

**Minnetonka Planning Commission  
Minutes**

**June 16, 2016**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Natural Resource Manager Jo Colleran, and Water Resources Technician Tom Dietrich.

**3. Approval of Agenda**

***Odland moved, second by Knight, to approve the June 16, 2016 agenda as submitted with the changes from the change memo and handouts dated June 16, 2016.***

***Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

**4. Approval of Minutes: June 2, 2016**

***Odland moved, second by Calvert, to approve the June 2, 2016 meeting minutes as submitted.***

***Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 6, 2016:

- Introduced an ordinance to rezone 4301 Highview Place.
- Adopted a resolution to make changes to the parking lot at the Minnetonka High School.

There will be a meeting to review the housing gaps analysis June 20, 2016 at 6 p.m.

There will be a joint meeting of the Hopkins and Minnetonka Planning Commissions on July 26, 2016 to review zoning for the Shady Oak SWLRT station at Hopkins City Hall.

The next planning commission meeting will be July 7, 2016.

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

**7. Public Hearings: Consent Agenda: None**

**8. Public Hearings**

**A. Parking lot setback variance from 20 feet to 5 feet at 11311 K-Tel Drive.**

Chair Kirk 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. Thomas estimated that there would be 20 feet from the right of way line to the track. Wischnack added that the setback would depend on the location of the stormwater and water lines and berm.

In response to Hanson's question, Wischnack stated that the lite rail plans are 100 percent completed. Things can still be moved around. The variance would not become active until the taking occurs.

In response to O'Connell's question, Wischnack explained that the metropolitan council would be the agency to implement condemnation proceedings. The city would not be involved.

Thomas pointed out the site's parking that includes an additional lot across the street.

Calvert asked if the building would meet parking requirements. Thomas said that the building would meet parking requirements with the inclusion of the parking lot across the street. The variance being requested is for a setback variance, not a variance for the number of parking stalls.

Powers asked if there would be a negative impact to the land. Thomas answered in the negative.

Peter Beck, representing the applicant, stated that the applicant supports staff's recommendation. The property has been vacant for three years. It is unmarketable because of the uncertainty of the SWLRT location. The goal is to be able to show a potential buyer or tenant the parking and location of the SWLRT. The future user would dictate the number of required parking stalls. The more parking spaces would make the property more valuable and easier to lease.

In response to Chair Kirk's question, Wishnack stated that the number of required parking stalls is generally decreased for sites within a half mile of a lite-rail station. Traffic numbers are discounted 10 percent if near or around a lite-rail station.

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

Odland asked if there are safety concerns with the possibility of a train derailing. Wischnack explained that a safety committee reviewed the plans and found that the elevation difference would address that issue.

In response to Chair Kirk's question, Thomas stated that the proposal would not change the width of the right of way. The request is to allow the parking lot to be located closer to the right of way than would have been allowed otherwise.

***Powers moved, second by Odland, to adopt the resolution approving a parking lot setback from 20 feet to 5 feet at 11311 K-Tel Drive (see pages A10-A13 of the staff report).***

***Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

**B. Site plan review for two new parking lots on the Cargill campus at 15407 McGinty Road.**

Chair Kirk 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.

Chad Lockwood, of SRF Consulting, representing the applicant, stated that he was available for questions.

Chair Kirk asked if a parking structure is planned for the future. Mr. Lockwood has heard of no plans for a parking structure. The current location is at full capacity.

Calvert asked if there had been a discussion to create a parking structure to decrease the impervious surface. Mr. Lockwood had not been involved in any discussion regarding a parking structure.

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

Powers supports the proposal. It is a good idea.

O'Connell asked if a traffic study would be done. Thomas explained that the city's and Cargill's engineers met previously and considered the site at its maximum capacity and determined that McGinty Road has a lot of capacity. The county would determine the need for a semaphore or lengthening of the turn lanes. The intersection has averaged one accident per year over the last five years. That is an acceptable level.

In response to Calvert's question, Colleran and Thomas explained that the applicant must prove that the wetland is incidental as a condition of approval.

Chair Kirk noted that there would be a significant amount of tree loss. Colleran agreed. Mitigation would be required for trees located outside of the basic tree removal area which is 10 feet beyond parking or driveway areas.

***Odland moved, second by O'Connell, to adopt the resolution approving final site plans for two new parking lots on the Cargill campus at 15407 McGinty Road West (see pages A20-A24 of the staff report).***

***Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

**C. Expansion permit for the construction of a new home at 20 Westwood Circle.**

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

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

Odland asked what would be an appropriate marker. Colleran answered a small, permanent post with a small sign identifying the wetland.

Calvert visited the site. The ground is squishy. An updated house would benefit the neighborhood.

Greg Mlodozyniec, applicant, stated that the water has gotten within 20 feet of the house. At most, it was 4 inches deep. Colleran provided that the area adjacent to the house is not considered a wetland because it is made of fill instead of wetland soils.

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

***Odland moved, second by Knight, to adopt the resolution on pages A12-A15 of the staff report which approves an expansion permit for the construction of a new house at 20 Westwood Circle.***

***Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

**D. Variances to allow construction of a new home at 3105 Shores Boulevard.**

Chair Kirk 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.

Chair Kirk confirmed with Cauley that the two structures had shared the same lot. The previous house was located in street right of way.

Heather Terry, 3105 Shores Boulevard, applicant, stated that she was available to answer questions.

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

O'Connell thought the proposal would be a great change to the neighborhood.

***O'Connell moved, second by Odland, to adopt the resolution on pages A26-A30 of the staff report which approves front yard setback variances for a new home at 3105 Shores Boulevard.***

***Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

**E. Preliminary plat of Fretham 18<sup>th</sup> Addition, a three-lot subdivision at 12689 and 12701 Lake Street Extension and an unaddressed parcel.**

Chair Kirk 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.

Ben Wickstrom, of Lakewest Development, representing the applicant, stated that the existing drainage would be maintained. There would be an opportunity to bury the pipe without additional tree loss. He would like some clarification on that possibility. He was available for questions.

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

In response to a question, Thomas referred to staff's recommendation to leave the pipe and stormwater conveyance at their current locations.

Mr. Wickstrom clarified that he is fine with the location of the pipe that travels under Lake Street Extension and into a ditch. The applicant wants to fill in the ditch and extend the pipe to the pipe that outlets under Highway 7. If that would not be allowed, then the project would still move forward.

Calvert noted that the site is wooded and there would be tree loss.

Chair Kirk stated that the proposal is the best option that he has seen. It would be the least intrusive.

***Odland moved, second by Hanson, to recommend that the city council adopt the resolution approving the preliminary plat of Fretham 18<sup>th</sup> Addition at 12689 and 12701 Lake Street Extension and an adjacent, unaddressed parcel (see pages A24-A30 of the staff report).***

***Knight, O'Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

**F. Ordinance rezoning a portion of the property at 4301 Highview Place and an adjacent unaddressed parcel from R-1 to R-1A.**

Chair Kirk 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.

Rob Eldridge, of Ridge Creek Custom Homes, applicant, stated that Cauley did a great job. He was available for questions.

The public hearing was opened.

Martine Ackland stated that she and her husband, John, are under contract to purchase 4301 Highview Place. They are excited about the proposal.

Tony Fernandez, 4232 Highview Place, stated that he supports the proposal.

Susie Swanson, current owner of 4301 Highview Place, stated that the proposal is the one best for the neighborhood. It would be a good compromise.

No additional testimony was submitted and the hearing was closed.

Calvert asked how the R-1A zoning would set a precedent for the surrounding area. Cauley said that the commission has discretion to recommend denial of a site proposed to be rezoned to R-1A.

Calvert asked if the comprehensive guide plan designates the site for higher density. Cauley answered in the negative. All of the reviewed concept plans meet the required density for the site.

Powers saw a similar site in a single-family neighborhood in St. Paul. The proposal makes sense to him.

Chair Kirk still struggled with eight lots. The planning commission would be obligated to recommend approval of a plat conforming to R-1A zoning requirements.

Mr. Eldridge stated that his engineers worked to extend the cul de sac 10 feet to meet all right of way and R-1A requirements.

Chair Kirk supports the R-1A zoning for the site. It is an unusual parcel in the neighborhood. The houses would be quite nice.

