

**Minnetonka Planning Commission  
Minutes**

**Aug. 1, 2019**

**1. Call to Order**

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

**2. Roll Call**

Commissioners Luke, Powers, Sewall, Hanson, Henry, Knight, 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, and Natural Resources Manager Leslie Yetka.

**3. Approval of Agenda**

***Sewall moved, second by Hanson, to approve the agenda as submitted with the changes from the change memo dated Aug. 1, 2019.***

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

**4. Approval of Minutes: July 11, 2019 and July 18, 2019**

***Powers moved, second by Sewall, to approve the July 11, 2019 meeting minutes as submitted.***

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

***Luke moved, second by Hanson, to approve the July 18, 2019 meeting minutes as submitted.***

***Luke, Powers, Sewall, Hanson, Henry, Knight, 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 July 22, 2019:

- Adopted an ordinance amendment to the pollinators' ordinance.
- Adopted a resolution approving an accessory apartment on Hopkins Crossroad.
- Adopted a resolution approving a preliminary plat for Conifer Heights, a six-lot subdivision.

The next planning commission is scheduled to be held on Aug. 15, 2019.

There will be a joint tour with planning commissioners and the EDAC on Aug. 22, 2019 at 6 p.m.

**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.

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

**A. Side yard setback variance for a garage addition at 10824 Oak Knoll Terrace.**

Adopt the resolution approving a side yard setback variance for a garage addition at 10824 Oak Knoll Terrace North.

**B. Expansion permit for a front porch addition at 14849 Lake Street Extension.**

Adopt the resolution approving an expansion permit for a front porch addition at 14849 Lake Street Extension.

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

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

**8. Public Hearings**

**A. Amendment to the Minnetonka Corporate Center sign plan at 12400 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.

In response to Chair Kirk's question, Thomas explained that the initial vision for the facility was for all of the buildings and signs to look the same. Now, all of the buildings look different.

Jason Meyer, representing Quality Sign Solutions, applicant, stated that Thomas covered the proposal well. He was present to answer questions.

Sewall asked if the signs would be illuminated. Mr. Meyer answered affirmatively.

The public hearing was opened.

Tim Hauch, CFO of Respicardia, thanked Thomas for collaborating with the applicant. Respicardia is a start-up company that has been located in Minnetonka since 2006. The company was granted FDA approval of its product in 2017. The company's technology will now be commercialized and the company will continue to grow. Employees will be added in Minnetonka and across the country. The site will begin receiving visitors. The product was approved outside of the U.S. and visitors arriving from the airport have found it difficult to locate the facility. The sign would help the company establish more credibility as a growing medical device company and allow visitors to locate the business.

No additional testimony was submitted and the hearing was closed.

***Luke moved, second by Powers, to adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 12400 Whitewater Drive.***

***Luke, Powers, Sewall, Hanson, Henry, Knight, 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. Preliminary plat of Bird Song, a 13-lot subdivision at 2410 Oakland Road.**

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.

Sewall asked if dead trees are included in the tree count. Ingvalson answered that dead, diseased, and severely damaged trees are not included in the tree count.

Henry asked if invasive species like black locust and buckthorn are included in the tree count. Yetka explained that the tree ordinance excludes some trees including boxelder, elm, ash, poplar, silver maple, Norway maple, and black locust.

Powers asked how the tree ordinance is enforced. Ingvalson explained that during the building permit review, staff visits the site to inspect erosion control and tree protection measures. Natural resources staff inspect the site with a plan showing which trees can be removed and which ones must be saved.

In response to Powers' question, Ingvalson stated that engineering staff review plans to make sure the plat would meet stormwater management requirements. The site is lower than surrounding areas.

Commissioners and Ingvalson discussed the grading plan and stormwater management plan features.

Eric Zehnder, of Zehnder Homes, applicant, stated that:

- Ingvalson did a good job of explaining the proposal.
- He was committed to saving trees.
- The proposal would be a great addition to the neighborhood.
- He hoped to get the project done quickly and have as little impact as possible to the neighborhood.
- He was available for questions.

Chair Kirk asked if changes were made in response to neighbors' comments. Mr. Zehnder appreciated the neighbors' opinions. He worked with staff for over a year looking at different concept plans. The proposal is the best version to save trees and provide a development that made sense. He was open to changing the construction hours to 7 a.m. to 8 p.m.

