CITY OF PLYMOUTH
AGENDA
Regular Planning Commission
April 3, 2024, 7:00 PM

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. PUBLIC FORUM
—Individuals may address the Commission about any item not contained on the regular agenda. A maximum of 15 minutes is allotted for the Forum. If the full 15 minutes are not needed for the Forum, the Commission will continue with the agenda. The Commission will take no official action on items discussed at the Forum, with the exception of referral to staff for future reports.

3. APPROVE AGENDA
—Planning Commission members may add items to the agenda for discussion purposes or staff direction only. The Commission will not normally take official action on items added to the agenda.

4. CONSENT AGENDA
—These items are considered to be routine and enacted by one motion. There will be no separate discussion of these items unless a Commission member or citizen so requests, in which event the item will be removed from the Consent Agenda and placed elsewhere on the agenda.

4.1 Approve March 20, 2024 minutes
Minutes

5. PUBLIC HEARINGS

5.1 Conditional use permit to allow an indoor commercial recreation use in the I-2 (general industrial) zoning district located at 14600 28th Avenue (Steddy, LLC dba InnerActive Playground -- 2024016)
Planning Commission Report
Location Map
Applicant Plans and Graphics
Resolution

6. NEW BUSINESS

7. ADJOURNMENT

City of Plymouth

Agenda Number: **4.1**

Regular Planning Commission

April 3, 2024

To:	Dave Callister, City Manager
Prepared by:	Chloe McGuire, Planning and Development Manager
Reviewed by:	Grant Fernelius, Community and Economic Development Director
Item:	**Approve March 20, 2024 minutes**

1. Action Requested:

Motion to approve the minutes.

2. Background:

The Planning Commission held the regular meeting on March 20, 2024 minutes

3. Budget Impact:

NA

4. Attachments:

Minutes

Proposed Minutes
Planning Commission Meeting
March 20, 2024

Chair Boo called a Meeting of the Plymouth Planning Commission to order at 7:00 p.m. in the Council Chambers of City Hall, 3400 Plymouth Boulevard, on March 20, 2024.

COMMISSIONERS PRESENT: Chair Michael Boo, Marc Anderson, Julie Olson, Jennifer Jerulle, Bill Wixon, and Josh Fowler

COMMISSIONERS ABSENT: Neha Markanda

STAFF PRESENT: Planning and Development Manager Chloe McGuire, Engineering Services Manager Chris McKenzie, Senior Planner Lori Sommers, Water Resources Manager Ben Scharenbroich, and City Council Liaison Julie Pointner

Chair Boo led the Pledge of Allegiance.

Call to Order

Public Forum

Approval of Agenda

Chair Boo noted that it is proposed to swap the order of items 5.2 and 5.3 on the agenda.

Motion was made by Commissioner Olson and seconded by Commissioner Wixon to approve the agenda as amended. With all Commissioners voting in favor, the motion carried.

Consent Agenda

(4.1) Planning Commission minutes from meeting held on February 21, 2024.

(4.2) Variance to allow a detached garage in the front yard located at 12001 County Road 10 (Cheney – 2024005)

Motion was made by Commissioner Olson and seconded by Commissioner Jerulle to approve the consent agenda. With all Commissioners voting in favor, the motion carried.

(5.1) Review potential ordinance amendment to allow rooftop beekeeping in the industrial districts (Luce Line Brewery – 2024008)

Planning and Development Manager McGuire presented the staff report.

Commissioner Olson asked if the signage would be there as a release of liability in the case someone were to be stung.

Planning and Development Manager McGuire replied that there is a requirement for signage when bees are kept on the ground in order to alert children and people that may be allergic to their presence.

Commissioner Olson agreed that the signage would be a good idea. She asked if there would be liability for the city if someone were to fall off a roof.

Planning and Development Manager McGuire replied that she did not think so as it would be similar to someone doing work on rooftop equipment but stated that she would verify that with the City Attorney and if needed, additional language could be added to the permit application to remove that liability.

Commissioner Wixon asked what would trigger a swarm and what the removal plan would entail.

Planning and Development Manager McGuire replied that from the staff perspective, the bee management plan lists the contacts that could be used to remove the swarm. She stated that the bee experts present could provide details on what could trigger a swarm.

Chair Boo commented that this would seem to allow up to 16 hives, where some cities have a maximum of eight and asked of the reasoning.

Planning and Development Manager McGuire replied that eight would be the standard for a five-acre lot. She stated that four hives would be the starting point, then it would double the next year and then again double in the third year therefore the allowance for 16 would cover those three years without coming back to the commission to request those changes. She noted that Luce Line does not plan to do that, but this would provide that allowance.

Chair Boo asked if there would be a nuisance issue if every industrial building chose to have 16 hives on their rooftop.

Planning and Development Manager McGuire replied that she did not anticipate that would become an issue as the bees are quite mild when they fly around. She stated that staff can continue to provide updates, noting that only two beekeeping applications have been received thus far as it is difficult to keep bees in Minnesota.

Chair Boo asked if there would be any concerns with crowding out the existing bee population by introducing the honeybees.

Chair Boo introduced the applicant, Tim Naumann, who stated that he has been a Plymouth resident for 22 years. He stated that he agrees with the information presented by staff. He stated that their roof, and he would think every roof, would have a three- or four-foot barrier wall around the perimeter. He stated that he has been on the roof with technicians, and they have not had any issues. He stated that the signage is meant to be an advisory or heads up for those walking near the beehive location. He stated that bees are very passive, with the exception of their hive being knocked over. He noted that if you place signage on the ground stating that bees are on the roof, people might be intrigued to try to check it out, and that was his reasoning for perhaps not having that type of signage.

Commissioner Anderson asked if the applicant favors the allowance for 16 or whether eight hives would be adequate.

Mr. Nowman replied that they plan to start with four hives and then would double that the next year. He provided additional details on how a swarm occurs, explaining that it is not necessarily a bad thing as the bees are splitting to find a new home. He stated that having space for those bees to relocated into a new hive solves that issue. He noted that bee mortality is typically around 50 percent annually as well, therefore that slows the number of additional hives that would be formed each year. He stated that he would intent to build the hives naturally rather than bringing in new bees each year. He stated that they plan to use the honey in their beer and therefore the demand may eventually build to 16.

Commissioner Anderson asked how the hives would be brought to the roof.

Mr. Nowman commented that there is an interior staircase to the roof that would be used to haul the equipment and supplies to the roof.

Commissioner Anderson asked for details on roof maintenance with the hives.

Mr. Nowman commented that they have a rubber roof with a lifespan of 20 years and therefore they are not blacktopping each year. He stated that there are mechanisms to close off the beehives if maintenance were needed on the roof.

Commissioner Anderson asked if honey is currently used in any of the beverages.

Mr. Nowman replied that they do use honey in one of the beverages currently.

Chair Boo introduced Gary Rueter, University of Minnesota Bee Lab, who stated that if every building in the industrial area had six hives that would be too many but doubted that would happen. He stated that if that were a major concern, language could be added that limits the number of permits that could be approved within a certain area. He stated that commercial beekeepers keep 36 to 40 hives in one location, recognizing that is done in a rural area. He stated that there have been a number of studies done and there is no definitive proof that honeybees cause issues or use up the resources for native bees.

Commissioner Wixon asked for more details on a swarm.

Mr. Rueter stated that a swarm is part of the reproduction for honeybees and explained that when the colony grows to the extent more space is needed, the queens and half the bees leave the hive for a new home. He stated that the swarm is on a mission and is not looking to bother anyone as they are looking to find a new home. He stated that a beekeeper can collect the swarm and locate them in a new hive.

Commissioner Olson stated that if approved, this could allow each industrial building to have up to 16 hives and asked if that would throw off the bee balance.

Mr. Rueter replied that if a large number of buildings chose to do that, it could be a problem, but 16 colonies one mile apart would not be an issue.

Chair Boo asked if there is any suggestion on the spacing that would be appropriate.

Mr. Rueter replied that in an urban area, 16 colonies should be at least one mile apart.

Commissioner Wixon asked the number of hours in the day the bees are outside the hive.

Mr. Rueter replied that 60 percent of the bees are in the hive at all times while the other 40 percent collect nectar, water, pollen, etc. from around sunrise to sunset. He stated that if the hives needed to be closed up for some reason, all the bees are in the hive at night and therefore the screen could be put over the hive at that time. He stated that a fly barrier is not needed when a hive is placed on a roof.

Chair Boo opened the public hearing.

No comments.

Chair Boo closed the public hearing.

Commissioner Jerulle commented that she likes the idea of keeping the sign but posting it on the rooftop for those that may be working on the roof. She asked if a limitation should be placed on the number of hives within an area, such as no more than 16 hives within a one-mile radius.

Motion was made by Olson, and seconded by Commissioner Fowler, to recommend approval of the ordinance with the additional limitation that no more than 16 hives can be located within a one-mile radius. With all Commissioners voting in favor, the motion carried.

(5.3) Conditional use permit to allow indoor commercial recreation use in the I-2 (general industrial) zoning district located at 14355 23rd Street (ETS Enterprises LLC – 2024010)

Senior Planner Sommers presented the staff report.

Commissioner Anderson asked the percentage of the building that would be occupied by this use.

Senior Planner Sommers replied that this use would occupy just over 7,000 square feet of the 23,000 square foot building.

Commissioner Anderson asked if this use would create a parking problem for the other uses in the building.

Senior Planner Sommers stated that most of the users in the building are done by 5 p.m.

Chair Boo asked if the traffic flow has been reviewed.

Senior Planner Sommers stated that review has been done and no issues were identified.

Engineering Services Manager McKenzie stated that there are no traffic concerns.

Chair Boo introduced the applicant, Chad Stiernagle, who stated that ETS has 35 locations, and they are expanding all over the midwest. He was excited about finding this location in Plymouth.

Commissioner Anderson asked the type of athletes that would use this facility.

Mr. Stiernagle replied that they do not do technical training for any sport and instead work to make the athlete better. He stated that 60 percent of the athletes are male, 40 percent female, 80 percent are under 16 and 20 percent are over 16. He stated that they help the athletes to achieve their identified goals.

Chair Boo asked if there are any concerns with traffic flow for the proposed location.

Mr. Stiernagle replied that they have not had issues with traffic flow at the other locations. He stated that they aim to have at least 12 parking stalls as most parents drop off and then come back to pick up. He stated that the parking at this site would be far beyond their needs.

Chair Boo opened the public hearing.

No comments.

Chair Boo closed the public hearing.

Motion was made by Olson, and seconded by Commissioner Fowler, to recommend approval of a conditional use permit to allow an indoor commercial recreational use in the I-2 district for the property located at 14355 23rd Street, subject to the conditions within the draft resolution. With all Commissioners voting in favor, the motion carried.

(5.2) Review proposed Medicine Lake no-wake zone ordinance amendments

Planning and Development Manager McGuire explained that the planning commission was chosen as the body to hold the public hearing for this item and the commission can provide a recommendation to the council but does not have to.

Water Resources Manager Scharenbroich presented the staff report.

Commissioner Jerulle commented that it seems staff looked at this through the lens of environmental protection and asked for more information on the mentioned incident. She asked if there was discussion about the city goals for inclusion and diverse use of the lake.

Water Resources Manager Scharenbroich replied that they did focus on safety and the environmental side more than equity and inclusion, but recognized that there is a large spectrum of different users on the lake. He stated that staff was approached by the City of Medicine Lake to join this group. He stated that there was not one incident but a growing number of concerns that have led to this direction.

Commissioner Jerulle asked the hours of the large beach.

Water Resources Manager Scharenbroich replied that he did not know the hours but typically park use occurs from sunup to sundown.

Chair Boo asked who would have access to the docking facility adjacent to the beach.

Water Resources Manager Scharenbroich replied that is a University of Minnesota dock used by its crew team, although they do not always have a boat docked there. He stated that temporary docking also occurs from those that visit the park from the lake.

Commissioner Olson commented that there appears to be a channel and asked if that would be common to have a no wake zone within a channel.

Water Resources Manager Scharenbroich confirmed that there are many metro lakes with similar situations that have no wake zones in place for traffic in the channel.

Commissioner Olson asked if the impaired water quality could impact swimmers.

Water Resources Manager Scharenbroich replied that would depend upon what is impairing the water. He stated that for this lake it is phosphorus and chlorophyll-a, which cause issues with clarity but would not generally be an issue for swimmers.

Chair Boo asked for more information on those that have been involved in this process to date and how the other groups were contacted that provided input.

Water Resources Manager Scharenbroich provided details on the stakeholders that were involved in this process. He stated that Plymouth staff sent a letter to every resident on the lake, even if they were not Plymouth residents.

Planning and Development Manager McGuire clarified that the letters were addressed to the residents of the property rather than the property owner, in the case that renters may be living at a property.

Chair Boo asked if there has been an environmental issue due to the traffic in the channel.

Water Resources Manager Scharenbroich replied that there is some traffic regularly, but the issues are arising from weekends when there is passing boat traffic in the channel.

Commissioner Jerulle asked if there are loons on the lake. It was confirmed that there are.

Chair Boo opened the public hearing.

Chair Boo noted a letter received from the Mayor of Medicine Lake and summarized the content.

Chair Boo introduced Dax Kuhfuss, 2120 Lancaster Lane N, who stated that he is opposed to the proposed action as is. He stated that he likes to waterski on the lake in the southwest corner, which is sometimes calmer when other areas are rougher. He stated that the proposed no wake zone would eliminate the ability for him to ski in that corner. He appreciated that the time limits were added but still did not find this to be an acceptable solution.

Chair Boo introduced Mary Lauer, 1469 West Medicine Lake Drive, who stated that she also enjoys waterskiing on the lake and was unsure why people on her side of the lake could not enjoy the whole lake. She stated that they like their bay because it is clean, calm and safe. She stated that this location allows them to teach young skiers in a safe way. She commented that this seems to be an extreme measure without solid evidence of something being wrong. She stated that they use the lake every day, even in the winter. She stated that there are not many people on the lake during the weekdays and this seems to be too restrictive without supportive reasoning. She did not support the proposed action.

Chair Boo introduced Julie Aldrich, 1400 West Medicine Lake Drive, commented that she also lives in the southwest bay and this action would impact the way the residents enjoy their bay. She commented that she would disagree that this is a channel because it is deep, wide and contains an entire swimming area as well. She stated that she has not noticed unsafe behavior and for the most part the lake is quiet with the exception of a couple holidays during the year. She stated that if there are concerns for traffic during those periods, there should instead be extra enforcement. She stated that she has three small children, and they go through the bay, around the bigger part of the lake and come back. She did not believe that this action would make a difference in terms of the environment. She stated that the lake levels have been the lowest they have been the last two years. She commented that there are loons that come in the bay where she lives because it is quieter. She stated that she did not even know this was being considered before she received the notice for this meeting. She believed that there were other options that could be considered without penalizing all the residents that live on the lake.

Chair Boo introduced Kent Christianson, 1461 W. Medicine Lake Rd, who asked if this proposal only addresses a small portion of the lake for limited times, which makes a difference rather than broadly applying the restriction. He commented that the loons stay in the middle and would not go to shore or spend time in that narrow area. He stated that there could be a sign placed on the beach telling swimmers not to swim across. He stated that the channel activity is structured and organized. He stated that the middle of the lake is rough and is not where you would take children to waterski. He agreed that if there were a problem in the channel, there could be enforcement available to address that. He agreed with the previous speakers that most of the time the activity in the channel is very structured and organized and if the restriction had to be placed, it could simply be done during those busy times.

Chair Boo introduced Greg Wagner, 2534 West Medicine Lake Drive, who stated that one of the biggest things that could be done is education. He stated that there have been some bad actors on the lake, one of which has moved away. He stated that majority of the people that do not act right are coming from the park. He stated that people can buy a boat without any education or awareness for the rules. He stated that there are over 1,200 lakes in Hennepin County and the county has one boat for all the lakes outside of Minnetonka. He asked how this would be enforced. He suggested that the park educate its users of the lake. He stated that when they are out waterskiing at 7 a.m. it is structured, they take turns, and it works.

Chair Boo introduced Damien Wolf, 10610 S Shore Drive, who stated that he generally does not think this is needed. He stated that if it is there and condensed in hours it could make sense. He asked how people would know about this and if it would be marked with buoys. He stated that if there are not buoys, people would not know, but if there are buoys that would impact the activity of others using the space outside of the restricted time. He stated that if the buoys are not lit, people will not see them and people will hit them. He stated that people that live on the lake should have access to the lake and have their rights, but also acknowledged that users of the lake in the park should also have access. He stated that the lake is not busy all the time. He stated that the loons are on the lake, and they have thrived over the past 18 years he has been on the lake.

Chair Boo introduced Zena Stenvik, 3010 Larch Lane, stated that she supports the very small no wake zone as it is limited to holidays and weekends. She appreciated hearing from the water-skiers who are present, noting that they ski in the mornings and evenings, and it is not those boats that are causing the issues. She stated that it is the wake boats that are capsizing the kayaks. She was also concerned with the shoreline as the wake boat wakes do erode the shoreline.

Chair Boo introduced Tom Lauer, 1469 West Medicine Lake Drive, who agrees with the comments made by his wife and noted that he also detailed his opposition through a letter submitted to staff. He commented that this appears to be a solution in search of a problem. He commented that they moved to this lake because Minnetonka was too busy to enjoy it. He did not understand the environmental concern and did not see that information within the packet. He stated that the mentioned channel is really a wide area and when you are teaching a skier, you start near his home, go through the “channel” and then circle back because it is safe.

Chair Boo introduced Dawn Errede, 3005 Larch Lane N, who stated that she is mostly in favor of the no wake proposal as it seems limited to busy times and would allow for recreation by the skiers. She was concerned with environmental issues and urged the group to also consider a no wake zone in the narrow channel near French Park. She provided more information on her environmental concerns. She stated that she is not on the south end very much and therefore cannot speak on that but encouraged the group to also consider a no wake zone on the north.

Chair Boo introduced Theresa Polum, 155 Peninsula Road, who stated that she is opposed to the proposed regulation. She stated that this topic directly affects her as she has grown up on Medicine Lake and this proposal feels like an assault to her and her ability to share her love of watersports with her grandchildren. She stated that her daughter served as a lifeguard for five years and there was never an issue with safety during that time caused by wake. She stated that

if there are incidents that have led to this, she would like to see the reports. She commented that a no wake zone would not improve the safety of the lake or the patrons of the beach. She stated that the waves push weeds and other things to the surface and to the beach to be cleaned up. She stated that there used to be posted rules stating that swimming can only occur within the designated swimming area and that inflatables were not allowed, noting that those rules have been removed. She stated that activity has expanded further, and mitigation could occur by limiting the beach activity. She stated that this is a sloppy solution that is not backed up by data.

Chair Boo introduced Les Young, 145 Peninsula Road, who stated that he has lived at his home for 47 years and has also been a volunteer member of the Medicine Lake Fire Department for 35 years as well. He stated that he has always been active in city government and is the insurance consultant for Medicine Lake. He stated that there has never been a serious accident in the proposed no wake zone. He stated that there are two members of the Medicine Lake city council, along with one private resident that have been pushing this. He stated that this was only recently brought to the attention of the residents and the other members of the city and since that time there has been strong opposition. He commented that Plymouth should not be considered this until the time Medicine Lake has approved it, which he did not believe would happen. He noted the letter from the Mayor, which had a neutral position.

Chair Boo introduced Randy Mikolai, 224 Peninsula Road, who stated that he represents his neighborhood group. He stated that he has lived on the lake for 12 years, raising his family, and has enjoyed the lake since he was a child as he lived down the road. He stated that he often skied 100 days per year on the lake. He stated that this whole process has been disheartening as residents were not involved until late in the process. He noted that his email comments were provided before he had seen the proposal. He stated that the proposal does not clearly define a specific problem but hints at safety and environmental issues. He stated that the proposal is one-sided and biased, supporting a personal agenda rather than the vast majority of the residents. He noted that the impaired water designation is decades old and cited the improvements to the water quality of the lake that have made since that designation. He stated that the channel is 25 feet deep, and boats are not stirring up the bottom of that area.

Chair Boo introduced Chad Hansen, 167 Peninsula Road, echoed the comments of his neighbors. He commented that people have been working on water quality over the past ten years and that should be commended. He stated that this proposal is different than what was presented one week ago at the EQC meeting. He stated that this proposal is not clear, is not based in facts or data, and the information is changing. He stated that even the slides and facts are different than reported one week ago. He urged the commission to separate itself from this issue that has been pushed by a few people and does not represent what the residents of Plymouth or Medicine Lake would want. He stated that if there are incidents that have occurred, that information should be shared.

Chair Boo introduced Brian Doyle, 172 Peninsula Road, who stated that he agrees with the comments of his neighbors and is against any ordinance that would enact a no wake zone. He commented that this would be confusing for boaters and would be hard to enforce. He stated that area is 612 feet across, which is two football fields, even though it looks small on the map. He commented that the water quality is the best that is has been. He referenced the statement that

the City of Plymouth is completing an environmental study which would not be completed until later in the year, noting that enacting this regulation would seem premature.

Chair Boo introduced J.C. Weigelt, 3040 Larch Lane, who stated that he lives on the north end and his view of the lake is important and he takes it seriously. He stated that the lake is where his family has fun, and he is opposed to what has been presented today because of the lack of data as to why this is needed. He referenced the incidents that they are not aware of and that have not been shared. He stated that he deals in facts and those facts are lacking. He noted that activity in 2020 and 2021 should be thrown out because those were different times and circumstances where park activity was severely increased as was boat use. He stated that he boats on Lake Minnetonka and an extremely large buoy would be needed to identify the times, dates, and no wake message which would create an issue. He stated that curly leaf pond weed limits where people should be swimming and stated that his recommendation would be to rope around the buoys at West Medicine Lake Park to keep swimmers in the swimming area. He stated that he has rescued people that have gotten stuck in the curly leaf pond weed.

Chair Boo introduced Mr. Randy Mikolai once again who stated that the proposal only references one study which looked more broadly at boat waves/wakes but not to what is done to the shoreline. He provided additional details from that study complete by the Saint Anthony Falls Laboratory. He stated that there are plenty of studies that show wind waves do more damage than boat waves.

Chair Boo closed the public hearing.

Chair Boo asked for the documentation that exists related to the boat traffic on this lake relative to this action.

Water Resources Manager Scharenbroich referenced the study which was referenced by the resident and noted that the rest of the information is anecdotal. He stated that they looked specifically at the park property and not private property. He stated that there were projects around the lake in recent years to address shoreline erosion but noted that there is no information on what the cause of that was. He stated that last Friday there was a conversation with Hennepin County Water Patrol on how enforcement would occur. He noted that buoys are typically a common side with a sign that states the duration and timing of the no wake zone. He stated that DNR and Water Patrol would enforce the action when they are on the lake. He noted that the restricted hours would be posted at the launch as well as on the buoy, along with educational measures. He stated that there are three police department reports in this area and the Parks and Rec Director also supports this action, although he did not have data from the lifeguards at the park.

Commissioner Jerulle asked for details on the timeline of this process.

Water Resources Manager Scharenbroich was unsure when the city was approached but believed that it was perhaps about one year ago that the group began discussing Medicine Lake issues. He stated that the proposal began its review through different groups in January.

Planning and Development Manager McGuire commented that this is a standard process, where staff works on cases before bringing forward for public consumption. She stated that an open house or public hearing is typically used to gather public input.

Water Resources Manager Scharenbroich commented that he was unsure that some residents understood the timeline of the proposed no wake and asked that be shared with the residents present.

Planning and Development Manager McGuire reviewed the original proposal and how that was amended after the review of the EQC, and public comments provided at that meeting.

Chair Boo reviewed the process that has been followed since the city was contacted by Medicine Lake to this point where recommendations are being discussed. He recognized how this could seem like a quick thing by the public, when there has been work occurring for the past year.

Commissioner Anderson asked if a no wake zone could be defined. He stated that a wake is a wave, and a swimmer makes a wave.

Water Resources Manager Scharenbroich stated that the version shown on the presentation is a summary, whereas the full ordinance would have more detail and reviewed the no wake zone specification which would be 5 mph or less.

Commissioner Anderson asked if there is a minimizing wake position, where a wake boat could have to slow down but perhaps waterski boats would not have to slow down.

Water Resources Manager Scharenbroich replied that has not been considered.

Commissioner Fowler commented that he often kayaks on Medicine Lake from that park and has experienced boats passing by him quickly that could have capsized him, or would have capsized a child or someone that did not have experience. He stated that he could support this or support not providing a recommendation as this seems to be beyond the purview of the planning commission.

Commissioner Olson stated that she understands that a no wake zone is normal, but the way this is presented is not firm on the supporting reasoning. She stated that this would not solve the problem on the lake of the big boats not being careful and a lack of enforcement. She stated that if this is really an issue of safety, she did not believe a no wake zone would solve that problem.

Commissioner Jerulle stated that the purpose is not well defined. She stated that the scope should be widened to look at the whole lake and perhaps then all users are considered. She recommended that this go back for additional discussion to look at the purpose and would not want to provide a yes or no on this proposal. She stated that perhaps a permit is issued for waterskiing, which would limit that to a certain number of users. She commented that the limited time frame and buoy could cause more issues.

Commissioner Wixon commented that he does a lot of boating on Medicine Lake and agreed with Commissioner Fowler related to the risk to kayaks as he has seen that occur as well. He stated that people have to pay attention when moving through that zone, as there can be a lot of

traffic on weekends. He stated that when it is clear that a wake boat is causing a danger to others, people should talk to those users as they may not know what they are doing. He stated that he cannot support the no wake zone with the logic of erosion and other issues. He stated that people using the lake have to assume some risk. He appreciated the public input tonight.

Commissioner Fowler commented that he understands the assumption of risk, but kayakers also have very little ability to move out of the way. He stated that his kayak is big and yellow, and he is wearing a life preserver, so he is doing his part to be visible.

Chair Boo stated that on the surface the recommendation would seem to make sense, although he would want to see more data in support. He stated that this seems to be moving quickly to a solution that could address one small piece of the puzzle, that is how to deal with an urban lake. He stated that this solution would seem to limit the use of those that live on the lake. He did not believe enough public input has been received on this topic and would be inclined to say that this is too early to make a recommendation on this. He noted that he would also be interested in hearing the input of Medicine Lake. He recommended that more input be sought before a recommendation is provided.

Commissioner Anderson agreed that there is not enough information.

Motion was made by Anderson, and seconded by Commissioner Olson, to not make a recommendation on this matter and request that more information and public input be sought.

Further discussion: Planning and Development Manager McGuire clarified that the intent would then be to bring this forward to the City Council, but with the recommendation that more public input be sought and wait until an opinion is also provided from the City of Medicine Lake. It was noted that as proposed, this would not return to the Planning Commission before moving to the City Council.

With all Commissioners voting in favor, the motion carried.

Chair Boo commented that he is not comfortable moving this out of the purview of the planning commission. He attempted to make a motion to recommend that this not move forward to the city council until public input has been obtained and the matter is once again reviewed by this body with any further recommendations of staff.

Planning and Development Manager McGuire commented that the previous motion was adopted and therefore that motion could not be made. She stated that a request could be made requesting that an open house be held before the next meeting of the planning commission.

Commissioner Jerulle believed that the previous motion could be redacted.

Planning and Development Manager McGuire commented that an approved motion cannot be redacted. She commented that this issue is outside of the scope of the planning commission and additional information will be provided through the decision that is made by Medicine Lake. She stated that staff has taken notes on the desires of the residents and commission related to the need for additional information and clarified purpose.

New Business

Adjournment

Chair Boo adjourned the meeting at 9:31 p.m.

City of Plymouth

Agenda Number: **5.1**

Regular Planning Commission

April 3, 2024

To: Dave Callister, City Manager

Prepared by: Lori Sommers, Senior Planner

Reviewed by: Grant Fernelius, Community and Economic Development Director

Item: **Conditional use permit to allow an indoor commercial recreation use in the I-2 (general industrial) zoning district located at 14600 28th Avenue (Steddy, LLC dba InnerActive Playground -- 2024016)**

1. Action Requested:

Hold the public hearing and make recommendations for a conditional use permit to allow an indoor commercial recreation use in the I-2 (general industrial) zoning district located at 14600 28th Avenue.

2. Background:

Request for a conditional use permit to allow an indoor commercial recreation use in the I-2 (general industrial) zoning district located at 14600 28th Avenue.

3. Budget Impact:

NA

4. Attachments:

Planning Commission Report
Location Map
Applicant Plans and Graphics
Resolution

City of Plymouth

To: Plymouth Planning Commission

From: Lori Sommers, Senior Planner (763-509-5457)
Community and Economic Development Department

Subject: Steddy, LLC dba InnerActive Playground
Conditional use permit to allow indoor commercial recreation use in the I-2 (general industrial) zoning district
2024016

Deadline: July 2, 2024

Summary
Request for a conditional use permit to allow indoor commercial recreation use in the I-2 (general industrial) zoning district, within the existing building at 14600 28th Avenue. Under the plan, a portion of the existing building would be remodeled into an indoor playground.

1) Conditional use permit – indoor recreation use in I-2 zoning district

An aerial view of the site is included to the right for reference on the site context.

Recommended Action
Community and Economic Development Department Staff recommend approval of the conditional use permit to allow indoor commercial recreation use in the I-2 (general industrial) zoning district.



Site Information

Zoning and Land Use
The property is zoned I-2 (general industrial) and guided IND (industrial).

	Zoning	Land Use Designation (2040 Comprehensive Plan)
Subject Property	I-2	IND
North	I-1, C-3	IND, C
East	C-3	C
South	I-2	IND
West	I-2	IND

School District
The site is in the Wayzata school district (#284).

Natural Characteristics of Site
The site lies in the Bassett Creek Watershed District. The site is not in the Shoreland Overlay District and does not contain any wetlands or floodplain.

Previous City Actions Affecting Site
In 1978, the City Council approved a site plan for a 26,000-square foot building.

The building was constructed in 1978.

In 1997, the city administratively approved a site plan amendment for an 8,300 square foot addition to the existing building (Minneapolis Glass).

In 1997, the City Council approved a fire lane variance for the building.

Analysis of Request
The applicants are requesting approval of a conditional use permit for an indoor commercial recreation use to allow the operation of an indoor playground. The applicant is proposing to construct an indoor playground in the 20,000 square foot tenant space and sublease the remaining 10,000 square feet as warehouse space. They have a staff-less business model, where staff is not present for all hours of the day. The playground would be open to the public 365 days a year from 7:30am-7:30pm. Guests can purchase passes online and are given a code to enter the front door (much like an Anytime Fitness). No exterior building changes are proposed.

Site Plan

Parking is generally the main item that is reviewed for this type of application. The zoning ordinance requires that indoor commercial recreation uses provide one parking space for every 300 square feet of building space based on 90 percent of gross floor area, unless an applicant demonstrates that their parking needs are less than required by the ordinance (25,000 x 90% = 22,500 / 300 =75). The remaining warehouse space requires one parking space for every 2,000 square feet of floor area. Consequently, the ordinance would require 6 parking spaces for this use.

Based on all uses within the building, the zoning ordinance would require a total of 81 parking spaces. There are presently 60 parking spaces on the site. The applicant has provided parking information on their other location in Mounds View Minnesota and has stated that they need 50 parking stalls on an average busy day (winter weekends). On a typical weekday in the winter that number is lower at 30 parking stalls needed. The applicant further stated that in the summertime, it will require even less parking.

With the documentation provided, staff finds that 60 parking spaces would be required to serve this use. However, a condition in the attached resolution would require the business owners to provide additional parking spaces on the site if the city determines there is a parking shortage in the future. The site currently has a portion of the parking lot that is unstriped that could be used as additional parking. This area could accommodate up to 14 stalls of additional parking and would bring the total number of parking spaces on site to 74 total parking spaces for the site.

Conditional Use Permits

To approve a conditional use permit, the City Council must make the following findings. The following findings are written for approval of the request. If the Planning Commission recommends denial, each of the following findings must be made by the Planning Commission for denial.

1. Would the conditional use permit (CUP), and its resulting construction or project, be in harmony with the general purposes and intent of the Zoning Ordinance and be consistent with the comprehensive plan?
   Finding: Staff finds that the request is in harmony with the general purposes and intent of the Zoning Ordinance and consistent with the comprehensive plan.

2. Would the conditional use permit (CUP), and its resulting construction or project, promote and enhance the general public welfare and not be detrimental to or endanger the public health, safety, morals or comfort?
   Finding: Staff finds that the request would not be detrimental to, or endanger, public health, safety, morals, or comfort and would promote and enhance the general public welfare by promoting indoor recreation to the general public.

3. Would the conditional use permit (CUP), and its resulting construction or project, be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood?
   Finding: Staff finds that the request would not be injurious to the use and enjoyment of other properties in the immediate vicinity, nor will it diminish or impar property values within the neighborhood.

4. Would the conditional use permit (CUP), and its resulting construction or project, impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?
   Finding: Staff finds that the request would not impede normal development and improvement of surrounding property for uses in the district.

5. Have adequate measures been taken, or will be taken, to provide ingress, egress, and parking so designed as to minimize traffic congestion in public streets?
   Finding: Staff finds that the request has taken into consideration the parking needs of the project and of the warehouse business within the building and have provided sufficient on-site parking on site to meet the city's regulations.

6. Would the conditional use permit (CUP), and its resulting construction or project, conform to the applicable regulations of the district in which it is located?
   Finding: Staff finds that the request would conform to the regulations of the district.

7. Would the conditional use permit (CUP), and its resulting construction or project, comply with the general and specific performance standards as specified by Section 21015 and the Plymouth Zoning Ordinance?
   Finding: Staff finds that the request would comply with the general and specific performance standards of the Zoning Ordinance.

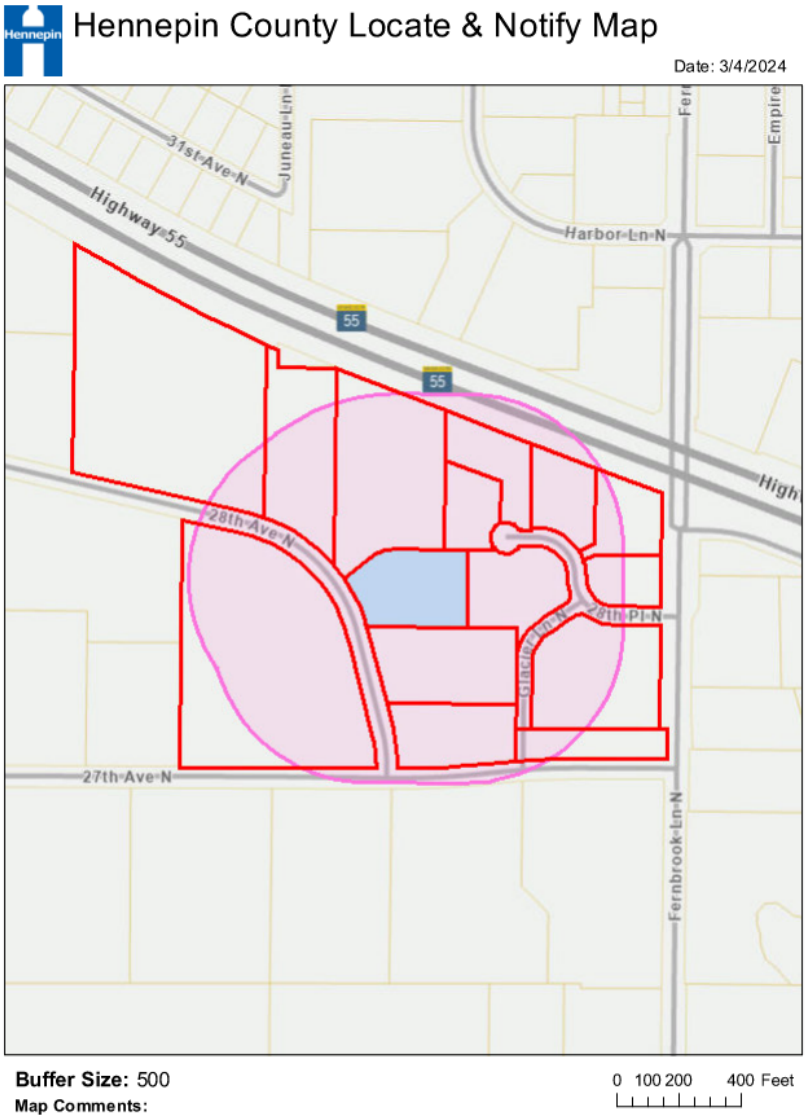
Level of Discretion in Decision-Making

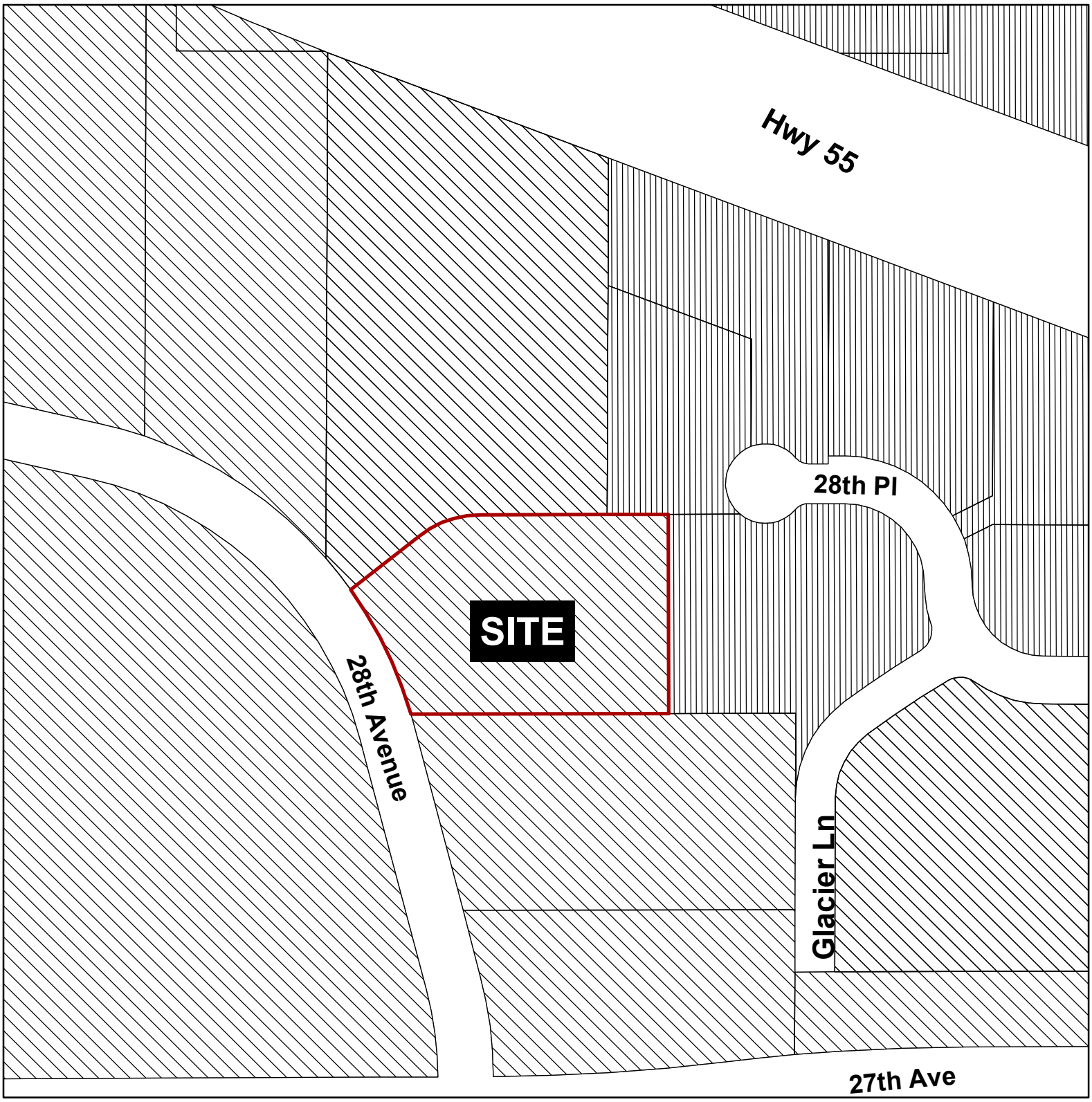
The City's discretion in approving or denying a conditional use permit is limited to whether or not the proposal meets the standards listed in the zoning ordinance. If it meets the specified standards, the City must approve the conditional use permit. However, the level of discretion is affected by the fact that some of the standards may be open to interpretation.

City of Plymouth

Public Notice

Notice of the public hearing was mailed to all property owners within 500 feet of the site.





2024016

Legend

- C, Comercial
- CC, City Center
- CO, Commercial Office
- IND
- LA-1, Living Area 1
- LA-2, Living Area 2
- LA-3, Living Area 3
- LA-4, Living Area 4
- LA-5
- MXD
- MXD-R
- P-I, Public/Semi-Public/Institutional

City of Plymouth

To Whom it may concern,

My name is Stacy Anderson, myself and my husband Ted Anderson are residents of Golden Valley. We have 2 boys ages 12 and 14. We own InnerActive Playground, a local indoor playground. We initially opened in 2016 at 131 Cheshire Lane in Minnetonka. We opened a 2nd location in Mounds View in 2018. When covid hit in 2020 we were shutdown for 5 months of the year; because of this we had to close our Minnetonka location to put all of our efforts into Mounds View to keep it open.

We have worked very hard to rebuild to a point where we can open in Plymouth! We are very excited about this prospect and hope to receive approval on the new usage of the building at 14600 28th Ave N

The building at 14600 is currently a glass showroom and storage warehouse. We plan to use about 25,000 square feet of the space to build an indoor playground, we will sublease the back 10,000 square feet as general warehouse space and any remaining space will be used for storage of additional playground equipment and our maintenance equipment to keep the playground clean.

Hours of Operation:

InnerActive Playground is open to the public 364 days a year from 7:30am-7:30pm (closed Christmas day). Our busy times of the week generally are opposite of regular businesses. Evenings and weekends are when the majority of our guests visit.

Our guests can purchase a day pass or a membership to our business and may come and go as it is convenient to them. Parents are required to always remain onsite with their children. Our guests purchase their play-pass through our website and are given a code to enter the front door (much like an Anytime Fitness). We have a staff-less business model; we do not employ staff for all open hours of the day. Our staff is onsite to clean, inspect the equipment for safety and assist as needed. With constant supervision of our security cameras, on-call staff for emergencies, and liability waivers along with clear and concise posted rules the playground remains a very safe place.

We also have an option for customers to host a party at InnerActive. We will have 3 small event rooms; each room has seating for about 20 people. These events occur during our regular weekend business hours, and the playground remains open to the public as well. We also host private events after regular business hours until 10pm on Friday and Saturday evenings. These private events host between 30 and 75 guests.

Areas of Entertainment:

InnerActive is set up to have a clear sightline throughout the building. We want a parent to be able to see their children at any part of the building- i.e. you can have an 8-year-old in the soccer field, and a 4-year-old in the building blocks and both can be seen. The spaces below are separated by ½ walls or netting to create that site-line.

Lobby- benches and cubbies for shoes, jackets, and belongings to be stored while playing.

Large Playground- this is an outdoor playground you would find throughout the community, simply brought inside! Poured rubber flooring is below this for safety.

Toddler Playground- a smaller playground for our smaller guests.

Soccer Field- turf field with a variety of balls for open play.

Basketball- court with a variety of height hoops.

Building blocks- big blue foam blocks for building anything our guests can imagine!

Jumping pillow- this is like a bouncy house without walls. This is one of the favorite items in our business, not only is it fun it's a great workout too! The space around this is padded for safety.

Eating Area- this is a space with tables and chairs, guests can bring in their own food or snacks and eat in this space. We have vending machines available, but do not serve any food.

Event Spaces (3)- a private room that can be rented to host an event, seating for 20 people.

Current location:

Our current location in Mounds View is 23,286 square feet. You can see photos of this space at InnerActivePlayground.com /mounds-view-photos.html, I encourage you to take a look to understand our business fully!

Currently we host about 80 parties per month in our winter months, and about 20 per month during the summer. Our guests through the door (including parties) is about 8000/month during the winter and 2000/month during the summer.

With our daily hours being 7:30am-7:30pm this allows customers to spread out throughout the day. The average capacity on our busiest winter weekends would be less than 200 people at a time, weekdays and warmer months of the year would range between 30 to 80 people at a time.

I appreciate your time and consideration on this request.

Thank you,

Stacy Anderson

Community and Economic Development Department
3400 Plymouth Blvd
Plymouth, MN 55447
(763) 509-5450

What is the proposed project? Explain what you're doing and why you need a conditional use permit.

We are a family-owned business, we live in Golden Valley. We are a husband/wife team that opened InnerActive in 2016. We are hoping to build an indoor playground in Plymouth! Our playground is a place for guardians to bring their children and stay and play with them. We have a traditional playset, a jumping pillow, basketball court, soccer field, building block area and a cafeteria space for guests to bring their own food along to eat. We also have spaces for small birthday parties or other celebrations to take place.

How does the use, and associated conditional use permit, comply with, and effect, the Plymouth Comprehensive Plan?

InnerActive provides wholesome and necessary playground space for the residents of Plymouth and surrounding communities. We provide a welcome environment for families that need places to get of the house (especially during the cold months!) and provide additional community-centric benefits and field trips for Plymouth schools and home-schooled families year round. InnerActive like the city of plymouth appreciates differences and fosters diversity,

Explain how the establishment, maintenance, or operation of this conditional use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals or comfort.

With our state of the art entry system and security monitoring, along with the guidance of playground safety experts, we provide a safe place for residents to play with their families. We are open 364 days a year, and are open later than most similar businesses. This allows a reliable outlet for families, especially those working around non-traditional business hours. Safety is our #1 priority and has been since our inception in 2016.

Explain how the conditional use permit would not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

InnerActive is not your typical 9 to 5 business, we cater to working families and are open 7:30am-7:30pm, and our busy times are after 5pm and weekends. This schedule has been welcome at our other sites in the past, and we expect a similar benefit here. Objectively, we feel our business is a major draw for young families in the city of Plymouth. Our space is built for memberships, welcoming many families several times per week, and expect this would be a welcome draw to the city of Plymouth and its constituents.

Explain how the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Again, we would point to the peak hours of our business landing on the weekends. A majority of our traffic ocmes on weekend days and our storefront view should likely be more alluring than the typical industrial owner, hopefully improving the look of the neighborhood. We do not plan to make any changes to the exterior of the building, except for a sign, and we will work closely with the city to follow all codes for sizing, placement, etc.

City of Plymouth

Community and Economic Development Department
3400 Plymouth Blvd
Plymouth, MN 55447
(763) 509-5450

Explain how adequate measures have been, or will be, taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in public streets.

Because the busiest times of our business are after 5pm and on weekends, our traffic will typically be the opposite of the traditional work week. We plan to be adding parking to our lot to improve the existing infrastructure. We expect with this addition to the property and the disparate busy times to other businesses that we should be a welcome improvement to the existing state of the parking and traffic.

Will the conditional use conform to the applicable regulations of the district in which it is located? Explain.

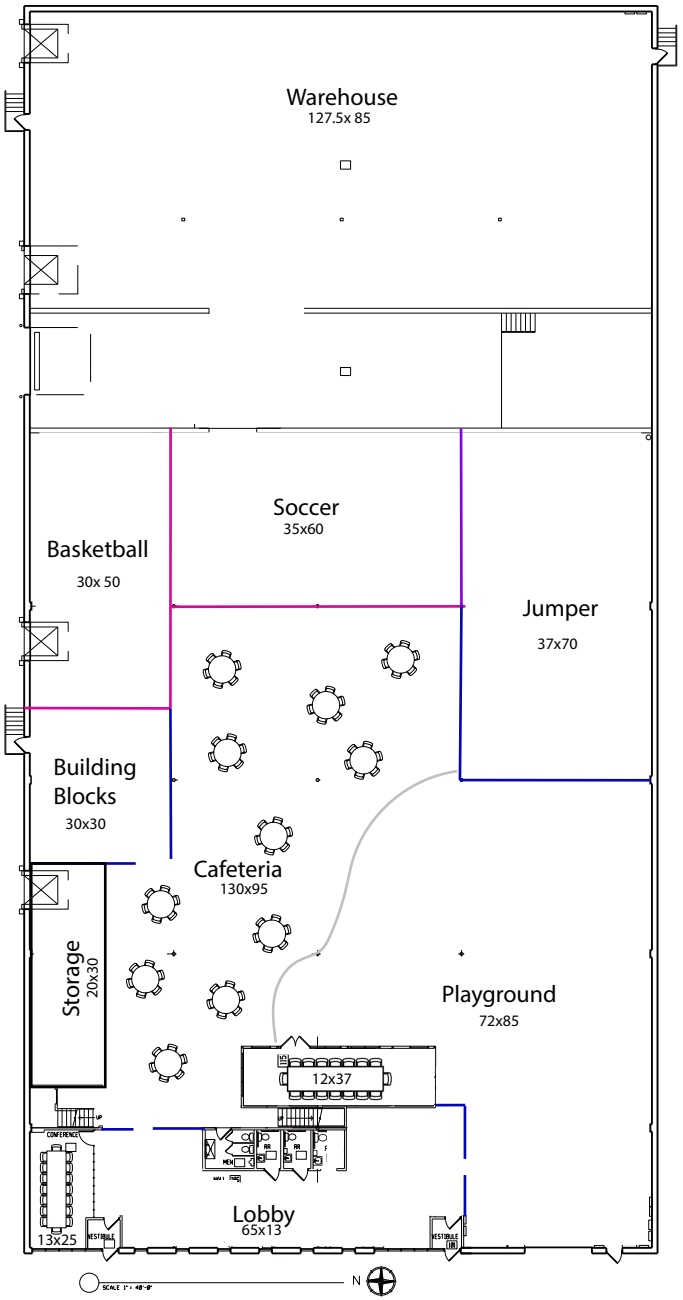
This will be our third city for our business to engage with (the others being Minnetonka and Mounds View), and we have had nothing but positive experiences working with these cities in an endeavor to provide the best fit for each city. We look forward to working hand in hand with Plymouth to tightly adhere to any necessary regulations, and as Golden Valley residents expect to work on improving the city together.

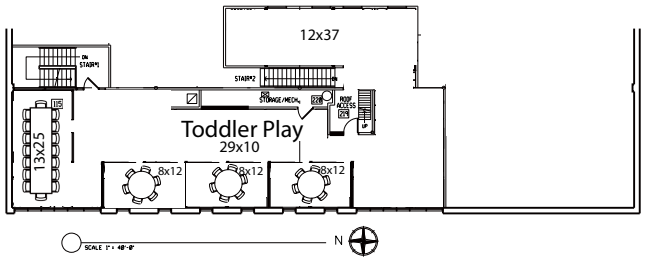
Does the conditional use comply with the general and specific performance standards as specified by Section 21015 and the Plymouth Zoning Ordinance?

Yes, we can say in good faith that we feel our bsuiness and our model fit tightly with the standards set in plymouth. A major mission of our busines overlaps with the mission of city planning... to build community. We will do everything we can to be productive and compliant within the regulations specified by Plmouth, and expect InnerActive to be a productive member of your community for years to come.

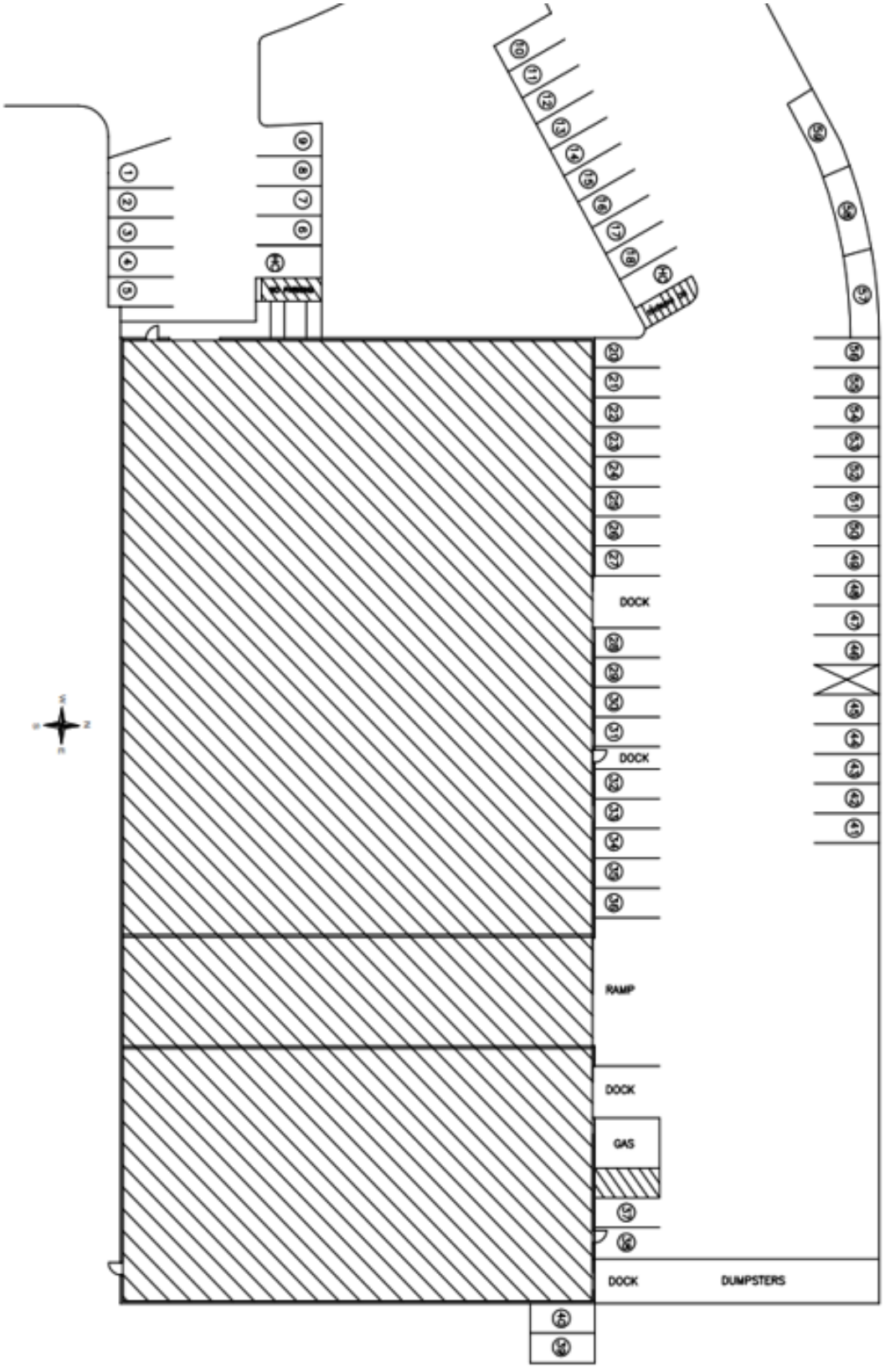
Net

1/2 wall


Warehouse
127.5x 85
Soccer
35x60
Basketball
30x 50
Jumper
37x70
Building
Blocks
30x30
Cafeteria
130x95
Storage
20x30
Playground
72x85
12x37
Lobby
65x13
13x25
N


12x37
Toddler Play
29x10
13x25
8x12
8x12
8x12
N

Parking Lot Map



CITY OF PLYMOUTH

RESOLUTION NO. 2024-

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR STEDDY, LLC DBA INNERACTIVE PLAYGROUND, FOR PROPERTY LOCATED AT 14600 28TH AVENUE (2024016)

WHEREAS, Steddy, LLC dba InnerActive Playground has requested approval of a conditional use permit to allow an indoor commercial recreation use in the I-2 (light industrial) zoning district at 14600 28th Avenue; and

WHEREAS, the subject site is presently legally described as follows:

Lot 7, Block 1, Circle Star Business Center Third Addition, Hennepin County, Minnesota.

WHEREAS, the Planning Commission has reviewed said request at a duly called public hearing and recommends approval.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLYMOUTH, MINNESOTA, that it should and hereby does approve the request by Steddy, LLC dba InnerActive Playground for a conditional use permit to allow an indoor commercial recreation use in the I-2 (light industrial) zoning district at 14600 28th Avenue, subject to the following conditions:

1. The requested conditional use permit is hereby approved in accordance with the application and plans received by the city on February 29, 2024, with additional information on March 4, 2024, except as may be amended by this resolution.

2. The requested conditional use permit is approved with the findings that all applicable conditional use permit standards would be met, as outlined in the zoning ordinance.

3. **A building permit is required prior to commencement of the project**.

4. **Prior to issuance of the building permit**, the applicant shall fulfill the requirements, submit the required information, and revise the plans as indicated below, consistent with the applicable city code, zoning ordinance, and engineering guidelines:
    a. Plans, specifications, and a building code analysis will need to be prepared by a MN licensed architect.
    b. Provide an updated site plan that shows accessible parking spaces and access aisles.
    c. The accessible routes (max slope 1:20) needs to be identified on the plans from the accessible parking spaces to the accessible entry.
    d. Provide an accessible route such as an elevator will need to be provided to access 2nd level.
    e. Sewer Availability Charge (SAC) determination letter will be required.
    f. The restrooms will need to meet 2020 Minnesota accessibility code.
    g. Building code related items will be addressed at building permit application submittal.

5. If the City determines that there is a parking shortage on the site at any point in the future, the business owner shall stripe up to 14 additional parking spaces (as determined by the City) on the site.

6. The permit is subject to all applicable building and fire codes, and to all city regulations and ordinances. Any violation thereof shall be grounds for revocation.

7. Standard Conditions:
   a. Any subsequent phases or expansions are subject to required reviews and approvals per ordinance provisions.
   b. The site shall remain in conformance with section 2025 of the city code regarding noise regulations.
   c. Compliance with the city's lighting regulations.
   d. All signage shall require separate permits and shall be in conformance with the sign regulations in section 21155 of zoning ordinance.
   e. Compliance with city's landscaping regulations.
   f. The conditional use permit shall expire one year after the date of approval, unless the property owner or applicant has started the project, or unless the applicant, with the consent of the property owner, has received prior approval from the city to extend the expiration date for up to one additional year, as regulated under sections 21045.09 and 21015.07, respectively, of the zoning ordinance.

APPROVED by the City Council on this ___th day of _____, 2024.

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) SS.

The undersigned, being the duly qualified and appointed City Clerk of the City of Plymouth, Minnesota, certifies that I compared the foregoing resolution adopted at a meeting of the Plymouth City Council on _____, 2024, with the original thereof on file in my office, and the same is a correct transcription thereof.

WITNESS my hand officially as such City Clerk and the Corporate seal of the City this _____day of _____, _____.

_____
City Clerk