

**Minnetonka Planning Commission
Minutes**

Oct. 26, 2023

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda

Waterman moved, second by Banks, to approve the agenda as submitted with the modifications provided in the change memo dated Oct. 26, 2023.

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

4. Approval of Minutes: Oct. 12, 2023

Powers moved, second by Waterman, to approve the Oct. 12, 2023 meeting minutes as submitted.

Powers, Waterman, Banks and Sewall voted yes. Hanson, Henry and Maxwell 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 Oct. 16, 2023:

- Adopted a resolution approving a conditional use permit for EKA Sports at 15314 Minnetonka Industrial Road.
- Adopted a resolution approving a final plat for Ridgewood Ponds, an 11-lot subdivision, at 18116 Ridgewood Road and an adjacent, unaddressed parcel.
- Introduced an ordinance rezoning 14617 Hwy. 7 for a financial institution and fast-food restaurant with a drive-through.
- Adopted a resolution approving pole additions and replacements along the existing 0734 Xcel Energy electrical line.
- Adopted a resolution vacating an easement in conjunction with a preliminary and final plat proposal for 12431 Wayzata Blvd.

The next planning commission meeting is scheduled to take place on Nov. 9, 2023.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

A. Amendment to the Ridgehaven sign plan as it pertains to the property at 13101 Ridgedale Drive.

This item was removed from the agenda due to a lack of commissioners being present to pass a motion.

8. Public Hearings

A. Items concerning MidCountry Bank at 14617 Hwy. 7.

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

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

Waterman confirmed with Gordon that a street improvement project utilized green space which caused a decrease in the setback.

Chris Vosbeek, chief financial officer for MidCountry Bank, representing the applicant, stated that:

- He appreciated staff's help.
- The proposed redevelopment would complement the surrounding area and the entire community.
- The full-service bank is locally owned and supportive of the community.
- The redevelopment would be responsive to its customer base.
- The building was originally built in 1977.
- He is excited for the site to connect with the community by providing new and improved sidewalks.
- He requested to keep the bypass lane. The bank currently has two drive-through lanes. The proposal would have only one drive-through lane.
- An average of five employees would be working at a time.
- About half of the patrons use the drive-through and the other half enter the bank.
- The restaurant would help revitalize the site and increase patron traffic. He anticipates a coffee use for the restaurant.

Jeff Gears, architect for the proposal, stated that:

- Stacking drive-through lanes would not work for a bank like it does for a fast-food restaurant.
- The site would be underdeveloped without the restaurant since the bank building would decrease its square footage.
- The traffic study identified a safety and operational issue that may occur without a bypass lane.
- The site's number of parking stalls is in accordance with the zoning ordinance.
- The site's grading and topography are unique.
- It would be safer for a driver to reach the parking stalls on the south end of the site by utilizing the bypass lane.
- An ATM could be added to the bypass lane in the future.
- If a motorist needs to leave the drive-through lane, then the bypass lane is needed to prevent frustration and anger.
- If the drive-through lane would be serviced, then there would be a dead-end without the bypass lane.
- The bypass lane may make it easier for an ambulance to access the site.
- He requested that the bypass lane be approved as proposed.
- The vast majority of restaurant patrons would utilize its drive-through. There would be a few tables inside for patrons.
- The traffic study shows that the previous proposal would have too much activity happening in one area. The current proposal addresses that issue.
- There would be signs showing drivers how to navigate the site.

Powers suggested providing electric-vehicle chargers.

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

Waterman stated that:

- He wrestled with this one. The site is odd.
- He is in favor of the current proposal. There has been a lot of work on it and many revisions.
- He trusts staff's recommendation.
- He is concerned with parking, but not enough to deny the proposal.
- The restaurant use would create an additional use for an underutilized site.
- The proposal would be more attractive than what is there now.
- The zoning change and setback variance are reasonable.
- The proposal is consistent with supporting redevelopment.
- He likes that the existing access points would stay the same.

- He supports keeping the bypass lane. He would be concerned about cueing for the restaurant use without the bypass lane.
- He appreciates that the applicant had a traffic study done and made changes to the proposal to address its concerns.
- He appreciates that banks do not need a building as large as they previously did.
- It makes sense to redevelop the site.
- He supports the proposal.