In response to Powers' question, Mr. Zehnder stated that the houses would be custom built and look different. The prices of the houses would start at \$1.4 million with some expected to exceed \$2 million. The property is beautiful.

Henry asked how long it would take to build all of the houses. Mr. Zehnder anticipated three years.

In response to Henry's question, Bob Molstad of Sathre-Bergquist, Inc., the applicant's engineer, explained the topography of the site and reason for the location of the pond.

In response to Sewall's question, Mr. Zehnder stated that the proposed subdivision meets all R-1 requirements. Ingvalson agreed.

The public hearing was opened.

Eric Bressler, 2465 Crowne Hill Road, stated that:

- The proposal would not impact his property at all.
- He thought neighbors north of the site who do not have sewer or water access would like to access the proposal's sewer and water lines. That seemed reasonable to him.
- He cautioned against grading the entire property at the same time. He was concerned with the eye sore that would last three to four years.

- He asked what the recourse would be if the developer would go out of business before completing the proposal.
- He requested that the grading areas be covered to prevent erosion and hide the eyesore.

Mary Lynn Carver, 2422 Crowne Hill Road, stated that:

- She was surprised that the city must approve the application because it meets all R-1 Ordinance requirements. She recommended that the city gain more control over projects like this one.
- She was told that she could not build something near the wetland in her backyard.
- She understood that grading needs to be done. It makes complete sense.
- There should be a time limit set for when the project would need to be completed.
- No one would buy her property during construction due to the construction noise.
- The city's purpose should be to prevent adverse impact of one land use upon the other. The builder is doing a nice job of doing all he can, but there is "no protection" for homeowners when this occurs.

Lucy Taylor, 2117 Indian Road West, stated that:

- She is concerned with the runoff from the site. On the west end, the elevations change from the road to the wetland.
- She was concerned with grading the site all at once. Dirt would be washed away by rain storms. She questioned if the holding pond would work well enough considering the addition of a road, roofs, and driveways.

No additional testimony was submitted and the hearing was closed.

Ingvalson and Yetka explained:

- Erosion control measures that would be taken once the property would be graded. Staff would inspect the site throughout construction.
- The drainage pattern, stormwater management practices that would be utilized, and protection of the wetland.
- Once graded, the site would be hydroseeded to provide cover and prevent erosion.
- The city would hold money from the developer in escrow to cover the cost of completion of the project if the developer would fail to meet all project approval requirements.
- No grading would occur in the wetland.

Knight asked how long it would take to construct a house. Mr. Zehnder anticipated nine months.

Mr. Zehnder stated that there is a lack of new housing development in Minnetonka. A low interest rate benefits homebuyers. Minnetonka is a great location.

In response to Luke's question, Mr. Zehnder answered that once the site would be graded, then it would be covered with seed and mulch.

Mr. Zehnder held a neighborhood meeting and handed out his card to many neighbors. His information is on the website. He welcomes comments and feedback.

In response to Luke's question, Mr. Zehnder explained why grading the entire site at the same time makes the most sense. Retaining walls would be created to save trees.

Powers stated that the proposal is well within the rules for an R-1 residential district. The site is beautiful. He felt bad neighbors would have to look at the graded site for two to three years.

Sewall stated that this is a perfect spot for high-end residential houses. The density is appropriate for the property. Grading the site all at once would make a greater initial impact, but would make the overall project less intrusive to the neighbors. This is one of the best undeveloped pieces of property left in the city. The site would look different to the neighbors, but it would be similar to what exists on Crowne Hill Road.

Luke agreed that the site is beautiful. She appreciated the proposal meeting the R-1 district requirements. Ten years from now, the beautiful houses and landscaping would be completed. The proposal meets all ordinance requirements. It would be the best use of the property.

Henry liked the public hearing process to give residents the opportunity to provide feedback. He appreciated the developer hosting a neighborhood meeting. His concerns would be met with the graded site being hydroseeded. It would be an appropriate use of the land.

Knight felt it would be a very nice, very well done development.

Hanson stated that the proposal makes sense.

Chair Kirk stated that new development is required to maintain or improve the water quality of runoff in Minnetonka. The plat meets all ordinance requirements. He encouraged the developer to continue working with neighbors.

***Hanson moved, second by Powers, to recommend that the city council adopt the resolution approving a preliminary plat of Bird Song with changes provided in the change memo dated Aug. 1, 2019, a 13-lot subdivision at 2410 Oakland Road.***

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

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Aug. 26, 2019.

**9. Other Business**

**A. Concept plan for Villas at Woodhill at 4323 and 4325 Woodhill Road and 14335 Coronet Drive.**

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

Cauley reported. She recommends that commissioners provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Sewall confirmed with Cauley that the tree protection ordinance would be applied if an application would include rezoning and a subdivision.

Michael Siskin, applicant, introduced his wife, Vicki Siskin, and Kim Chapman, an ecologist. Mr. Siskin stated that:

- The proposal has a low-impact, conservation focus.
- He has met with staff and listened to neighbors.
- The comprehensive plan wants to attract new residents and make housing available for existing residents.
- The area has a lot of commercial businesses as well as office and retail uses to the west and south.
- The property is on a highway. There is some noise. The property has some challenges.
- The price point would range from \$500,000 to \$650,000. There is a lack of new housing for aging residents to downsize in Minnetonka.
- He held a neighborhood meeting in February.
- There would be a nice buffer of trees between the setback and the right of way.
- The existing house would remain. There would be 11-clustered lots. He identified where the retention pond would be located. There would be community green space.
- There are dead and diseased trees and buckthorn on the site.

Mr. Chapman stated that:

- The proposal is a compromise between development and preservation.
- He looked for opportunities to connect natural resources in chunks.

- About two thirds of the site would remain green space by creating smaller lots with a house with a small footprint.
- The road would be the standard 28-foot width.
- A third of the site would have impervious cover.
- The site has a fast infiltration rate. The runoff would be distributed over open space and then to an infiltration basin.
- The goal is to remove the buckthorn on Hwy 7. The focus is on oak regeneration and thinning boxelder and ash trees.

Mr. Siskin provided examples of the proposed houses. He was available for questions.

Henry likes how the proposal would provide public, open, green space. He supports preservation of the oak trees. He suggested adding a trail that would border all properties or a dog walking area. He asked if there would be a trail in the green space. Mr. Siskin stated that he is open to something like that.

Luke asked if he had considered lower density. Mr. Siskin stated that there would be less control to save natural features with an R-1 residential district than with a planned unit development. The proposal would provide a transition between the commercial uses and single-family residences.

Sewall asked what would be considered green space. Mr. Chapman answered any land that does not have pavement on it. That would equal 65 percent of the site. A conservation area would cover a third of the site and would run with the property deed. There would be a stewardship plan to ensure that all property owners would understand that the land would be required to be managed as a natural area. There would be an annual inspection. The home owner's association would be responsible for providing funds to keep the area natural.

Mr. Chapman explained the slopes of the site and drainage patterns.

Henry asked how long he estimates it would take to complete construction. Ms. Siskin, a realtor, stated that two builders would be used so construction could be completed in two years. There is a huge demand for one-level, detached townhomes at this price point.

Chair Kirk invited those present to comment.

Brian Grogan, 14409 Woodhill Terrace, stated that:

- His property is a storm runoff pond. He has been working with engineering staff to deal with flooding in his backyard.
- The pond needs to be dredged and made larger. The city has pumped the pond the last five years. He has had water reach his house the last two years.
- He was sure the developer is a good developer.



- Eleven townhomes would be too many for the site. Four houses would fit on the site.
- The neighborhood has a lot of walk-out ramblers built in the 1950s.
- His pond does not have the capacity to take on more water.

James Fox, 14268 Coronet Drive, stated that:

- This proposal is worse than the previous one.
- Eleven units would be incompatible with the surrounding neighborhood. It would destroy the Royal Hills community.
- It would create too much traffic. The traffic is already horrible.
- Water is encroaching on his property and has been worse the last five years.

Kurt Weissenfels, 4216 Woodhill Road, stated that:

- The lot sizes would not fit with the neighborhood.
- The amount of hard surface coverage would equal 35 percent.
- Water was pumped from the catch basin onto Woodhill Road and traveled to the lower catch basin. Some backyards had standing water. Adding more than an acre of hard surface cover on the top of Woodhill Road is a bad idea.
- He was concerned that the townhomes would have to be sold for \$300,000 and bring down property values. He would like to know the square footage of the price comparisons.
- There needs to be a plan to handle the stormwater.

Louis Larson, 14300 Coronet Drive, stated that:

- His neighbor's house has flooded five times in two years. Anymore water would cause more damage.

Allen Bloch, 14368 Coronet Drive, stated that:

- He was concerned with water, density, and traffic.
- The water runoff is terrible right now.
- The line of sight would be impacted. Houses would be seen instead of trees and green space.
- Construction over two years would create noise and dirt.
- The project would decrease property values.
- He was concerned with vehicles endangering children.
- He opposed the project.

Caleb McKnee, 14404 Wildcrest Road, stated that:

- He is already kept awake by traffic noise. He would like a noise test done to see how much the noise would increase.
- He has enough problems with water.
- He does not think a young buyer would spend \$600,000 on the proposed villas.
- He would not be able to sell his house during construction.
- He has not found a neighbor in support of the proposal.

There was a five-minute break.

Laurie Frahm, 4318 Kings Drive, stated that:

- The house north of the pond has bags of sand because of the water traveling onto his property. There cannot be an increase in the amount of water.

Pat Tollefson, 14301 Coronet Drive, stated that:

- There would be too many houses in too small an area.
- Her house would be located below the site.
- She was not opposed to the area being cleaned up. The trees are not attractive, but she wants what looks good preserved.
- The houses would be one story tall, but located on a hill.
- She opposed a trail being located on the top at the north end because she would be looking up at the people on it from her residence. She would like the trail where it was located on the original plan.

Cauley explained that engineering staff have been studying the hydrology and drainage in the area independent of this concept plan. The stormwater management practices review has not been done yet since an application has not been submitted. The city's stormwater management plan requires every development to implement features to keep the rate and volume of water runoff the same or lower and quality of water runoff the same or better than before development.

Chair Kirk thought 11 townhomes would not have a large impact on traffic.

Sewall was comfortable with the city's stormwater management practice standards. He thought the density may be a little too high for the site. He saw no unique green areas. The proposal is fine. The concept is reasonable, but having a yard and woods is not unique. The price point is not in the commission's purview. He likes the overall concept.

Luke thanked the neighbors for sharing the water runoff concerns. She thought the proposal would be too dense. The noise from Hwy 7 could travel easier over the proposal. She encouraged the developer to consider less density and clean up the green

space now. She thought the concept plan would be out of character with the neighborhood.

Powers stated that Minnetonka needs this product. He liked the developer's passion. It may be a little dense, but, overall, the product is needed in the city. He appreciated the applicant listening to the neighbors. The proposal is too dense.

Hanson wanted to know what would happen with the green space. He struggled aesthetically with the idea of three units fitting on a lot typically for one. He would like a pair of houses on the north side. The plan would not ruin the neighborhood.

Knight stated that the city would require that the runoff be no more than what occurs now. The proposal is a couple houses too dense. The empty nesting seniors would not create a lot of noise or vehicle trips. Most drivers would head to Hwy 7 rather than drive through the neighborhood. This type of housing is needed in the city. The houses would help block the noise from Hwy 7, not add to it.

Henry agreed that the density would be too high for the neighborhood. This type of housing is needed. He applauded the dedicated open, green space and clustering of the houses to save trees. It could be workable in some form.

Chair Kirk stated that the villa type of housing is needed in the city. Empty-nest, single-level, new construction is needed. The concept plan is too dense. He likes green space adjacent to Hwy 7. There should be a larger buffer on Hwy 7 on the north. The driveways need to be deep enough to park one vehicle. There should be on-street parking available for guests between driveways. The quick access on and off the highway makes the site more amenable to detached villas. He would like to know the mass of each villa.

## 10. Adjournment

***Sewall moved, second by Luke, to adjourn the meeting at 10:15 p.m. Motion carried unanimously.***

By: \_\_\_\_\_

Lois T. Mason  
Planning Secretary