

**Minnetonka Planning Commission
Minutes**

Oct. 18, 2018

1. Call to Order

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

2. Roll Call

Commissioners Powers, Sewall, Hanson, Henry, and Kirk were present. Knight was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley and Planner Drew Ingvalson.

3. Approval of Agenda

Sewall moved, second by Hanson, to approve the agenda as submitted with a modification and additional comments provided in the change memo dated Oct. 18, 2018.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried.

4. Approval of Minutes: Sept. 20, 2018

Powers moved, second by Hanson, to approve the Sept. 20, 2018 meeting minutes as submitted.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Oct. 8, 2018:

- Introduced an ordinance repealing and replacing the sign ordinance and referred it to the planning commission.
- Tabled action regarding a five-lot subdivision, Villas of Glen Lake, on Eden Prairie Road.
- Reviewed a concept plan for Marsh Run Two on Wayzata Blvd.

Gordon invited commissioners to review and provide comments on the proposed comprehensive guide plan by clicking links found on **eminnetonka.com**.

The planning commission meeting scheduled for Nov. 29, 2018 will hold a public hearing for the 2040 comprehensive guide plan.

The Dec. 13, 2018 planning commission meeting is being moved to Dec. 6, 2018 to allow items requiring action by the city council to be reviewed before the end of 2018.

6. Report from Planning Commission Members

Sewall thanked city staff for hosting Rock at Ridgedale. He and his family enjoyed the event.

7. Public Hearings: Consent Agenda

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

Powers moved, second by Hanson, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Resolution approving an aggregate side yard setback variance for construction of a new home at 13228 Orchard Road.

Adopt the resolution approving the aggregate side yard setback variance for a new home at 13228 Orchard Road.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried and the item on the consent agenda was approved as submitted.

8. Public Hearings

A. Resolution approving a conditional use permit for a licensed daycare facility at 12301 Whitewater 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.

Anna Newell, representing the applicant, the French Academy, stated that she appreciated the commission's consideration. The director of The French Academy stated that the program is wonderful and would benefit the city of Minnetonka.

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

Powers questioned why the outdoor recreation area would not be larger. Thomas explained that the city has no minimum or maximum size requirement for an outdoor play area. The state may have a size requirements. The proposal also includes an

indoor play area. The director explained that the applicant currently operates out of Cedar Manor Elementary. The center is licensed by the state as a daycare center. There is a requirement for the playground to be 1,500 square feet. The playground would be 1,500 square feet. Not all of the children would be outside at the same time. There would be a maximum of 20 children on the playground at the same time. The children would not be old enough to be further away from the employees.

Sewall moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit for a licensed daycare facility at 12301 Whitewater Drive.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried.

Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council Nov. 5, 2018.

B. Resolution denying a front yard setback variance to construct a screened porch and covered porch at 2300 Ford Road.

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

Ingvalson reported. He recommended denial of the application based on the findings listed in the staff report.

Sewall confirmed with Ingvalson that staff would recommend approval of the porch if it would not be screened and meet setback requirements.

Henry asked if a screen would be considered enclosed. Ingvalson answered in the affirmative.

Duane Myers, representing the homeowner, stated that he lives in the neighborhood. He is replacing the windows and siding now. He did not calculate the front setback correctly. The stairs were extended to get around a large tree. The situation is unique. The front door is seven and a half feet from the ground. The lot is narrow from front to back. The grade extends above the house in the back. There is a deck in the back. The proposal would make the property look better and would not require maintenance. The proposal is the best option. He requested that the proposal be approved. It would look and work better than any other option.

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

Chair Kirk understood the need to encroach into the 30-foot front setback to have enough room to open the door, but saw no reason to allow the porch to be enclosed. He thought a setback variance shorter than four feet might be reasonable.

Sewall thought a compromise would be to not enclose the porch. Ingvalson stated that the proposal would still not meet ordinance requirements since the front setback would be 30 feet instead of the required 35 feet.

Henry asked what other plans had been considered. Mr. Myers stated that he and the homeowner met with staff and discussed options. The homeowner does not want stairs parallel to the front of the house. The stairs would be by a window. She would prefer a screened area. The last step should be at least three feet wide.

Chair Kirk would consider a covered porch, but not enclosed, eight feet deep that would require a two-foot or three-foot variance with stairs that would be designed to save the tree. Enclosing the space within the front yard setback would not be reasonable, but eight feet would be needed to approach the front door safely and a two-foot front-yard-setback variance would be reasonable in this case.

Hanson moved, second by Henry, to adopt a resolution denying a variance to construct a screened and covered porch, but approve a two-foot front yard setback variance to allow a covered, but not enclosed, porch addition on the single-family house at 2300 Ford Road with the modification provided in the change memorandum dated Oct. 18, 2018.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. Motion carried.

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

C. Resolution approving final site and building plans for a restaurant at 11390 Wayzata Blvd.

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.

James Powell, site development manager for the applicant, stated that he was available to answer questions. Constructing a new building would work better than remodeling the existing building and would break some of the stigma of the two previous failed restaurants at that location.

Powers thought the view from the north side would not be very attractive. He asked if the north side of the building could be aesthetically enhanced. Mr. Powell said that the elevation did not show the enclosure as shown on the site plan. The stone finish would enclose the area. Trellises could be added to dress it up.

Henry asked if there would be outdoor seating. Mr. Powell stated that the Olive Garden typically does not do well with outdoor patios, so the standard practice is not to have an

outdoor eating area. Construction would start in the spring and take four months to complete.

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

Powers moved, second by Henry, to adopt the resolution approving site and building plans for the construction of a new restaurant at 11390 Wayzata Blvd.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight was absent. 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.

9. Other Business

A. Concept plan review for Highcroft Meadows at 14410 Orchard Road.

Chair Kirk introduced the proposal and called for the staff report. Staff recommends that commissioners provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate.

Thomas provided the staff report.

Rick Dunum, representing the applicant, thanked staff and commissioners for the opportunity to present a concept plan. He stated that:

- The property has been a horse farm for 50 years. The family is ready to sell the land and it will be developed. He understood neighbors' concerns with change.
- The applicant is a luxury home builder that cares about the architecture.
- Neighbors have expressed concern with density, traffic, drainage and stormwater runoff, screening, safety on Orchard Road, and loss of power issues occurring near the site now.
- A quarter of the site would be left naturally wooded. Seven or eight of the houses would be on grade. There would be no two-story houses. The proposed houses would be geared for the empty-nest market.
- The empty-nest buyer makes fewer trips.
- Lots west of the site have a current drainage problem. He has a good idea of how to manage the drainage on the property. Additional trees would be added to provide screening.
- The status of the current utilities would have to be addressed by the city.
- The property is unique.
- He would appreciate feedback.

Powers asked what he meant by an “architecturally principled” house. Mr. Dunum provided illustrations of houses with attractive exterior details.

In response to Sewall’s questions, Mr. Dunum stated that the price of the houses would be approximately \$650,000 to \$850,000. The dimensions of the property dictate where the road would be located. The proposal is the best use of the site. He estimated 50 percent of the buyers would travel south for the winter months. He provided illustrations of the interiors. He was amenable to adding a trail to the natural area, but did not know if the city would prefer one or not.

Chair Kirk invited those present to provide comments.

Trish Gardiner, 14409 Orchard Road, stated that:

- Her neighbors were welcoming when she moved in and they do activities together.
- The proposal would look like an urban city street of row houses that would not fit in Minnetonka.
- She wants the R-1 Single Family Residential Zoning District standards to be upheld.
- She is not against development.
- Of the 6.2 acres, only 4 acres of the parcel would be buildable. Building 19 houses on 4 acres of land would not fit the character of the neighborhood.
- The only good argument for density is the developer’s profit margin. Higher density does not make sense for her neighborhood.

Beth Desmond, 14306 Orchard Road, stated that:

- She is concerned with the proposal’s density.
- She provided an illustration showing the surrounding lots. Building 5 houses on one acre would not fit with the land use plan. Each of the surrounding properties average a house on .7 acres.
- A 3,100 square-foot house would be larger than most houses in the neighborhood.
- She wondered if the proposal would alter the character of the neighborhood irreparably.
- She provided a plan with 8 houses on 4.2 acres.
- She would like connecting to the other street explored.
- She would like construction traffic to access the site from the Williston Fitness Center. Orchard Road is not built for this type of activity.
- She appreciated the 1.5-story roof lines.
- City sewer would be best.
- She did not want fountains or a development name on a granite plaque.

Ravindra Chintapalli, 3711 West Mark Drive, stated that:

- He agreed with his neighbors.
- He opposed rezoning the property from R-1 to R-3 or R-4.
- He is for developing the property compliant with the 2030 comprehensive guide plan.

Alan Stone, 13508 Orchard Road, stated that:

- Minnetonka is known for large lots. These lots would not fit. He did not like them jammed together.

Marcine Purinton, 3706 Westmark Circle, stated that:

- It is unsafe to drive a vehicle or walk on Orchard Road. She is concerned with the safety of children.

Janet Larson, Westmark Drive, stated that:

- Her twin home provides a buffer.
- The proposal would be very dense.
- A 55 and older community should have more amenities.
- The property needs to be developed.
- She wants the development to flow with the existing neighborhood.
- The neighborhood is static and fixed.

Jamie Cyson, 3601 Sunrise Drive West, stated that:

- She was concerned with the construction.
- She preferred a development that would fit the neighborhood.
- She was concerned how the proposal would impact her taxes.
- She concurred with the other speakers.

Padma Chintapolli, 3711 Westmark Drive, stated that:

- She concurred with the other speakers.
- Orchard Road is steep where it meets Williston Road.

Jean Florek, 14208 Orchard Road, stated that:

- She agreed with the other speakers.
- Traffic on the road is dangerous.
- She was notified two weeks before the public hearing.
- Buyers would not pay \$700,000 to live 5 feet from neighbors.
- The developer wants the money from association fees.

- She questioned who would run the association and what would happen if the properties looked bad.
- She did not know who would pay the taxes.
- She did not like the houses.
- Her biggest concern is the safety of the children. One child has to cross the street to catch the bus.

Shannon Paradis, 3610 Sunrise Drive, stated that:

- She represented another neighbor who was unable to attend. The parking at Williston Fitness Center is horrendous in the winter. There needs to be more parking added.
- She would like a sidewalk added the length of Orchard Road.
- If there is an endangered species living on the property, then she would like that species protected.

Brent Eggert, 3630 Sunrise Drive East, stated that:

- He asked if a tax increment financing district would be created.
- The proposal would create a different aesthetic. He would like research of what would happen to the neighborhood when something like this has happened in the past.
- He questioned what would happen to the property values and taxes.
- He questioned if construction would happen on Saturday mornings.
- He questioned what amenities like a sidewalk could be added.

Kara Celt, 14116 Orchard Road, stated that:

- She questioned if adding 19 houses would be an option the city would allow. The lots would not meet the minimum lot size requirement of 22,000 square feet.
- She was concerned with lack of parking. Orchard Road is treacherous to park and walk on.
- Drivers travel too fast to the junior high.
- There would be 36 more vehicle trips each day.
- She agreed with the issues with the density. Nineteen houses would be too many.

Greg Raetz, 14523 Orchard Road, stated that:

- One of his primary reasons to move here was the character of the neighborhood and lot sizes.
- He was concerned that the character of the neighborhood would change.
- It could set a precedence for future developments to change the density and get variances for setbacks.

Ron Peterson, 14615 Orchard Road, stated that:

- He built here because Minnetonka has a half-acre lot requirement.
- It does not make sense to create comprehensive guide plans and then change the zoning.

Karl Johnson, 3621 Sunrise Drive West, stated that:

- The character of the neighborhood is large lots and privacy.
- He thought a horse fence would be an insult rather than a concession.

Dale Thielen, 14309 Orchard Road, stated that:

- He agreed with the other comments. He was concerned that his quality of life, safety, and property value would not be protected.
- The proposal would not fit the character of the neighborhood.
- He was not against development, but for the right development.

Alan Lachinsky, 3705 Westmark Drive, stated that:

- Nineteen houses would be too many.
- He was concerned with water runoff. It runs through his backyard to a drainage pond.
- He suggested commissioners stand on Orchard Road and look at the property.

Meagan Gustafson, 14320 Orchard Road, stated that:

- It would be better to construct houses for families.

Chair Kirk concluded taking public comments. He asked staff to address the comments.

Thomas explained that:

- State statute does not allow tax increment financing for this type of development.
- The city assessor has found that a single-family residential neighborhood being constructed next to single-family residential neighborhoods does not decrease property values.
- The city has no authority over associations. An association is governed by a private, legal agreement between property owners.
- A property may stay vacant indefinitely. There is no specific construction start date requirement. Once a building permit is issued, then progress must be made within a certain time line for the building permit to remain valid.

- This proposal would not trigger a requirement for an environmental assessment worksheet to be completed. The city's natural resources and engineering staff would review and be required to approve the proposal.
- Construction hours allowed by city ordinance are from 7 a.m. to 10 p.m.
- A stormwater management plan would be required to show that the rate, volume, and quality of runoff would not be made worse than predevelopment conditions.
- The comprehensive guide plan gives land use intensity and density designations for industrial, commercial, office, and residential uses. It defines "low density residential" as four or fewer residential units per acre. The proposal would meet the low density residential definition in the comprehensive guide plan and have four or fewer units per acre. High density is defined as 12 or more units per acre. The zoning designation provides more details. The city would be legally required to approve a proposal that would meet all of the R-1 low density residential zoning requirements. The proposal's number of units would not fit low-density residential zoning requirements. A property owner has the right to request a rezoning and the city has the authority to rezone properties.
- When the city considers a rezoning, it has the ability to negotiate for public improvements such as a sidewalk. Sidewalks improve pedestrian safety, but the benefit is weighed against the amount of additional grading and potential increase in tree removal it would cause.

Henry asked how many houses that would meet R-1 requirements would fit on the site. Thomas answered that it would depend on the steep slope and lot size, depth, and width requirements.

Powers stated that the proposal would be too big and create a neighborhood inside a neighborhood. The proposal would change the character of the neighborhood significantly. The developer is a good developer. He did not like the configuration.

Henry thought the proposal would be too dense for the neighborhood. There is room for compromise to make it a little higher density than R-1 requirements. It would fundamentally alter the culture of the neighborhood and create a neighborhood inside a neighborhood. There is a better way to connect the site with the existing neighborhood. He was concerned with a lack of visitor parking.

Hanson concurred. The proposal would have too many houses. He has seen houses done by the developer and they are very nice. He was concerned with a lack of visitor parking.

Sewall liked the concept of this type of housing, but 19 would be too many houses for the site. There is a compromise to me made that would make this a good project. He liked the design of the houses. He would like more creativity with the landscaping and natural features.

Chair Kirk agreed that 19 houses would be too many for the site. He would like to understand the steep slope restrictions and tree preservation area proposed on the north side of the property. He was not concerned with a neighborhood within a neighborhood. Westmark Circle is a great example of a neighborhood within a neighborhood that now fits into the neighborhood. Westmark Circle has 12 units or 13 units if the unit on the corner is included. The length of the proposed drive and cul-de-sac would be similar. He struggled with the PUD zoning. It would be difficult to have more density than R-1a restrictions would allow. There should be a buffer on the side of the houses on Orchard Road. When the shadow of one house overcasts another house, then that is a sign to him that the houses would be too close. He liked pairing up the houses and consolidating the driveways to allow greater open frontage, specifically for parking. He would appreciate a rendering showing on-street parking. Parking on Orchard Road is dangerous.

Hanson was not concerned with the site being a neighborhood in a neighborhood.

Powers clarified that architectural design would make the proposed houses a neighborhood within a neighborhood.

Gordon noted that a cul-de-sac on its own would not qualify as being exclusive. A gated community with a monument sign would designate a separate neighborhood. The housing market, value of the property, and housing demand is driving the need for smaller lots and new houses.

Sewall pointed out that this is the concept plan review, not review of a formal application.

Thomas stated that the project is titled "Highcroft Meadows" and can be followed on the city's website: eminnetonka.com. The site will be updated with new plans as staff receives them. Emails submitted to planning staff by Oct. 30, 2018 will be included in the city council packet for the next review of the concept plan scheduled for Nov. 5, 2018.

Powers left the meeting.

D. Ordinance repealing and replacing City Code 325, Sign Regulations.

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

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

Chair Kirk asked when the proposed sign ordinance changes would take effect. Thomas explained that if the city council approves the change, then it would become effective on the date of publication which would be Nov. 15, 2018.

Sewall asked why the feather signs would no longer be allowed. Ingvalson said that staff receives complaints regarding the appearance of those signs, they are hard to read, and

they are unattractive. Thomas added that the feather signs did not exist when the sign ordinance was created.

Sewall supports staff's recommendation. The changes would make the sign ordinance consistent with the planning commission's variance approvals.

Henry confirmed with Ingvalson that temporary signs must be located five feet away from the curb of a paved street.

Thomas noted that residents who live on county roads must follow sign rules set by the county.

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

Hanson moved, second by Sewall, to recommend that the city council adopt the attached ordinance.

Sewall, Hanson, Henry, and Kirk voted yes. Knight and Powers were absent. Motion carried.

The city council is scheduled to review this item at its meeting on Nov. 5, 2018.

10. Adjournment

Sewall moved, second by Henry, to adjourn the meeting at 10 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary