Minnetonka Planning Commission
Minutes
April 9, 2015

1. Call to Order

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

2. Roll Call

Commissioners Magney, Odland, Calvert, Knight, and Kirk were present. O’Connell and Rettew were absent.

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

3. Approval of Agenda: The agenda was approved as submitted with items provided in the change memo dated April 9, 2015.

4. Approval of Minutes

Postponed until the next planning commission meeting.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of April 6, 2015:

- Adopted a resolution approving a telecommunications tower in an industrial district.
- Tabled action regarding items for At Home Apartments.

There will be an open house to review the design of SWLRT stations April 14, 2015 at Hopkins City Hall from 5:30 p.m. to 7:30 p.m.

There will be a joint city council and commissions meeting on April 29, 2015 in the community center from 6:30 p.m. to 8:30 p.m.

The April 23, 2015 planning commission meeting has been cancelled. The next one will be May 7, 2015.

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.

*Odland moved, second by Calvert, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:*

A. Expansion permit for additions to the existing home at 3315 Frear Drive.

Adopt the resolution on pages A13-A17 of the staff report which approves an expansion permit for additions to the existing home at 3315 Frear Drive.

*Magney, Odland, Calvert, Knight, and Kirk voted yes. O’Connell and Rettew were absent. Motion carried and the item on the consent agenda was approved as submitted.*

8. Public Hearings

A. Preliminary and final plat for Congregation Hill, a three-lot subdivision, at 2051 Meeting Street.

Chair Kirk 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.

In response to Calvert’s question, Thomson explained that tree removal would not impact the woodland preservation area number. Colleran added that once the final plan would be submitted, then staff would learn the total amount of tree loss. There could be 7 additional high-priority trees that could be saved. As it is now, the proposal would remove 22 high-priority trees.

Bill Coffman, of Gonyea Homes and representative of the land owner, Frank Donaldson, concurred with staff’s recommendation. He was available to answer questions.

The public hearing was opened.
Gang Zhange, 14780 Summer Oaks Drive, asked staff to point out his residence on the map in relation to the proposed development. He learned that his residence is much further away from the proposed site than he previously thought.

Bill Baron, 2081 Meeting Street, was happy with the way the proposal would be laid out with the high-priority trees. He is happy with the proposed plan.

Calvert stated that there are great trees on the property, so please save as many trees as possible.

No additional testimony was submitted and the hearing was closed.

Calvert moved, second by Knight, to recommend that the city council adopt the resolution on pages A11-A18 of the staff report with modifications provided in the change memo dated April 9, 2015 which grants preliminary and final plat approvals to Congregation Hill, a three-lot subdivision, at 2051 Meeting Street.

Magney, Odland, Calvert, Knight, and Kirk voted yes. O’Connell and Rettew were absent. Motion carried.

Chair Kirk stated that the item is tentatively scheduled to be reviewed by the city council at its April 20, 2015 meeting.

B. Items concerning construction of a new convenience store/gas station at 3864 Hopkins Crossroad including a conditional use permit, final site and building plans with setback variance, and monument sign variance.

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

Thomas reported. She recommended approval of the application for a conditional use permit, approval of the final site and building plans with setback variance, and denial of the sign variance based on the findings and subject to the conditions listed in the staff report.

Knight asked if the common access between Perkins and the gas station would stay as it is now. Thomas answered affirmatively. There would be no changes to the curb line of the existing station property. There would still be free flow of traffic between the Perkins site and the subject property.
Knight agreed that the sign variance should be denied. The property owner could decide to sell the car wash in the future which would then make it necessary to tear down the new, big sign to provide a sign appropriate for one business.

Magney asked why the application is for a setback variance rather than an expansion permit. Thomas explained that staff found that the request could have gone either way. Staff determined that it would be better to establish a variance for the site, thereby eliminating “non-conforming” rights.

Chair Kirk asked if the two lots were combined, would that then change the sign-size requirements. Thomas answered that one monument sign with a maximum of up to 60 square feet of copy and graphic area and 90 square feet of total size would be allowed.

