wayzata Boulevard, that have increased density.

Wischnack reminded commissioners that there are standards to follow if the project moves ahead to the next stage. There would be a comprehensive guide plan review during the platting process.

Chair Cheleen asked if it would be feasible to not connect the road to Ranchview Court. Gordon explained that sewer and water could connect from Ranchview Court to Parkers Lake Road through easements not in a roadway corridor. The city would like the road to connect. It has been planned that way for almost 40 years and would be located on titles of properties that are located on Ranchview Court. The ground work has been laid for the road to be connected to Ranchview Court.

The public hearing was opened.

Vern Bittner, 408 Parkers Lake Road, president of the condominium association, speaking on behalf of the condominium owners, stated that initially, the condominium owners were opposed to the proposal because there would be a commercial building. Planned unit developments are usually 100 acres to 200 acres in size. Chair Cheleen recalled approving planned unit developments 3 acres to 4 acres in size. Wischnack agreed.

Mr. Bittner meant that 100 acres to 200 acres would be required to allow a commercial use. He did not know if that is accurate or not. Wischnack gave United Health Group as an example of a planned unit development with a commercial use located on a property less than 100 acres in size.

Mr. Bittner got his information from Wikipedia. He stated that because of the property being rezoned and the need for a planned unit development variance,

the association voted and the majority of residents voted to work with the city on the proposal with the following recommendations:

- An entrance at 302 Parkers Lake Road would be too close to the condominiums' entrance. He did not know if that would be true, but it looked close on the drawings. It could cause a traffic problem. All employees and visitors would enter at that access. Visitors would exit from that access. This would create a traffic problem.
- Locate the parking lot on the north side or locate visitor parking underground. It would enhance the beauty of the area and enhance its functionality.
- Enforce the speed limit on Parkers Lake Road. There is an awful lot of traffic on Parkers Lake Road during rush hour.
- Go through Ranchview Court to decrease the amount of traffic on Parkers Lake Road.
- Add more landscaping at the entrance at 302 Parkers Lake Road so condominium owners would not have to view the traffic.

Chair Cheleen appreciated his suggestions. He explained that the review at this time is to provide input for the builder, staff, planning commissioners, and the city council. There will be no answer given at this meeting. The comments will be taken into account.

Jim Merdock, 121 Ranchview Lane, stated that, as presented, the proposal is a really good plan. He would love to see it come to fruition. One of the concerns at the neighborhood meeting was having a commercial designation for the one property where the building would be located. He questioned if, in some point in time, that building burnt down would the property still be zoned commercial. Gordon explained that the city can control through the site plan and building permit review process what type of building, intensity of use, number of employees, amount of parking, and so on would be allowed. The approval could include conditions to require future buildings to be similar to the proposed one.

Mr. Merdock opposed adding more traffic to Ranchview Lane, a residential road, and favored directing traffic onto Parkers Lake Road which already has dense traffic and is set up for that. It would be nice to have mitigation for traffic, but he recently learned that public works staff hate speed bumps. He asked how the one-way traffic pattern would be enforced. Gordon noted that the majority of drivers would obey traffic signs; although, sometimes drivers go the wrong way. Mr. Merdock asked if police can enforce traffic violations on private property. Gordon stated that the private owner would have to manage that. Part of the site plan review would look at ways to control the traffic pattern.

Mary Nicol, 408 Parkers Lake Road, asked what would happen when the water table would be hit and how would the water drainage be preserved so that the wetland would not be affected; because, even though nothing would be done directly to the wetland, it would be adjacent, and she questioned how would it be measured to make sure that what would be happening would not have a significant adverse impact. She supports the plan overall. She applauded the Jondahl family and Mr. Waters for taking extra steps to make sure the property would be preserved. Stout explained that before the project could begin, the city would require a large number of soil borings be done to establish where the water table is located to determine stability for roads, home foundations, and underground parking. If it is determined that the water table might be susceptible to problems, water balance studies and ground-water modeling may be required.

Murray Kornberg, 201 Ranchview Lane South, asked why the city has been planning on connecting Parkers Lake Road to Gleason Lake Road through Ranchview Court and Ranchview Lane. Gordon answered to connect the two neighborhoods together, to decrease the number of cul de sacs, and to address a safety issue. Utilities typically follow a street corridor so it would make sense to do them at the same time. The desire of the city would be to create all of that at the same time.

Mr. Kornberg said that drainage and utility easements could provide locations for the utilities. He was not objecting to the plan. There would be an easy way through platting drainage and utility easements along the property lines to create the utility corridor without constructing a street. He understood the comment on connecting neighborhoods. He lives south enough on Ranchview Lane that he would not bear the burden of the extra traffic from the connection, but anyone could see that the proposal would create a pretty easy cut through to Interstate 394. He understood engineering concerns, but he supports traffic-calming measures. Once drivers figure out the proposal creates a hypotenuse to the triangle a lot of drivers who do not live on Ranchview Lane or in that neighborhood will use it as a shortcut.

Mr. Kornberg recalled discussions to reguide the site to something other than medium-density residential. It is a reasonable trade off to take a portion of it and increase density with the commercial use and decrease the density for the rest of the parcel. He was not opposed to the plan. He was concerned with the increase in traffic. He supports some kind of traffic-calming measures.

The public hearing was closed.

Sjeklocha asked for the reasoning for the site's medium-density designation in the comprehensive guide plan and questioned if the metropolitan council has the authority to say "no" to a land use recommendation and, if so, has it done so often. She questioned if there had been more previous proposals regarding this property besides this one and the last one. Gordon explained that the 1974 comprehensive guide plan guided the area from Carlson Parkway to the western edge of the Jondahl property with a few different zoning designations. The uses include a mixed use with office, high density residential, and commercial uses. Over time, those mixed use areas were more defined. Carlson Towers and high-density residential areas were built. This piece is a remaining parcel that was guided medium density because of the surrounding complimentary uses. It was never guided low density.

Gordon explained that the metropolitan council may approve a comprehensive guide plan change from medium-density residential to office and low density residential. The proposal would be sent to adjacent communities. This proposal would be sent to the City of Plymouth for review and to provide comments. The metropolitan council has the authority to approve the change or require higher density.

Sjeklocha asked if the metropolitan council's decision would override the city council's decision. Gordon answered affirmatively. A land use change can only occur if the metropolitan council approves it. A city does not have discretion to make its own land-use changes.

Chair Cheleen asked if a planned unit development would be necessary or if the single-family lots could be rezoned to an R-1 district and the building property could be rezoned for an office use. Gordon explained that a planned unit development takes more effort on the front-end from a procedural standpoint to design the plan, prepare the documents, and go through the approval process. Homeowners associations, covenants, and easements would be needed for a planned unit development. The city would not want to impose a planned unit development on a project whose developer was not capable of completing the project in accordance with approval requirements. The developer would have to request a planned unit development approach.

Chair Cheleen asked Mr. Waters if it would be his intent to have the homeowner's association implement covenants to regulate architectural size and type of residences so there would be uniformity. Mr. Waters stated that covenants would be in place. He is one of the builders on the adjacent property. The covenants for that property were too descriptive and too literal. Some of the lots were too tight for the plans. He thought a planned unit development would

work better. A planned unit development requires the builder to construct the structure according to the approved plans. Rezoning to an R-1 district would remove staff's control to deny plans that meet ordinance requirements. A planned unit development provides the builder with flexibility to save trees.

Chair Cheleen asked if the lots would be for sale for other builders to purchase. Mr. Waters answered positively. He described the options. A development is better off writing some covenants regarding the appearance of garage doors, architectural review, and that sort of thing. He would like to build them all.

**B. Special thanks to commissioners with expiring terms.**

Chair Cheleen thanked Sjeklocha and A. Thomas for their service on the planning commission. Gordon provided statistics related to their time serving as commissioners. Gordon stated that A. Thomas dealt with revitalization of the Interstate 394 corridor with review of the BMW dealership, Whole Foods, Sunset Hills apartments, and Hampton Inn. He also worked on the United Health Group project. A. Thomas is known as the sign knowledge base on the commission. Total number of actions during A. Thomas' tenure on the commission equals 327, including 51 variances and 67 conditional use permits. A. Thomas has had many roles with the city as city councilmember and charter commissioner.

Gordon explained that Sjeklocha became a planning commissioner after serving on the comprehensive guide plan steering committee. She was involved with the adoption of 25 ordinance changes and served as an advocate to make sure the public was involved and included in discussions. Sjeklocha reviewed 429 applications during her service on the planning commission since January of 2008 including 79 conditional use permits and 80 variances.

Gordon thanked A. Thomas and Sjeklocha for keeping staff on their toes and asking good questions.

Chair Cheleen is going to miss the historical knowledge A. Thomas provides and the questions Sjeklocha asks in concern for a proposal's impact on residents and fairness.

Wischnack presented Sjeklocha and A. Thomas with tokens of appreciation from the mayor and city council.

**10. ADJOURNMENT**

***Sjeklocha and A. Thomas moved, second by Lehman, to adjourn the meeting at 8:30 p.m. Motion carried unanimously.***

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