

**Minnetonka Planning Commission  
Minutes**

**May 18, 2023**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: Assistant City Planner Susan Thomas and Planner Bria Raines.

**3. Approval of Agenda:**

***Henry moved, second by Powers, to approve the agenda as submitted with a modification and additional comments provided in the change memo dated May 18, 2023.***

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

**4. Approval of Minutes: May 4, 2023**

***Banks moved, second by Waterman, to approve the May 4, 2023 meeting minutes as submitted.***

***Banks, Henry and Sewall voted yes. Powers and Waterman abstained from voting. Maxwell and Hanson were absent. Motion carried.***

**5. Report from Staff**

Thomas briefed the commission on land use applications considered by the city council at its meeting on May 1, 2023:

- Introduced an ordinance for items concerning Walser Kia at 15700 Wayzata Blvd.
- Introduced an ordinance for items concerning Ridgewood Ponds at 18116 Ridgewood Road and an adjacent unaddressed parcel.
- Adopted an ordinance amending city code 300.28, subdivision 12, regarding parking and loading requirements and adding a new section 315.14.

The next planning commission meeting is scheduled to be held June 1, 2023.

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

**7. Public Hearings: Consent Agenda**

No items were removed from the consent agenda for discussion or separate action.

***Henry moved, second by Banks, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:***

**A. Setback variance for a freestanding-electric-message-center sign at 13911 Ridgedale Drive.**

Adopt the resolution approving a setback variance for a freestanding-electronic-message-center sign at 13911 Ridgedale Drive.

**B. Conditional use permit for a restaurant with on-sale liquor at 17623 Minnetonka Blvd.**

Recommend that the city council adopt the resolution approving a conditional use permit for a restaurant with on-sale liquor at 17623 Minnetonka Blvd.

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

**8. Public Hearings**

**A. Expansion permit for garage and living space additions to the house at 5123 Willow Lane.**

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

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

Marielena Acorda Shaner, the owner of 5123 Willow Lane, applicant, stated that:

- The basement would not be finished.
- The project would include adding stormwater mitigation controls.

Luke Shaner, 5123 Willow Lane, applicant, stated that:

- He appreciated the opportunity to talk about the project.
- He is an architect and found this to be the right project for the site and for the applicants' needs.
- The proposal would increase the current setback from the north property line.

- The proposal would make the site more in conformance with current ordinance requirements.

Powers asked if the proposal would still meet the needs of the applicant after making changes to come closer to meeting ordinance requirements. Mr. Shaner answered affirmatively. He explained how the owners learned of the issues inherent to the site, researched 12 different possible solutions and found the best solution. Mr. Shaner understood the issue of meeting fire rating issues even though there is a pond adjacent to the site. He likes the project and is excited to move forward.

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

Waterman stated that:

- He supports the proposal.
- He agrees with the staff's recommendation.
- The proposal would be a reasonable use of the property.
- There would be no parking issue.
- The situation is unique to this property given when the property was platted and when the house was built.
- The proposal would not change the essential character of the neighborhood and would improve it.
- Expanding and improving residential property is a great investment.
- The only feedback received from a neighbor is positive.
- It is a good project.

Powers stated that:

- He supports the proposal.
- He appreciates the applicants working with neighbors and staff.
- He visited the site and felt it would be a wonderful addition.
- He wished the applicants the best of luck.

Henry stated:

- He felt that the design is logical for the site.
- He agrees with commissioners.
- He appreciates the applicants explaining the project.
- The proposal is very thoughtful.
- It would be a great addition to the neighborhood.

Chair Sewall stated:

- He likes when a non-conforming site is able to become slightly less non-conforming.
- He appreciates the progress.
- He supports the staff's recommendation.

***Waterman moved, second by Powers, to adopt the resolution approving an expansion permit for garage and living space additions to the house at 5123 Willow Lane.***

***Powers, Waterman, Banks, Henry and Sewall voted yes. Maxwell and Hanson were 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. Conditional use permit for an accessory structure in excess of 1,000 square feet and 12 feet in height at 12620 Orchard Road.**

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

Raines reported. Staff recommends denial of the application based on the findings listed in the staff report.

Scott Wothe, 12620 Orchard Road, applicant, stated that:

- There is no room along the side of the house for the addition to meet the side setback.
- The look and design would blend into the woods.
- The proposed building would not be very visible from the street.
- The color would be gray to blend in with the trees and be a similar color to the house.
- He was available for questions.
- He has an abundance of vehicles he would like to house in the proposed structure.

Banks asked how many vehicles the structure would house. Mr. Wothe answered six vehicles arranged two wide and three deep.

Henry asked if there would be lifts on the right side to potentially store vehicles above the others. Mr. Wothe explained that the architect included that on the plan, but he did not know if there would be enough height to allow vehicles to fit above other vehicles. A small lift may be used for auto repairs.

Powers asked for the reasoning behind the patio area. Mr. Wothe thought that the patio roof gave the structure balance and offset the visual height of the building. The covered patio area would be utilized for outdoor gatherings.

Waterman asked what would be lost if ordinance requirements were met. Mr. Wothe answered that the number of vehicles that could be stored would be decreased. He is paying to have the vehicles stored now.

Mr. Wothe stated that there are quite a number of properties that have an accessory structure larger than the principal structure in the area. There are a couple of horse barns still in existence and another horse barn was torn down a few months ago. The corner of Excelsior Blvd. and Baker Road has a structure that is larger and ten feet taller than the principal structure.

The public hearing was opened.

Kari Lidstone, 12608 Orchard Road, stated that:

- The rendering does not show how nestled in the woods the structure would appear.
- She would see more of the structure if it were located somewhere else on the property.
- She has no problem with the proposed location of the structure.
- She fully supports the proposal.

No additional testimony was submitted and the hearing was closed.

Chair Sewall asked if any secondary structures larger than the principal structure have been approved by the city. Thomas answered that some had been requested, but she did not recall any that had been approved.

Raines explained that the referenced existing accessory structures might have been built before the adoption of current ordinance requirements.

Banks asked if the same restrictions would be in place if the structure were used for living space. Raines explained that an accessory dwelling unit (ADU) has a size limit of 1,000 square feet. The proposed structure would exceed 1,000 square feet in size.

Powers stated that:

- The rendering did not show how well the structure would fit into the woods and gardens.
- What bothers him the most is that the size of the accessory structure would not be subordinate to the size of the primary residence. That is the most important consideration for the neighborhood and the city.

- He struggled with his decision because the site is an R-1 neighborhood, but the structure would be tucked into the woods.
- The architectural style of the structure is attractive but not consistent with the house.
- He likes the structure's proposed location on the property. It would allow a good use of the land.
- The homeowner's backyard is beautiful.
- He is inclined to follow staff's recommendation, but he would like the applicant to get a garage. It would not need to house six vehicles.

Henry stated:

- He was torn with his decision.
- The structure is beautiful and he likes vehicles. He wants the applicant to have a place to hold the vehicles.
- The neighbors support the proposal.
- The location makes sense.
- The purpose of the commission is to codify a balance between individual and community interests and apply ordinances consistently.
- The existing barns and large accessory structures were probably built before the ordinances were in place.
- He agreed that the accessory structure should be subordinate to the size of the principal structure and the proposal is not.
- He likes the proposal and wants it to succeed, but he cannot support it primarily for the reason that the proposed accessory structure would not be subordinate to the principal structure.

Banks stated that:

- He appreciates the neighbor who supports the proposal sharing her comments.
- He visited the property and thought that once 23 trees would be removed and the driveway would be added that the back area would look significantly different than it does now.
- The rendering of the proposed structure looks beautiful. The rendering looks like a showroom for vehicles, but a showroom for vehicles does not belong in a residential area.
- The staff has provided viable options to decrease the square footage and attach the structure to the residence.
- The structure would be a bit much for its purpose located on a residential property.
- The structure would be twice as large as the residence which would feel excessive.
- The proposal would impact the natural landscape of the area.

Waterman stated that:

- He also struggled with this one.
- The property is large.
- It looks like the structure could be nestled in the woods so it would not have a large impact from the view from Orchard Road.
- The neighbor supports the proposal.
- He agreed that the structure could be cut back to better comply with the conditional use permit standards in regard to height and size and make it subordinate to the principal structure.
- He thought something unique and large might fit, but the proposal is so far from ordinance requirements that he does not support the proposal.

Chair Sewall stated:

- Commissioners like to be reasonable, but an accessory structure two times the size of the principal structure would be too much of a violation of the ordinance.
- A three-vehicle garage is reasonable for a residential area, but a six-vehicle garage has an industrial appearance.
- He appreciates the support of the current neighbors, but future neighbors may not agree.
- He felt there might be another compromise, but the proposal exceeds the reasonableness scale.

***Waterman moved, second by Henry, to recommend that the city council adopt the resolution denying a conditional use permit for an accessory structure in excess of 1,000 square feet and 12 feet in height at 12620 Orchard Road.***

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

## 9. Adjournment

***Powers moved, second by Banks, to adjourn the meeting at 7:40 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary