

**Minnetonka Planning Commission
Minutes**

Feb. 1, 2024

1. Call to Order

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

2. Roll Call

Commissioners Alex Hanson, Matt Henry, Amanda Maxwell, Dana Minion, David Waterman, Derrick Banks and Josh Sewall were present.

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

3. Approval of Agenda

Henry moved, second by Banks, to approve the agenda as submitted with additional comments provided in the change memo dated Feb. 1, 2024.

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

4. Approval of Minutes: Jan. 18, 2024

Hanson moved, second by Maxwell, to approve the Jan. 18, 2024 meeting minutes as submitted.

Hanson, Maxwell, Waterman, Banks and Sewall voted yes. Minion and Henry abstained. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on Jan. 29, 2024:

- Adopted a resolution approving the preliminary plat of Oberg Estates, a two-lot subdivision, at 2203 Oakland Road.
- Adopted a resolution approving a conditional use permit and variance for an educational use within an existing religious institution at 12007 Excelsior Blvd.
- Introduced an ordinance amending the sign regulations 325.06(1)(b).
- Adopted an ordinance and resolutions approving the items concerning Walser Kia at 15700 and 15724 Wayzata Blvd.
- Reviewed a concept plan for English Rose at 12620 Minnetonka Blvd.

The public is invited to submit comments on the draft of the climate action and adaptation plan posted on **minnetonkamatters.com**.

Gordon welcomed Dana Minion to the planning commission. Minion appreciated the opportunity to serve the community.

The next planning commission meeting is scheduled to be held Feb. 22, 2024.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Preliminary plat of Emerald Estates with floodplain alteration permit and tree removal variance at 2503, 2505, 2511 and 2615 Plymouth Road.

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

Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

In response to Chair Sewall's question, Thomas explained that Hennepin County staff indicated that the county would allow one access to the site if it meets safety and design standards.

Kelsey Thompson, development director for Lake West Development, applicant, stated that:

- She appreciates staff working with the applicant on the project; the commissioners for reviewing the proposal; and the neighbors for attending the meeting.
- The property is approximately 11.5 acres.
- The 14-lot plan would meet ordinance requirements except for a tree removal variance.
- The tree removal variance is needed due to the city vacating an access on Crescent Wood Road in 1995 that was located on two lots. If the access had not been vacated, then the applicant "probably would not have needed to purchase" the property on the north to access the site. That created a practical difficulty.
- The tree protection ordinance allows an exception if the removal would provide a greater public good such as providing reasonable use or access to the property.
- The 14 lots would average 0.72 acres per lot in size. The lot sizes would be comparable to those in the area. The average lot size in the area is 0.66 acres. The use of the land would be reasonable.

- The proposal aligns with staff's road configuration map for the future.
- The tree protection variance would be the only variance and is needed due to the "city's taking of the right of way."
- One part of the woodland protection area (WPA) is already disconnected from the other.
- The applicant could move a building pad over to save a few more trees within the WPA area, but a tree variance would still be needed.
- She presented an eight-lot plan. In the eight-lot plan, each lot would be an acre in size and the north property would not be included. Staff has not reviewed the eight-lot plan.

In response to Maxwell's question, Ms. Thompson showed a plan that she said Hennepin County reviewed and indicated that it would allow the proposed subdivision to access Woodbridge Trail on the condition that a long turn lane would be added. That plan would not disturb the WPA area more than 25 percent. Regarding access to Plymouth Road, Hennepin County would prefer the access be located near the center of the property; Hennepin County's next favorable location would be on the north end of the property; and Hennepin County's least favorable location would be on the south end of the property.

Waterman asked if decreasing the number of lots had been considered. Ms. Thompson answered in the affirmative. If lots two and three would be combined or removed, then the proposal would probably meet tree protection ordinance requirements.

The public hearing was opened.

Emily Anthony, 12610 Bent Tree Road, stated that:

- She is concerned with the environmental impact, tree preservation and wildlife disruption the proposal would cause.
- She understands the owner's right to develop the property consistent with its zoning.
- She supports staff's recommendation that the proposal does not warrant a variance to the tree protection ordinance. Protection of the tree canopy and tree protection ordinance is something to be proud of and differentiates Minnetonka from other communities.
- She saw no public good coming from the proposal besides profit to the developer.
- She requested that the planning commission deny the variance.

Ashwin Patel, 2431 Emerald Trail, stated that:

- He appreciated staff answering his calls and providing him with more information.
- He appreciated commissioners listening to residents' concerns.

- He read a petition written by six residents that is also included in the agenda packet. The petitioners' concerns include an increase in traffic causing safety issues. The petition also states that the proposal would cause the need for a turn lane to be added on Amy Lane.
- Another development, Woodhaven, is being done in close proximity to the site and would increase traffic on Amy Lane.
- The tree study needs to include an analysis of healthy tree stock.
- The proposal would cause construction disruption for an extended period of time.
- The proposal would increase existing issues with excess water runoff.
- The neighbors strongly prefer the new development to have direct access to Plymouth Road.
- Curt Fretham told residents that he intended to purchase the parcel located between Emerald Trail and Fretham 31st Addition to be used as a holding pond for wastewater management and utilize the existing driveway as an access road for the proposed development. The current proposal contradicts these earlier assurances.
- He and the signers of the petition request the proposal be denied.
- The petitioners would like to participate in the planning process before a proposal is completed.
- The petitioners do not oppose the development of the property, but they do oppose the impact on the neighborhood that the proposal would create and want it done more thoughtfully.
- He appreciated their time.

Deb Stein, 2461 Emerald Trail, stated that:

- A lot of development has happened in the 35 years since the studies were done. Plymouth Road has a lot of traffic. There would need to be a turn lane to turn onto Amy Road.
- Fourteen residential houses would cause an increase in traffic.
- She prefers the eight-lot plan with access located in the center of the property.
- She does not oppose developing the land, but does oppose the disruption that would be created.
- A different, new development of houses on acre lots would create more traffic. She would like the traffic spread out.

No additional testimony was submitted and the hearing was closed.

Maxwell confirmed with Thomas that the tree protection ordinance does allow a development to remove more trees than the ordinance threshold if each lot would be at least one acre in size. Lot size, steep slopes and engineering requirements would still apply.

Banks confirmed with Thomas that city staff have visited this site many times.

Curt Fretham, Lake West Development, applicant, stated that:

- The eight-lot plan would remove 124 trees which would be more than the 14-lot plan would remove. A tree removal count done by staff may be higher than the applicant's tree count.
- The 12-lot plan could be done.
- He thought the city made a mistake when an easement was vacated years ago.

Maxwell stated that:

- She lives across the street from the proposal and her children have to cross Plymouth Road to get to and from the bus stop. A month ago, one of her children was almost hit by a vehicle that drove by the bus which had its stop arm extended and lights flashing. She understands the traffic concerns on Plymouth Road.
- The proposal needs to save 85 additional trees. The tree protection ordinance requirements would be met if lots two and three would be combined into one lot.
- She opposes the eight-lot plan. Cutting through the oak knoll at the top of the hill to locate an access would create an eye sore.
- She would like an environmental impact review to include the proposed site and the Woodhaven development area located on the west side of Plymouth Road together.
- She will not support the current proposal due to its nonconformance with the tree protection ordinance. There is a way to meet tree protection ordinance requirements.

Henry stated that:

- He was glad to see so many neighbors attend the public hearing to support strengthening and maintaining neighborhoods.
- He agrees with the staff's recommendation to deny the application.
- The proposal does not meet tree protection ordinance requirements.
- He was also concerned with the proposal's traffic safety and access location.
- There are better alternatives to the eight-lot plan.
- He encouraged the applicant to work with neighbors.
- Single-family houses are an appropriate use for the property.
- He looks forward to seeing a revised proposal.

Hanson stated that:

- He agrees with staff's recommendation to deny the application.

- This should not be a concept-plan-type discussion. Commissioners cannot speculate on alternative plans that staff has not reviewed.
- He supports conformance with tree preservation ordinance requirements.

Banks stated that:

- He appreciates the neighbors sharing their thoughts and concerns.
- He was glad a tree count is included in this application and that the setback variances are no longer needed.
- The proposed density is too high and too many trees would be removed.
- He prefers a different access point.
- He did not see a public benefit.
- He supports staff's recommendation to deny the application.
- He hopes to see a new proposal in the future.

Minion stated that:

- He agrees with commissioners.
- The plan needs some changes.
- He thanked the neighbors for attending the meeting.

Waterman stated that:

- He appreciates that this revision of the proposal reduced the number of variances.
- He appreciates neighbors' comments.
- The proposal could be modified to meet all ordinance requirements.
- He supports staff's recommendation.
- The density would be too high for the area.
- He suggested moving lots three and four to the west to allow more of a setback from the properties adjacent to the site on the east side.

Chair Sewall stated that:

- The current proposal is better than the previous plan.
- The tree ordinance is not being met due to the number of proposed lots.
- A traffic study needs to be done.
- He supports staff's recommendation.

Waterman moved, second by Henry, to recommend that the city council adopt the resolution denying the preliminary plat of Emerald Estates with floodplain alteration permit and tree removal variance at 2503, 2505, 2511 and 2615 Plymouth Road.

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

Chair Sewall stated that the city council is scheduled to review this item at its meeting on Feb. 12, 2024.

There was a five-minute recess.

B. Items concerning Minnetonka Flats at 5290 and 5300 Spring Lane; 5295 and 5325 County Road 101; and 5301 Tracy Lynn Terrace.

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

Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

Kelsey Thompson, development director for Lake West Development, applicant, stated that:

- The applicant strived to be mindful of the neighbors' concerns regarding traffic and the preservation of green space.
- The current plan would leave more green space and add more landscaping on the north end of the site.
- The access would connect to Spring Lane.
- The proposed one-level living units are geared toward empty nesters who do not drive as often during peak-travel times.
- The proposal would remove an access to a single-family residence currently on County Road 101.
- The proposal would be medium density with 40-units-per acre.
- The south end of the site would remain green space. The site would have 69-percent-open-green space.
- The proposal would have a woodchip trail, swinging bench, flower garden, pool, fire pit and grill area.
- The Carlyle Place development has ten units per acre on Hwy 7.
- The proposal is 181 feet from the nearest residence owned by Lake West Development and 217 feet from the nearest residence not owned by Lake West Development.
- The proposed R-4, medium-density residential use, would provide a transition from high-intensity commercial to low-density residential.
- Hunters Ridge and Carlyle Place are examples of compatible land uses in the area.
- The proposal would provide housing for empty nesters moving out of their single-family houses and make those houses available to young families.
- There would be four units of affordable housing.
- There would be no common central corridor in the buildings, but there would be semi-private shared accesses to the units.

- The buildings would be a story and a half with 20 units in each building for a total of 40 units.
- There would be underground parking for residents and surface-level parking for visitors.
- The units would be 1,400 to 2,200 square feet in size and be mostly two-bedroom and two-bedroom-with-den units.
- The architectural style is modern European. The pitched roofs would not be higher than 35 feet.
- The variance to remove five high-priority trees and the setback variance would not be needed if County Road 101 had not been reconstructed.
- The single-family residence on the corner is located 25 feet from the road pavement.
- She appreciates the commission's time.

Waterman noted that the traffic study found that the slope and turn to access the parking garage from Spring Lane would create a dangerous intersection.

Nic Meyer, landscape architect at Westwood Professional Services, representing the applicant, stated that:

- Drivers would travel up a slope on Spring Lane.
- Visitors would park in the surface lot.
- Residents would turn and drive down a slope into the parking garage.
- Drivers would be traveling from five mph to 10 mph.
- Residents would become familiar with the access to the parking garage.

In response to Hanson's question, Ms. Thompson stated that each unit would have two parking stalls in the underground parking. Parking ordinance requirements would be met.

In response to Minion's question, Thomas answered that the houses in the area are between 25 feet and 35 feet in height.

Henry suggested providing some guest stalls in the underground parking to make it easier for some guests to access the buildings. Ms. Thompson said that the proposal would be ADA-compliant.

Banks confirmed with Ms. Thompson that the units would be owner-occupied and priced around \$700,000 to \$800,000.

In response to Chair Sewall's question, Thomas explained that the proposal would remove 64 percent of the high-priority trees. The tree preservation ordinance would allow the removal of 35 percent of the high-priority trees.

Chair Sewall asked what would prevent the proposal from meeting the 50-foot setback. Mr. Meyers stated that the proposal tried to limit its impact on the trees and environment

and be a good neighbor by pushing the building into the corner of the intersection. The existing house on the corner is 25 feet from the paved street. The daycare is 35 feet from Excelsior Blvd. It makes sense to match those setbacks. The site has Siberian elm trees, ash trees and buckthorn. The project would plant healthy trees.

Hanson confirmed with Ms. Thompson that there would be an HOA to handle the maintenance of the landscaping.

Minion was bothered by the setback since it is located at a busy intersection and could create a traffic safety hazard. He applauded the landscape plan. He asked what type of trees would be planted along the road. Mr. Meyer explained that hearty, native, disease-resistant trees would be planted to create a nice streetscape.

Ms. Thompson added that trails within the development would connect to the sidewalk located on County Road 101.

The public hearing was opened.

Sam Rayner, 5420 Tracy Lynn Terrace, stated that:

- He appreciates the opportunity to speak to people who care about the community.
- He enjoys his neighborhood and feels strongly against the proposal.
- The proposal would be the start of a continued encroachment into the neighborhood on the south side of the property.
- Adding density would encourage the existing houses to be torn down one house at a time. The price of \$700,000 to \$800,000 would incentivize additional houses to be torn down.
- He was concerned that the proposal would cause an increase in crime and clog the streets with parked vehicles.
- During the last couple of weeks, construction traffic that traveled on Tracy Lynn Terrace ripped up the landscape.
- The change in density and zoning would disrupt the neighborhood.
- He appreciates that the property owners want to sell the property, but the proposed rezoning would have a negative impact on the future of the neighborhood.

Alan Au, 5320 Spring Lane, stated that:

- He appreciates the opportunity to comment and thanked staff for providing such a good overview of the proposal.
- He opposes the proposed development.
- He relies on the stability of zoning requirements.
- He was pretty shocked to learn that the proposed zoning would be R-4 and have 40 condominium units.

- The neighborhood is intended for families. There are three schools and two daycare centers nearby.
- The current proposal is not suitable for families.
- Single-family residences would help the bus driver shortage.
- There is a lot of wildlife in the area. It would take years for trees to sustain wildlife again.
- The parking lot and swimming pool would not be a fitting transition to the residential houses.
- The intersection is already very busy and the proposal would increase the already chaotic situation with 16-year-old drivers and students crossing the street.
- Forty signatures on the letter represent 118 residents.

Terry Getsch, 5333 Spring Lane, stated that:

- Additional neighbors came to the meeting to speak, but had already left due to the length of the meeting and the late hour.
- Rezoning the site from R-1 to R-4 would not fit with the neighborhood or Minnetonka.
- The wildlife would be significantly impacted.
- The proposal would change four acres into 40 residences. That is an increase of 10 times the current number of residences.
- The road is already too narrow at 19 feet in width.
- There are already issues with elevation changes and blind turns on Spring Lane.
- There is no guarantee that elderly people would purchase the proposed units.
- Typically, 300 kids walk to school in the morning.
- He usually has to take a right and do a u-turn to access Hwy 7.
- He appreciates the commissioners' time and professionalism.
- The petition outlines neighbors' concerns.

Todd TeVogt, 5440 Tracy Lynn Terrace, stated that:

- The proposal would not make the traffic any better.
- A lot of drivers already cut through the neighborhood from County Road 101 trying to find a way through the neighborhood.
- The intersection on Excelsior Boulevard is terrible. Taking a left is almost impossible. He could see residents of the proposal using Tracy Lynn Terrace or Mahoney to get to County Road 101. It would have a big impact on the neighborhood.

Emily Wendt, 5328 Spring Lane, stated that:

- Her three children go to the surrounding schools. The traffic is a huge concern.
- She was concerned that the developer would keep changing the plan and not plan for all of the costs associated with developing a property such as funding stormwater management.
- She appreciates the opportunity to speak to commissioners.
- She requested that the property stay zoned R-1.

Doug, a resident of 17609 Jennifer Lane, stated that:

- The developer did not complete the agreed-upon 2015 proposal. Everyone agreed with the 2015 plan, but the developer changed his mind. He was afraid the property could be rezoned to R-4, and the proposal could be changed again.
- He appreciates everyone's time.

No additional testimony was submitted and the hearing was closed.

Ms. Thompson thanked the neighbors for attending the meeting. She stated that this would be a great area for grandparents to live. Landscape barriers could be added along the county road to provide safety for vehicles traveling onto the sidewalk. The proposal would preserve more green space than the single-family house plan.

Gordon explained that the comprehensive guide plan designation and zoning stay with a property regardless of who owns the property.

Waterman stated that:

- He appreciates the applicant and neighbors attending the meeting.
- The architecture and design are attractive.
- Some increase in density may make sense for the area near the busy intersection.
- He wavered on rezoning the whole site.
- He would like the proposal to add more trees.
- He likes the green areas.
- The variance from the tree protection ordinance is significant. He wavered on the setback variance.
- He was concerned that the site would not have enough parking due to the density and that would cause parking to occur on the street.
- The proposal's stormwater standards may not be met.
- Adding traffic from 40 units to the turn when exiting Spring Lane may be problematic.
- Neighbors were invested in the plan presented ten years ago.
- He supports staff's recommendation.
- The north part of the site may be suited for a little higher intensity.
- The concept plan was closer to the mark.

Henry stated that:

- He appreciates everyone staying late.
- He found the proposed buildings attractive.
- In one sense, he likes the density to increase energy efficiency and provide a needed housing stock.
- On the other hand, a lot of thought went into the comprehensive guide plan.
- The proposal would be too dense, too massive and not fit with the rest of the neighborhood.
- The site may be appropriate for something less dense that would provide a public service and a smoother transition to the residential neighborhood.
- He appreciated the applicant addressing the neighbors' concerns.
- He looks forward to hearing a future proposal.

Maxwell stated that:

- She agreed with Waterman. Some medium density may be appropriate on the north portion of the site.
- She did not support a comprehensive guide plan amendment for this proposal.
- A setback variance, in this case, makes a bit of sense. She would rather have less of a setback on the County Road 101 side of the property to allow more buffering between the site and the residential neighbors.
- Feedback from Hennepin County suggests that the county would find the access variance reasonable.
- She did not see a practical difficulty to justify such a large departure from the tree-preservation-ordinance requirements. The ordinance would allow removal of 35 percent of the high-priority trees and the proposal would cause the removal of 65 percent of the high-priority trees.
- She did not support the current proposal.

Hanson stated that:

- Density should happen here eventually. He was more comfortable with the concept plan. He found the concept plan to provide more of a transition from higher density on the north to lower density on the south.
- He was surprised to see the number of units doubled.
- He struggled to find a public good.
- He supports staff's recommendation to deny the proposal.

Minion stated that:

- He agrees with commissioners.

- The proposal has a lot of great ideas.
- The amount of tree removal is an issue.
- He did not support the proposal as it is now.

Banks stated that:

- He agrees with commissioners.
- He was disappointed that the proposal was not more similar to the concept plan that had a 20-unit building and single-family residences.
- The building would be beautiful, but it would be the wrong location for the proposed amount of density.
- He did not support changing the comprehensive guide plan designation.
- He looks forward to a future proposal.

Chair Sewall stated that:

- He appreciated the neighbors expressing their concerns respectfully and the developer's presentation.
- He could support the north side of the property increasing its current density.
- He likes the concept plan better.
- The size of the variances need to be reduced.


Maxwell moved, second by Henry, to recommend that the city council adopt the resolution denying the Minnetonka Flats proposal at 5290 and 5300 Spring Lane; 5295 and 5325 County Road 101; and 5301 Tracy Lynn Terrace.

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

Chair Sewall stated that the city council is scheduled to review this item at its meeting on Feb. 12, 2024.

9. Adjournment

Minion moved, second by Hanson, to adjourn the meeting at 10:02 p.m. Motion carried unanimously.

By: 
Lois T. Mason
Planning Secretary