

**Unapproved
Minnetonka Planning Commission
Minutes**

Oct. 6, 2022

1. Call to Order

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

2. Roll Call

Commissioners Henry, Powers, Waterman, Banks, Hanson and Sewall were present. Maxwell was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley and Planner Bria Raines.

3. Approval of Agenda

Henry moved, second by Hanson, to approve the agenda as submitted with an additional comment provided in the change memo dated Oct. 6, 2022.

Henry, Powers, Waterman, Banks, Hanson and Sewall were present. Maxwell was absent. Motion carried.

4. Approval of Minutes: Sept. 1, 2022

Powers moved, second by Banks, to approve the Sept. 1, 2022, meeting minutes as submitted.

Henry, Powers, Waterman, Banks, Hanson and Sewall were present. Maxwell was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on Oct. 3, 2022:

- Introduced an amendment to the parking ordinance.

The annual fire department and city open house is scheduled to take place on Oct. 11, 2022 from 5 p.m. to 8 p.m.

The next planning commission meeting is scheduled to be held Oct. 20, 2022.

6. Report from Planning Commission Members

Powers encouraged everyone to vote.

7. **Public Hearings: Consent Agenda**

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

Banks moved, second by Waterman, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Resolution rescinding the existing Westwind Plaza sign plan.

Adopt the resolution rescinding the Westwind Plaza sign plan as it pertains to the buildings at 4795 County Road 101.

Henry, Powers, Waterman, Banks, Hanson and Sewall were present. Maxwell was absent. The motion carried and the item on the consent agenda was approved as submitted.

8. **Public Hearings**

A. Conditional use permit for a detached accessory dwelling unit at 3274 and 3305 Fairchild Ave.

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

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

Nick Culotti, 3305 Fairchild Avenue, applicant, thanked staff and commissioners for their time. He stated that the lot he recently purchased was intended to be a residential lot when it was platted. An accessory structure much larger than the accessory dwelling unit in the proposal could be built on the property without the approval of a conditional use permit.

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

Waterman supports the proposal. This is a very creative solution. Staff received no comments from neighbors in opposition to the proposal. He appreciates the height of the structure being lowered to benefit the neighbor who lives north of the site.

Powers concurs with Waterman.

Henry agreed. The proposal meets all conditional use permit requirements. There is no opposition from neighbors. The structure is small. He applauds enabling family to live close by. He supports the proposal.

Chair Sewall found the proposal modest and reasonable. He supports staff's recommendation.

Powers moved, second by Waterman, to recommend that the city council adopt the resolution approving a conditional use permit for a detached accessory dwelling unit at 3274 Fairchild Avenue.

Henry, Powers, Waterman, Banks, Hanson and Sewall were present. Maxwell was absent. Motion carried.

Chair Sewall stated that this item is scheduled to be reviewed by the city council at its meeting on Oct. 24, 2022.

B. Preliminary and final plats of Dunibar Court, a five-lot subdivision, at 17809 Ridgewood Road.

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

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

In response to Henry's question, Cauley explained that looping the water main would provide better water pressure and easier access to perform pipe maintenance and repairs.

Henry asked if staff have concerns with a new residential house having a driveway on Ridgewood Road. Cauley stated that engineering staff does not have a concern with the location of the proposed driveway. There are existing single-family residences that have driveway access to Ridgewood Road.

Henry confirmed with Cauley that the cul-de-sac would meet code requirements. The plan shows the proposed right-of-way to be the adequate width. A condition of approval would require the paved surface to be increased by five feet. Public works staff reviewed snow storage availability and approved the proposal.

Eric Zehnder, of Zehnder Homes, Inc., applicant, stated that:

- He apologized for not being able to attend the meeting in person.
- He thanked Cauley and staff for their work on the staff report. Cauley did a great job presenting the proposal.
- The proposed development is a conforming R-1 plat. It took great care to meet all ordinance requirements including the tree and steep-slope ordinances.
- Access would be located on Dunibar Ridge Road. The project was originally intended to have six lots, but the proposal has four lots to enable it to conform to the requirements of an R-1 plat.
- There are 16 townhouses located on another road which would not be a safer alternative for access.

- A plan that would extend a road from the existing cul-de-sac to the east would violate the steep-slope ordinance and impact more trees on the site's property and the adjoining property.
- Construction equipment would primarily utilize Ridgewood Road, but that would not be entirely feasible at all times.
- He was available for questions.

Banks asked how long a project like this would typically take. Mr. Zehnder estimated that site grading and tree removal would take place this fall. Installation of utilities may be able to be done this fall, depending on the weather. The curb, gutter and paving would occur next spring. It is hard to predict what the market is going to do, but it is a desirable location with great schools. Each house would take approximately nine months to be constructed.

In response to Henry's question, Mr. Zehnder stated that feedback was gathered from neighbors at the neighborhood meeting. A lot of the discussion focused on the road access location. It was made clear that accessing Ridgewood Road was not an option and connecting to the cul-de-sac to the east would create the same safety concerns as Dunibar Ridge Road.

Mr. Zehnder stated that neighbors expressed parking concerns. The proposal would add more area for parking.

The public hearing was opened.

Megan Rogers, an attorney with Larkin Hoffman representing the Dunibar Ridge Neighborhood Association, stated that:

- The neighbors will share their practical experiences from living in the neighborhood.
- The neighbors are not opposed to development of the site.
- It is a difficult site to develop.
- Neighbors are concerned with the layout of the second cul-de-sac.
- A previously reviewed concept plan would alleviate many concerns neighbors have about the proposed plan.
- The neighbors' main concern is how the cul-de-sac would function.
- Four additional residential houses would create a complicated traffic pattern.
- The proposal does not meet the city's street design standards.
- She would be available for questions after the neighbors spoke.

Christine Nagalla, 4502 Dunibar Ridge, stated that:

- She described a concept plan reviewed in 1999.
- Her concern is about safety. Deliveries occur more often now than prior to the pandemic.

- Her cul-de-sac is 77 feet in diameter. Snow decreases the diameter by six feet.
- She is not opposed to development.
- She described the current neighborhood. She backs her vehicle into the cul-de-sac.
- She questioned if drivers would stop at a stop sign and questioned if a yield sign would make sense.
- There is a curve entering the existing cul-de-sac. There would be an awkward turn to enter the proposed cul-de-sac. She thought delivery drivers would not follow the curve.
- The proposed cul-de-sac would be smaller than the existing cul-de-sac.
- She was concerned that deliveries would not be able to enter the new cul-de-sac and that the existing cul-de-sac would become an intersection.
- The 1999 concept plan would have room for snow storage. She questioned where the proposed cul-de-sac's snow would be stored with four houses, a fire hydrant and traffic. She did not think it would be realistic to store snow on the island as proposed. It would create a blind spot where a vehicle would turn.

Karen Evenson, 4478 Dunibar Ridge Road, stated that:

- She thanked staff and commissioners for their time.
- Her kids played in the cul-de-sac.
- Adding a street to the cul-de-sac would restrict the ability to use it for anything other than a thoroughfare.
- Parking has always posed challenges due to the turning radius limitations caused by a curved street.
- Adding another street would cause the existing cul-de-sac to lose four to six parking spaces.
- There are many deliveries every day.
- Another street would increase congestion and disrupt the traffic flow pattern.
- The wetlands are dry.
- The proposal would fail to protect safety and change the usability of the existing cul-de-sac.
- She opposed access through Dunibar Ridge Road.

Joel Rochlin, 4445 Dunibar Ridge Road, stated that:

- He was concerned with the plan for the maintenance access and asked what that would look like.
- The proposal would negatively impact his property value.
- Two of the trees marked to be saved are nearly dead. Tree 351 has a woodpecker hole. He looked at six trees and is concerned with the accuracy of the tree inventory.
- He thanked the commissioners for their time.

Ms. Nagalla stated:

- She would prefer the road access be located on Ridgewood Road instead of Dunibar Ridge Road and the plan keep the same number of proposed houses.
- She is open to talking about alternatives.
- She understood that it is a tricky site.
- She did not want to get in the way of development.

No additional testimony was submitted and the hearing was closed.

Henry appreciated the presentations and concerns. He asked if staff reviewed the plan presented by neighbors. Cauley explained that the neighbors' plan was discussed at the neighborhood meeting. It would require roughly 11,000 square feet of wetland fill and twice as much mitigation. One of the houses would be located in the wetland and the wetland buffer. It would level out a majority of the topography and extend through two steep slope areas. Unfortunately, the impact of the neighbors' plan on natural resources would be too great. Staff would not support the approval of the neighbors' plan.

In response to Henry's question, Cauley answered that if the cul-de-sac location would move further to the north, as shown in the 1999 concept plan, a large cluster of trees would have to be removed; it could preclude utility access; and it would create grade implications that would not be identified until a formal application would be submitted with more detailed plans.

Hanson thanked the neighbors for their thoughtful comments. In response to his question, Cauley noted that the curb-to-curb diameter of the paved area of the proposed cul-de-sac is 75 feet, but there is a condition of approval that requires it to be extended to 80 feet. The right-of-way diameter of the cul-de-sac shown in the plan would meet ordinance requirements.

In response to Hanson's question, Cauley explained that the maintenance of the stormwater chamber would be done on an annual basis. The maintenance access is a condition of approval. The area may have vegetation instead of pavement if it is able to sustain a specified weight. The maintenance access area does not have to be paved.

Hanson confirmed with Cauley that engineering and fire department staff reviewed the plans to ensure that emergency vehicles, school buses and garbage trucks would be able to access the cul-de-sac and reviewed sight lines, snow storage, street design and hydrant and utility locations. Neighbors could contact city staff who would then visit the site and enforce conditions of approval if snow storage would become an issue.

In response to Waterman's question, Cauley answered that aerial maps show that the existing cul-de-sac diameter is 80 feet. She could measure the cul-de-sac in person prior to the city council meeting.

In response to Waterman's question, Cauley explained that dead and diseased trees are usually exempt from tree inventories. The city arborist could clarify the tree inventory before the city council meeting.

Banks stated that the lots would be nice sizes. He asked if an area between lots three and four could be used for parking and snow. Cauley noted that there is a hydrant and many trees located in that area.

Powers confirmed with Cauley that the maintenance road could be vegetative or paved. Cauley explained that it would be determined during the review of the site development permit.

Henry confirmed with Cauley that public works staff reviewed the proposal and found that it would have adequate snow storage.

Powers stated that:

- He visited the site and spoke to the neighbors.
- He felt that the practical difficulties of the proposal would create hardships for the existing property owners.
- He felt snow storage would create a safety issue.
- He did not like the layout of a cul-de-sac connected to a cul-de-sac. He did not like vehicles traveling from one cul-de-sac into another cul-de-sac.
- He did not support the proposal as it was designed.

Banks stated that:

- The proposal meets all ordinance requirements.
- Four new, single-family residences would not add significantly to the amount of traffic or the number of safety hazards that already occur in the existing cul-de-sac.
- Over time, residents would establish habits to determine which vehicle would exit a driveway first and which would yield the right-of-way.
- The lots would be substantially large. The size of the lots, landscape, wetlands, size of houses, design and appearance would be consistent with the area.
- He did not see a compelling reason to deny the proposal.
- He supports staff's recommendation.

Henry stated:

- He saw both sides.
- He likes the proposal that would use a minimal amount of fill and have less of an impact on the steep slopes.
- He appreciates the neighbors expressing their concerns.
- The proposal is as thoughtful as it can be.

- The bulb on bulb could cause a bottleneck difficulty for delivery drivers.
- He would like some changes, but he did not know what those would be.
- He leaned toward not supporting approval of the proposal due to access and safety issues.

Waterman stated that:

- He visited the site and appreciates the beautiful properties.
- He wrestled with his decision.
- The proposal meets zoning, setback, tree and steep slope requirements.
- He understood the impact of construction on neighbors.
- The 1999 concept plan created environmental problems.
- He is going to recommend that the city council approve the proposal.
- He wished there would be an alternative that would not require as much site adjustment.
- He understood the inconvenience of snow storage and concern for kids playing in a cul-de-sac.
- Once the four single-family residences would be completed, the area would not be all that different and would result in a positive to have four new, expensive, large, single-family residences.

Hanson stated:

- He does not love the development, but he will support staff's recommendation.
- Lot one feels weird to him. He would have the street go through lot two.
- The way people live and work has changed. People are working from home more often and not driving to work as often. Commuter traffic is replaced by delivery drivers.
- Commissioners are tasked with being forward-thinking. Thirty-five years from now, the residents who live in the existing houses will have figured out how to store snow and interact when backing out of driveways.
- The variety and expertise of city staff that review the proposal are capable and thorough.
- Traffic safety can always be addressed and improvements made if a problem is identified.
- He supports staff's recommendation.

Powers opposed the proposal.

Chair Sewall stated:

- The city council will make the final decision.
- He understood that, as a neighbor, he would not want an additional four houses and an increase in traffic.

- Locating the road on the right side would have a much greater impact on natural resources. That is why the proposal is the way it is. The proposal is the best option.
- Snow is a difficulty now and that would not change.
- He saw caution would be needed, but he did not see that an unsafe situation would be created. He teaches his children to stay on the sides of the street that his house is located on.
- He appreciates the neighbors' feedback and presentation.
- He supports staff's recommendation.

Waterman moved, second by Hanson, to recommend that the city council adopt the resolution approving the preliminary and final plats of Dunibar Court, a five-lot subdivision, at 17809 Ridgewood Road.

Waterman, Banks, Hanson and Sewall were present. Henry and Powers voted no. Maxwell was absent. Motion carried.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

9. Adjournment

Banks moved, second by Henry, to adjourn the meeting at 9 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary