

**Minnetonka Planning Commission
Minutes**

Jan. 19, 2023

1. Call to Order

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

2. Roll Call

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

Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley and Planner Bria Raines.

3. Approval of Agenda

Hanson moved, second by Powers, to move Item 8A, items concerning Groveland Elementary School at 17310 Minnetonka Blvd., from the non-consent agenda to Item 7a on the consent agenda.

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

Powers moved, second by Maxwell, to approve the agenda as submitted with additional comments and a correction provided in the change memo dated Jan. 19, 2023.

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

4. Approval of Minutes: Dec. 15, 2022

Henry moved, second by Waterman, to approve the Dec. 15, 2022 meeting minutes as submitted.

Henry, Maxwell, Powers, Waterman, Hanson and Sewall voted yes. Banks 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 Jan. 9, 2023:

- Adopted a resolution amending and replacing the existing conditional use permit for Groveland Cemetery at 3228 and 3300 Woodlawn Ave.
- Reviewed the concept plan for Saville Flats located in the southeast corner of the Excelsior Blvd. and Co. Rd. 101 intersections.

6. Report from Planning Commission Members

Powers appreciated the great job the public works staff did plowing the streets after the heavy snow falls.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

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

A. Items concerning Groveland Elementary School at 17310 Minnetonka Blvd.

Recommend that the city council adopt the attached resolution approving a conditional use permit and site plan review with a variance and expansion permit for Groveland Elementary at 17310 Minnetonka Blvd.

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

8. Other Business

A. Concept plan review for Ridgewood Road Villas at 18116 Ridgewood Road.

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

Cauley reported. Staff recommends commissioners provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Mike Waldo, Ron Clark Construction, representing the applicant, stated that:

- He attended a meeting with neighbors and heard their concerns. It opened up a good dialogue that will be continued.
- The style of the home would be similar to Legacy Oaks. They would be a high-quality product. The ranch-style residences with walkouts or lookouts would be designed for empty nesters, but there would be no age restriction.
- A wetland delineation, tree survey and preliminary grading plan have already been completed to make sure the proper buffers to the wetland are maintained and the site works with the concept plan.
- A stewardship agreement would be considered for the wooded area on the north and buffer areas.

- He spoke with the neighbor on the north and adjusted the position of the proposed house on the concept plan that would be located nearest her property and agreed to plant trees to provide her residence with a buffer in response to her comments.
- Evergreens would be added on the west side of Lindsey Lane and the last 200 feet of the proposed road would have a downslope to deflect headlights when vehicles enter Lindsey Lane from the proposed road.
- The proposed residences would have customized fronts.

Tim Whitten, Whitten and Associates, landscape planner and architect for the applicant, stated that:

- The product is designed for empty nesters and is a needed product in Minnetonka.
- The proposal would provide housing for seniors who want to downsize which would free up their larger single-family residences.

Mr. Waldo stated that he and Mr. Whitten are available for questions and appreciate the commissioners' feedback.

Chair Sewall looks forward to learning how many units per buildable acre the site could accommodate if an application with detailed plans is submitted in the future.

In response to Waterman's question, Mr. Waldo stated that the concept plan is already in compliance with the tree protection ordinance.

Jay Jensen, 4209 Lindsey Lane, stated that:

- He has a paver driveway and a conservation easement on his property. All of the stormwater runoff is contained on his property.
- There is a stewardship agreement managed by the city for his property.
- He wants to protect the otters he has seen near his property.
- He does not want the proposal to have a detrimental impact.
- He would appreciate the applicant meeting with neighbors again before the applicant submits an application to the city.
- Lindsey Lane is a narrow public street. He would like a driveway created for construction traffic to minimize the impact on Lindsey Lane.
- He encouraged paver driveways be used to help with water infiltration and create a better appearance.
- He would like the proposed road moved to the south to save some very old pine trees and minimize the slope that carries water down the hill.
- His backyard has natural vegetation instead of grass. He would like the proposal to have the same conservation markers in their backyards as he does to protect the wetlands.