Knight noted that the previous R-1A site had access to Excelsior Boulevard and County Road 101. This proposal is adjacent to Highway 7 and Interstate 494. Cauley explained that there is no requirement for an R-1A zoning district to be located near to a busy street. The Saville property does not have direct access to Excelsior Boulevard. It connects to Tracy Lynn Terrace. The previous R-1A site and current proposal are both reached by driving through single-family neighborhoods that connect to a cul-de-sac.

Chair Kirk noted that many drivers in Minnetonka neighborhoods use collector streets to get to arterial streets.

Odland thought there would be too much stuff on the site. It should be reduced to be an appropriate size. Powers did not disagree with Odland, but what is being considered is changing the zoning to R-1A. Odland did not disagree with the zoning being R-1 or R-1A, but she still felt there would be too much on the site.

O'Connell stated that the proposal went from 10 lots to 8 lots and, given the nature of the R-1A zoning requirements, the density would be appropriate. In past meetings, there has been a lot of neighborhood opposition. Aside from one letter requesting the subdivision to be smaller, there has been no other objection to the proposal.

Chair Kirk looked at the neighborhood lots to compare the reasonableness of the proposed lots. A large lot located so close to the highway might be a hard to sell. The parcel's proximity to the highway makes smaller lots with a smaller price point reasonable and is the justification for him to support the proposal. Minnetonka is lacking new-house development.

Calvert agreed with everyone. She was squeamish with the density, but the price point and type of housing stock is unique.

Odland said that page 4 of the staff report listed “9 lots.” Gordon explained that the “9 lots” include the existing house with an additional 8 lots. He clarified that the approval to rezone the site does not include dimensional standards of the subdivision, details of grading or location of utilities, or any other details. The approval of the details of the plat would happen later. Shifting the road or lot lines would be looked at a future meeting. Rezoning the site to R-1A sets the density standard for the plat.

Knight favored the lots for the new houses being zoned R-1A because it would allow the city some control to limit the size of the floor area ratio (FAR).

O’Connell asked staff to compare Groveland Pond’s density with the proposal. Cauley answered that Groveland Pond’s 14 units on a cul de sac is significantly denser than the proposal. Groveland Pond’s lots are approximately half the size of the proposal’s lots.

Cauley confirmed that R-1A zoning would allow a restriction on the FAR and amount of impervious surface, but the R-1 zoning would not.

***Powers moved, second by Knight, recommend that the city council adopt an ordinance rezoning a portion of the property at 4301 Highview Place and an adjacent unaddressed property from R-1 to R-1A (see pages A12-A15 of the staff report).***

***Knight, O’Connell, Odland, Powers, Calvert, Hanson, and Kirk voted yes. Motion carried.***

The city council is tentatively scheduled to review this item at its meeting on July 11, 2016.

## **9. Other Business**

### **A. Glen Lake Study**

Chair Kirk called for the staff report.

Gordon and Wischnack reported. They recommended that commissioners review the study and provide feedback.

O’Connell confirmed with Gordon that the study is an informative tool. Wischnack explained that reviewing the studies is part of preparing for updating the

comprehensive guide plan. O'Connell got the sense that residents thought the study would dictate something to happen now.

Mark Koegler, landscape architect with Hoisington Koegler Group, consultant for the city, gave his staff report. He stated that:

- He does a lot of community planning work, has lived in the area for 30 years, and knows Glen Lake. It is a special place and it has changed a lot.
- The study is not a mandate of what shall happen, but it looks at some "what if" situations.
- He provided the history of the meetings since summer of 2015.
- He heard a lot of observations from the residents.
- A work group looked at options for possible available sites and redevelopment proposed by developers.
- The Williston Woods West project is moving forward.
- The three yellow areas anticipate where change may occur in the future. Nothing has been determined at this time.
- Residents requested increased lighting, additional landscaping, an entrance feature, and improved trail access. Possible uses of the properties were discussed.
- There is an 11-acre site that is being considered for compact, residential lots to provide a buffer between the commercial and residential areas.
- The east site is long and narrow. A low-density townhome development may fit.
- The north site is one acre with a single-family house surrounded by other kinds of uses.
- The south, Hennepin County site, is 146 acres. There has been discussion regarding social programming and services becoming obsolete. It would be wise to be prepared if Hennepin County chooses to sell the property. The area would have the opportunity to create a very livable residential community with trails.
- He wanted to provide a feel of what is there. It is not a prescription for change. Options are there to help inform future discussions and decisions for if and when development would occur on the properties.
- He was available for questions.

Wischnack stated that Hennepin County indicated that the county would sell the Homeschool site if the use would be eliminated. The site would not be donated to the city for park land.

Chair Kirk asked why the surrounding businesses were not included in the yellow areas for the long, narrow site and site on the north. Mr. Koegler explained that the central site's cut off seemed natural. The commercial uses on the north are sound and productive. The neighbors put a lot of value on keeping the existing businesses and growing more businesses. In the case of the east site, there has been significant reinvestment there recently. Old homes became substantial new homes.

Chair Kirk invited those present to provide comments.

Anne Malm Hossfeld, 14616 Glendale Street, stated that:

- She sent in her comments which are included in the June 16, 2016 change memo.
- Her family has lived there for 90 years.
- She was shocked and astounded that the city would publish potential development plans for privately-owned, residential, inhabited properties at a public meeting without the owner being contacted. She received meeting notices for the Glen Lake neighborhood meetings. She was unable to attend. She did not like seeing a designer's overlay that would "wipe out her existence." The city was callous.
- She requested in January that her property be taken out of the report.
- She requests that her property be taken out of this report.
- She understood that there is a new review process.
- She understood that the report discusses "what ifs" and that the city does not want to alter the public record, but the report does not have to be a frozen record of what was said. It is not meant to be unchangeable. The city can have some sensitivity to private property owners.
- She wants her property taken out of the report to protect her privacy.
- Trespassing occurred for someone to take pictures on her property.
- This is not something people have the right to float boxes around and make designs.
- Putting this in the public record serves as a precedent.
- It puts pressure on her and her family to sell. There is no intent to develop the property for a long time.
- She appreciated the plans being changed to keep the farm house, but she does not want development.

- She read from her submitted written comments.
- She does not want the attention.
- She received the meeting notices, but had no indication there would be this level of planning for places of interest.
- The city has responded and provided more opportunities for citizen input.
- This report went too far by creating “concrete design plans.”

Jane Christensen, 5709 Glen Avenue, stated that she was representing Grace Sheely who was unable to attend and resides at 14325 Grenier Road. Ms. Christensen read Ms. Sheely’s comments:

- Please name the village neighborhood studies consistently. She was not aware that the name changed.
- List the meeting notifications on minnetonkamatters.com.
- Personally invite neighbors living in or adjacent to pending development areas prior to meetings.
- The report is weak in suggestions to improve the trails. Many trails go nowhere. She suggested the pedestrian study be incorporated in the report.
- The report should say how a trail would connect to the trail on the east side of Glen Lake.
- The comment on Page 27 should be deleted since it is not possible and unnecessary with the trail agreement that was agreed upon the Zvago site.
- Page 17 is a development plan for the central site. The opportunity for this is mute. The entire western side of Glen Lake should be regarded as medium density. There is easy access to a major artery, Eden Prairie Road, and could handle high density well.
- She supports excluding Ann Malm Hossfeld’s property from the report to protect her privacy and not being included in the next comprehensive guide plan.
- She would like the Hennepin County Homeschool site pulled from the study. A 140-acre site needs its own report and to be reviewed city wide. One meeting and one plan is being presented as if the Glen Lake residents agree to the proposal. Housing might not be the best option. She would have appreciated being informed of the consultant’s proposal. She has concerns with the access road, traffic noise, and impact to her property value.
- She thanked staff and commissioners for writing and reviewing the report. She hoped some of her changes could be made.

- She suggested having an additional Glen Lake neighborhood meeting while it is still preliminary.

Melissa Pilney, 5524 Mayview Road, stated that:

- She attended some of the village study meetings.
- It should be addressed as an environmentally sensitive area. Keep that in mind. Limit how much and what would be done. There are mature trees, a lake, and floodplain.
- Any sizable property seems to be placed automatically into high-density zoning. She would prefer that the neighborhood not be turned into a “cornfield development.”

Wischnack pointed out the emails and comments received just prior to the start of the meeting. They will also be given to the city council. The item is tentatively scheduled to be reviewed by the city council June 27, 2016.

O’Connell asked if it would be possible to indicate that the property owner prefers not to be contacted by solicitors. Gordon explained that the tools being utilized are used to plan for the whole community. He respects the property owner wanting to keep the property as it is. The property owner’s wishes are invited to be expressed at the meeting. Wischnack noted that developers regularly look for large parcels in Minnetonka. Not including a parcel in a hypothetical plan would not prevent developers from contacting a property owner.

Powers stated that Ms. Malm Hossfeld did her parents proud. He understood her concern that the property being included in the public record would codify something that is not there. The property is valued. That is why it comes under discussion. The process is evolving and improving over time. He applauded property owners for speaking their minds and he understood what they were saying.

O’Connell confirmed with Gordon that all of the properties are privately held. O’Connell said that the process is good for the community, too. If the city stands still, something will happen. For people to have input early on without codifying a plan is beneficial.

Jim Stroebel, 14319 Stewart Lane, questioned how the proposal would improve and increase the vitality of the Glen Lake village area. He was disappointed that the only plans were to increase the density of the available land in the area.

Chair Kirk asked for additional comments from the audience and no one responded.

Calvert noted that the report is a lot to digest. She thought it was hard to do justice to a 56-page report at the end of a long meeting. Issues include walkability, housing density, demographic needs, environmental concerns, and transportation and it is already late.

Chair Kirk appreciated guiding principles being in place to provide direction when reacting to an application submitted by a developer. He applauded staff for taking the time and resources to try to figure out a way to at least discuss future potential redevelopment. Modifying the process, which may include allowing more time for feedback and being more inclusive, is up to the city council to decide. It is a great example of balancing individual rights and community responsibilities. The city should look way down the road. The review of the comprehensive guide plan provides an opportunity for everyone to get involved and comment on the guiding of property in Minnetonka.

Wischnack noted that commissioners could continue review of the proposal to another meeting. There is no deadline to take action on this item. Chair Kirk weighed that against the benefits and his concerns.

Calvert emphasized that no concept is written in stone and there is no one plan for a parcel. It is hard to talk about conceptual ideas. This is about development and community planning which is more than just constructing buildings.

Chair Kirk compared this to creating ideas for the Shady Oak Road project without a developer with a plan already submitted.

Odland is a Glen Lake resident. What is shown on the conceptual plan for Ms. Malm Hossfeld's property would drastically change the character of the neighborhood. The area is gracious and comfortable. She understood the need to plan.

Calvert supports having a variety of housing stock and demographics in every area of the city.

Powers said that a property owner has the right to change his or her mind. He respected removing the west site from the report. Conceptual plans for the Hennepin County site should be reviewed by the entire city. Calvert agreed. Chair Kirk predicted that site would get a lot of attention if anything happened. Wischnack shared that 900 notices and hundreds of emails were sent to notify residents of the sites being reviewed and discussed which resulted in 28 residents being present at the meeting. Wischnack agreed that issues need to be talked about and discussed, but it is difficult to get residents to attend a meeting if

there is no concrete plan of possible consequence being reviewed. There have been four meetings over the last year and each had low attendance.

Odland said that the city did a great job in 2014 of imploring neighbors to attend the meetings. She thought an invitation might have more of a reaction than a postcard.

O'Connell expected a planning commission to do this type of conceptual thinking for a city of this size and amount of buildup. He understood the concerns of the west side property owner. Cities all across the country do similar reviews. Developers look at GoogleMaps to find properties of appropriate size located near wanted amenities and will contact property owners. The city needs to start a discussion somewhere.

Odland thought another meeting would be worth it.

Calvert concurred. There was so much work that went into the report. She was concerned with big developments impacting the lake's water quality. She would love to learn what people said about a college extension.

Knight understood the property owner on the west side being upset. He would like more conceptual plans for the central site. There are a number of "for sale" signs in that area.

Chair Kirk appreciated neighbors providing input.

## 10. Adjournment

***Odland moved, second by Calvert, to adjourn the meeting at 10:12 p.m.  
Motion carried unanimously.***

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