

**Minnetonka Planning Commission  
Minutes**

**July 6, 2023**

**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, Waterman and Sewall were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon and Senior Planner Ashley Cauley.

**3. Approval of Agenda**

***Maxwell moved, second by Henry, to approve the agenda as submitted with modifications and an additional comment provided in the change memo dated July 6, 2023.***

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

**4. Approval of Minutes: June 15, 2023**

***Waterman moved, second by Hanson, to approve the June 15, 2023 meeting minutes as submitted.***

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

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting on June 26, 2023:

- Adopted a resolution approving an interim use permit for the temporary sale of fireworks at Westwind Plaza at 4795 Co Rd 101.
- Adopted a resolution approving a conditional use permit for an accessory structure in excess of 1,000 square feet and 12 feet in height at 4600 Shady Oak Road.
- Adopted a resolution approving a conditional use permit for a detached accessory dwelling unit at 1505 Traymore Road.
- Adopted a resolution approving a conditional use permit for an accessory structure in excess of 1,000 square feet and 12 feet in height at 2507 Sherwood Hills Road.

- Adopted a resolution and an ordinance regarding items for Marsh Run II, a multi-family redevelopment by Doran at 11816 Wayzata Blvd.
- Reviewed and tabled taking action on items concerning Walser Kia at 15700 and 15724 Wayzata Blvd.

The annual boards and commissions dinner is scheduled to be held on July 19, 2023. The social hour starts at 5:30 p.m., and the dinner and meeting at 6:30 p.m.

The annual city tour for councilmembers, planning commissioners and economic development authority commissioners is scheduled to be held on Aug. 31, 2023.

The next regular planning commission meeting is scheduled to be held on July 20, 2023.

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

**7. Public Hearings: Consent Agenda**

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

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

**A. Lot-behind-lot setback variance for a garage addition at 4813 Williston Road.**

Adopt the resolution approving a lot-behind-lot setback variance for an attached garage at 4813 Williston Road.

**B. Conditional use permit and variance for medical clinics at 12501 Whitewater Drive.**

Recommend that the city council adopt the resolution approving a conditional use permit for medical clinics at 12501 Whitewater Drive.

**C. Conditional use permit for telecommunication antennas and accessory equipment at 501 Carlson Parkway.**

Recommend that the city council adopt the resolution approving a conditional use permit for telecommunication antennas and accessory equipment at 501 Carlson Pkwy.

**D. Conditional use permit for a telecommunications tower at 6120 Blue Circle Drive.**

Recommend that the city council adopt the resolution approving a conditional use permit for a telecommunications tower at 6120 Blue Circle Drive.

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

Chair Sewall stated that an appeal of the planning commission's decision for item 7A, a lot-behind-lot setback variance for a garage addition at 4813 Williston Road, must be made in writing to the planning division within ten days.

**8. Public Hearings**

**A. Front and side yard setback variances for a detached garage at 3169 Lake Shore Blvd.**

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

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

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

Hanson suspects that the neighbors of the site are empathetic to the applicant's proposal. He supports the proposal which would improve the current situation.

Henry noted that the property is narrow and the proposal would be an improvement to the existing nonconformity. The proposal is reasonable. He supports staff's recommendation.

Hanson appreciated the well-done visuals provided in the staff report.

Chair Sewall appreciates the opportunity to make a non-conforming situation less non-conforming. He supports staff's recommendation.

***Henry moved, second by Banks, to adopt the resolution approving front and side yard setback variances for a detached garage at 3169 Lake Shore Blvd.***

***Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted yes. 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. Items concerning Ridgewood Ponds, a 13-lot subdivision at 18116 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.

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

- He appreciated commissioners taking the time to discuss the project.
- There are three possible designs prepared for the site.

Tim Whitten, Whitten and Associates, the architect representing the applicant, stated that:

- The number of units on the proposed site plan are the same as what was proposed in the concept plan. The current site plan has more separation between the homes. Many corrections were made since the review of the concept plan to improve the proposal.
- The proposal has 13 villa-style houses at 3.14 units per acre.
- He provided examples of the site being divided following R-1 zoning regulations with seven single-family houses; R-1A zoning with ten single-family residences; and the proposed planned unit development (PUD) with 13 villa-style houses.
- There is a benefit to having 13 smaller residences rather than seven larger residences. The villa-style-housing type is in demand in Minnetonka and it would have less impact overall. The single-family houses would have two to three stories, three-vehicle or four-vehicle garages and possibly sport courts.
- Villa-style houses are smaller and have a lower profile. PUD zoning with 13 villa-style houses “does not mean that it would be more dense as it affects building coverage, mass and scale.”
- This proposal would have a homeowners association.
- The major benefit would be that Ron Clark would be the developer and the builder. The work would be of high quality and the applicant would control the timeline.
- The proposal would have a wildlife overlook with a bench and woodchip trail connection.

In response to Henry’s question, Mr. Waldo explained that the applicant did look into accessing the street across from the Kylie Court intersection. The current location would allow for better visibility for drivers to see in both directions and see the trail access; slope headlights down into the ground; and locate street lights in between the existing houses. One neighbor opposes the current road access location, but the rest support it. More trees would need to be removed if the road access would intersect with Kylie Court. The applicant has met with the neighbors three times. The proposed location is better from a safety, engineering and alignment standpoint. The proposed access location fits better with the neighborhood and topography.

Mr. Waldo stated that:

- Most of the marsh areas would be placed in a conservation easement.
- He pointed out the buffer areas where vegetation and trees would be planted and a four-foot fence installed at the intersection with Lindsey Lane if the improvements would meet right-of-way requirements.

Hanson asked why the applicant felt the 13 villa-style houses would be better than seven single-family residences. Mr. Waldo stated that it is debatable. The applicant feels strongly that the villa-style product would be valuable to the community. It would free up other single-family residences in the city and allow empty nesters to stay in the community. The single-family houses with R-1 zoning would be 6,000 square feet to 7,000 square feet in size with three to four-vehicle garages and sport courts. The neighbors want to move through construction quickly. The existing neighborhood's last house was constructed last year which is 20 years after the development started. A single-family neighborhood has no control or incentive to get through that process. The villa-style homes would be done faster because the developer specs the homes. The PUD would provide buffers; wetland restoration work; and an overlook. There would be a minimum of 15 feet between the villa homes. The Marshes of Meadowwoods density is at 2.8. The proposal's density would be 3.1. There would be more traffic from 13 villa homes, but Lindsey Lane is a public street designed to accommodate the proposed amount of traffic.

In response to Hanson's question, Mr. Waldo stated that the bulk of Legacy Oaks' buyers vacated single-family residential houses located within 10 to 15 miles of Legacy Oaks. He estimated that at least half of the 13 buyers that would purchase the proposed villa-style houses would vacate single-family residences located in the vicinity of the site.

Chair Sewall asked where snow would be stored. Mr. Waldo pointed out areas where snow could be stored including the west side of the cul-de-sac. Snow would be hauled away if necessary.

In response to Chair Sewall's question, Mr. Waldo stated that the road would extend a few feet to create a turn-around area.

Banks asked how long construction would last. Mr. Waldo estimated that grading; seeding; and street and utility installation would start this fall and would take 60 days to 75 days. Three or four villas would be completed each year which would take a total of three years. He has already received calls from interested buyers.

Mr. Waldo stated that:

- The project would meet the requirements to receive a Greenpath certification in energy efficiency.
- The neighbors provided positive feedback regarding the trail and overlook.

- The wetland would not be touched. The Marshes filled 3.3 acres of wetland. There is a lot of garbage currently in the wetland that would be removed.
- Restoration work would be done to a wetland on the west side of the site and a proposed pond would rehydrate the wetland.
- The proposal would create a very nice neighborhood instead of seven very large houses.
- He was available for questions.

The public hearing was opened.

Jay Jensen, 4209 Lindsey Lane, stated that:

- The proposal does not meet the standards for PUD zoning.
- The proposal would not provide greater preservation of natural resources than a non-PUD development.
- If he was the applicant, then he would have asked for more lots than he actually wanted in order to negotiate the number down to what he wanted. The first development application or concept plan should ask for more lots than the applicant wants so that the number can be reduced after negotiation. The concept plan and current proposal both include 13 villas.
- There would be more hard-surface areas with 13 units than what the site has now.
- He has a rain garden, no grass and geothermal heating and cooling for his house.
- Water running down the proposed street into Lindsey Lane could cause a problem. There are no curbs on Lindsey Lane.
- The proposal would not provide affordable housing.
- The villas would be a rambler. He likes Ron Clark townhouses, but not this design.
- There is no mix of land-use types.
- The proposal would be denser than the surrounding area.
- The site has the longest fire department response time.
- There is no evidence of the proposal having greater energy efficiency than seven single-family houses.
- If he was the developer, then he would propose 13 townhouses and negotiate down to 11 townhouses and have two properties on the northeast corner put in a land trust for affordable housing. He would include a provision to allow elevators in the residences. He would require every residence to have fire suppression sprinklers, especially those on the private street.
- Lower density could allow room for rain gardens to reduce water runoff.
- Driveway pavers could help minimize water drainage.
- Something much better could be done.
- He would like a commitment that workers would not park on the street.

- A good berm would be appreciated.
- He suggested postponing approval of the item to give the applicant a chance to make some changes.

Joe Boyer, 4218 Lindsey Lane, stated that:

- The ecosystem ties the area together. Most of the site has marsh, buckthorn and unimportant trees.
- The “high land” part of the site has 20 to 30 percent hardcover now. A lot of water runoff would be created.
- There are six houses on five acres now. The proposal would be extremely dense.
- The proposal should have the same land use and environmental conservation and protection standards as the houses in the Lindsey Lane cul-de-sac.
- The stand of white pine trees is important to the neighborhood and part of the ecosystem. He found that unacceptable when access to Kylie Court would only cause the loss of two or three pine trees.
- The lake is in the flood zone. The properties on the north have had problems with flooding in the past.
- The proposal maximizes the density.
- Energy efficiency is expected in any new development.
- The walking trail is heavily used.
- An intersection at Kylie Court would be safer than the proposed “T” intersection.

John Coleman, 18317 Kylie Court, stated that:

- Construction equipment and vehicles could park on Ridgewood Road and cause a traffic problem. There would be plenty of places to park on the 23-acre site. He was glad the existing driveway would be used for construction-vehicle parking. He would like a parking plan created to dictate parking locations.
- The single road could be easily blocked by construction vehicles.
- There needs to be more funds allocated to cut down on light and noise pollution in the neighborhood.
- The houses would have more interest and variety if they were spaced out more.
- He questioned what would require the association to protect the long-term water quality of the pond and additional 15 acres. He requested a more definitive plan to help drive the health of the entire area.
- Fire safety is a big concern.
- Light and noise pollution are concerns.

Becky Nyberg, 4257 Lindsey Lane, stated that:

- She contacted representatives of the Ridgewood Church who were agreeable to discussing allowing their parking lot to be used for construction-vehicle parking. They wanted to know when and how many vehicles would be parked there.

Anjali Dahiya, 18310 Kylie Court, stated that:

- There has been no change in the concept plan.
- There has been no change in the concept plan to prevent vehicle pollution from being emitted near his house.
- There should be more improvements to the plan to address neighbors' concerns.

John Utter, 4233 Lindsey Lane, stated that:

- The developer has "met with" neighbors but has "not worked with" neighbors.

No additional testimony was submitted and the hearing was closed.

Cauley explained that:

- The conservation easement would have specific language regarding what could and could not be done in the conservation easement. It would help protect the integrity of the wetland.
- The construction management plan would include a parking plan for construction vehicles and contractor parking and is done during the review of the building permit.
- The city's affordable housing policy applies to developments with ten or more attached units. It does not apply to the current proposal.
- The ordinance to rezone a property to PUD requires that one public benefit be completed.
- Additional site details would be needed to determine if trees and shrubs would be able to be planted in the wetland buffer and street right-of-way easement.
- The applicant has offered to provide screening for headlights, but additional site details would be needed to determine if a fence or vegetation could be located in the street right-of-way.

Waterman stated that:

- He appreciated everyone's comments.
- This is a challenging proposal.
- He knows a lot of Minnetonka residents who now reside in single-family houses and would love this product which would allow them to downsize and stay in the city. He sees the need for villa-style housing. The project



would free up 13 single-family residences in the city. The villa-style houses would not be affordable, but the city is developed and does not have a lot of opportunities for a development like this. He would like to see a lot more of this type of villa-style housing in Minnetonka.

- The proposal is too dense. He would like to see at least one of the lots removed.
- He supports development in general. The developer is making an effort to provide buffering and decrease the proposal's impact on the surrounding area.
- Providing a different type of housing stock; a wildlife overlook; a conservation easement; wetland improvements; and debris removal are public benefits that meet the PUD requirement.
- He could support the proposal with a decrease in the density to open up the distance between residences.

Powers stated that:

- The proposal would be too dense.
- He respects that the applicant was consistent with the number of proposed residences.
- He wants the standard to rezone to a PUD to be higher. More needs to be done to rezone to a PUD.
- He trusts that firm plans will be completed during the building permit process.
- New development is needed in the city.
- The applicant's offer to provide buffering to block light pollution is fair. Ron Clark Development knows how to plant trees to create a buffer and construct a berm.
- The proposal could be better.

Hanson stated that:

- Ron Clark is the best developer for this site. He knows Mike Waldo had breakfast with an adjacent neighbor of another project at least ten times.
- He heard the neighbors' concerns. Headlights would not cause that much of a disturbance.
- The proposal is too dense to move forward.
- He appreciated that safety was the primary factor considered when determining the street access location.
- He appreciated the applicant providing the visual renderings of residential-housing developments with R-1, R-1A and PUD zoning districts.
- The proposed density would cause the residences to be too compressed together. Twelve or 11 villa-style residences would be better.
- The proposal was close, but he would not support it because the 13 residences would be too compact.

- The proposal would provide downstream affordable housing by making single-family residences available. He would like to learn more about that.

Banks stated that:

- Thirteen residences would be too many. He would prefer 11 or 12 villa-style residences.
- The visual renderings of developments utilizing R-1, R-1A and PUD zoning was helpful.
- The public benefit requirement has been met to justify PUD zoning by providing a needed housing stock that would also make single-family residential houses available.
- He likes the trail and the overlook, but he thought a small park might be more beneficial. He understood that most of the land would be in a conservation easement, but invited the applicant to be creative.
- The applicant has been thoughtful in agreeing to include methods to prevent light pollution, runoff issues and handle construction parking. Having a solid plan sooner rather than later would be beneficial to the neighbors.
- He would not support the proposal at this time. He would like to see a decrease in the density.

Maxwell stated that:

- The single-story units would make the density feel smaller when standing on the ground. The proposal would be less dense than Legacy Oaks and Villas of Groveland. She would like fewer units, but she would be comfortable supporting the proposal because the units would be limited to one-story-with-walk-out residences. Houses with two stories extending above the tree line and 10,000 square feet in size would have an equivalent impact on the environment.
- The proposal's housing type would provide a public benefit that could not be duplicated with R-1 or R-1A zoning.
- She supports staff's recommendation.

Henry stated that:

- The proposal is average.
- The proposal is too dense.
- He did not support the proposal.

Chair Sewall stated that:

- Villa-style houses are needed in the city. With the way demand and prices are today, the number of villa-style houses that would be needed to provide affordable-housing units on the site would not be possible.

- Ron Clark is an excellent builder. Every single reasonable concern that has been raised has been addressed.
- The proposal is not quite there yet. The proposal is too dense.
- This type of product is needed in Minnetonka.

***Hanson moved, second by Maxwell, to adopt the following for Ridgewood Ponds at 18116 Ridgewood Road and an adjacent, unaddressed parcel:***

- ***An ordinance rezoning the property from R-1, low-density residential, to PUD, planned unit development, and adopting a master development plan.***
- ***A resolution approving the preliminary plat.***

***Banks, Hanson, Henry, Maxwell, Powers, Waterman and Sewall voted no. Motion failed.***

This item is scheduled to be reviewed by the city council at its meeting scheduled for July 17, 2023.

## 9. Adjournment

***Hanson moved, second by Banks, to adjourn the meeting at 9:25 p.m. Motion carried unanimously.***

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