

**Minnetonka Planning Commission  
Minutes**

**April 25, 2019**

**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 and Luke were absent.

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

**3. Approval of Agenda**

***Powers moved, second by Henry, to approve the agenda as submitted with modifications provided in the change memo dated April 25, 2019.***

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

**4. Approval of Minutes: March 21, 2019**

***Hanson moved, second by Powers, to approve the March 21, 2019 meeting minutes as submitted.***

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

**5. Report from Staff**

Gordon reported that the last Opus Launch meeting will be held May 14, 2019 in the city council chambers at 5:30 p.m.

The next planning commission meeting will be May 2, 2019.

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

**7. Public Hearings: Consent Agenda**

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

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

- A. Resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height at 1,000 square feet in an area at 19100 Old Excelsior Blvd.**

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and 1,000 square feet in total floor area at 19100 Old Excelsior Blvd.

- B. Resolution approving building and sign plans for proposed façade changes to the building at 14525 Hwy. 7.**

Adopt a resolution approving an expansion permit to increase the height of the building within the required setback and a resolution approving the sign plan.

***Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight and Luke were absent. Motion carried and the items on the consent agenda were approved as submitted.***

**8. Public Hearings**

- A. Items concerning Walser Nissan at 15906 Wayzata Blvd.**

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.

Chair Kirk confirmed with Ingvalson that there would be a snow removal plan.

Chair Kirk asked if there would be mitigation for the trees removed. Ingvalson explained that would be addressed during the review of the building permit. The current plan would meet tree ordinance requirements.

Henry asked if the total area of all of the signs shown in the agenda packet would equal 184 square feet. Ingvalson answered affirmatively. Other car dealerships in the area have similar signs.

Powers thought removing the trees on the berm on the north side would change the character of the relationship to the adjacent houses. Ingvalson said that the current buffer is above and beyond what is required. Staff found that the proposal would meet minimum buffer requirements. The houses would be 800 feet to 1,000 feet from the edge of the new parking lot.

Henry asked if snow could be placed on the infiltration basins. Staff answered affirmatively. Henry noted that would increase the amount of salt traveling to the wetland. Ingvalson stated that a condition of approval would require information on the amount of salt used on the site. Thomas clarified that snow storage would be allowed in

the infiltration area, but not the wetland. The chloride-plan template follows the city's own practices.

Sewall confirmed with Ingvalson the location of fill, grading, and the retaining wall. The plantings would be located on the north side with trees in front of the retaining wall. The retaining wall would be farther north than the berm.

Chair Kirk confirmed with Ingvalson that the retaining wall would be extended four feet in height to screen the vehicles.

Jack Grotkin, R.J. Ryan Construction, representing the applicant, stated that he was available for questions. The trees would be replaced with evergreens to make it look nice. The retaining wall would be increased four feet in height to provide screening. If it would work with the grading and the wetland setback, then he would rather create screening with earth rather than a retaining wall.

In response to Hanson's question, Mr. Grotkin explained that the building would be moved back and aligned with the Lexus dealership and BMW dealership buildings. There are a lot of city requirements that drove the site plan. For instance, for every vehicle located in the front, two vehicles had to be located in the back. With the proposed building, there would be 74 fewer stalls than what is there currently. Removal of the berm would allow for 58 parking stalls.

Powers favored planting trees that would be as tall as 90 percent of the height of the existing trees. Mr. Grotkin would not be opposed to doing that, but he would need to check with an arborist.

The public hearing was opened.

Mark Birnbaum, 325 Townes Road, stated that:

- He appreciated commissioners looking at the berm area. He hoped the city would maintain the character of the wetlands.
- A four-foot retaining wall would not hide a van or building.
- The runoff from the car dealership would include fluids from vehicles.
- Larger replacements of the pine trees would make a dent in screening, but a building would not be hid from view.

Jeff Koblick, 351 Townes Road, stated that:

- The biggest issue with the BMW site was the berm height. Everyone was happy with the Nissan berm. It screened the business for 42 years. The city required an 11-foot berm with trees on top of it. It provided somewhat decent screening. What is being proposed is worse than what was originally proposed for BMW.

- The proposal would not be in keeping with the character of the neighborhood. It would change the view for homeowners on the north side.
- The height of the building would increase by 23 feet. It would be a big monolith.
- He requested that the berm stay the same or be brought up to a height to screen the building.
- He requested a rendering that would show the back view of the proposed building and screening. He believed a rendering was not being shown because it would show that the building would be obtrusive.

Brad Schaeppi, 315 Townes Lane, stated that:

- The berm is continuous and travels west. There is a row of mature, deciduous trees behind the BMW dealership.
- He disagreed with staff. The language in 300.27 is not discretionary. The proposal would remove the berm, so the proposal would not meet design standards.
- He provided six pages of comments.
- He was not overly concerned with the size of the building.
- Some of the trees are 30 feet to 35 feet in height. Removal of the 10-foot berm and trees would remove 40 feet to 45 feet of screening and the site slopes down from the frontage road to the back. He currently does not see headlights from vehicles navigating the site.
- There would be an increase in impervious surface by removing the berm.
- The trees are legally required to be there.
- Public hearing notices should be sent to all properties within sight of the applicant's property rather than only those 400 feet from the site.

No additional testimony was submitted and the hearing was closed.

Ingvalson stated that the public hearing notice area was extended further than the 400-foot requirement and invited residents to sign up on the city's website, **eminnetonka.com**, to receive notices via email for the proposal. The item is tentatively scheduled to be reviewed by the city council May 6, 2019.

Thomas read from the ordinance regarding the landscape requirements of a PID district. It states that landscape berms and buffers intended to screen development projects from single-family residential areas shall be installed with commencement of construction activity if determined appropriate by the city. The development review group includes natural resources, engineering, fire marshal, city attorney, and planning city staff members.

Chair Kirk recommended the applicant provide a rendering of the rear view of the site for the city council meeting. Ingvalson provided the definitions of the berm and buffer.

Sewall asked if it would be possible to add a berm on the back between the proposed parking lot and wetland. Gordon answered that if a berm would be constructed instead of a retaining wall, then parking stalls would have to be removed.

Thomas clarified that the ordinance also states that in cases where natural buffers are absent, earth and berms with new landscape material shall be installed.

Powers felt the proposed plan would be inadequate. He wants the neighbors to have the screening there now. It is not unreasonable for the neighbors to expect the screening to continue. The current screening would maintain the value of the property. He did not support the application. He was fine with the design plan for the proposed building and variances.

Henry welcomed redevelopment of the Nissan site. The proposal is in line with the character of the neighborhood and adjacent auto dealerships. The Nissan building currently sticks out for being too close to the road. It does not seem to fit with the character of the other dealerships. The building design is good. He agreed that the buffering would not be sufficient on the north side. He favored requiring a berm. He would prefer reducing the proposed impervious surface from 72 percent to 70 percent. He welcomed a negotiation and redesign to provide more of a buffer for the adjacent neighbors, but also be in the economic best interest of the car dealership.

Sewall felt details of the earth and berm part are missing from the proposal. More effort should be made to help mitigate the loss of screening.

Hanson was fine with the sign and setback variances. The minimum requirements have been met, but he would like to add a condition requiring more screening.

Chair Kirk concurred with commissioners. He would prefer the berm to stay, but it would not have to look like it does now to comply with the ordinance.

Chair Kirk asked the applicant if he would prefer to table action on the item. Mr. Grotkin stated that the retaining wall would be an earth-tone color, the trees planted on the north side of the wall would be pine trees, and the building would be dark grey and 20 feet shorter than the BMW building. He was willing to work with the landscaping to screen the retaining wall and building. He would provide a cross section of the rear view.

Mr. Grotkin did not want to delay the project by tabling action. He requested the commission make its recommendation to the city council. Chair Kirk suggested the applicant make additional visual aids for the city council's review of the application. Mr. Grotkin was happy to work with staff.

***Hanson moved, second by Powers, to recommend that the city council adopt the ordinance approving a master development plan and final site and building plans with a setback variance and a resolution approving a conditional use permit and***

***building-to-parking variance and sign plan for Walser Nissan Development at 15906 Wayzata Blvd. with modifications provided in the change memo dated April 25, 2019.***

***Hanson voted yes. Powers, Sewall, Henry, and Kirk voted no. Knight and Luke were absent. Motion failed.***

***Powers moved, second by Hanson, to recommend that the city council deny an application for an ordinance approving a master development plan and final site and building plans with a setback variance and a resolution approving a conditional use permit and building-to-parking variance and sign plan for Walser Nissan Development at 15906 Wayzata Blvd. with modifications provided in the change memo dated April 25, 2019.***

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

Chair Kirk noted that this item is tentatively scheduled to be reviewed by the city council on May 6, 2019.

**B. Items concerning Highcroft Meadows, a 14-lot residential subdivision at 14410 Orchard 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.

Hanson liked the pie-graph slide. It provided great information.

In response to Hanson's question, Thomas referred to the staff report that detailed that of the 49 percent of the lots less than 22,000 square feet in size in Minnetonka, one fourth of those are less than 15,000 square feet in size.

Chair Kirk thought the lots on the west side of Westmark Drive appeared small. They were all at least 11,000 square feet to 13,000 square feet.

Sewall asked what the density would be if the unbuildable area to the north would be excluded from the calculation. Thomas responded 2.85 units per acre which would still be within four units per acre.

Rick Denman, co-owner of Charles Cudd, Co., applicant, stated that:

- The site is a great piece of property. There is a big demand for the villa-style project. There is very little of that type of housing in Minnetonka.

- The site is adjacent to an R-2 neighborhood. It seems logical that the density would work on the site.
- The original plan included 19 houses. It was reduced to 17 houses. The current proposal includes 13 lots zoned R-2 and one lot that would meet R-1 ordinance requirements.
- The applicant addressed questions received from neighbors related to drainage, parking, and snow removal.
- There is a lot of interest in the location and good demand for the proposed product. The villas would be detached and association maintained.
- There are multiple examples of similar projects the applicant has completed.
- The lot sizes would be extremely generous for the type of product. The lots would normally have seven-foot-side setbacks.

Powers asked why a seven-lot plat that meets R-1 requirements was not submitted. Mr. Denman stated that there are plenty of large lots with large houses to purchase in Minnetonka. There are very few similar to the proposal. Because of the price point that a large lot would have to be at, that type would not fit with the applicant's objectives. The main reason is that the R-1-sized lots would be too expensive. There is a demand for detached-villa houses.

Sewall asked about the snow removal plan. Mr. Denman stated that there would be places at the end of the cul-de-sac to store snow. An infiltration basin and pond would be located at the entrance. Snow could also be stored at that location. Both of the two areas in the front would be 150 feet by 100 feet. The lots would be deep enough to handle snow storage.

Randy Hedlund, with Landform Professional Services, engineer for the applicant, stated that the pond on the east side would be six feet deep. The pond would store sentiment, handle runoff from the road, and flow to a structure that would allow clean water to travel to the infiltration area on the west. The ponds would be located well below the road to prevent runoff from extending into the street. If the north lot and right away would be removed from the calculation, then the average lot size would be 13,150 square feet.

Henry asked under what circumstances he would expect the drain feature from the south to the north to be utilized. Mr. Hedlund said that the site would be designed to hold water for a 100-year event, 7.4 inches of rain over 24 hours is the standard. The total impervious area would equal 1.7 acres. There would be no overflow. Right now the water flows through the second lot on the west. Henry thought it would be a good feature. Mr. Hedlund explained that there would still need to be an outlet.

The public hearing was opened.

Richard Graft, 14617 Orchard Road, stated that:

- The issues with Orchard Road need to be addressed. There are no sidewalks, vehicles seem to be going faster, there is an increase in traffic, and there is a crest that blocks the view. There is a school bus that stops at the crest. In the winter, he has a tough time scaling the crest with his Chevy Cruise. The road was closed this winter due to ice.
- He asked what it would cost to make it a standard road.

Marcine Purinton, 3706 Westmark Circle, stated that:

- She was concerned with the safety of the children forced to walk in the street to get to the bus stop or school.
- She liked the reduction in density.

Jennifer Rutz, 14401 Orchard Road, stated that:

- She cannot wait for the property to be developed. A cul-de-sac with more families and neighbors is appealing.
- Charles Cudd is a well-known developer with a reputation for high-quality houses. She would love for the developer to be the one to build out the property. The vision is still not in character with the neighborhood, comprehensive plan, or current zoning.
- She opposed the density. There would be too many houses.
- The developer has worked with neighbors.
- It is the nature of the development, not the property itself, that is causing the applicant to request rezoning and variances.
- She requested the current zoning ordinance be followed.
- There is no undue hardship.
- There is no practical difficulty to develop the property.
- The proposed, detached, villa-style houses would be beautiful. There would be too many.
- The proposed lots would be more than two times smaller than the current R-1 zoning and half of the lot size required by R-2 zoning requirements.
- She disagreed that the proposal would be more in line with preserving the natural environment of the area and the comprehensive guide plan.
- She did not think the request is reasonable. It is in contrast to the ordinance.
- She opposed changes in zoning.
- She would accept minimal variance allowances as needed.
- She hoped for eight houses.
- She provided an alternative to villa-style houses using R-1 zoning ordinance requirements.
- A precedent would be set and result in chopped-up, mini developments.
- She requested verifiable data to show that the houses would sell.



- R-2 zoning would allow 10 houses without additional variances for reduced lot sizes.
- There are two twin houses on the west with large lots.
- The speed of the traffic impedes on pedestrian safety.
- She requested sidewalks and a stop sign at the entrance of the proposed development.
- The lot sizes and FAR would be reduced.

Elizabeth Desmond, 14306 Orchard Road, stated that:

- She submitted a petition in opposition to the proposal. One hundred and ninety-eight of the signers live in Minnetonka.
- She supports R-1 zoning.
- She provided an example of lots that meet R-2 standards.
- There is an issue with the density of the front eight lots. It would be too dense.
- She welcomed development.
- She opposed how compact the development would be and the lack of yard space between houses.

Shannon Paradis, 3610 Sunrise Drive East, stated that:

- She was concerned with her kids' safety. She requested sidewalks be constructed.
- She opposed the tree removal.

Chris Osgood, 3604 West Sunrise Drive, stated that:

- He was concerned with the loss of trees created by the 14<sup>th</sup> house.
- He appreciated the opportunity to speak.

Greg Raetz, 14523 Orchard Road, stated that:

- His calculations determined that half of the lots would exceed the acceptable FAR. By averaging the whole site together, it makes it sound like it fits, but it would result in oversize houses on small lots. That did not seem right to him.

No additional testimony was submitted and the hearing was closed.

Sewall asked if there are plans to improve Orchard Road. Thomas answered that Orchard Road is not currently included in the city's five-year capital improvement plan. Changing the grade of a road can result in a lot of grading, the addition of retaining walls, tree removal, and impact to properties.

Wischnack explained that residents could petition the city council for improvements to a city street. Orchard Road will come up for reconstruction at some time, but is currently not scheduled to do so in the near future.

Thomas explained that MNDOT regulates installation of signs. Orchard Road is a through street, so MNDOT would probably not allow a sign on Orchard Road, but could, possibly, on the cul-de-sac. She will request the city engineer address that area specifically.

Thomas said that Mr. Raetz is correct. FAR is applied by lot. The proposal includes a requested variance to calculate the FAR by using average lots size instead of calculating the FAR per lot. The square footage, whether based on each individual lot or on the average lot, including the north property, would equal an FAR of .25 if zoned R-2.

Chair Kirk noted that the proposal would meet the required FAR without a variance if the cul-de-sac would be moved further north. Chair Kirk asked if that would cause additional tree loss. Thomas explained that the proposal would have 22 percent tree loss right now. Twelve trees could be removed and the proposal would still meet tree protection ordinance requirements.

Chair Kirk commented that allowing an average FAR would allow the lots to be condensed towards the south. Not allowing a variance would require development to extend further north.

Thomas clarified that:

- The language “undue hardship” and “practical difficulty” are applied only to variances to show findings needed to approve a variance.
- Rezoning is a legislative function of the city. There is no checklist that needs to be met. The city only has to find that a rezoning request would be consistent with the safety and welfare of the community.

In response to Powers’ question, Thomas stated that Park Valley Estates and Highview Place are examples of smaller-lot developments.

Chair Kirk stated that 20,000-square-foot lots would end up with houses that would appear to be more like 4,500 square feet in size than a standard three-car garage and two-story house. Gordon added that the Woods at Fairfield have large lots compared to the neighboring lots. There is a variety of lot and house sizes in Minnetonka. The average house built last year in Minnetonka was 4,600 to 4,800 square feet. Thomas pointed out three examples of building permits provided in the staff report for single-family houses issued in 2018 that were 4,800 square feet, 6,600 square feet and 7,040 square feet in size.

In response to Chair Kirk’s request, Thomas provided examples of three villa-style subdivisions that were approved by the city in the last five years. Legacy Oaks consists

of lots mostly under 10,000 square feet in size, Groveland Pond on Minnetonka Blvd., and a subdivision for four villa-style homes in the Glen Lake area. Wischnack added that diversity of housing type is a priority for the city. Minnetonka has 5,214 households with residents 55 years to 60 years of age.

Chair Kirk asked how long it would take to complete construction. Mr. Denman estimated two years. The two front lots could be used as staging areas. The price point would be \$600,000 to \$800,000.

Henry asked why the house that would meet R-1 ordinance requirements was included in the proposal. Mr. Denman explained that the lot would be very nice and adjacent to a conservation area. The grades would meet city ordinance requirements.

Thomas clarified that the street would be public and public works staff had no concern with snow storage for the proposal.

Chair Kirk noted that the existing neighborhood has smaller lots. If the site would be subdivided into lots that would meet R-1 requirements, then the new houses would be larger than the existing houses and out of character with the neighborhood.

Hanson viewed the proposal as an opportunity to provide housing for residents who have reached the age where they wish to move into this type of housing and stay in the city. This would free up single-family houses. He was comfortable with the proposed rezoning to R-2.

Sewall thought the rezoning would make sense. He agreed with Hanson. The property is not an island. It is adjacent to existing R-2, low-density housing.

Chair Kirk confirmed with Thomas that both sides of Westmark Drive are currently zoned R-2.

Henry considered the petition with 192 signatures that felt the density would be too high. The neighbors would prefer to have large lots with large houses rather than smaller lots with smaller houses. An R-3 residential development was approved in the Glen Lake area. He agreed with having a diversity of housing to allow residents to age in the same place. He thought the majority of the neighbors are single-family houses and the proposal would not be in character with the rest of the neighborhood. He did not support rezoning the site to R-2.

Powers lived near Groveland Ponds when it was rezoned to R-2. He felt that the proposal would change the character of the neighborhood by changing the zoning from R-1 to R-2. He found in the Rainbow Drive area that large houses maintain the continuity of a single-family neighborhood. He was undecided.

Chair Kirk was impressed by the petition and turnout. He felt like there would be a greater opportunity for a mistake by rezoning. He favored smaller lots, in the low teens.

He did not like lots below 10,000 square feet in size. He understood the reason was to allow the lots on the north to be larger on the cul-de-sac. The cul-de-sac looks appropriately placed. He did not want those lots to be crowded. The eight units on the south end seem too close together and would go against the character of the adjacent R-1 lot. He struggled to rezone now because he did not see a clear solution that would meet the applicant's intent. He did not support rezoning.

***Henry moved, second by Hanson, to recommend that the city council deny an application for an ordinance rezoning a portion of the property to R-2, low density residential, and a resolution approving the preliminary plat of Highcroft Meadows with variances pertaining to Highcroft Meadows at 14410 Orchard Road.***

Sewall agreed that the eight lots on the south would be better if two lots would be removed and the remaining lots spread out.

Hanson thought the proposal would not fit with the character of the neighborhood.

Powers thought the proposal would have too many lots and would not work right for the area.

Chair Kirk stated that he has friends who moved out of Minnetonka to move into villa-style housing. He would support lots smaller than 22,000 square feet, but in the 15,000 square-foot range.

***Powers, Hanson, Henry, and Kirk voted yes. Sewall voted no. Knight and Luke were absent. Motion carried.***

**9. Adjournment**

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

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