1. **Call to Order**

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

2. **Roll Call**

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

   Staff members present: Community Development Director Julie Wischnack and Planner Jeff Thomson.

3. **Approval of Agenda:** The agenda was approved as submitted with one additional comment provided in the change memo dated July 20, 2015.

4. **Approval of Minutes:** June 25, 2015

   *Magney moved, second by Odland, to approve the June 25, 2015 meeting minutes as submitted. Calvert, Knight, Magney, Odland, Rettew, and Kirk voted yes. O'Connell was absent. Motion carried.*

   **Concept Plan Review:** July 9, 2015

   *Odland moved, second by Magney, to make no changes to the July 9, 2015 concept plan review summary as submitted. Magney, Odland, and Kirk voted yes. O'Connell was absent. Calvert, Knight, and Rettew abstained. Motion carried.*

5. **Report from Staff**

   Wischnack briefed the commission on land use applications considered by the city council at its meeting of July 13, 2015:

   - Adopted a resolution approving a conditional use permit and side yard setback variance for a property on Chase Drive.
   - Adopted a resolution approving a conditional use permit for Kona Grill.
   - Adopted a resolution approving The Oakhaven Addition on Spring Lake Road.
   - Adopted a resolution approving the Saville plat on Excelsior
Boulevard and County Road 101.

- Adopted a resolution approving the preliminary plat for Buckman Addition on Highwood Drive.
- Tabled action for a preliminary plat on Ridgemount Avenue.
- A $2 million funding commitment was made to SWLRT.
- The city council adopted a new liquor policy.

A community meeting will be held this Thursday, July 23, 2015 to discuss Glen Lake and another will be held August 3, 2015 to discuss the Ridgedale area. Staff will send an email with the details.

6. Report from Planning Commission Members

Rettew apologized for being absent at the last meeting and causing the lack of a quorum so no action could be taken. He announced his resignation from the commission due to moving out of the city. Wischnack appreciated his service and invited residents to apply to be a commissioner.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

Odland moved, second by Rettew, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:

A. Resolution approving an aggregate side yard setback variance for an addition at 16924 Cottage Grove Avenue.

Adopt the resolution on pages A9-A12 of the staff report which approves an aggregate side yard setback variance for an addition at 16924 Cottage Grove Avenue.

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

An appeal of the planning commission’s decision to the city council must be made in writing to the planning division within 10 days of this meeting.

8. Public Hearings
A. A conditional use permit for Redstone American 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 said that he would not vote on the item or ask questions due to a possible perceived conflict of interest since he works for the YMCA.

Knight confirmed with Thomson that the proposed sign would be located on the side of the mall itself.

Rettew asked if the outside eating area would be enclosed in the winter. Thomson answered in the negative. It would be seasonal.

Rettew asked if construction had started already and if that was authorized. Thomson explained that the expansion of the mall is under construction. There is no work occurring for the restaurant tenants. That would not begin until approval of the conditional use permit.

Michael Wilkus, of Wilkus Architects, representing Red Stone Grill, the applicant, stated that:

- He was present to answer questions regarding the conditional use permit.
- No construction has started. He has not applied for a permit yet.
- There would be interior dining that would open to the exterior.

Rettew asked if the boulders would contain the eating area enough to satisfy liquor license requirements. Thomson answered affirmatively. The area would be fully enclosed by tall boulders that would meet the requirement.

In response to Calvert’s question, Thomson explained that pedestrian traffic would not be prohibited, but the sidewalk would narrow to five or six feet wide at one point. There is landscaping near the boulders that might be pulled back to allow two more feet of sidewalk width. Mr. Wilkus stated that the sidewalk to the east in front of Nordstrom’s is five feet wide. He would work closely with staff and General Growth Properties to make the sidewalk wider.
Rettew asked if there are concerns with traffic flow and people being dropped off and picked up in front of the restaurant. Mr. Wilkus explained that the drive is very wide. There would be an island before the parking starts. The applicant is not concerned at all. In this case, parking is adjacent and massive. There is no food pick up service being offered at this time.

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

*Odland moved, second by Rettew, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report which approves the conditional use permit for a restaurant in Ridgedale Center at 12401 Wayzata Boulevard.*

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

This item is tentatively scheduled to be heard by the city council at its meeting on July 27, 2015.

**B. Sign plan amendment for Ridgedale Center.**

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

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

In response to Chair Kirk’s question, Thomson clarified that Kona submitted an application, Redstone submitted a separate application, and General Growth Properties has agreed to both of the applications.

Chair Kirk noted that there are two approvals to consider. One is to increase the size from 30 inches to 42 inches which staff supports and the second is the sign location. Staff’s recommendation is to locate the sign somewhere on the trade dress of the store even though that may exceed the one-story space. Thomson agreed. Thomson explained that staff did not want to include anything in the covenant that would dictate where the sign would have to be located, because the applicant may locate the sign within the building’s elevation.

Odland asked if another tenant could be impeded. Thomson said that is what staff is trying to prevent. There would be tenants behind the wall, but they would face the mall interior. Those mall tenants are not allowed to have signs on the
exterior of the building in that space, but it could be used for a “Ridgedale” sign in the future.

Rettew asked for the allowed maximum size of department store signs. Thomson answered that signs may be up to 8-feet tall. Nordstrom’s signs are 5.5 feet to 6 feet. Macy’s sign was approved to be 12 feet in height by the city council.

Rettew asked if this would set a precedent for businesses not in the mall. Thomson answered in the negative. All restaurants in the center would be treated the same, but the proposal would not apply to a restaurant not located in Ridgedale Center. General Growth Properties has approved the proposal.

Odland confirmed with Thomson that Bar Louie could not add an additional sign on the façade of the Ridgedale Center structure in addition to what is already there.

Chair Kirk noted that Kona Grill is requesting approval of a second sign for which staff is recommending denial. Thomson pointed out an illustration of the proposed vertical sign at the base of the tower structure. Chair Kirk noted that if that sign would be approved, then that would potentially allow Bar Louie to apply for a second sign at the same elevation.

Calvert and Thomson reviewed the amount of space between the top of the parapet to the overhang.

Chair Kirk asked how high a tenant could build a tower to accommodate a sign. Thomson said that staff wants to balance that carefully. Staff wants the sign within the building elevation, but does not want the sign location to drive the design of the exterior of the building. Staff would not want to see the facades of the restaurants to extend 35 to 40 feet to allow the sign to be taller. The towers are reasonable and provide a function by identifying the entrance to the space.

Odland asked if something would identify the entrance to Redstone outside of the center. Thomson said that once a patron enters the mall, then both entrances for Red Stone and Kona Grill would be right there. It would be possible that the sign would lead patrons to think an entrance is located on the exterior of Kona Grill, where there would be none.

Knight asked if restaurants are allowed to stay open later than the mall. Thomson answered that restaurants are allowed to stay open later. Knight was curious how patrons would access Kona Grill if the mall doors would be locked. Thomson invited the applicant to address the question.
Rettew asked if light pollution would be a concern. Thomson said that was looked at. The application would comply with ordinance requirements. The sign and lights would face a large parking lot and Interstate 394.

Michael Wilkus, on behalf of the applicant, stated that:

- He has worked closely with staff on lowering the sign and providing the correct character for the mall elevation.
- All of the other restaurant signs are located above their space. Red Stone would not project above the first floor space, except for the tower. Big Bowl and Bar Louie signs are above their spaces. The imposing mall façade gives the applicant the opportunity to balance having the proposed signs higher.
- He supports the way finding. The parking lot is large and the sign must be seen from a long ways away. Redstone does have to rent space in the second floor area.
- The Redstone sign would be tastefully done. There would be no glaring, bright lights. The sign would be lit from behind to create a halo effect.
- He provided a letter from General Growth in support of the application.

Rettew asked for the benefits of locating the sign on the mall façade. Mr. Wilkus said the sign would be quite a bit lower on Red Stone property. The proposal would be done tastefully. Elevation is the main reason.

Rettew questioned what would be done if the application would not be allowed. Mr. Wilkus did not know. Mr. Wilkus worked closely with Kona Grill who worked hard to create a balanced elevation and placed their sign at 42 feet above the ground elevation also.

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

Knight liked seeing development of the restaurants on the outside of the building. It turned the center from a rather mundane, big-box building to a lively site. He liked the proposal and supports the sign location and size as requested by the applicant.

Rettew agreed. He did not have a problem with the size. He did not understand how putting the sign on the restaurant façade would increase way finding. Having
the sign higher would increase way finding. The restaurants want their signs visible from Interstate 394. If the owners of Ridgedale support the proposal, then it would be fine with him. This site is distinguished from other sites. He was on the fence regarding the second sign. He agreed with the applicant in regard to sign location and size.

Magney concurred in regard to the height. The brown color would set it apart from the rest of the mall. He agreed with staff’s recommendation for the second sign. He opposed the second sign. He was fine with the application’s proposed size and location.

Odland noted that the Kona Grill space would be nondescript. She questioned if starting the trend would lead to visual pollution down the road. She supports staff’s recommendation.

Chair Kirk felt putting the sign on the mall box without limitations could be dangerous. He did not want the mall to turn into a billboard. He would have to see a limitation thrown into the mix that would require the applicant to build something that did not have a human scale as it got into the parking lot. It takes a 45-foot building and reduces it to 25 feet and eventually down to 10 feet. He did not want to create a situation where every restaurant builds a 35-foot tower in order to put a sign on it. The visibility from the top of the parapet of the mall would be more visible from Interstate 394. He suggested including limitations. He suggested looking at reducing the height of the sign to a reasonable elevation to not allow the big boxes that enclose the mall itself, besides the anchor stores, to become billboards.

Calvert agrees. The Macy’s sign is enormous for the facade. It has a billboard feel. There would be congruity between the Nordstrom’s sign, the Red Stone sign, and the Kona Grill sign in tone, color, and fonts. It seems tasteful. She is conflicted. If the signs would be located on the restaurant façade, it would detract from the design. Each sign permit is reviewed on a case by case basis. She wants to keep signs consistent and not constantly change the regulations for signs on the mall walls.

Chair Kirk commented on how Ridgedale Center has changed since 1980. It is alright for commissioners to consider changes while maintaining control.

Knight said that his understanding is that the top of the sign could not be above the top of the restaurant facade. He asked if another restaurant would be constructed opposite Chipotle, then would the city have design control on how tall the tower could be. Thomson answered affirmatively. Knight noted that would
limit where a sign could be located for a new restaurant. The proposal looks nice. The signs are proportional. He could not image that General Growth Properties would allow a big, tall tower. He liked the proposal.

Chair Kirk asked if there would be a height limitation for a tower. Thomson noted that it could be a design consideration of the conditional use permit. The conditional use permit could find a tower out of scale with the mall. Chair Kirk noted that the commission could recommend approval of the application with the condition that the top of a sign could not exceed the height of a tower governed by conditional use permit review.

Odland noted the importance of anchor tenants. She questioned if restaurants would be allowed to have signs on the center facade, then would other retailers want signs on the center facade also. She wants to make sure every Ridgedale tenant would have the same rules to abide by.

Calvert visited Eden Prairie Center. Thomson provided examples of signs for restaurants at other malls.

Rettew was not as concerned with setting a precedent. Ultimately, those applications would be reviewed by the planning commission. The interests of the center and the city are aligned. Aesthetics is important to the owner. He asked what limitations would make Chair Kirk comfortable with the proposal. Chair Kirk was not sure he was ready to create limitations. He was referring to the tower in his original comments about the height of the tower being the limit on the height of the sign so that it would not creep up to the top of the box behind it. Thomson said that is an option. Staff always considers possible future tenants. Restrictions must be able to be equally enforced. Requiring a sign to be no taller than the tower’s elevation or a requirement to center a sign within the mall facade would be enforceable. A specific dimension from ground level would not be enforceable.

Rettew confirmed with Thomson that Kona Grill’s tower and Redstone’s tower would not be equal in height.

Odland stated that locating the signs on the actual business would negate that problem, keep the playing field level, keep in character with the neighborhood, and keep the center a classy place.

Rettew also wants to keep the area beautiful. The proposed design looks better than it would on the building.
Odland thought staff took everything into consideration including future uses and treating each similar use the same. She supports staff’s recommendation.

Chair Kirk noted that the proposed store fronts would not accommodate a 42-inch sign very well. He received a consensus with commissioners that going from 30 inches to 42 inches would not be a problem and the second Kona sign would not be supported. The placement and height need to be discussed.

Rettew stated that, technically, the applicant could locate the sign at the top of the 35-foot tower which is higher than the proposal. Thomson stated that the sign would be allowed on the tower, but it was not clear if the sign would be considered within the tenant space if it would be mounted on the roof of the new structure.

Knight likes the looks of the fronts of both of those buildings. Hopefully, the applicant would have some design style and not put the sign on top of the roof. He thinks the applicant is better than that.

*Rettew moved, second by Calvert, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report which approves a staff-drafted amendment to the sign plan to increase the size to up to 42 feet and not allow a second sign for restaurants at Ridgedale Center at 12401 Wayzata Boulevard.*

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

*Odland moved, second by Magney, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report which approves a staff-drafted amendment to the sign plan option 3 that allows signs for restaurants only to be located outside the tenant space subject to review by the planning commission, based on the unique circumstances of the restaurant and its building design for Ridgedale Center at 12401 Wayzata Boulevard.*

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

This item is tentatively scheduled to be heard by the city council at its meeting on July 27, 2015.

C. Items concerning Salsa a la Salsa at 11390 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.

Justin Wang, representing CSM and head of leasing for Westridge Market, the applicant, thanked Thomson and staff. He agrees with staff’s recommendation. He was available for questions.

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

Calvert thought the location would be nice for an outdoor patio. She saw no drawback to replacing a few parking stalls with a patio.

Knight asked if the parking lot restricts which patrons may park where. Thomson answered in the negative. The property has the same owner and all of the businesses have shared parking agreements.

Odland moved, second by Knight, to recommend that the city council adopt the resolution on pages A15-A18 of the staff report. This resolution approves a conditional use permit and minor amendment to the West Ridge Market master development plan for an outdoor dining patio at 11390 Wayzata Boulevard.

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

This item is tentatively scheduled to be heard by the city council at its meeting on August 17, 2015.

D. Items concerning 500 Milbert 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.

Odland asked if the accessory apartment would be more along the lines of a senior suite instead of a duplex. Thomson answered affirmatively. The proposal would be restricted to be an accessory apartment. It could be no larger than one third of the residence.
Magney clarified that the residence is located on 506 Milbert Road and the new address for the accessory apartment would be 500 Milbert Road.

Dan Mackey, applicant, thanked staff and commissioners for their work. The proposal would be a mother-in-law apartment. He prefers the proposal. That would give his in-laws 950 square feet and a 2-vehicle garage. He, his wife, and 5 kids would have a 2-vehicle garage and 3,300 square feet of living space. His house would not have a basement. That is the only reason the exception is needed. The site is 99.9 percent compliant with ordinances. His family has a lot of allergy issues with mold, so the basement would not be constructed. He was available for questions. He has 4 vehicles already. More vehicles would be parked outside if the proposal would not be approved. He hopes the proposed plan will be approved.

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

Calvert was conflicted. The site comes so close to meeting the requirements. The design appears to be very attractive, but it would be out of character with most of the houses in the neighborhood which are mainly single-story ramblers on the small side. It seems like it would be disproportionate with most houses, although there is a large house across the street.

Odland asked what precedent would be set by approving the proposal. Thomson said that the lot size makes the site unique. It is very close to conformance with ordinance requirements. There is flexibility with the mcmansion policy to allow for home designs that would exceed the FAR if it would be compatible with the neighborhood. It would set a precedent in decision making that the FAR could be increased in certain circumstances. He suggested commissioners articulate the reasons for their recommendation in this particular case.

Chair Kirk noted how the second option would impact the design. The proposal would exceed the mcmansion policy by 440 square feet which would pretty much be the size of a two-car garage. There would be a small area for the basement. Thomson explained that a full basement with egress windows is not included as square footage in calculating FAR.

Rettew was inclined to support staff’s recommendation. He felt like it would be close enough and would be consistent with the neighborhood character.
Calvert supports the idea of the mother-in-law apartment. She understood the purpose. It would be big compared to the neighboring houses. The property was subdivided at one time to provide a certain type of housing stock which the proposal would no longer be.

Odland noted that the 3,300-square-foot portion of the residence could be reduced.

Rettew was sympathetic since he was in the market for a house. He did not want to make the applicant start from scratch given that the proposal is so close.

Chair Kirk struggled. There are two lots at .24 FAR that are relatively small lots with reasonable size houses. The lots around the subject property are larger and the FAR is half. When new houses are built, a 2-car or 3-car garage and two stories are expected. Whether the unit is used by a family member right now or rented to a non-family member in the future, the residence would provide an affordable rental unit that is needed in Minnetonka. The FAR would be disproportionate with the neighborhood.

Knight stated that the property has a certain frontage width. The houses across the street have a lot more square footage, but do not have any more frontage. Those properties could have just as big of a house on their lot and a far smaller FAR, but the house would look just as big as the proposed one. He questioned penalizing the subject property because it is not as deep as others across the street. He struggled with that.

Knight supports parking the vehicles in a garage. Commissioners concurred.

Knight was concerned that the commission would recommend denial of this proposal, but the next commission would allow a neighbor to do something similar in the future.

Calvert stated a reason to allow the property to go to .26 FAR is because it is such a fine line. There is a 5-foot difference in the lot size. She sympathized with the applicant. Recommending approval because the difference is only 5 feet may be a reference for the future.

Chair Kirk noted that the FAR for the neighborhood would go from .24 to .26. He thought that was almost nothing.
Odland knew of neighborhoods in Minneapolis where the FAR was increased a small amount and the character and affordability of a neighborhood were changed.

Calvert thought it would be nice to have newer homes in that size of housing stock. She is afraid of the creep of the FAR.

In response to Chair Kirk’s question, Thomson suggested commissioners use the provision of the mcmansion policy that allows the city to approve a specific house design that would exceed the maximum FAR based on the uniqueness of the lot size and the site’s similar lot width as other properties along Milbert Road. It would not approve any plan with FAR of .26, but only this specific building plan. The lot size is just under the minimum requirement, by 30 square feet, to not have any house-size restriction.

Chair Kirk noted that the site’s increased width and shorter depth make it unique to surrounding properties and the lot size is within 30 square feet of the mcmansion policy standards which make the application unique.

Knight moved, second by Rettew, to recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment (on pages A16-A20 of the staff report) and adopt the resolution eliminating the maximum floor area ratio requirement (on pages A14-A15 of the staff report) associated with the property at 500 Milbert Road.

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

This item is tentatively scheduled to be heard by the city council at its meeting on July 27, 2015.
E. A conditional use permit for an educational institution at St. Paul’s Lutheran Church at 13207 Lake Street Extension.

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 hours of operation would be tied to the conditional use permit. Thomson said that the conditional use permit would be tied to a use with similar hours and enrollment. A change would require an amendment to the conditional use permit.

Sheri Brennan, president of the council of St. Paul’s Lutheran Church, applicant, stated that the school is compatible with the church and will use space not currently being used during the weekdays. There is ample parking space. Other groups meet in the evenings. It would be a complimentary service. The neighbors have been notified. She thanked Thomson for working with them.

Calvert asked if there would be a benefit to using an interim use permit in this case. Thomson said that interim uses are utilized for transient, temporary, or uses with a time limit put in place usually for a larger redevelopment goal. In this case, there is no redevelopment plan in the area that the use would inhibit.

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

Rettew moved, second by Odland, to recommend that the city council adopt the resolution approving an educational institution at 13207 Lake Street Extension (see pages A9-A13 of the staff report).

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

This item is tentatively scheduled to be heard by the city council at its meeting on August 17, 2015.

9. Adjournment

Odland moved, second by Rettew, to adjourn the meeting at 8:41 p.m. Motion carried unanimously.
By:  ____________________________

Lois T. Mason
Planning Secretary