1. **Call to Order**

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

2. **Roll Call**

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

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

3. **Approval of Agenda:** The agenda was approved as submitted.

4. **Approval of Minutes:** May 7, 2015

   *Magney moved, second by O’Connell, to approve the May 7, 2015 meeting minutes as submitted.*

   *Rettew, Calvert, Knight, Magney, O’Connell, and Kirk voted yes. Odland 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 18, 2015 and June 1, 2015:

- Adopted a resolution approving the Music Barn Apartments.
- Affirmed the interim use permit for the Big Thrill Factory.
- Approved a work plan for the Glen Lake Village Center Study. Meetings will start in July and last through September.

6. **Report from Planning Commission Members**

Chair Kirk and Wischnack reported on the SWLRT project.

7. **Presentation**
A. NEMO Presentation

Stout introduced John Bilotta from the University of Minnesota extension service program. Mr. Bilotta gave a presentation on land use issues related to the commission’s purview and how decisions impact water resources.

In response to Kirk’s questions, Mr. Bilotta explained that in regard to holding water, pollutants, and sediment on a site, the alternative would be to allow them to travel downstream which causes issues wherever the sediment settles. The quality, quantity, and rate of water is controlled by on-site ponding to prevent flooding, stop pipes from blowing up, and prevent causing pollution.

Calvert asked if ground water levels have changed over the last 30 years. Mr. Bilotta referred commissioners to a presentation by Jason Meckel from the Department of Natural Resources that can be viewed online. That is the question for 2015. It has not been determined how surface water impacts ground water.

8. Public Hearings: Consent Agenda

No items were removed from the consent agenda for discussion or separate action.

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

A. Amendment to the sign plan for 12800 Whitewater Drive.

Adopt the resolution approving an amendment to the Minnetonka Corporate Center Sign Plan for the relocation of a wall sign at 12800 Whitewater Drive.

B. Seven Hi sign plan amendment.

Adopt the resolution repealing and replacing the Seven Hi sign plan.

C. Conditional use permit for Cross Fit Gym at 2806 Hedberg Drive.

Recommend that the city council adopt the resolution approving a conditional use permit for a fitness facility within the existing industrial building at 2806 Hedberg Drive.
Rettew, Calvert, Knight, Magney, O’Connell, and Kirk voted yes. Odland was absent. Motion carried and the items on the consent agenda were approved as submitted.

The city council is tentatively scheduled to review Item 8C at its June 22, 2015 meeting. The planning commission’s decisions may be appealed to the city council for Items 8A and 8B if notice is provided in writing within 10 days to planning staff.

9. Public Hearings

A. Items concerning 4124 Skyview Road.

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.

Rettew asked if locating the addition on the east side had been considered. Thomas answered affirmatively. She described the layout of the house. It is possible the front yard setback would not be met if the proposed addition would be moved.

Diann Crane, 4124 Skyview Road, applicant, appreciated commissioners considering her variance request. She is happy to be at the meeting to hear the NEMO presentation. She is an entomologist with the MN Mosquito Control District. She appreciates the concerns. The rain event in 1987 did not cause any problems for her property.

The public hearing was opened.

Donald Grussing, 15404 Lake Street Extension, stated that he got 15 inches of rain in 1987. His back yard is at the same elevation as the applicant’s. He had no water in his backyard at that time. The city did dredge the pond in the 1970s. He is concerned sediment may have settled in it again, but there is absolutely no chance of flooding occurring in the floodplain area.

No testimony was submitted and the hearing was closed.

Chair Kirk asked how the impact to the floodplain would impact things downstream. Stout explained that the floodplain ordinance requires zero net fill of floodplain with any alteration. An equal amount of excavation must be done to
keep the volume amount the same. Thomas added that the proposed addition would not be located within the floodplain. It would be located below the emergency overflow of the floodplain.

Chair Kirk questioned if sediment build up in the pond would be monitored. Stout explained that a natural wetland used for stormwater purposes is handled differently than a stormwater pond constructed for a development. The area pond is a natural wetland. There are rules for dredging or any type of alteration that would be handled by natural resources staff. The city has permit requirements to inspect and maintain stormwater ponds.

Magney moved, second by O’Connell, to adopt the resolution and changes provided in the change memo dated June 11, 2015 approving floodplain setback variances and an expansion permit to maintain the existing lowest floor elevation for remodel/additions to the existing home at 4124 Skyview Road (see pages A14–A20 of the staff report).

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

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

B. Conditional use permit for a school in an industrial district at 11111 Bren Road West.

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

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

Rettew asked if a parking study had been done. Cauley explained that the existing site has over 800 parking stalls which is well above the anticipated parking needs of the proposal as well as what is required by the ordinance. Eagle Ridge has a permitting process that will limit the number of staff and students who would park on site. The proposal would still have sufficient parking.

Calvert asked if the increase in traffic during peak hours is a cause for concern. Cauley explained that the traffic study found that there would be no significant adverse impact. The intersection would operate at a satisfactory level.
Chair Kirk noted that schools are unique. He asked how many parents would be dropping off students. Cauley stated that it is estimated that 55 percent of the students would be bused.

Chair Kirk asked how close the light rail would be located to the proposed site. Cauley provided a map with the SWLRT location. It would come within a quarter mile of the proposed site. The traffic study noted that few students would use the light rail.

Jason Aldridge, representing the applicant Eagle Ridge Academy, stated that Cauley knows the school better than he does. There are more students waiting to get into Eagle Ridge Academy than there are students currently enrolled at Eagle Ridge Academy. He was available for questions.

Knight asked if all of the bus traffic would travel on Shady Oak Road. Mr. Aldridge answered affirmatively. The buses would enter the site from Shady Oak Road and exit onto Bren Road.

Calvert asked what surfaces would be used for the sports fields. Mr. Aldridge answered grass. The playground would also be grass.

Rettew asked what attracted the applicant to this site. Mr. Aldridge answered that the site is almost perfect. It would be within 10 minutes from the current site; the building would be at least 160,000 square feet; the site is 17.74 acres; and it would have ample parking. There are 120 staff members. A small percentage may use light rail. The school controls the number of parking permits. There would be plenty of parking area. Data Card had over 800 employees.

Chair Kirk noted that there would be no overflow parking for events. Mr. Aldridge stated that the events occur after the peak evening hours. The school would control the scheduling. The afternoon busy time is from 3:10 p.m. to 3:35 p.m. The times can shift as needed.

Chair Kirk asked if an all-school event ever occurs that would overwhelm parking on the site. Mr. Aldridge answered in the negative. The band concerts draw 200 to 250 families. There would be an auditorium. The site would not be able to host graduation. Another site would be used for that.

Cauley noted that 142 parking stalls are required by ordinance. The proposal would be well over the required amount.

The public hearing was opened.
Patricia Shoop, 11012 Abbot Lane, stated that she was a school teacher for 40 years. Personally, she felt like the area is being locked in. There is a school on the south side. The proposed school would be huge. United Health is on another side. It is impossible for a driver to get onto Ferndale. A motorist cannot travel north between 3 p.m. and 5 p.m. The traffic is horrendous. She wants to know where the playground would be located. The noise level travels. The postcard was received May 29. She would have liked to provide input earlier. She is not against the school. She is concerned about the noise and traffic.

Rick Nelson, 9615 Briar Circle, working with the applicant, stated that he worked with the Data Card employees who told him that they had between 850 and 900 employees in the building. The only reason the business moved was because the building could not accommodate its future growth. Data Card’s traffic burden during peak hours was significantly more than what would be created by Eagle Ridge Academy. If he was a resident, he would rather see a use like Eagle Ridge occupy the site than a user that would fill the building similar to Data Card.

Melissa Mein, 3925 Williston Road, stated that her three children attend Eagle Ridge Academy. She passionately believes in the school. The wait list is huge. The building would fill those needs. She understood the traffic and noise concerns. She volunteers at school and she does not hear students on the other side of the building.

Dave Horner, resident of Eden Prairie, stated that three of his children attend the school and he cannot say enough good things about it. He also works for United Health Group. He would be happy to answer questions. The traffic would be the same if one would be traveling to school. It is congested wherever a school is located. He likes the one-way street system. The current site’s parking is tight. He has faith that the school administration would handle any parking problem at the proposed site.

Christie White, 17409 Comet Circle, has a child at Eagle Ridge and two children at the Minnetonka School District. She is very impressed by the Minnetonka School District, but Eagle Ridge provided her oldest a fresh, wonderful start in a smaller setting. Minnetonka would be lucky to have Eagle Ridge.

Ann Watanabe, chair of the board of Eagle Ridge Academy and parent of students attending Eagle Ridge Academy, provided a plan illustrating the location of the playground. It would be surrounded by trees, be on a higher elevation than the entire site, and no adjacent properties would be residential.
Paul Hines, 11112 Abbot Lane, stated that he would like his neighborhood recognized as a neighborhood by commissioners and the city council. The staff report describes the subject property as surrounded by mixed use with residential, industrial, and commercial properties. He was sure the school may do a good job of educating students, but the current school on Bren Road is not kind to his neighborhood. This would be the third school adjacent to his property despite the staff report that omits residential houses from “surrounding land uses.” He believes that there are houses closer to the proposed building than the Sundial Center and St. Mary’s Cemetery. There are houses across the street from the proposed site. Noise would be created by traffic. He doubted that the number of vehicles would not increase from when Data Card was in operation. There would be 12 to 15 buses every day which make more noise than cars. His neighborhood keeps being encroached upon by neighbors who are not always as friendly as the cemetery folks. The school owning the property would make the site exempt from property taxes. He would appreciate commissioners giving consideration to the 74 homeowners in the neighborhood.

No additional testimony was submitted and the hearing was closed.

Chair Kirk clarified that the property tax question is not in the purview of the planning commission. He reviewed the questions provided in the public hearing. He asked if having three schools in one area would be an issue. Cauley explained that the ordinance lists allowed uses and conditionally permitted uses for each zoning district. Commissioners review if the proposal would meet the conditional use permit standards. The city has previously approved schools for the area with conditional use permits. Thomas added that there is no regulation of how many of the same use may be located in an area.

Chair Kirk asked staff to comment on the noise concern. Cauley explained that the noise ordinance applies from 10 p.m. to 7 a.m. The children would not be at school during that time.

Chair Kirk noted that parts of the Opus one-way and two-way streets would be rerouted due to the SWLRT. Wischnack stated that is not true. The one-way system helps with traffic. There is one stop light in the entire park and 12,000 drivers. The direction of Red Circle Drive would be reversed and Green Oak would be reversed to travel north bound and have a circle pattern around the proposed lite rail station. There is a major pedestrian-improvement plan for the entire Opus area that includes a trail from Shady Oak along Bren Road. The changes would be an improvement to the area.
Chair Kirk asked about public notice timing. Cauley clarified that the applicant may have entered into a purchase agreement on the property in March, but the city does not notify residents until a land use application is received. The residents within 400 feet of the proposed site are sent public hearing notifications.

Mr. Aldridge explained that the school operates from 8 a.m. to 3 p.m. There would be students outside for 1 hour to 1.5 hours. The athletic field would be a practice field and may also be used for physical education. The summer program has up to 55 students. The students may be outside a couple hours each day. The building and a ravine would block the playground from residents. There would be no lights on the athletic field.

Calvert was helped by hearing the comparison of a fully saturated business with the proposal in terms of traffic generation. Even with the buses, the proposal would result in a net reduction of traffic trips. She favored natural turf. The proposal would be a nice improvement to the site.

Chair Kirk noted that the conditional use permit would stay with the property. He asked how the conditions such as hours of operation and use of the soccer field would be governed. Cauley explained that any changes would require the conditional use permit to be reviewed again by the planning commission and city council.

Calvert asked if there would be a benefit to utilize an interim use permit rather than a conditional use permit to limit the property’s use to one owner. Cauley responded that the industrial district does not have an interim use provision.

Rettew agrees with Calvert. The site will not remain vacant. The site could have 900 employees driving individually instead of 55 percent of the students being bused. For the region, it would reduce traffic. It feels like a coup for the use to move to Minnetonka. He supports the proposal.

Kirk concurred. He supports the project. He was not sure at first if a school would be a good neighbor for a SWLRT station. It would open up the opportunity for people that live near the SWLRT to access the school. The proximity may fit. He agreed that the traffic would be less impacted by a school than Data Card. The traffic problem would be minimized to 15 minutes in the morning.