- He suggested a traffic control device like a stop sign or speed bump be added to the public road to protect the pedestrians and bikers using the regional trail.
- He noted that Mr. Waldo already mentioned that spruce trees would be added along Lindsey Lane to minimize the headlight impact.
- He appreciated everyone's time.

Mary Ann Coleman, 18317 Kylie Court, stated that:

- She is 100 percent against the project.
- She has seen 24 eagles perch in the trees where the proposed houses would be located and eat from the pond.
- There are otters, egrets, blue herons, ducks, geese, and two trumpeter swans in the area.
- She was worried about construction vehicles jeopardizing the safety of trail users.
- Coyotes and deer live in the area.
- She questioned what a "green designated home" meant.
- The area would be harmed by the proposal.
- She did not find a road easement on the plat drawing. The minutes from a meeting held Sept. 15, 2003 state that a road and utility easement was provided to the city on Outlot C.
- A migratory bird permit may be required since eagles feed from the pond.
- She requested the project be scaled down.
- She wants the wildlife to stay there.
- The proposal would decrease her property value.

Alicia Copa, 18008 Powderhorn Drive, stated that:

- Since Deephaven Cove was constructed, her property has had massive flooding and she has spent thousands of dollars to install and maintain culverts.
- Her variance application to construct an addition to her house within the wetland setback was denied.
- The wildlife is amazing.
- Her property has lost half of an acre of dry, usable space because of the Deephaven Cove water redistribution.
- She was concerned the proposal would disturb the natural water runoff and cause more home and property damage.

John Coleman, 18317 Kylie Court, stated that:

- Legacy Oaks has high density, limited trees and a bland development due to a lack in the variety in colors.
- The proposal should have affordable housing.

- He requested that the conservation done for the marshes continue with this property.
- He will continue to review recorded documents for the property.
- He asked what interesting things could be done with the large piece of property on the north that the current concept plan would not change. He thought something could be done to enhance the area.

Ms. Coleman stated that the six years of construction to create Legacy Oaks scared away wildlife. She requested that the construction equipment stay on the applicant's property and not use Lindsey Lane.

Pat Montgomery, 17833 Powderhorn Drive, stated that:

- The utility ditch in the rear of his property is 30 to 40 feet wider than it was 15 years ago.
- He thinks the development of the Marshes of Meadowwood caused more stormwater to travel onto his property.
- The wetland delineator he hired said that the utility ditch was blocked in three areas. One was from beavers making a damn and two were caused by the stormwater pipes being plugged by dirt.
- The residents of Powderhorn Circle have standing water on their properties from March through August. He was concerned their properties would end up like his.
- His lot used to have .65 acres not considered wetland. Now, only the first 10 feet of property from his back door is not considered wetland.
- He was concerned that water movement that cannot be predicted or controlled would impact the residents on Powderhorn Drive more and more.
- He was concerned when the city offered him a curb and gutter at no cost.
- He opposes a street connecting with Powderhorn Drive.

No additional testimony was submitted and the hearing was closed.

Hanson confirmed with Cauley that Lindsey Lane is a public street and the proposed street in the concept plan would be public.

In response to Henry's question, Gordon explained how the Marshes of Meadowwoods is a unique conservation project that restored wetlands that were being used as a golf course and created home sites. The concept plan would only change the upland areas and not change the wetland areas of the property.

Hanson stated:

- He appreciated the presentation from the applicant and the neighborhood speakers being organized.

- Ron Clark has been a patient and flexible developer who listened to neighbors during previous projects. He values that.
- He supports making driveways wide enough for two vehicles to be parked on the driveway and still be able to open their doors.
- He encouraged the applicant to find ways for the proposal to be harmonious with its unique neighbor to the west.
- Like Chair Sewall, he is interested in learning how many units per buildable acre the site has if an application with detailed plans is submitted in the future.
- He would like to see the aesthetics of the proposed houses blending with the neighboring houses.

Waterman stated that:

- He appreciated the comments from neighbors.
- He agrees that Ron Clark Development does a good job working with neighbors and doing a high-quality project.
- There is a lot to like about the concept plan.
- The site is a large, developable piece of property.
- He supports villa-style residences that support a little more density than R-1 single-family lots to free up other housing and create natural affordability. This style of house with a size of 2,300 to 2,500 square feet would provide more affordability than what would be built on a lot zoned to meet R-1 requirements.
- He was a little concerned the residences would be too close together.
- The addition of single-floor living would be a public benefit since it is needed in the city and could justify a planned unit development (PUD). The property on the north end of the site could also be utilized to provide a public benefit.
- The proposal should complement The Marshes of Meadowwoods.
- Issues to be careful of include stormwater runoff, snow management and the water table.
- He appreciated the work already done with neighbors to agree upon buffering.
- The concept plan complies with tree protection ordinance requirements.
- He was not sure if he was comfortable with the density.

Powers stated that:

- He likes Ron Clark Development a lot.
- He thought the concept plan was too dense.
- He did not think houses that would sell for over \$1 million would qualify as a public benefit.
- Legacy Oaks was a very good project.

- He was concerned with stormwater runoff. The effects would be far-reaching.
- The ability to effectively provide stormwater management must be determined before deciding how many houses would be appropriate.

Henry stated:

- He would like to learn more about the possibility of providing effective stormwater management before commenting on other facets of the concept plan. He has full faith in each staff expert tasked with reviewing an application's stormwater management requirements.
- He appreciated the neighbors providing feedback on what is seen in the area on a day-to-day basis.
- He thanked the developer for working with the neighbors.
- The Marshes of Meadowwoods development is unique. He encouraged the applicant to preserve the environment as much as possible.
- He likes the preservation of 19 acres.
- The proposal would be too dense and the houses would be located too close together.

Maxwell stated that:

- The property is unique and provides an opportunity for the applicant to be a good steward of the beauty of Minnetonka.
- There would be too much density.
- The concept plan would have too much impervious surface in an area that already has a lot of water issues.
- She would like to see a thorough water runoff and stormwater management plan.
- She thought a two-vehicle garage might work in this case.
- She likes the extra surface parking for visitors.
- She did not think adding villa-style houses was enough of a public good to justify a PUD. The northern part of the property may be able to be utilized as a public good.

Chair Sewall stated:

- The biggest issue is water. The worst-case scenario would be for the property's stormwater runoff to stay the way it is now. The best case would be a decrease in the amount of water runoff provided by stormwater management features completed with the proposal.
- He would like the spirit of the conservation practices being done across the street applied to the proposal.
- He favors rezoning, but was not sure if there is a strong enough case to justify a PUD.

- He was more concerned with the density in relation to the number of units per buildable area. Using the entire property to calculate density is misleading.
- He encouraged the applicant to keep working with neighbors.

Chair Sewall called for a brief recess.

B. Concept plan review for Marsh Run II Redevelopment at 11816 Wayzata Blvd.

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

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

Tony Kuechle, Doran and Co., applicant, stated that:

- The applicant plans on acquiring both properties. The concept plan only covers 11816 Wayzata Blvd. The additional acquisition would help alleviate the neighborhood's lack of parking.
- The design of the building would be similar to Birke.
- Neighbors expressed issues with a lack of parking, the mass of the building, the trail disrupting natural habitat and the number of units.
- The proposed building would be located on the existing building footprint.
- Three options were provided for exterior materials so commissioners could provide feedback on them.
- The current buildings have been deemed blighted, so the applicant would apply for TIF funds.
- The applicant is discussing with staff having 10 percent of the units meet 80 percent area-median-income (AMI) affordable-housing requirements.
- The applicant supports prohibiting parking on Fairfield Ave. The applicant is willing to cover the cost of the city adding more "no parking" signs.
- The property the applicant purchased on the east could be assigned parking from 5 p.m. to 8 a.m.
- Raines did a great job explaining the concept plan.
- He was available for questions and looked forward to receiving feedback.

Powers asked Mr. Kuechle if he would have done anything differently with the Birke project. Mr. Kuechle answered that he would double the amount of surface parking. The internal, heated, dry-visitor parking is not being used. The units maintain 96 percent occupancy.

Powers asked how many electric vehicle chargers would be provided. Mr. Kuechle responded that 10 percent of the stalls would have electric chargers right away and the facility would have the ability for 20 percent of the stalls to provide electric chargers if needed in the future.

In response to Henry's question, Mr. Kuechle noted that the wetland is a man-made wetland and the applicant would agree not to install the trail if that is what neighbors and the city would prefer.

In response to Maxwell's question, Mr. Kuechle explained that the concept plan would raise the ground area of the office building about two feet. When the building is excavated, a clay bathtub will be created to prevent water from coming in. The lake to the south determines the underwater groundwater level. He learned that through the development of Birke. An effective method was found to fix that issue and the same would be done to fix the proposed site. The building would sit two feet above the ordinary-high-water level.

In response to Waterman's question, Mr. Kuechle explained how restrictions had to be put in place to prevent non-tenants and guests-of-non-tenants of Birke from parking vehicles for extended periods of time in the free-underground-parking area. The proposal would have more surface parking available for tenants and an additional parking lot available for after-business-hour parking.

Chair Sewall confirmed with Mr. Kuechle that there would be receptacles available to collect dog waste.

The public hearing was opened.

Jane Gordon, a resident of Bay Hill Condominiums, stated:

- She was glad that the proposal would replace an unattractive building and make the area more attractive.
- She represents many residents of Bay Hill Condominiums.
- When a vehicle parks on Fairfield Road, it becomes a one-lane road.
- She requested more parking signs be installed that state "no parking" instead of signs that have a circle and slash around a "P."
- She called the police when seven vehicles were parked on the street and a police officer ticketed the vehicles.
- She requested that the number of parking stalls included in the concept plan be repeated before the end of the meeting.
- Residents of Birke use parking stalls that belong to Bay Hill Condominiums and the office building because they do not want to pay for underground parking at Birke.
- She is concerned that there would not be enough parking stalls available for the proposal's tenants.

- The left turn to get to I-394 is very dangerous since it is an uncontrolled intersection and the sight line is obstructed.
- She supports new residents joining the area but wants to make sure that there is enough parking and traffic hazards are fixed.
- She was available for questions.

Mr. Kuechle stated that:

- He agrees that there needs to be more "no parking" signs on Fairfield Road that make it clear that no parking is allowed throughout the entire stretch of the street and not just the spots in front of the signs.
- He explained that Birke has 1.4 parking stalls per living unit. The concept plan would have 1.52 stalls per living unit. He agreed that there is currently a parking issue at Birke that he is working to solve.

Pam Lewis, 980 Fairfield Court, stated that:

- The existing building is not attractive, but the neighborhood behind it has a beautiful wetland area. There is a lot of wildlife, including deer and swans.
- She is still adjusting to the addition of the Birke building. It is a giant building.
- She had predicted that visitors, Uber drivers and door-dash drivers would not want to use underground parking stalls. She appreciated the applicant acknowledging the problem, but the neighbors are stuck living with the problem.
- There is still a problem with vehicles being parked on Fairfield Road and in the guest parking stalls.
- Dog walkers walk through the neighborhood to Overland Park and leave bags of dog waste along the road.
- An even bigger building would exasperate the parking problem.
- She understands that housing and density make sense at the proposed location.
- She would like the grove of preserved trees to provide a buffer for her view of the site, privacy and a habitat for wildlife.
- A left-turn lane to I-394 and a bike lane would make the area safer. Bicyclists currently travel on the sidewalks.
- There would be more of a parking shortage when the office building site is redeveloped in the future.
- The proposed building would add too much density.

Charlie Ross, 992 Fairfield Court, stated that:

- There is a lot of wildlife including deer, swans and birds that he fears would disappear.

- No trees should be cut down because they provide a buffer between the proposed building and the neighborhood.
- The trees on the boulevard were removed when Birke was built.
- There are three “no parking” signs on Fairfield Road. He counted ten vehicles parked illegally on the street last night.
- There are no bags or dog waste receptacles on Fairfield Road.
- The proposed building would be too gargantuan. Similar huge apartment buildings in other communities are not located in residential areas.
- He asked for the acreage of the site.
- He did not understand why this building would be so huge.

No additional testimony was submitted and the hearing was closed.

Mr. Kuechle stated that:

- The site is 4.03 acres in size.
- The site would require less grading than Birke which would reduce the amount of tree removal.
- The Birke site did not remove any trees that were not approved for removal by the tree protection ordinance and approved in a tree removal plan.
- A tree preservation plan and tree removal plan will be submitted if a formal application is submitted to the city.
- A tree survey will be completed if the applicant moves forward with submitting an application.
- The grove of trees located between the two buildings is located in a wetland, so they are not allowed to be removed.
- Pet waste bags are available for anyone on the Birke property, but the applicant cannot legally locate them on someone else's property or in a public street right of way. He would be happy to provide bags to the neighbors.
- The concept plan would have 43 surface parking stalls. Birke has seven surface parking stalls.

Maxwell stated that:

- She appreciated that the footprint of the proposed building would align with the existing footprint to prevent a large amount of impervious surface from being added so close to the wetland.
- She favors decreasing the height of the building by one story to help the neighbors be more comfortable with the mass of the building.
- The site is a reasonable place to have a multi-family building with its location on a frontage road.
- She would prefer a building with a little more design character.
- She supports keeping the trail to help keep dog walkers off of the road.

Hanson stated that:

- He enjoyed his Birke tour. He appreciates that the developer has been transparent and has learned from the mistakes made with the Birke.
- It was quiet in the Birke building. He assumed the proposed building would be made of the same quality.
- He would like to learn the apartment sizes that would be available in the proposed building. He hopes there will be three-bedroom units.
- He likes the trail around the building and would like it to be impervious by using materials like gravel or limestone.
- He encouraged the applicant to educate the residents on parking regulations.
- He suggested the applicant keep neighbors informed on the status of the buffer located between the proposed building and the neighbors.

Powers stated that:

- He was happy that the proposal would have more surface parking than Birke.
- He does not like the appearance of the Birke building, but he is glad Doran would create a complementary building.
- He suggested that the office building parking lot be made a permanent parking solution.
- He loves the trail for walking dogs.
- Residents need to be taught what to do to be good neighbors.
- He would like 20 percent of the units to be affordable at 80 percent AMI.

Henry stated that:

- He appreciated the comments from neighbors and the applicant responding to the comments.
- The building would be too massive. He would like something with more character that would complement the area.
- He suggested moving the pool so it would have more sun.
- The uncontrolled intersection to reach I-394 is dangerous and needs to be addressed.
- The east parking lot should be a long-term solution.

Waterman stated that:

- He supports the proposal. It is a nice idea.
- He likes that the existing footprint would be utilized.

- He likes the third rendering of the building the best to help decrease the view of the mass. The building is large to look at from the north to the south.
- He likes the dog run and trail.
- He encouraged the applicant to provide 20 percent of the units at 80 AMI.
- He looks forward to seeing an application in the future.
- He would like the parking lot on the east to be a permanent parking solution.

Powers stated that:

- He would like the developer to utilize the dog-run area to also attract birds and other wildlife.

Chair Sewall stated:

- He likes that the proposed building would use the same footprint as the existing building to prevent more impervious surfaces from being added.
- He supports the trail and would like the trail to be a continuous loop.
- He likes that the proposal would have more surface area parking than Birke.
- He invited residents to call the police when witnessing parking and pet waste violations.
- The mass of the building would be too large. Its shadow would get too close to the existing condominium building. People do not own a view, but it would be unreasonable for one building to cast a shadow over another property. That is the biggest challenge for the proposal.
- He likes this site better than the Birke site.
- He looks forward to seeing the process move forward.

The city council is scheduled to review the concept plan at its meeting on Jan. 30, 2023.

9. Adjournment

Hanson moved, second by Powers, to adjourn the meeting at 9:46 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary