

**Minnetonka Planning Commission
Minutes**

July 1, 2021

1. Call to Order

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

2. Roll Call

Commissioners Maxwell, Powers, Waterman, and Hanson were present. Banks, Henry, and Sewall were absent.

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

3. Approval of Agenda

Waterman moved, second by Powers, to approve the agenda as submitted with the postponement of Item 7A, a resolution approving a setback variance for conversion of an existing deck into an enclosed porch at 4010 Skyview Road, to the July 15, 2021 planning commission meeting due to the lack of five commissioners being present; the addition of a comment provided in the change memo dated July 1, 2021, for Item 8A, a resolution approving a conditional use permit for The Tavern Grill Restaurant and Bar at 12653 Wayzata Blvd.; and changes to Item 8B, a resolution approving a conditional use permit for a telecommunications tower at 6110 Blue Circle Drive, as provided in the change memo dated July 1, 2021.

Maxwell, Powers, Waterman, and Hanson voted yes. Banks, Henry, and Sewall were absent. Motion carried.

4. Approval of Minutes: June 17, 2021

Maxwell moved, second by Waterman, to approve the June 17, 2021 meeting minutes as submitted.

Maxwell, Powers, Waterman, and Hanson voted yes. Banks, Henry, and Sewall were absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 28, 2021:

- Adopted Ordinance 2021-11 relating to interim uses in the Industrial and Planned I-394 zoning districts.

- Adopted Resolution 2021-053 approving an interim use permit for a temporary telecommunications tower at 6120 Blue Circle Drive.
- Adopted Resolution 2021-054 approving an interim use permit for a 30-day sale of food products within Ridgedale Center parking lot at 12401 Wayzata Blvd.
- Adopted Resolution 2021-055 approving a conditional use permit for a licensed daycare facility at 4420 County Road 101.

Commissioners are invited to attend an Urban Land Institute meeting scheduled for July 19, 2021, and a Minnetonka Boards and Commissions dinner on July 21, 2021.

The next planning commission meeting is scheduled to be held on July 15, 2021.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

A. Resolution approving a setback variance for conversion of an existing deck into an enclosed porch at 4010 Skyview Road.

Powers moved, second by Waterman, to postpone item 7A, a resolution approving a setback variance for conversion of an existing deck into an enclosed porch at 4010 Skyview Road, until the July 15, 2021 planning commission meeting due to less than five commissioners being present.

8. Public Hearings

A. Resolution approving a conditional use permit for The Tavern Grill Restaurant and Bar at 12653 Wayzata Blvd.

Acting Chair Hanson 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.

The applicant was available for questions over the phone.

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

Powers likes the proposed use of the space. He supports staff's recommendation.

Waterman concurred. The proposal is a designated, best use of the space, and there would be minimal changes. He supports staff's recommendation.

Maxwell agreed. She supports new businesses in Minnetonka. She was glad to see no variance would be needed.

Hanson looks forward to the completion of the proposal and the increase in vitality it would provide Ridgedale Center. The Tavern would be a great place for families and friends to gather. The proposal meets all conditional use permit requirements.

Waterman moved, second by Powers, to recommend that the city council adopt the attached resolution approving a conditional use permit for The Tavern Grill Restaurant and Bar at 12653 Wayzata Blvd. with an additional comment provided in the change memo dated July 1, 2021.

Maxwell, Powers, Waterman, and Hanson voted yes. Banks, Henry, and Sewall were absent. Motion carried.

B. Resolution approving a conditional use permit for a telecommunication tower at 6110 Blue Circle Drive.

Acting Chair Hanson 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.

Maxwell questioned if it would be necessary to replace the parking stall that would be removed. Thomas explained that the site has enough parking area to meet the demand, but the parking stall would need to be replaced for the site to meet ordinance requirements.

Acting Chair Hanson confirmed with Thomas that this would be a permanent tower to replace an existing permanent tower. A temporary tower would be constructed to provide service until the new permanent tower would be completed. Similar stealth towers are currently located in the Highway 7 and County Road. 101 area.

Scott Buell, Buell Consulting, representing the applicant, stated that:

- He appreciated Thomas and Cauley's help with the application process and report.
- The building owner requested the replacement of the parking stall to provide enough parking for potential future tenants.
- The tower would not be completed until November or December 2021.
- He was available for questions.

In response to Powers' question, Mr. Buell explained that a fence would surround the tower and the climbing pegs would be located high enough to require equipment to reach them to prevent vandalism.

In response to Waterman's question, Mr. Buell answered that there are no buildings tall enough in the area to locate a tower to fill the service gap except for one whose owner chooses not to allow a cell tower.

In response to Maxwell's question, Mr. Buell explained that this location would create the least impact.

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

Maxwell would not describe the tower as "stealthy," but the proposal meets the conditional use standards and she appreciates the applicant finding the most reasonable location.

Waterman likes the proposed location at the intersection of two highways and felt that thoughtful consideration went into choosing the placement of the tower on the site. The proposal meets conditional use permit standards. He appreciates the technical information included in the application. He found it to be helpful. He supports staff's recommendation.

Powers and Acting Chair Hanson concurred.

Maxwell moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit for a telecommunication tower at 6110 Blue Circle Drive with a modification to the resolution provided in the change memo dated July 1, 2021.

Maxwell, Powers, Waterman, and Hanson voted yes. Banks, Henry, and Sewall were absent. Motion carried.

9. Other Business

A. Concept plan for Woodhaven of Minnetonka at 2424 and 2440 Plymouth Road.

Acting Chair Hanson introduced the proposal and called for the staff report.

Cauley reported. Staff 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.

Roger Anderson, representing the applicant, stated that:

- He hosted a neighborhood meeting on Tuesday.
- The five-acre site would be a good opportunity to utilize R-1A zoning to add diversity to the housing types in Minnetonka.

- The lots would be 15,000 square feet in size.
- There would be a separate street.
- The developer has looked at utilities and stormwater management for the site. The neighbors have concerns because they have had issues with water drainage causing problems in the past. He offered to visit their properties to identify issues.
- The goal is to construct small villa houses with all living amenities on one level. There would be a homeowners' association to manage snow, grass, and stormwater maintenance facilities.
- He was available for questions.

Powers asked why the applicant would utilize a homeowners' association (HOA). Mr. Anderson stated that he expects many of the residents to spend the winters in a warmer climate and would like an HOA to manage the property in their absence. There are also residents who may not be physically capable of managing the lawn and shoveling the snow. The HOA would also manage the stormwater maintenance facilities. There would be substantial stormwater management features including infiltration ponds, stormwater systems, and rain gardens within an easement.

Maxwell asked what made the site a good one for smaller, all-living-on-one-floor-type houses. Mr. Anderson answered that the R-1A zoning district is more conducive to the empty-nester market. He has been doing this for quite a while. He developed the houses across the street on Amy Lane a long time ago. Those houses are large. There is currently a big need for this type of housing for older residents who want less to take care of, but still want to stay in Minnetonka and for single professionals. The proposal would provide a type of housing that is in great demand and has very little supply in Minnetonka.

In response to Waterman's question, Mr. Anderson said that the site could also be developed utilizing R-1 zoning requirements. Mr. Anderson anticipated that houses built with R-1 zoning requirements would sell for over \$1 million. There is no other development that looks like this in Minnetonka. There is one being constructed on Shady Oak Road, but those houses would be connected. The market has shown that homeowners like a separate piece of property.

Acting Chair Hanson asked if Mr. Anderson saw an issue with Lot 5. Mr. Anderson explained that all of the lots would meet the minimum size requirements. The lot-behind-lot concept raises questions, but he has found that residents love living there for the privacy and create few problems.

Those present were invited to comment.

Stephanie Carlson, 2401 Forest Meadow Circle, read a letter she submitted that was included in the agenda packet. She stated that:

- Maintaining the natural vegetative buffer around the perimeter is essential and should be a top priority.
- The developer could save the natural vegetative buffer perimeter with a subdivision using R-1 zoning requirements.
- The concept plan would push the limits of the land use guidance with the number of lots and adequate buffer to existing houses. If more of the proposed lots would meet R-1 standards, then the houses could be built to minimally disrupt the natural environment and existing character.
- The house on Lot 5 would be located off of her rear property line. It would be unreasonably too close to her property without enough space to preserve bordering trees. Her house is situated relatively close to the rear property line. It has many windows on the east side and an expansive deck in the rear yard. The proposed house on Lot 5 would dramatically change the sightlines and jeopardize her home's privacy. Her house is located lower than where the proposed house would be located and the proposed house would tower over the view from her house's windows.
- She was concerned with car headlights shining into her windows from the easement access.
- The impact of Lot 5 could be detrimental to her property's value.
- The removal of trees and construction being done so close to her house could exacerbate the bowing and cracking in her house's foundation.
- She requested that Lot 5 be removed or combined with Lot 4. This would be more in line with R-1 standards and the house could be integrated better to fit with the existing houses. Squeezing in Lot 5 seems unnecessary. There is a reasonable, more compliant alternative that would provide an adequate buffer for a neighboring property in an already vulnerable position.
- She appreciated the commissioners' time.

Don Cook, 12829 Forest Meadow Drive, stated that:

- The wetland floods into his property when it rains hard. He was concerned with stormwater management. He does not need more water traveling down the hill.
- He completed remediation this spring to counteract the pressure from the ground pushing the walls in.
- Almost every neighbor has had water problems.
- He questioned how leveling Lot 1 would not create more water drainage.

No additional comments were provided.

Waterman stated that:

- He understood that the city is looking to provide a variety of housing stock by incorporating R-1A lot requirements for new development. It seems like the lots would fit on the site.
- He wants to see what would be done with trees and stormwater management.
- Traffic would not be as much of an issue.
- He appreciated Mr. Anderson working with the neighbors. He encouraged Mr. Anderson to continue working with Ms. Carlson to address her concerns.
- The area feels wooded now and provides a certain amount of privacy. He would encourage the proposal to mitigate the loss of privacy as much as possible.
- He wants to see what could be done about Lots 4 and 5 to mitigate the neighbors' concerns and how the amount of impervious surface compares between a subdivision with ten houses and one with eight houses.

Maxwell stated that:

- She initially thought she would prefer an R-1 subdivision with larger lots, but, after listening to the concept of small, single-story houses, she likes that it would provide housing diversity and have better sightlines and a more open feel with smaller houses on smaller lots rather than very large houses on large lots. She noted that a three-story house on Lot 5 would have a greater impact on sightlines from the neighboring properties than a single-story house. She would support the R-1A zoning requirements with a single-story, smaller house.
- She has houses located on lots behind lots near her home and the residents who live there seem to value privacy.
- The HOA would take care of plowing the driveway.
- The new street would be directly across from Amy Lane instead of staggered. She felt that would be the best way to design it.
- The villa concept for empty nesters would create less of an impact on traffic and noise than large, single-family residences.

Powers stated that:

- He felt that water drainage problems could be improved by implementing stormwater management features.
- Sightlines are not owned by property owners.
- He likes the idea of a homeowner's association being in place to handle the stormwater management features.
- He was not sure this would be the best site for an R-1A subdivision.
- He likes the developer and what was done on Amy Lane. He was confident the developer would do a fine job with this proposal.

- The house on Lot 5 would be located too close to the house on 2401 Forest Meadow Circle. Eliminating Lot 5 and incorporating that land into the other lots would increase the cost of the other properties. He was not opposed to lots behind lots but opposed this one due to where it would be situated.

Acting Chair Hanson stated that:

- He appreciated the applicant hosting a neighborhood meeting.
- He looks forward to seeing the plan develop.
- He thought Lot Five appeared to be squeezed into the site. He suggested taking Lot Five's 16,000 square feet and distributing it between Lots One, Two, Three, and Four.
- He likes the R-1A zoning requirements and villa-style, single-story-living houses. This would be a good compromise instead of a much larger two-story house.
- The proposal would be a good chance to provide water remediation with advanced technology.

Waterman asked if the lots shown on the concept plan would meet all R-1A requirements. Cauley explained that Lot Five would require a variance because it would not have frontage on a public street. The rest of the lots appear to meet the minimum lot standards for R-1A zoning. The concept plan does not show whether the maximum impervious surface coverage and floor-area-ratio requirements would be met. A formal application would provide that information.

Mr. Anderson clarified that the houses would have every necessity for single-level living on one floor, but some houses could have walk-out basements and some could have two stories instead of one story.

10. Adjournment

Powers moved, second by Maxwell, to adjourn the meeting at 7:47 p.m. Motion carried unanimously.

By: _____

Lois T. Mason
Planning Secretary