Calvert moved, second by Rettew, to recommend that the city council adopt the resolution on pages A20–A25 of the staff report. This resolution
approves a conditional use permit for Eagle Ridge Academy at 11111 Bren Road West.

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

Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

10. Other Business

A. Concept plan review for Pagel Activity Center at 19313 State Highway 7.

Thomson 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.

Tom Morris, with HTG Architects, on behalf of the applicant, stated that there are issues with traffic, parking, and a steep slope. There would be a concrete retaining wall. The floor level would be the same as the existing facility. A traffic study is being completed by SRF. His son plays hockey at the existing facility, so he knows what navigating the current parking lot is like.

Jim VanBergen, member of the Minnetonka Youth Hockey Association Board of Directors, stated that the project has been considered for a number of years. There is a serious ice-shortage issue. There are 879 kids who are in the Minnetonka School District and are in the program. USA Hockey is the governing body. The association is 1,200 hours short of ice time to run the program. The proposal would be a focused, practice facility. It would not be used for varsity games or other large-scale events. The current Pagel rink would maintain its current use and design. The added space would be a scaled down rink with no bleachers. The youth hockey association would completely fund and build the project. There would be no use of taxpayer dollars. The land is unusable for any other purpose. The youth association would not have access to the rink prior to 5:15 p.m. The high school has control of the facility all day long. If there would be a game at the Pagel rink, then there would be no use of the proposed rink. He was available for questions.

Calvert is familiar with the site. It is one of the few places on campus that has a porous surface. She asked how stormwater management would be handled. Mr. Morris stated that would be looked into. Stout indicated that the high school
constructed an “oversized” stormwater management system under the tennis courts on the south side of the site to provide water quality treatment and filtration for what the master development plan considered the maximum build-out conditions for the site. Rate control would still need to be evaluated for this proposal. There is some additional capacity in the existing system.

Rettew asked why this site was picked. Mr. VanBergen stated that purchasing land somewhere else and building a new facility is not a possibility economically. There is value in having connected rinks and the association works in partnership with the school district. The infrastructure cooling system could work for both rinks. There are no other reasonable options.

Rettew stated that he will have questions when an application is reviewed for the proposal on how the stormwater treatment plan would handle the steep slopes.

Mr. VanBergen noted that the proposal would eliminate the need for the team practicing off site to travel off site after school since there would be enough ice to accommodate both of the boys and girls high school teams.

Chair Kirk asked if there would be a way to reduce the massive-box look. Mr. Morris explained that the wall panels would match the other panels. Some of it would be set into the slope. Chair Kirk would like to see alternatives to a big, flat wall. He suggested horizontal striping.

Mr. VanBergen said that a tournament on one rink does not work. The proposal would allow more practice time, but not a tournament.

Chair Kirk mentioned that the hill down to the dome gets crazy congested in the winter. He asked how the drop-off would work for the proposal. He asked if way finding signs could be located on the county road. Thomson said that could be considered. Adding internal way finding signs has been discussed with the fire marshal. The traffic study will look at the entire campus parking and traffic issues and enrollment. The school district would be part of the planning effort.

Magney asked about the potential road connection to Michaele Lane. Thomson said there is no city interest in making a connection between the school and the neighborhood. Magney noted that there has been an ice shortage for 20 years.

Tim Connelly, 5270 Michaele Lane, stated that his concern is directed at the high school. When Pagel was built, the school district agreed to have a gate installed on the east side to control traffic. After a couple years, the school abandoned it. He wants that implemented again and required to be maintained. There should
be a gate by the music hall as well to close off the east lot. The traffic and noise is increased dramatically without the gates. He appreciated commissioners being volunteers.

Calvert wondered what provisions would be put in place to minimize disruption to the school. Mr. VanBergen said that the construction would not start during the school year. Construction would not begin until next summer. The bulk of heavy construction would be done in the summer and completed within 5 months.

Wischnack summarized the requests for more information on the proposal’s stormwater treatment plan, steep slope issues, involving school district staff on creating a comprehensive campus solution, the exposed view from the west side, congestion created by the dome, the Pagel gate system, and moving the proposal closer to the east side. The city council will review the concept plan June 22, 2015.

11. Adjournment

*Calvert moved, second by Rettew, to adjourn the meeting at 9:40 p.m. Motion carried unanimously.*

By: ________________________

Lois T. Mason
Planning Secretary