Banks stated that:

- He supports the current proposal with the roundabout and signs to direct drivers.
- He supports keeping the bypass lane to allow a restaurant patron a second option to exit the site.
- He supports the proposal.

Powers stated that:

- He agrees with constructing the bypass lane right away.
- The idea is uninspiring. He would prefer a sit-down type restaurant.
- The site is an odd configuration.
- He agrees with the applicant redeveloping the site.
- He supports the proposal.

Chair Sewall stated that:

- He supports the proposed rezoning. That makes sense.
- He likes the idea of keeping a bank on the site.
- A bypass lane is needed to be used as an exit. He did not want the exit and entrance to cross each other.
- He is fine with the proposed bank and restaurant uses, but the site plan's traffic pattern does not work well enough.
- He would not support the proposal due to the site plan's traffic pattern.

Waterman moved, second by Banks, to recommend that the city council adopt the ordinance and resolution approving a conditional use permit with variances and final site and building plans at 14617 Hwy. 7.

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

This item is tentatively scheduled to be reviewed by the city council at its meeting on Oct. 30, 2023.

B. Preliminary plat approval of Priory Woods, a three-lot subdivision, at 4633 Sparrow Road.

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.

Eric Zehnder, Zehnder Homes, applicant, stated that:

- Thomas did a great job of summarizing the proposal.
- The proposal is a relatively straightforward lot split.
- He understood the concern for the trees. The proposal would save as many trees as possible and meet tree protection ordinance requirements. Minnetonka now considers boxelder and ash trees as high-priority trees which is pretty rare.
- The applicant worked with staff to find solutions to the steep slopes.
- The proposal would add value to the community.

The public hearing was opened.

Lowell Vogen, 4706 Parsons Close, stated that:

- He is excited about the proposal. It has been well thought out and well planned.
- The proposal would help improve the neighborhood.
- He was concerned with the development name and sign. The current sign has handprints from the kids who lived there years ago. It was an amazing event to rebuild and rededicate the sign. The neighborhood has golfing and leaf blow-out events. He would like the neighborhood to continue being called Highgate.
- He gave a poem written for a sign dedication in 2016 to the applicant.

Patrick Cooney, 18204 Priory Lane, stated that:

- He shares a property boundary with the site.
- The neighborhood has a strong identity with the Highgate name and the existing sign. He would like the current sign to stay.
- He was interested to find out what would happen with the grading of the ridges on the east side and if retaining walls would be utilized.
- He supports additional, nice housing and the proposed plat.

Corinne Shanahan, 18319 Priory Lane, stated that:

- Her lot acts as a retention pond for water runoff traveling down the hill from Sparrow Road as well as the hill from Priory Lane. She is concerned that the water from the proposed site would drain onto Sparrow Road and that her property would be unable to handle any more water runoff than it does now.
- She felt the proposal would be beautiful and an improvement to what is there currently.

Rich Hall, 18319 Priory Lane, stated that:

- He supports keeping the current sign to identify the neighborhood.
- He is concerned that construction materials and vehicles would block him from being able to drive in and out of his driveway during construction.

Jeff Bisek, 4700 Sparrow Road, stated that:

- He would like the construction management plan to require all parking and equipment staging to be located on the site rather than in the cul-de-sac.
- He requested that vehicles be prohibited from idling next to residences and polluting the air. Two residents have respiratory medical conditions.
- He asked how often the streets would be cleaned.
- He understood that development would require some tree loss.

No additional testimony was submitted and the hearing was closed.

Thomas stated that:

- Every development is prohibited from increasing the volume and rate and decreasing the quality of water runoff from a site.
- The grading and drainage plan shows that the drainage would travel from the properties to rain gardens located in each lot's rear yard.

Wischnack stated that construction is difficult and disruptive. The developer would share the construction management plan and contact information for a worker in the field during construction with the neighbors. If the developer does not comply with the construction management plan, then the city may issue a stop work order and withhold building permit approvals until rectifications have been made.

Thomas stated that the construction management plan would be uploaded to the project page on the city's website prior to any work beginning on the site.

Zehnder stated that:

- The existing sign may have to be removed temporarily during construction, but it would be returned and stay permanently.
- Construction is difficult. He would do his best to shorten diesel-vehicle-idle times as much as possible. Locating material on the street would be temporary and kept clear as much as possible.
- There is a 30-percent slope on the east that would not be touched.

Powers stated that:

- He likes the proposal. It checks all of the boxes.
- He likes Zehnder Homes, who is a responsible developer.
- It was a pleasure to listen to the residents talk about their neighborhood.
- Three houses would be appropriate for the site.

Banks stated that:

- He supports the proposal.
- He appreciates the neighbors' comments.
- He felt confident that Mr. Zehnder would continue to work with the neighbors. He commended the applicant for agreeing to keep the sign.
- New houses would benefit the city.

Waterman stated that:

- There are not many undeveloped sites like this in Minnetonka.
- He appreciated the comments from neighbors.
- He noted that written comments from neighbors expressed concern for tree loss. The proposal meets the very strict tree protection ordinance requirements.
- He appreciated the applicant not trying to jam more houses onto the site that would not meet ordinance requirements.
- He appreciated Mr. Zehnder's willingness to work with the neighbors and keep the sign.
- He supports staff's recommendation.

Chair Sewall stated that:

- He gave the applicant kudos for meeting ordinance requirements rather than trying to fit more lots on the property that would need variances.
- He appreciates the applicant visiting a resident's home to address their concern.
- He supports the proposal.
- The tree loss would create a different look, but all of the tree protection ordinance requirements would be met.
- The proposal would look beautiful in the long run.

Banks moved, second by Waterman, to recommend that the city council adopt the resolution approving the preliminary and final plat for Priory Woods.

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

This item is tentatively scheduled to be reviewed by the city council at its meeting on Nov. 13, 2023.

9. Other Business

A. Items concerning a concept plan for townhome development at 3514, 3520 and 3522 Co. Rd. 101.

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

Gordon reported. He recommended commissioners answer the following questions:

1. Is there merit for this concept to proceed to a formal development review?
2. If yes, why? If not, why?
3. What would make this concept better?

Tony Kuechle, representing Doran Companies, the applicant, stated that:

- The proposed concept plan matches the 2040 comprehensive guide plan designation for the three properties. The density would be 12.38 units per acre which would be just above the minimum provided in the guide plan.
- The concept plan includes a total of 26 townhomes that would each have three or four bedrooms. Three of the townhouses would meet affordable housing requirements with a 60 percent area median income (AMI).
- The development would be clustered to the west to protect trees and allow for enhanced landscaping. The rear yard setback would be 139 feet. The nearest house to the west would be 211 feet away.
- The site currently has no stormwater management features. The concept plan would utilize below-grade stormwater management structures to provide quality stormwater controls.
- A planned unit development (PUD) is being considered to allow flexibility with the side and front yard setbacks. The front setbacks would match those of properties currently on the east side of County Road 101.
- The concept plan does not comply with the tree protection ordinance. Thirty-eight high-priority trees would be removed. The ordinance would allow 25 high-priority trees to be removed, so a variance for 13 high-priority trees would be needed. The concept plan would remove 18 significant trees which is eight fewer significant trees than would be

allowed. So, combined, a variance would be needed for a total of five trees.

- A neighborhood meeting was held on Oct. 9, 2023. Neighbors expressed concerns with density; the height of the structures; visitor parking; why this type of housing would be best at the proposed location; and stormwater concerns on the southwest corner.
- He would appreciate comments regarding the concept plan's proposed use, density, rezoning to a PUD and tree variance.

Waterman asked about the traffic pattern and where guests would park. Mr. Kuechle stated that he wants to study visitor parking more. That is a valid concern. There are six visitor stalls included in the concept plan. The one-way system through a double-row of townhomes is fairly common. The direction may be changed to have motorists exiting near a business instead of a residence.

The public was invited to share comments.

David Ihme, 3815 County Road 101, stated that:

- He was concerned with the 40-foot height of the buildings. The line of sight would look over his property across the street.
- The exit would cause a disruption for his residence. He supports moving it near the business. A traffic study would be needed.
- He was concerned with an increase in pedestrian and vehicle traffic and the noise level.
- The proposal could decrease his property value. His house was built in 1955.

Kevin Beamish, 3501 Lowell Street, stated that:

- The traffic on County Road 101 is a nightmare.
- He was concerned with more than one tenant living in a townhouse in order to afford the \$4,000-a-month rent.
- He asked if the trail would be paved and if it would impact the forest.
- He was concerned with the concept plan not meeting tree protection ordinance requirements.
- The proposal would be too dense. Having 26 townhomes on a 2.5-acre lot seems too extreme.
- He could see overflow parking occurring on County Road 101.
- He asked commissioners to consider how this would impact the neighborhood of single-family houses. The proposal would be quite disruptive. The concept plan would be better located near Ridgedale, Opus or Glen Lake.
- He was not sure that this would be the right fit for the neighborhood.

Duane Debore, 3543 Lowell Street, Deephaven, stated that:

- The height of the buildings would not fit in the single-family residential neighborhood.
- There would be too many townhomes on the site and they would not fit into the neighborhood.
- The height of the units there now would be fine.
- The number of units would be way too many.
- He is not opposed to redeveloping the site with fewer, shorter residences.
- His buffer would be 10.9 feet and the neighbor to his east would have a townhome near his bedroom.
- He agreed with the comments submitted by neighbors and included them in the staff report regarding concerns with snow removal and traffic concerns.
- A driver exiting the site would have to turn south on Highland Street, turn on Lowell Street and go by all of the residences. It already happens now because there is no right-turn lane going east on Minnetonka Blvd. at County Road 101 by Holiday. That is a big concern of his. There are a lot of children living in the area.
- He was concerned with stormwater running onto his property.
- He asked if a fence would be constructed between the south side of the proposal and the Deephaven neighbors. The privacy would be gone for all of the residences on Lowell Street. There would be no buffer on the south side.
- It would not be a good fit for the neighborhood. He would like a different plan with a smaller number of units and shorter residences.

Lowell Anderson, 3441 Lowell Street, stated that:

- The area enjoys a density of two units per acre.
- He objects to the density, scale and mass.
- PUD zoning was used for a development on Sanctuary Road to create a buffer between the commercial and residential areas. He thought that made sense and served a function.
- Change would be easier if the concept plan would be appropriate; right-sized; and dealt with the community as of greater importance than growth.
- The Deephaven residents would really be impacted.

No additional comments were given.

Powers stated that:

- The concept plan needs a lot of work.
- The height of the buildings would not fit in the area.

- The density should not exceed 20 units.
- The trail may disrupt the privacy of an adjacent neighbor.
- The mass would be too much.
- There would need to be more visitor parking.
- Doran is a good developer.

Banks stated that:

- He would support 16 to 20 units. The area is residential with not a lot of commercial.
- There is very little green space on the site for kids and dogs.
- There would need to be more visitor parking.
- He was not a fan of one-way traffic, especially on a very busy road. He suggested looking at two street accesses on the ends and one in the middle.
- A reduction in the number of units would allow the preservation of more trees.
- He would like to see a mix of two-story and one-level townhomes instead of the building looking like an extremely large apartment building.
- A mixed use or multi-family housing is on the right track, but the concept plan would be too different from everything else that surrounds the site.

Waterman stated that:

- He agrees with commissioners.
- This is an opportunity to develop the three parcels.
- He likes the residences being clustered on the east side to preserve the trees on the west side, but they need to fit in better with the surrounding neighborhood.
- He did not support the concept plan on its own due to the building's mass and proportion.
- He opposed violating the tree protection ordinance.
- The height of the buildings and density need to be decreased.
- He was concerned with buffering and parking.
- A traffic study would have to be done to get an expert's opinion.
- A proposal with less density and mass may work for the proposed site.

Powers agrees with Banks. Green space would be needed for residents to thrive.

Banks suggested looking at strategically utilizing some of the space on the west side so the rest of the site would not be as clustered.

Chair Sewall stated that:

- He likes the idea of a transition area between commercial use and low-density, single-family housing. A softer transition is needed. Townhomes would fit the property, but the proposed height would be way too tall. Decreasing the height of the buildings may effectively adjust the density.
- He could be reasonable on the tree removal, but the setback on the south side would be unreasonable. It would be tough to support a PUD proposing those setbacks.
- He likes the concept of townhomes, but a different design is needed.

The city council is tentatively scheduled to review this item at its meeting on Nov. 13, 2023.

10. Adjournment

Waterman moved, second by Powers, to adjourn the meeting at 8:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary