Minnetonka Planning Commission
Minutes
February 5, 2015

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Principal Planner Susan Thomas, Water Resources Engineer Liz Stout, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda: The agenda was approved with Item 8A, a sign plan review for Ridgedale Center, being postponed until the March 5, 2015 planning commission meeting at the applicant’s request due to the applicant’s inability to attend the meeting.

4. Approval of Minutes: January 22, 2015

*Kirk moved, second by Magney, to approve the January 22, 2015 meeting minutes as submitted.*

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of January 26, 2015:

- Introduced environmental ordinance updates.
- Adopted a resolution vacating a drainage easement and approving a final plat for Legacy Oaks. Construction should begin in the spring or summer.
- An amendment to the conditional use permit was approved for the Play and Learn Café.
- Adopted a resolution approving the site and building plan for One Two One Development.
A meeting to look at alternatives for the south west Ridgedale area will be held February 18, 2015 from 4 p.m. to 5 p.m. at the community center of city hall. Residents are invited to look at ideas the consultant will provide and give comments.

The annual State of the City address will be February 11, 2015 at 7:30 a.m.

The next planning commission meeting is February 19, 2015.

Gordon welcomed Deb Calvert, a new planning commissioner.

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

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

8. **Public Hearings**

   A. **Sign plan review for Ridgedale Center at 12401 Wayzata Boulevard**.

      This item was postponed until the March 5, 2015 planning commission meeting.

   B. **Ordinances amending various sections of the city code**.

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

      Thomas, Colleran, and Stout reported. Thomas recommended approval of the ordinances.

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

      Kirk asked how significant trees are handled when a property is developed. Colleran explained the three tree classifications. A woodland preservation area is a remnant ecosystem. High-priority trees are any tree that is 15 inches or greater in diameter when measured 4.5 feet above the ground except for some species including boxelder and silver maple. A significant tree is any tree that is 8 inches in diameter. During development, tree removal is allowed in certain areas. A high-priority tree must be mitigated inch-for-inch. A 30-inch oak must be replaced with 30 inches worth of trees. Significant trees must be mitigated tree for tree. A 30-inch boxelder tree would have to be replaced with 1, 2-inch tree. Ash trees are now classified as high-priority trees by the current ordinance, but emerald ash borer is currently 6 miles away from the city limits so it is inevitable that it will
spread to Minnetonka. At that point, ash trees should not have the higher protection of high-priority classification.

Kirk said that the proposed ordinance changes would allow ash trees to be removed more easily. Colleran explained that the proposed ordinance would not cause a greater requirement of mitigation for removal of an ash tree. Once emerald ash bore reaches Minnetonka, the trees would not survive untreated. It does not matter what type of tree is in a woodland preservation area or floodplain forest. Those trees need to be mitigated inch for inch no matter what species of tree would be removed.

Thomas added that when the city council created the tree protection ordinance, councilmembers agreed on providing the highest level of protection to remnant ecosystems; the next level of protection to high-priority trees that include valuable mature species of trees; and the lowest level of protection to significant trees.

Kirk asked if the ordinance modifications would change how trees are handled during the tear down and rebuild of a single-family residential lot. Thomas answered in the negative. When a single-family house is torn down and rebuilt, a property owner is allowed to remove trees within the footprint of the building and a 20-foot perimeter without mitigation. That would not be changed by the proposal.

Kirk would support a policy change for the city to be able to regulate the amount of tree removal in teardown/rebuild or expansion situations.

Colleran noted that for a property that is not zoned R-1, site improvements or an addition could be done without mitigation. The redevelopment of a single-family home is similar to redevelopment of commercial property. A commercial property would provide a landscape plan.

In answer to Kirk’s question, Thomas explained that the tree preservation ordinance applies to every property during subdivision.

Magney asked if the MS4 permit applies to all municipalities in the state. Stout explained that it applies to communities of a certain size. Minneapolis and St. Paul have Phase 1 permits which were implemented in the 1980s. In 2003, the Minnesota Pollution Control Agency (MPCA) implemented a Phase 2 permit that looks at urban areas.

Magney has watched erosion control and stormwater measures develop over 35 years in the construction industry. It is all good stuff. He has seen the city
implement the requirements and has seen positive results for the environment. He remembered how the construction industry was upset about the MPCA requirements regarding ready-mix truck washout. The cost is minimal and it is easy to do now. He supports the positive changes.

*Kirk moved, second by Rettew, to recommend that the city council adopt the following:*

1. An ordinance amending Minnetonka City Code §300.23 concerning the wetland overlay district (page A4–A15 of the staff report).

2. An ordinance amending Minnetonka City Code §300.28 Subd.19 regulating tree protection (page A16–A27 of the staff report).

3. An ordinance amending Minnetonka City Code §300.28 Subd. 16, 17 and 18 regulating grading and erosion control (page A28–A37 of the staff report).

4. An ordinance amending Minnetonka City Code §§1205 and 300.28 regulating discharges into the municipal storm sewer system (page A38–A42 of the staff report).

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

9. Adjournment

*Rettew moved, second by Knight, to adjourn the meeting at 7:10 p.m. Motion carried unanimously.*

By: ____________________________

Lois T. Mason
Planning Secretary