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, Odland, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, Planner Jeff Thomson, Planning Technician Ashley Mellgren, Water Resources Engineer Liz Stout, and Natural Resource Specialist Aaron Schwartz.

3. **Approval of Agenda:** The agenda was approved as submitted with modifications and additional comments provided in the change memo dated June 25, 2015.

4. **Approval of Minutes:** June 11, 2015

   *Odland moved, second by Magney, to approve the June 11, 2015 meeting minutes as submitted.*

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

5. **Report from Staff**

Wischnack briefed the commission on land use applications considered by the city council at its meeting of June 22, 2015:

- Adopted a resolution approving a conditional use permit for Cross Fit Gym.
- Adopted a resolution approving items for Eagle Ridge Academy.
- Adopted a resolution vacating easements for Bauer Custom Hitches.
- Reviewed the concept plan for the Pagel Activity Center.
- Discussed the cross parking agreement involving the Play and Learn and Lone Spur.
The first Glen Lake meeting is tentatively scheduled for July 9, 2015. More information will emailed when it becomes available.

A developer will be holding a meeting July 16, 2015 from 3 p.m. to 5 p.m. regarding a site on Bren Road East located fairly close to United Health Group. The proposal is a large apartment building.

6. **Report from Planning Commission Members**: None

7. **Public Hearings: Consent Agenda**: None

8. **Public Hearings**

A. **Conditional use permit for Kona Grill at 12401 Wayzata Boulevard.**

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.

Chair Kirk asked if the sidewalk detail needs to be taken into consideration by the commission. Thomson explained that the site plan and sidewalk are included as a condition of approval, so they would be reviewed administratively by city staff during the building permit review process. More detail may be worked out before the city council meeting.

Chair Kirk asked if the sign would be located on Nordstrom’s wall. Thomson clarified that it would be the shopping center’s wall, but outside of the Kona lease space.

Chair Kirk assumed that the shopping center has regulations on exterior exposure signs. Thomson confirmed that the center has its own internal wall regulations. The city allows exterior signs for department stores, restaurants, and Ridgedale itself. The proposed amendment to the sign plan would apply the same regulations to all restaurants that have exterior frontage at Ridgedale Center.

Ian Brown, representing Kona Grill, applicant, stated that the height of the sign was meant to be visible through the trees and be complimentary to Red Stone Grill’s sign. The most important thing is for the sign to be located high enough to be visible.
In response to Chair Kirk’s question, Mr. Brown stated that he is working with the landlord to make the sidewalk feasible.

The public hearing was opened.

Ben Freeman, of General Growth Properties, representing Ridgedale Center, stated that he is working with Kona Grill and staff to locate the sidewalk and to find a balance of the sign with the façade. He supports these the Kona and Redstone sign, but not for all restaurants in the shopping center.

No additional testimony was submitted and the hearing was closed.

Odland asked if there would be access into the restaurant from the parking lot. Mr. Thomson explained that a patron would have to go into the mall’s glass entrance first to enter the restaurant. He believed Red Stone would have mall and exterior accesses.

Chair Kirk noted that it would be nice to know if Red Stone’s plans would be in alignment. He assumed Red Stone could be addressed in a similar way. Thomson agreed that it would be nice to look at the requests together. The restaurants are on different time frames. The Redstone application has been submitted and may be reviewed at the next planning commission meeting. Both items will be reviewed by the city council July 13, 2015.

Chair Kirk asked if there would be more of a separation between a restaurant and the sidewalk. Thomson clarified that an enclosure such as tall planters would be required to separate the area where alcohol would be served.

Rettew was not sure about proceeding without knowing Red Stone’s plans. Thomson stated that staff’s recommendation would not change dependent on Red Stone’s application. The recommendation is based on Kona Grill.

Chair Kirk confirmed that the proposed amendment to the sign plan would apply to every restaurant in Ridgedale Center.

Odland asked if the proposed sign plan amendment would allow Ike’s to locate its sign on the façade of the building. Thomson explained that Bar Louie’s blade sign was specifically approved for that tenant space because it was done in lieu of another sign. Bar Louie would not be required to change its signage.

The public hearing was reopened.
Mr. Freeman was open to tabling action on the sign plan amendment portion of the application.

No additional testimony was submitted and the hearing was closed.

Chair Kirk noted that the sign plan amendment could be tabled until the July 9, 2015 planning commission meeting to be reviewed at the same time as the sign plan amendment for Red Stone Grill. Thomson agreed.

Rettew confirmed with Thomson that the sign plan amendment would apply to Ridgedale only. Ridgedale is one of the most unique developments in Minnetonka. No other retail establishment is the same.

*Rettew moved, second by Odland, to recommend that the city council adopt the resolution on pages A8-A12 of the staff report which approves the conditional use permit for a restaurant in Ridgedale Center at 12401 Wayzata Boulevard and postpone action on the resolution on pages A13-A16 of the staff report which approves an amendment to the sign plan for Ridgedale Center at 12401 Wayzata Boulevard until the planning commission meeting on July 9, 2015.*

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.

**B. Variance for a pool and spa to be located between the front property line and the existing home at 4915 Highland Road.**

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.

The applicant was present for questions.

The public hearing was opened. No testimony was submitted and the hearing was closed.
Odland moved, second by O’Connell, to adopt the resolution on pages A7-A11 of the staff report which approves a variance to construct a pool and spa in front of the existing home at 4915 Highland Road.

Rettew, Calvert, Knight, Magney, O’Connell, Odland, and Kirk voted yes. 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.

C. Items concerning the property at 3211 Chase Drive.

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.

Calvert asked what would happen in the future with a new owner. Cauley explained that the property owner would be required to reside in one of the units, but the city cannot approve or deny the application based on who resides in the unit that the property owner is not living in. Calvert asked if the intent is to prevent the space from being rented. Cauley answered that rental could occur. The current proposal would be occupied by the property owner and family members of the property owner.

Cauley explained that the property owner was unable to attend the meeting, but does agree with the staff report and conditions of approval.

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

Calvert thinks the proposal is a great idea. She has heard comments from neighbors in support of the addition for the family and the neighborhood.

Odland moved, second by Rettew, to recommend that the city council adopt the resolution approving an aggregate side yard setback variance for an addition and a conditional use permit for an accessory apartment at 3211 Chase Drive (see pages A13-A19).

Rettew, Calvert, Knight, Magney, O’Connell, Odland, and Kirk voted yes. Motion carried.
This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.

In response to Kirk’s request, Thomas explained city ordinances related to single-lot subdivisions and zoning ordinance requirements.

D. Preliminary plat, with lot width variances, for a two lot subdivision at 12601 Ridgemount Avenue.

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

Cauley reported. She recommended denial of the application based on the findings listed in the staff report.

Ashish Aggarwal, applicant and Plymouth resident, appreciated the opportunity to speak. He stated that:

- He strongly believes that the project would greatly enhance and add value to the neighborhood.
- He lived in Minnetonka for 11 years. He moved to Plymouth because he could not find a new construction house in Minnetonka.
- The option of building 2 smaller houses on the site stood out.
- He sought feedback from 25 neighboring properties, hosted an open house, and sent letters to those who could not attend. Two neighbors attended the open house and were supportive of the small house options. Staff has received no opposition to the lot split from the immediate houses. The only comment was from a neighbor outside of the immediate area.
- The only reason for staff’s recommendation of denial is because of the inability to meet lot width setback requirements. He consulted other professionals. He respectfully disagrees with staff. He believes that one big mcmansion would change the character of the neighborhood, but two smaller houses would not.
- The proposal would be attractive for the city and the neighborhood because the lot is unique in the neighborhood. It is 170 feet in width. There is no other lot as large in the neighborhood. The existing lot does not fit the character of the neighborhood. Twenty percent of the neighborhood’s lots do not meet the lot width at the setback requirement.
- On the north side of Ridgemount, some lots are as narrow as 65 feet.
• Putting a mcmansion house on the lot would change the character of the neighborhood. Building a large mcmansion would reduce the value of the existing properties. Building houses that fit the scale of the neighborhood would increase the value of the neighborhood.

• Two small houses would be in line with the spirit of R-1A zoning which the city council recently enacted. There is a need for more diversity in housing. His proposal would meet setback requirements and the mcmansion policy.

• The proposal would support the 2030 land use and comprehensive guide plan that calls for 2 to 3 housing units per acre for this area.

• The proposal would provide much needed vitality in this neighborhood.

• The advantages of the project outweigh any shortcoming.

• He requested the city approve the application. He was available for questions.

Samantha Gross, architect for the applicant, stated that:

• The site is in a great neighborhood across from the elementary school.

• If a large house would be built on the site, it would devalue the neighboring properties and they would be looked at as land only.

• Our vision is to fit two houses that would fit nicely on the lots and remain in the scale of the neighborhood instead of one oversized house.

• There would be no issue with the mcmansion policy and the building pad would stay within setback requirements for an R-1 zoned property.

The public hearing was opened.

Max Norton, resident of Inver Grove Heights, on behalf of the applicant, stated that:

• He saw nothing but advantages to the immediate neighborhood and the city at large to divide the single lot into two.

• Staff has pointed out that precedent is determined on an individual basis.

• The commission’s value is to weigh the benefits even if the measurements do not all fall exactly into place.
Granting a variance is a concession. In this case, it would be an improvement instead of a detriment. The existing house would be removed and replaced with two new, attractive, environmentally sensitive, conservatively sized houses without overshadowing or altering the value of the houses on either side.

This is an opportunity to guide the first step in renewal of the neighborhood.

No additional testimony was submitted and the hearing was closed.

In response to Rettew’s question, Cauley explained that the property divided into a lot behind lot would require a right-of-way lot width variance.

Rettew asked how the proposed site compares to surrounding properties. Cauley said that traveling down Ridgemount Avenue, the proposed lot appears similar in width to the surrounding lots from Sunset Drive South to City View Drive. The proposed site is deeper, but that is not visible from the road.

In response to Rettew’s question, Cauley answered that of the properties along City View Drive, 2 properties are 22,000 square feet and the rest exceed 43,000 square feet which is similar in size to the proposed site.

In response to Calvert’s question, Cauley explained that one of two criteria need to be met for a property to be considered for rezoning to R-1A. At least 60 percent of the lots within a neighborhood need to have lot standards that do not meet ordinance requirements or all lots would be accessible by a newly created street. The proposed site would not meet either of those conditions.

Magney noted that the north side of Ridgemount is in Plymouth. Cauley agreed. Staff determined that those lots do exceed 100 feet in width.

Calvert stated that ordinances are created for a reason. Although the arguments are good ones, she supports staff’s recommendation. Arbitrary decisions are not good. The proposal would change the character of the neighborhood because the proposed houses would be very close together and the lots would be very narrow.

Chair Kirk was on the fence since the lot was close to meeting the requirements. He understood the applicant’s thoughts on one large house. Mr. Aggarwal said that a house up to 10,000 or 15,000 square feet in size could be built and meet setback requirements on the site. His proposed lots would meet setback requirements.
Magney favored two small houses, but the unique circumstance requirement for a variance is not met. Calvert concurred with Magney. It is so close, but there is a burden of proof that would not be met even though the arguments are compelling and she is sympathetic to the need for single-family housing within the desired requirements of young families.

O'Connell asked what the findings to approve the proposal would be. Cauley explained that it would be up to commissioners to identify the findings or reasons for the city council to approve the application and grant a variance.

Odland stated that while there are compelling arguments, staff has done a fantastic job laying out the visual impact of how the proposal would look when driving down the road. Perhaps if the lot was located on a corner, then it would be more amenable, but it appears like it would be the sore thumb of the neighborhood and not enhance the area.

Calvert was not convinced that the burden of proof would be met to approve a variance.

Chair Kirk noted that each situation is unique.

*Odland moved, second by Magney, to recommend that the city council adopt the resolution denying a preliminary plat with lot width variances with the changes made in the change memo dated June 25, 2015 at 12601 Ridgemount Avenue (see pages A7-A9).*

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

E. Preliminary plat, with lot width variance, for Oakhaven Acres 2nd Addition at 13929 Spring Lake Road.

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.

Rettew said that it seems to make more sense to divide a long, skinny property to create a lot behind a lot. The other benefit would be that the house in the front could be more centered and provide an easement for the driveway for the back lot. Thomson stated that, in general, it is much more desirable to have frontage
on a street from the city and homeowner’s perspective for utility connections and access. The proposal would make more intuitive sense for the location of the property lines. A lot behind lot would create the need for a substantial variance on one lot to have the other lot conform to ordinance requirements. Given the 100-foot frontages currently along Spring Lake Road, the proposal makes the best sense.

Rettew asked if the applicant had considered a lot behind a lot. Thomson stated that more than two lots had been considered. The amount of the impact on the trees would not have met ordinance requirements.

Rettew asked what makes this application different than the proposal reviewed for 12601 Ridgemount Avenue. Thomson answered that the existing lots in the current proposal’s neighborhood are narrower than city standards. The proposed lots would be the same width as the existing lots.

Odland asked if moving the driveway to save four trees had been considered. Thomson invited the applicant to answer the question. He thought the location of the driveway had to do with the sewer easement. Instead of the driveway covering the length of the sewer line, it is better for the driveway to cut across a portion of it on the west.

Chair Kirk confirmed with Thomson that any improvement done in a utility easement runs the risk of the improvement having to be removed at the cost of the property owner. Driveways are allowed to crossover utility easements to gain access to the house.

Chair Kirk asked what defines a tree preservation area. Schwartz answered that a woodland preservation area relates to the composition of species and woodland characteristics. Most of the high-priority trees on the site are single trees. There are some large oak and evergreen trees in the area. The area to the south does have a woodland character to it. The species in the area are more floodplain species. A remnant woodland area is more valuable. Thomson added that the proposal locates the house outside of the woodland area. Chair Kirk noted that the circumstance is unique and not caused by the property owner.

Ben Wickstrom, of Lakewest Development, applicant, stated that:

- His engineer looked at the topography when positioning the driveway. He was happy to change the alignment of the driveway so it would wrap around the four trees.
• City ordinance allows the applicant to remove 25 percent of the woodland area. He understood the concern.
• The location of the house in the back is due to the utility lines. It is also a much nicer setting.
• The intent here is to provide a fitting visual impact, spacing of houses, create an impervious surface limitation in combination with the lot area, and avoid long, narrow lots. The lots would be over 100 feet wide and fit with the character of the neighborhood.
• Moving the utilities would be addressed at the time of the building permit. The owner would like to see the two lots.
• He was available for questions.

The public hearing was opened.

Marie Carlson, 13915 Spring Lake Road, stated that:

• She asked when the mcmansion policy went into place. There is one house in a newer development that has a FAR of .24.
• She supports moving the driveway to save the trees.
• She supports conditions looking at the FAR.
• The neighborhood has no other houses in another residence’s back yard. She did not want a house in her back yard. If it is done well, there should be enough room to be able to share.

No additional testimony was submitted and the hearing was closed.

Thomson referred to the mcmansion illustration included in the staff report. The policy was adopted in 2008. A “FAR neighborhood” includes the properties 1,000 feet up and down the street and all properties within a circumference of 400 feet from the site. The FAR is the total above grade house and attached garage floor area, plus one half of any partially exposed area, divided by the lot area. The FAR of a neighborhood changes over time. It does not matter when a house was constructed. The site could meet the mcmansion policy. The maximum FAR for the proposed site is .24.

Rettew noted that a large house on a deep, narrow lot would appear large from the street. Thomson agreed. The mcmansion policy is just one way to measure neighborhood character. The site needs a lot width variance, so the lot widths in the neighborhood are looked at as part of the neighborhood character.
Chair Kirk asked how much control the commission has regarding the building pad. Thomson explained that the city does not restrict house size or location unless there is a benefit or connection between the variance that is being requested. The house location and size is restricted by tree preservation ordinances. In this case, the proposal requires a lot width variance which makes the mcmansion policy apply to the proposal. The house will still need to meet setback requirements which may impact the size.

Wischnack added that the intention of the mcmansion policy is to look at a broader view rather than a specific lot.

Thomson clarified that the application’s variance is related to the lot width. Staff is recommending that the lot width is reasonable based on what is happening in the neighborhood. No other lots in the area have a FAR restriction. It would be burdensome to put a FAR restriction based on the lot width variance because there are several other lots of less than standard without such restriction.

Calvert heard the neighbor’s concerns regarding the impact on her sight line and trees. She asked what could be done to help address those concerns. Thomson explained that the relocation of the driveway would help meet Ms. Carlson’s goal by moving the driveway away from her property and saving four trees adjacent to her property line. Thomson pointed out where the buildable area would be on the lot.

Rettew was opposed to staff’s recommendation to approve the variance because it did not meet the burden of proof. There are policies for a reason. He was against making long, skinny lots skinnier. There might be other lots in the area that have the lot width, but he did not feel like that is the character of the city overall. He did not know if he appreciated staff’s concerns about a lot behind a lot scenario. He would vote to deny the proposal.

Chair Kirk saw a 2.6 acre lot which is considered large. It is reasonable to have 102 feet of width as it relates to the lots in the area which also have 100 feet of width. The view from the street would be very consistent. There are a number of situations where houses end up behind houses in Minnetonka. He saw the request as being reasonable. The property is encumbered by the easement. The property with 2.6 acres is clearly large enough for 2 houses on reasonably sized lots. He supports the proposal because the lot width would be similar to the lots in the area. The fact that Spring Lake Road makes it a larger front yard view makes it even better. It meets the intent.

Calvert and O’Connell concurred with Chair Kirk.
Odland moved, second by Magney, to recommend that the city council adopt the resolution on pages A7-A14 of the staff report which grants preliminary plat approval to Oakhaven Acres 2nd Addition, a two lot subdivision at 13929 Spring Lake Road, with a change to move the driveway to save 4 high-priority trees.

Calvert, Knight, Magney, O'Connell, Odland, and Kirk voted yes. Rettew voted no. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.

F. Preliminary plat, with lot width variances, for Buckman Addition at 15700 Highwood Drive.

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.

Chair Kirk stated that the site has very obvious, unique circumstances.

In response to Odland’s question, Thomas explained that staff revised Exhibit B to show a very small area in the corner of the site as woodland preservation area. The revision will provide clarification in the future.

O'Connell asked for the meaning of a “functional setback.” Thomas used the term to point out that where the existing house is actually located, there is well over 110 feet of area.

Knight noted that the driveway is currently located in the neighbor’s yard. Visually, it looks like the lot is wider, but it is not. Thomas agreed. The property was once larger and divided in the 1970s. The driveway is allowed by an easement.

Chair Kirk noted that the access easement and driveway would stay.

Linda Buckman, 15700 Highwood Drive, thanked commissioners and staff. She was available for questions.
The public hearing was opened. No testimony was submitted and the hearing was closed.

Calvert saw this one as more cut and dry. This one seems easier to come to a conclusion. She supports staff’s recommendation to approve the proposal.

Chair Kirk noted that the unique circumstances of the lot allow a buildable area that is further back than the setback. If the front yard setback was 70 feet, then the lot could comfortably have enough room for a house.

O’Connell added that the front of the lot could be modified to not need a variance, but the variance would improve the site.

Odland moved, second by O’Connell, to recommend that the city council adopt the resolution approving the preliminary plat with lot width variances of Buckman Addition with the modification provided in the change memo dated June 25, 2015 (see pages A10-A16 of the staff report).

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.
G. Preliminary plat of Saville West, a twelve lot subdivision generally located at the southeast quadrant of the County Road 101/Excelsior Boulevard intersection.

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.

In response to Chair Kirk’s comment, Thomas explained that a PUD is a flexible zoning district with a specific site plan to regulate the appearance and location of buildings very specifically. R-1A is a traditional zoning district that has no flexibility if a property meets ordinance requirements. The R-1A ordinance has a maximum FAR and impervious surface and height restrictions.

Wischnack added that R-1A zoning establishes lot size parameters which have to be discussed and determined in each case with a PUD.

Thomas explained that the proposal has been evaluated based on the lot width correction to the R-1A ordinance provided in the supporting information section of the report.

Chair Kirk asked if the wetland currently exists and how it operates with the pond. Thomas answered that the wetland is a naturally occurring wetland. The pond would be created. Stout explained that most of the site, including the new cul-de-sac, would drain into the newly constructed stormwater pond and overflow into the existing wetland. There would be 2 small raingardens on Lots 10 and 4 that would capture and treat the runoff from those lots.

Chair Kirk noted that the houses on the north and northeast drain into the wetland. Stout explained the drainage patterns for the area.

Rettew asked if there would be room for snow removal. Thomas answered affirmatively. Public works personnel did not indicate any snow removal or storage concerns.

Reid Schultz, of Landform Professional Services, representing the applicant, stated that:

- He thanked staff for their endless help throughout the process.
- In 2014, Lakewest proposed a subdivision of 22 townhomes. There were major objections from neighbors and the city council. A new
concept was created and a neighborhood meeting was held in December of 2014 to listen to the concerns. The consensus is a result of the city council and neighbors’ concerns.

- The neighbors were concerned with the width and character of Spring Lane and preferred Tracy Lane to provide access. That is what is being proposed. The existing bulb of the cul-de-sac would be vacated.
- He submitted a rezoning application. He has met with staff to discuss a number of concerns. He intends to meet all of the conditions.
- He requests a recommendation of approval.
- He was present to answer questions.

The public hearing was opened.

Roger Omlid, 5321 Tracy Lynn Terrace, stated that:

- Over the last 12 years, there have been renters at the site and it has been abandoned.
- He supports development of the site. It is a beautiful property. Get it done. The developer is good.

No additional testimony was submitted and the hearing was closed.

Chair Kirk noted that part of the property vacated would go to a neighbor and part to the city. Thomas explained that right-of-way easement vacations are reviewed only by the city council.

**Odland moved, second by O’Connell, to recommend that the city council adopt the resolution approving the preliminary plat of Saville West (see pages A27-A40 of the staff report).**

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

This item is tentatively scheduled to be reviewed by the city council at its July 13, 2015 meeting.
9. Adjournment

*Odland moved, second by Knight, to adjourn the meeting at 9:25 p.m. Motion carried unanimously.*

By: ____________________________
Lois T. Mason
Planning Secretary