Mark Ogren, president of Croix Oil Company, applicant, has owned the property for 15 years. It is a tired facility that does not properly utilize the site. It needs to be improved in order to compete as a retail business. Remodeling the interior of the building was considered and found to be cost prohibitive. Staff’s report was well stated. The existing building would be torn down. The only part that would remain would be the exterior of the carwash building. He was excited. This would be his first opportunity to do a rebuild. It would be good for the city and the developer because it would be a show piece he could show perspective franchisees. He was fine with two signs instead of one large one.

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

**Odland moved, second by Calvert, to recommend that the city council adopt the following for 3864 Hopkins Crossroad:**

1. *Resolution approving a conditional use permit for a non-service station retail facility having gasoline pumps (see pages A29-A34 of the staff report).*

2. *Resolution approving final site and building plans with setback variance for a non-service station retail facility having gasoline pumps (see pages A35-A43 of the staff report).*

3. *Resolution denying variance to allow for copy and graphic, dynamic display, and monument areas exceeding city code allowances on a monument sign (see pages A44-A47 of the staff report).*
Magney, Odland, Calvert, Knight, and Kirk voted yes. O’Connell and Rettew were absent. Motion carried.

Chair Kirk stated that the item is tentatively scheduled to be reviewed by the city council at its April 20, 2015 meeting.

C. Items concerning reconstruction of County Road 101 from Highway 62 to Hutchins Drive and associated new construction at 5735 County Road 101.

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

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

Calvert confirmed with Thomas the floodplain alteration/mitigation amounts.

Chair Kirk asked how closely the city’s projects follow wetland mitigation and tree preservation ordinances. Thomas explained that the city’s ordinances provide allowances to replace public infrastructure. The proposal is being reviewed by the planning commission and city council because a developer would be required to go through the same review process. Colleran agreed. Additionally, the city does a good job of meeting the standards. The state law allows road credits to mitigate for impacts created by a roadway. It is up to the city council to agree that the wetlands could be replaced somewhere else as allowed by banking credits. That would be true of any applicant. She provided Cantera Woods as an example. The applicant purchased wetland bank credits and mitigated wetland alteration with a previously created wetland. The city holds itself to the same standard, but recognizes that public infrastructure and facilities have more constraints, so flexibility is built into the ordinances.

Chair Kirk noted that the state and watershed district are two regulatory agencies that make sure that the city is following the rules. Colleran answered affirmatively. The Wetland Conservation Act is state law. The Board of Water and Soil Resources oversees that enforcement. There are also checks and balances done by the watershed districts.

Chair Kirk attested that curb and gutter improvements positively impact the control of an area’s runoff. He supports all of it.

Colleran explained that city ordinance allows private property owners to remove trees within a basic tree-removal area within the structure pad, 20 feet from a
structure, and 10 feet from a parking lot or driveway. The same is true for a city application. Anything beyond that tree loss requires mitigation. That would be true for any applicant.

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

*Odland moved, second by Knight, to recommend that the city council:*

1. Adopt a resolution approving a floodplain alteration in conjunction with the County Road 101 reconstruction project at 6016 and 5609 County Road 101 (see page A6-A10).

2. Adopt the ordinance removing areas from the wetland overlay district at 5735 County Road 101 for relocation of the Clear Spring Elementary School bus access (see pages A11-A13).

3. Approve by motion use of BWSR Road Replacement Program Credits for wetland fill at 5735 County Road 101 relocation of the Clear Spring Elementary School bus access.

4. Approve by motion road reconstruction project landscaping in lieu of tree mitigation for the required stormwater ponding and relocated bus access.

*Magney, Odland, Calvert, Knight, and Kirk voted yes. O’Connell and Rettew were absent. Motion carried.*

Chair Kirk stated that the item is tentatively scheduled to be reviewed by the city council at its April 20, 2015 meeting.

9. **Adjournment**

*Odland moved, second by Knight, to adjourn the meeting at 7:28 p.m. Motion carried unanimously.*

By: ________________________________

Lois T. Mason
Planning Secretary