

**Minnetonka Planning Commission
Minutes**

Sept. 7, 2023

1. Call to Order

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

2. Roll Call

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

Waterman moved, second by Maxwell, to approve the agenda as submitted with a clarification provided in the change memo dated Sept. 7, 2023.

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

4. Approval of Minutes: Aug. 17, 2023

Banks moved, second by Maxwell, to approve the Aug. 17, 2023 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on Aug. 28, 2023:

- Adopted a resolution approving changes to the stormwater management facilities for Saville Farms.
- Introduced an ordinance rezoning the properties at 5432 Rowland Road and 5501 Baker Road from R-1 to R-2 low-density residential.
- Adopted a resolution and an ordinance for items concerning a multi-family residential development at 10701 Bren Road East.

The annual city open house is scheduled to be held Oct. 10, 2023.

The next planning commission meeting is scheduled to be held Sept. 28, 2023.

6. Report from Planning Commissioners

Powers thoroughly enjoyed the city tour and felt it was the best one ever.

Hanson enjoyed the tour and suggested residents complete a survey seeking input on what residents would like done to Purgatory Park. Gordon invited residents to also complete a survey on the city's website on the climate action and adaptation plan.

7. Public Hearings: Consent Agenda

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

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

A. Preliminary plat of Ridgedale Center Eleventh Addition located at 12431 Wayzata Blvd.

Recommend that the city council adopt the resolution approving Ridgedale Eleventh Addition, a two-lot subdivision, at 12431 Wayzata Blvd.

B. Sign plan amendment for Minnetonka Civic Center Campus at 14600 Minnetonka Blvd.

Adopt the resolution approving a sign plan amendment for the Minnetonka Civic Center Campus at 14600 Minnetonka Blvd.

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

8. Public Hearings

A. Shoreland setback and the maximum impervious surface variance at 16901 Grays Bay Blvd.

Acting Chair Hanson 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.

Powers noted that an increase in impervious surface from 30 percent of the site to 40 percent is a large jump. Gordon explained the history of the site and how impervious surfaces had been added. The proposal would reduce the amount of impervious surface from 40 percent to 37.5 percent.

Josh Colleran of Southview Design, representing the applicant, stated that:

- He has done a lot of work in Minnetonka and surrounding suburbs.
- Raines has been very helpful in working with him until the last minute.
- He offered to have an inspection or another survey done after the drain field would be completed to ensure its compliance.
- The Davies purchased the property two years ago and the design has been worked on since then.
- The existing deck is failing. The backyard slopes down to a riprap wall that was not installed properly. The proposal would flatten an area to make it safer and allow water to percolate through the soil instead of running into the lake.
- The amount of hardcover would be reduced as much as possible. The reduction of hardcover from 40.5 percent to 37.5 percent is a lot of square footage. The driveway to Grays Bay Boulevard and the sidewalk would be removed.
- The current owners had nothing to do with the site's current state. The property owners are trying to make the site safe and reduce the hardcover as much as possible.

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

Acting Chair Hanson stated that the proposal is a result of a homeowner and staff working together to improve a situation.

Powers moved, second by Banks, to adopt the resolution rescinding and replacing Resolution 2010-12 and approving shoreland setback and maximum impervious surface variances for 16901 Grays Bay Blvd.

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

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

Banks exited the meeting.

B. Ordinance rezoning the property at 18393 Covington Road from R-1, low-density residential, to R-4, medium-density residential.

Acting Chair Hanson 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.

In response to Maxwell's question, Thomas explained that city and county engineers require moving the driveway and curb cut as a condition of approval of rezoning the use of the property to decrease traffic safety issues.

Powers and Waterman felt that the proposal makes sense.

The applicant was unable to attend the meeting.

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

Maxwell supports the proposal. She understands that the condition requiring moving the street access was done for safety reasons, but was comfortable removing the condition for the approval of rezoning the site.

Waterman supports the proposal. It is quite logical and fits in with surrounding properties. The changes to the driveway and curb cut make sense. He supports staff's recommendation.

Powers supports the proposal.

Acting Chair Hanson would prefer that the driveway not wrap around the house. He thought accessing the parking lot would be logical.

Waterman moved, second by Powers, to recommend that the city council adopt the ordinance rezoning the property at 18393 Covington Road from R-1, low-density residential, to R-4, medium-density residential.

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

Acting Chair Hanson stated that this item is scheduled to be reviewed by the city council at its meeting on Sept. 18, 2023.

C. Ordinance rezoning the properties at 5501 Baker Road and 5432 Rowland Road from R-1, low-density residential, to R-2, low-density residential.

Acting Chair Hanson 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.

Waterman asked if rezoning the site to a higher-density residential district had been considered. Thomas explained the site's constraints created by natural features and the location of utilities.

Wischnack explained that a tree inventory and wetland delineation have been done to provide a developer with the information needed to consider creating a development proposal.

The public hearing was opened.

Mason Gumbiner, 5411 Baker Road, stated that:

- He asked if it would be possible to rezone one property and not the other property.
- A twin home would result in more traffic along the private drive between his property and 5501 Baker Road.
- His wife received an e-mail in response to some questions his wife asked that stated that the private drive might be changed. There is a peninsula of sumac that provides privacy between his property and Baker Road and I-494. They do not want to lose that privacy.
- An increase in traffic and the size of the drive could cause the removal of the sumac and cause an encroachment on his property that could result in a reduction in their property value.
- There is a shed on his property that could be impacted by a change to the private drive.

Robert Bromley, 5400 Rowland Road, stated that:

- Developers have tried to purchase his property to combine it with surrounding properties to create higher-density residential housing.
- He did not see justification for adding more homes since there is enough already there.
- The traffic is already a hazard. He has an average of 17 vehicles turn around in his driveway every day. He has almost been hit by a vehicle more than once while mowing his lawn.
- There is a lot of wildlife that utilize the lot.
- He opposes the proposal. Rezoning is a bad idea and would create more chaos in an already chaotic area.
- Baker Road gets congested between 4 p.m. and 5 p.m.

No additional testimony was submitted and the hearing was closed.

Thomas explained that:

- The private driveway is located in a county road right of way. The city does not control what happens to vegetation located in a county road right of way.
- An application for development that would include a change to the driveway would be evaluated by the city engineer and fire marshal.

- A traffic study is not required to be done for proposal of a twin home. A duplex would be treated the same as two single-family houses.
- Engineering staff would look at the traffic volume of the driveway and determine if any improvements would be needed if traffic would increase on the site.
- Rezoning one property from an R-1 district to an R-2 low-density residential district is possible. Staff felt it made sense to recommend rezoning both of the properties at this time. Rezoning the properties from an R-1 district to an R-2 district would be consistent with the comprehensive guide plan.

Powers asked if using the site for a park had been considered. Wischnack explained how the city council looked at the entire city 20 years ago to determine where to invest in park locations. The city has 54 parks. The newly created park at the Ridgedale Shopping Center has been an added exception. The area currently has substantial parks and a regional trail connection. Powers confirmed with Wischnack that the highest and best use of the site would be for residential use. The city council made the decision to sell the properties.

Acting Chair Hanson confirmed with Thomas that the planning commission makes a recommendation to the city council who will review and potentially take action on this item at a city council meeting scheduled for Sept. 18, 2023. Thomas encouraged written comments be provided to staff before the city council meeting to be included in the agenda packet reviewed by councilmembers before the meeting.

Wischnack invited interested parties to learn about the history of the site on minnetonkamn.gov.

Waterman stated that:

- He appreciated hearing comments from neighbors.
- He supports the proposal.
- He agrees with rezoning the two properties at the same time.
- The proposal matches the comprehensive guide plan indicators.
- A twin home would fit into the surrounding neighborhood.
- He looks forward to seeing a formal application with specific plans and incorporating public feedback at that time to make sure the proposal would fit in the area and would not disrupt the single-family houses in the area.

Powers stated that:

- He agrees with Waterman.
- He wants the neighbors to continue to be articulate and express their concerns to the city council.

- He encouraged neighbors to write down their concerns and give them to staff for councilmembers to review prior to the meeting.
- He understands that the best use for the site would be residential.
- Residents do not own privacy or a view, but they could fight for a buffer.
- He supports staff's recommendation.
- He would want the residence to be small and tastefully done.
- Rezoning the properties to R-2 is the right thing to do.

Maxwell stated that:

- She would like the site to stay aligned with the comprehensive guide plan. An R-2 low-density residential zoning district would do that in an elegant way.
- She does hear the neighbors who appreciate the privacy.
- A private drive located on a county road does not allow the city a lot of control within the right of way.
- The site has a lot of trees.
- Increasing the density of the zoning district may give developers a false sense of hope since meeting the tree protection ordinance may restrict the density.
- She would be more comfortable with just rezoning the Rowland Road property at this time to R-2.

Acting Chair Hanson stated that:

- The city should hold itself to the highest standard possible and help the property owners with the shared driveway if that comes into play.
- A traffic study should be done if needed.
- He suggested neighbors meet with staff to learn more about the land-use process.
- He would support a maximum limit of two twin homes.
- A duplex is an awesome option for diversity in the housing stock. Hopefully, it would bring more affordability in home ownership and individual wealth development in Minnetonka.
- He supports staff's recommendation.

Waterman supports the rezoning since it seems like no more than two twin homes would fit on each of the properties.

Waterman moved, second by Powers, to recommend that the city council adopt the ordinance rezoning the properties at 5501 Baker Road and 5432 Rowland Road from R-1, low-density residential, to R-2, low-density residential.

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

Acting Chair Hanson stated that this item is scheduled to be reviewed by the city council at its meeting on Sept. 18, 2023.

D. Items concerning Walser Kia at 15700 and 15724 Wayzata Blvd.

Acting Chair Hanson 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.

Acting Chair Hanson confirmed with Thomas that the proposal did not include any signs. She explained that commissioners could recommend a condition of approval prohibiting a sign from being located on the north side of the building.

David Phillips, architect for Walser Automotive Group, stated that:

- He would be happy to include a condition that would prohibit a sign on the north side of the building. Kia would not allow it either.
- He appreciated staff working with him.
- He requested the proposal be approved.
- He was available for questions.

In response to Waterman's question, Mr. Phillips explained how the site conditions would prevent an addition being done to the parking ramp later.

Acting Chair Hanson asked if electric vehicle charging stations would be located in the ramp. Mr. Phillips answered in the affirmative. He noted that he drove his electric vehicle to city hall and saw a new Kia charging in the Minnetonka parking lot.

The public hearing was opened.

Jeff Koblick, 351 Townes Road, stated that:

- He read a quote from Albert Einstein, "Any fool can make things bigger and more complex. It takes a lot of courage and genius to move in the opposite direction."
- The proposal should not move forward as it is. The wetland and floodplain variances were never allowed during the last 60 years. He wondered why the wetlands are not as important now as they were to prior generations.
- Wetlands are important to preserve because they house more plant and animal species compared to other landforms. They feed downstream waters, trap floodwaters and feed groundwater supplies.
- Wetlands are important for recreation and agriculture.
- His concern is that the climate and resources would be compromised for the sake of the economy and business. He supports businesses, but believes in stewardship of the planet.

- The applicant knew that 75 percent of the site was not buildable when Walser purchased the land, so there is no hardship. The proposal should be a smaller dealership that could be done without the very intrusive variances.
- He knew of a developer who donated a wetland to a city to be used as open space.
- The Wayzata Bait and Tackle store has a well fed by the wetland. The owner said that he is unable to relocate his business because he cannot find a location with the quality of water needed to support live bait.
- He opposed parking vehicles in the wetland and causeway.
- He would be very upset if he was the previous owner who sold the property as a 1.3-acre parcel and it is now being treated as a 5.2-acre parcel.

Dan Yudchitz, 325 Townes Road, stated that:

- His lot is half an acre, but only a small portion of it is buildable. Most of it is located in the wetland.
- The proposal has an island of buildable land that can only be accessed by traveling through a wetland.
- A dealership is an appropriate use.
- The front of the building is attractive.
- Many of the variance issues have been addressed.
- He did not see how putting a metro-transit-size-parking ramp in the middle of a wetland, that would require multiple variances for a vehicle to reach it, would be an appropriate use of the property.
- The scale of the parking ramp does not feel appropriate for the area.
- The proposal would still need variances and the applicant knew that before purchasing the property. He hopes commissioners will consider that when evaluating the application.

No additional testimony was submitted and the hearing was closed.

Thomas explained that the city has granted variances to wetland and floodplain buffers previously. She will need to do some research to determine if one of the same size has been approved. She estimated that the larger variances are most commonly located on small lots adjacent to a lake.

Thomas explained how a wetland delineation is required to be completed and verified by natural resources staff. The impact on the wetland has been reviewed. There would be no fill put in the wetland. The variances proposed would be to the wetland buffer setback. The proposal was found reasonable by natural resources staff.

Maxwell stated that:

- She appreciated the residents' comments.

- She thought it would be helpful for councilmembers to know if the method used to calculate buildable area for the site has changed over time.
- The previous number of requested parking stalls was 285. The proposal would have 642 stalls. She understood that it would not be possible to add on to the parking ramp in the future, but she did not support the parking ramp's proposed height. The structure would be too tall for the site.
- She does not support the proposal since the height of the parking structure would be too tall for the site.

Powers stated that:

- He agrees with Maxwell.
- He does not support the proposal due to the height of the parking ramp being too tall.

Waterman stated that:

- The use is logical for the site.
- There is a high bar for what the city would allow to be developed on the site and the applicant has worked in good faith to meet that bar.
- The design is thoughtful.
- A bridge would have a worse impact on the environment than the proposal.
- He likes the parking structure more than a parking lot.
- Four levels might be a bit too much. The proposal could go forward if the height of the parking ramp would be scaled down.
- A ramp would allow more buffering on the north side and more trees would be saved.
- He supports staff's recommendation but understands the concerns.

Acting Chair Hanson stated that:

- He wants to support the homeowners.
- He is okay with the parking ramp the way it is because removing some stalls would not reduce the scale by much.
- He wants to support a business.
- He supports staff's recommendation, but encourages the city council to look at the number of stalls due to the significant increase.

Powers stated that:

- The applicant is being aggressive with the requested number of stalls to find out the highest number that would be allowed.
- The business would not fail if the number of stalls would be reduced by 200.

- He opposes the proposal because it abuses the situation.

Waterman moved, second by Maxwell, to recommend that the city council adopt the following associated with Walser Kia at 15700 and 15724 Wayzata Blvd.:

- ***Resolution approving preliminary and final plats combining the properties.***
- ***Ordinance adopting a master development plan.***
- ***Resolution approving a conditional use permit.***
- ***Resolution approving final site and building plans with expansion permits, variances and a floodplain alteration permit.***

Waterman and Hanson voted yes. Powers and Maxwell voted no. Banks, Henry and Sewall were absent. Motion failed.

Acting Chair Hanson stated that this item is scheduled to be reviewed by the city council at its meeting on Sept. 18, 2023.

9. Adjournment

Powers moved, second by Waterman, to adjourn the meeting at 8:49 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary