

**Minnetonka Planning Commission
Minutes**

Dec. 1, 2022

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda

Maxwell moved, second by Hanson, to approve the agenda as submitted with switching the order of items 9A, a concept plan review for Saville West located at the southeast corner of Co. Rd. 101 and Excelsior Blvd., and 8B, Housekeeping Ordinance 2022.

Banks, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Waterman was absent. Motion carried.

4. Approval of Minutes: Dec. 1, 2022

Henry moved, second by Hanson, to approve the Dec. 1, 2022, meeting minutes as submitted.

Banks, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Waterman 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 Nov. 28, 2022:

- Adopted a resolution approving a conditional use permit for educational use within Cross of Glory at 4600 Shady Oak Road.
- Introduced a housekeeping ordinance amending various sections of the zoning regulations of the Minnetonka City Code.
- Reviewed the concept plan for Walser Kia at 15700 Wayzata Blvd.
- Reviewed the concept plan for Minnetonka Partners, LLC at 15407 and 15409 Wayzata Blvd.

A neighborhood meeting was held for a proposed Doran apartment project on Wayzata Blvd. on the north side of I-394. The concept plan review is expected to take place in January.

A neighborhood meeting was held to review proposed changes for Groveland Elementary and Groveland Cemetery.

A neighborhood meeting will be held at city hall in the Minnehaha Room for The Mills on Dec. 6, 2022 from 6 p.m. to 8 p.m.

A neighborhood meeting will be held next week at city hall to look at properties at Roland Road and Baker Road that the city is considering reinvesting in from 5:30 p.m. to 7:30 p.m. in the city council chambers.

The next planning commission meeting is scheduled to be held on Dec. 15, 2022 at 6:30 p.m.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

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

A. Expansion permit for a garage addition at 16160 Lake Street Extension.

Adopt the resolution approving an expansion permit for a garage addition at 16160 Lake Street Extension.

Banks, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Waterman was absent. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

A. Amendment to the sign plan for West Ridge Market at 11500 Wayzata Blvd.

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

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

In response to Maxwell's question, Thomas explained that the proposal would exceed the height requirement provided in the sign plan for this shopping center and the sign ordinance which applies to all retail establishments in the city.

Powers confirmed with Raines that every tenant in the shopping center under 10,000 square feet in size has one sign no higher than 26 inches.

In response to Chair Sewall's question, Raines explained that Land's End has existed prior to the adoption of the current sign plan, but the proposal's location was created after the adoption of the sign plan.

Charlie Schall Leo, representing the applicant, Fidelity Investments, stated that:

- He apologized for not being able to be there in person.
- Fidelity Investments has been at the site since 2012.
- A request for a second sign to be located on the south façade was previously denied by the planning commission. The sign was placed above the entrance on the east side. The south façade is empty and faces I-394. There are window signs in the windows, but they are not visible to drivers on I-394.
- The site is unique. Land's End has two signs and is located on a corner. The Fidelity Investments space is on a corner. The applicant is the only corner tenant in the shopping center that does not have a second sign. Shane Co. and Olive Garden have three façade signs.
- The applicant feels the proposed second sign is necessary for the identification and presentation of the tenant space.
- The proposed sign would fit with what already exists in the shopping center.
- The Fidelity logo and layout are unique. It is taller than its length. The sign would be 38 square feet in size. It is not a large sign compared to the majority of tenants in the center.
- The south elevation is 124 feet long and looks empty without a sign. The sign would not be extravagant or over-the-top.
- The proposed sign would provide visibility and put the look of the tenant more in line with the look of the shopping center.
- The sign on the east elevation is not visible when traveling east on I-394.
- He requested the proposal be approved.
- He was available for questions.
- Four years ago, the bank manager told him that bank staff received numerous complaints from patrons regarding not being able to locate the bank.

In response to Powers' question, Mr. Schall Leo stated that the applicant would agree to commissioners approving a sign for the south elevation with a height limit of 26 inches if a sign with a height of 34.5 inches would not be approved.

Raines clarified that the sign plan allows the Land's End location to have two signs. She referenced Page 70 of the packet which states that tenants over 10,000 square feet in size in Building A are permitted one sign three feet in height on the southwest façade and a second sign up to 26 inches in height on the southeast façade. All tenants under 10,000 square feet in the shopping center have one sign.

The public hearing was opened.

Brian Noah, 5321 Michaele Lane, stated that:

- He gets confused trying to identify the Fidelity Bank location.
- He felt 2,000 square feet short of 10,000 square feet is not that much of a difference.
- Allowing the sign is common sense.
- He favors promoting businesses.

No additional testimony was submitted and the hearing was closed.

Maxwell stated that:

- It makes more sense to consider wayfinding, the number of facades and the number of ways to enter a building when determining how many signs to allow than the square footage of a use.
- She would be willing to entertain an amendment to the sign plan that would allow a sign on the south façade.

Powers stated that:

- He agrees with the importance of supporting a business.
- He felt it makes sense to have two signs at the Fidelity Investments location.
- He would be o.k. with a sign with a height of 26 inches or 34.5 inches.
- A bank is not as often an impulse stop for motorists driving by as a retail location, but wayfinding is important.
- He supports the applicant's proposal.

Hanson stated:

- He concurs with Maxwell and Powers. The proposed sign would make it easier for a driver to locate the bank from I-394.
- To maintain the integrity of the future sign plan, he suggested that the amendment to the sign plan allow a second sign on the south elevation to only be allowed if it would be tied specifically to Fidelity Investments.

Banks stated that:

- He concurs with commissioners. It is important for a business to be identifiable. He drove I-394 and found that the existing sign was not visible from one direction until the vehicle reached a certain point.
- The large, vacant wall could use a sign.
- He understands the reason staff recommends denial of the application.
- There are unique factors attached to this application and the location of the tenant. The current sign has limited visibility from certain areas; the tenant is located on a corner; and a second sign located on the south façade would be consistent with other corner tenants in the shopping center.
- He was not sure if a sign 26 inches in height would look too small for the façade or if 34.5 inches would be more appropriate.
- He is in agreement with approving a second sign for the south façade and restricting its size to 26 inches if commissioners agree.

Henry stated:

- He thought a second sign located on the south façade is needed. He drives by often on I-394 and only notices the Staples sign.
- He agrees that the corner business needs a sign on the large, blank south side wall.
- He supports being consistent and the sign plan should allow any future business at that location to have a second sign on the south façade as approved for the current applicant if the same amount of square footage is maintained.
- If the building would be divided up further, then that would require a new sign plan amendment. The sign should be specific to the size of the tenant space.

Maxwell was curious what commissioners would think about Michaels and The Boulevard applying to have signs on the south façade. Hanson would not support that since it would not be their wall. Henry would like more opportunities to delve into what-if scenarios. Raines clarified that Michaels and The Boulevard would not be allowed to have a sign beyond their leased spaces.

Chair Sewall stated:

- Sign plans and ordinances matter to keep the city looking attractive. Some cities have so many signs that it looks cluttered and less-than-appealing.
- He did not think wayfinding is needed as much for a bank where a patron would be more likely to plan a visit to a specific one rather than stop on

impulse. The request is motivated by branding and marketing which is reasonable.

- He understood the ineffectiveness of signs located in windows.
- This proposal would not cause a precedent.
- An amendment to the sign plan is allowed when conditions change. He agrees that things have changed since 1996.
- This is a unique situation and a reasonable request.
- Allowing a second sign on the south façade no taller than 26 inches in height would be the best compromise.

Henry suggested approving the sign plan amendment to allow a sign on the south façade with a height no taller than 26 inches.

Hanson and Powers support tying the sign plan amendment solely to Fidelity Investments tenancy in the space. A new tenant would be subject to the former sign plan.

Hanson moved, second by Powers, to adopt a resolution approving a sign plan amendment to the West Ridge Market Sign Plan to allow a second wall sign on the south façade with a height no taller than 26 inches on the corner tenant of Building B at 11500 Wayzata Blvd. for Fidelity Investments only.

Banks, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Waterman 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.

B. Concept plan review for Saville West located at the southeast corner of Co. Rd. 101 and Excelsior Blvd.

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

Thomas reported. Staff recommends commissioners provide feedback on the key topics identified by staff and any other land-use-related items commissioners deem appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

Curt Fretham, with Lakewest Development, applicant, stated that:

- Lakewest Development has done many in-fill housing projects in Minnetonka.
- He gave a presentation that included photos of the existing properties and an aerial view of the proposed site.

- There are two busy roads adjacent to the properties. The corners of the intersection have a daycare, a 100-unit senior housing building, a library, and an office building. The site is the only corner zoned and guided for R-1.
- It is hard to be incentivized to make improvements to a single-family house located on a busy road.
- The concept plan would be a low-intensity use. The concept plan has 20 units which would be less than 12 units per acre.
- The condo flats would be suited to empty nesters with one or two bedrooms which would keep the amount of traffic generated by the redevelopment down. The proposal is being responsive to the neighbors' request to keep the amount of traffic down.
- He provided photos of an office building Lakewest Development revitalized.
- The concept plan aligns with the city's goals listed in the 2040 comprehensive guide plan. The proposal would strengthen the neighborhood, provide two affordable housing units and provide a rare housing product that is lacking in Minnetonka.
- The new building would require a front setback variance from 50 ft. to 35 ft. to provide a better layout. The variance would not be needed if the parking lot would be located between the street and the building, but it looks better from the street to have the building between the street and the parking lot.
- There would be four single-family houses on the south end of the site. A street frontage variance would be required to provide a better layout and allow the houses to fit in better with the topography and trees. The variance could be avoided.
- A public street could be constructed.
- He provided a rendering of the proposed building.
- He provided photos of houses redeveloped by Lakewest Development.
- He recalled a lot of opposition expressed during the application and review process for the North Memorial Medical Clinic on Hwy. 7 due to a concern for an increase in traffic and the removal of existing houses. Neighbors are now benefitting from the redevelopment of the properties.
- The plan has been thought through and would meet stormwater management and tree protection requirements.
- At the neighborhood meeting, neighbors expressed concern about an increase in traffic caused by the redevelopment of the properties.

In response to Hanson's question, Mr. Fretham stated that the proposed condominium flats would be a unique housing product for Minnetonka. Hanson likes the concept plan. He likes the parking lot located on the east side and the aesthetic appeal of the building is great. The design is unique compared to other villa-style houses. He likes each house having a private drive from Tracy Lynn Terrace. The villas accessing Excelsior Blvd. make sense.

In response to Henry's question, Mr. Fretham answered that Lakewest Development did not move forward with a proposal to change the site's zoning to R-1a in 2015 in order to come up with a plan for the north corner first so that buyers of the proposed houses would know what would be happening with the north corner before purchasing a residence. The builder also learned of difficulties that prevented the project from working economically. R-1a zoning would need more than seven residences to make the project economically feasible.

Henry likes the concept plan's architecture and agrees that the housing type is needed.

Henry agreed that the view of the building would look better than a parking lot from Co. Rd. 101. He asked if it would be possible to remove all external parking stalls and have all underground parking. Mr. Fretham explained that the site's topography might prevent that from happening. There is a wetland east of the parking lot, so there would be no neighbors impacted by vehicle lights.

Henry stated that the proposal would be a decent use of the property, but the parking lot would detract from the residential look.

In response to Powers' question, Mr. Fretham stated that the proposed villas would not be taller than 35 feet. Powers likes the design and access to Spring Lane and Excelsior Blvd.

Banks confirmed with Mr. Fretham that the affordable units would be located in the condominium building and would be identical to the rest of the units. Mr. Fretham stated that a building with 100 units would be able to provide more affordable units.

Maxwell asked if he had looked into the design of the proposed single-family residences. Mr. Fretham stated that an architect has not yet taken a close look at the houses.

Henry recommended that solar panels and sustainable features be incorporated into the project. Mr. Fretham supports solar use but has not yet looked into if it would be viable.

Powers likes the proposed style of the villas and opposes a flat roof.

In response to Chair Sewall's question, Mr. Fretham answered that the applicant is fairly confident that the tree protection ordinance requirements would be met. The properties are counted as one development.

The public hearing was opened.

Chanthol Sok, 5400 Tracy Lynn Terrace, stated that:

- He supports the single-family houses, but opposes changing the zoning to allow more density because of the traffic on Co. Rd. 101 and Excelsior

- Blvd. between 7 a.m. and 8 a.m. and 2 p.m. and 3 p.m. created by the nearby high school and elementary schools. Traffic is already really bad.
- He did not know if adding 20 condominiums would add value to the neighborhood.
- The condominiums would create a lot of traffic. He would like a traffic study completed.

Sergejs Rogozins, 5336 Co. Rd. 101, stated that:

- He walks his dog every day in the area.
- He opposes changing the zoning from low density to high density.
- He was concerned with an increase in traffic.
- A lot of kids run around outside.
- His biggest concern is the impact on trees and wildlife.
- The condominiums look great, but he would rather see more houses.
- He questioned how long construction would take.
- Not much maintenance has been done on the four houses being rented now. He does not like the current appearance of them.

No additional testimony was submitted and the hearing was closed.

Mr. Fretham speculated that the condominium building with an underground garage would take approximately 12 to 18 months to be constructed. The houses on Tracy Lynn Terrace could begin construction right away and take approximately one year to be completed.

Hanson stated:

- He appreciates the presentation. He likes the aesthetics of the building. The renderings of the building are very helpful.
- This is one of the more appealing multi-family buildings he has seen in a long time. It presents a true lifestyle and blends in with the neighborhood.
- He likes the current positioning of the condominium building to hide the view of the parking lot from Co. Rd. 101 since there would be a wetland and no neighbors living adjacent to the other side of the parking lot.
- He wants to make sure that the setback would be appropriate next to a busy road.
- He is comfortable with the proposed rezoning.
- The concept plan would meet the city's affordable housing requirements.

Maxwell stated that:

- She agrees with Hanson. She appreciates that the existing houses being rented would be remodeled to allow a lower price point which is a rare housing type in Minnetonka.

- She favors moving the condominium building near the wetland so a resident could enjoy a balcony overlooking the wetland instead of overlooking the parking lot.
- She loves the aesthetics of the building. She is sick of the rectangular, flat roofs for multi-family residential buildings.
- She likes the inclusion of single-family residences to provide a transition to the adjacent properties on the south.
- The condominiums are a reasonable use for the property located at a busy intersection.

Powers stated that:

- He thought single-family residences would do well anywhere in Minnetonka.
- He likes the overall layout of the concept plan.
- There is a lot of traffic generated by the neighboring schools which may cause trouble at the intersection with an additional 20 units.
- There is a lot to be enjoyed about the proposed development.
- He thinks the applicant is onto something. He was not sure why the applicant would want to do condominiums instead of apartments.
- He felt it would be reasonable for the neighbors to know how long it would take to complete construction.

Banks stated that:

- He appreciated the presentation.
- The concept plan is different, refreshing and the condominium building looks gorgeous.
- He appreciates the neighbors' concerns.
- He thought 12 to 14 units would fit better at the location. He drives through the area quite a bit. He always sees kids walking on roads that have no sidewalks.
- He supports three-bedroom units for families instead of another place for empty nesters.
- He suggested building the two new houses at a lower market-rate price point of \$400,000 to \$600,000.

Henry stated:

- R-4 zoning would make sense, provide empty-nester housing at the busy intersection and provide a different type of housing stock.
- He can imagine grandparents watching their grandkids before and after school.
- He saw a compelling reason to change the zoning to R-4 for the location of the proposed condominium building but did not see as much of a

compelling reason to change the zoning for the property with the single-family residences. He was unsure about that.

- He encourages the neighbors and the developer to be as communicative with each other as possible.
- He likes the layout of the site plan. It would not be quite as good if the building would be turned 90 degrees.
- He would like the above-ground parking removed or reduced as much as possible.
- Twenty units would have a pretty good mass and fit into the neighborhood.
- He likes the trail connections idea. Dog paths are fine.
- He suggested showcasing more of the woods and wetland.
- He appreciates the affordable housing requirement being met.
- He encouraged as much screening to be done as possible on the Co. Rd. 101 side and on the south side between the single-family houses.
- He encouraged the developer to continue working on the proposal.

Chair Sewall stated:

- He would not support a rezoning of the site to a PUD since there would be no public good above meeting the city's affordable housing requirement.
- He thought a traffic study would be needed because of the location that already has a high level of traffic, not because the proposal would create enough traffic to trigger the need for a traffic study.
- The parking lot seems big for 20 units. He did not think the need for external parking would be that great.
- He likes the building location parallel to Co. Rd. 101, but could go either way with keeping it there or moving it closer to the wetland and locating the parking lot along the road.
- He likes the proposed street access.
- Shrubs and trees should be utilized to screen headlights.
- He likes the building style.
- Three houses sharing one driveway would not work. A street would need to be created to service the houses.
- He likes the houses providing a buffer to properties on the south.

Chair Sewall thanked the residents for sharing their thoughts. This item is scheduled to be reviewed by the city council at its meeting on Dec. 19, 2022.

9. Other Business

A. Housekeeping Ordinance 2022

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

Thomas reported. She recommended approval of the application based on the findings listed in the staff report.

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

Powers moved, second by Maxwell, to review and provide feedback to the housekeeping ordinance amending various sections of Chapter 3, Zoning Regulations, of the Minnetonka City Code.

Banks, Hanson, Henry, Maxwell, Powers and Sewall voted yes. Waterman was absent. Motion carried.

10. Adjournment

Banks moved, second by Henry, to adjourn the meeting at 9:45 p.m. Motion was carried unanimously.

By: _____
Lois T. Mason
Planning Secretary