

**Minutes
Minnetonka City Council
Monday, July 12, 2021**

1. Call to Order

Mayor Brad Wiersum called the meeting to order at 6:31 p.m.

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council Members Kissy Coakley, Brian Kirk, Rebecca Schack, Susan Carter, Deb Calvert, Bradley Schaeppi and Brad Wiersum were present.

4. Approval of Agenda

Calvert moved, Kirk seconded a motion to accept the agenda with addenda to Items 12.A, 13.A, 14.A and 14.B. All voted "yes." Motion carried.

5. Approval of Minutes:

A. April 19, 2021 study session

Schaeppi moved, Carter seconded a motion to approve the minutes, as presented. All voted "yes." Motion carried.

B. June 14, 2021 regular council meeting

Wiersum reported he spoke to the city manager regarding a small change that needs to be made on Page 10 of the minutes.

Schaeppi moved, Carter seconded a motion to approve the minutes, as amended. All voted "yes." Motion carried.

C. June 28, 2021 regular council meeting

Schaeppi moved, Carter seconded a motion to approve the minutes, as presented. Coakley, Schaeppi, Carter, Calvert, Schack and Wiersum voted "yes." Kirk "abstained". Motion carried.

6. Special Matters:

A. Minnetonka Matters Presentation

Communications and Marketing Manager Andrew Wittenborg provided the council with a presentation on Minnetonka Matters and spoke to the benefits of having a community engagement website. He reviewed the layout of the website and commented on the current content. He noted the city's sustainability and diversity efforts would be focuses for this site in the future.

Coakley asked how friendly this website and the surveys were for youth. Wittenborg explained he recently discussed with his staff a second wave of marketing for adults, seniors and youth in the community. He explained he was working to ensure that all surveys could be filled out on a mobile device.

Schaeppi stated it was great to see staff excited about this new venture. He believed the new website was a great addition to the community. He requested further information regarding the level of interaction that was available on the website. Wittenborg described the various levels of registrations and interaction the public can have with the website.

Schack questioned if this site had the same level of translation services as the city's website. Wittenborg reported this was something he was working on and could report back to the council with further information on the translations services that were available.

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on upcoming city events and council meetings. It was noted Night to Unite would be held on Tuesday, August 3, 2021.

Calvert stated she was happy to report her League of Minnesota Cities committee was able to meet in person this month. She appreciated how hard this non-partisan group was working to address election, public safety and sustainability issues. She indicated it was an honor to serve on this committee on behalf of residents all over the state of Minnesota.

Schaeppi discussed the gathering that was being planned for National Night Out in his neighborhood.

Schaeppi commented on a recent soccer tournament he attended in Blaine and discussed how important it was for the community to have mature trees.

Wiersum reported Minnetonka had the greatest tree coverage of any suburb in the west metro at 53.9% tree coverage. He indicated this pays real dividends to the community.

8. Citizens Wishing to Discuss Matters not on the Agenda: None

9. Bids and Purchases: None**10. Consent Agenda – Items Requiring a Majority Vote:****A. Resolution approving a conditional use permit for a telecommunication tower at 6110 Blue Circle Drive**

Calvert moved, Kirk seconded a motion to adopt Resolution 2021-059. All voted “yes.” Motion carried.

11. Consent Agenda – Items requiring Five Votes: None**12. Introduction of Ordinances:****A. Items concerning Island Oaks at 16509 McGinty Road West**

City Planner Loren Gordon gave the staff report.

Calvert explained she would like to know more about the tree diagram and better understand how many trees would be lost. Gordon discussed the diagram in further detail with the council noting the trees in orange were significant or high priority trees.

Schaeppi requested staff present more information regarding the programmatic needs with respect to the cul-de-sac.

Kirk suggested a study be conducted on this matter. He wanted to better understand what was happening to the west and if it makes sense to have a clear separation between the two land uses. He stated he was not inclined to support a variance for this development and recommended the planning commission look into this request further.

Wiersum reported the council has seen several renditions for this proposal and he believed this was the best plan so far. He noted one of the challenges with these short cul-de-sacs was parking and he was curious to learn what the capacity of each driveway would be. He stated he would like to know more about traffic trip generation and how much traffic would be generated if a roadway connection were made.

Paul Robinson, Vancor Group, stated he was excited to be moving forward with the preliminary plat. He explained he appreciated the feedback he has received and noted the density of the development has been reduced from eight units to six units. He indicated this was done in an effort to meet the neighbors half way. He commented he was surprised to hear about the connection road because this was not discussed previously.

Kirk moved, Schack seconded a motion to introduce the ordinance and refer it to the planning commission for a recommendation. All voted "yes." Motion carried.

13. Public Hearings:

A. Temporary on-sale liquor licenses for Unmapped Brewing, LLC, 14625 Excelsior Boulevard

City Manager Geralyn Barone gave the staff report.

Wiersum opened the public hearing.

Megan Park, Unmapped Brewing representative, thanked the council for considering her request. She explained she was excited to be hosting a block party and flannel fun event in the Glen Lake area.

Schaeppi thanked Ms. Park for her continued interest and investment in Minnetonka.

Kirk stated it was so good to see this small business make it through the pandemic.

Wiersum thanked Unmapped Brewing for being a great partner in the community.

Carter stated she appreciated the fact that Unmapped Brewing has done a great job supporting local charities in the community. It was her hope that the community would come out and support Unmapped Brewing at both of their events.

There being no further comments from the public, Wiersum closed the public hearing.

Calvert moved, Kirk seconded a motion to hold the public hearing and grant the license. All voted "yes." Motion carried.

B. Items concerning Tavern Minnetonka, LLC, dba The Tavern Grill Restaurant & Bar at 12653 Wayzata Boulevard, #2400

- 1) **Conditional use permit**
- 2) **On-sale intoxicating liquor license**

City Planner Loren Gordon and City Manager Geralyn Barone gave the staff report.

Schaeppi requested further information regarding the outdoor patio area. Community Development Director Julie Wischnack explained outdoor patio areas have to be corded off and access must be gained through the restaurant. She reported this was done to control the liquor environment.

Wiersum opened the public hearing.

There being no comments from the public, Wiersum closed the public hearing.

Schack stated she fully supported the request and looked forward to having this restaurant in the Ridgedale area.

Wiersum commented it has been a rough year and the city lost several restaurants and other establishments. He explained it was exciting to see the vitality that this restaurant and bar would bring to Ridgedale and the community.

Schack moved, Carter seconded a motion to adopt Resolution 2021-060 and continue the public hearing and grant the licenses. All voted "yes." Motion carried.

14. Other Business:

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

City Planner Loren Gordon gave the staff report.

Calvert recalled the city has been trying to move away from lot behind lot. She asked why the city has been moving away from this. Gordon stated there are provisions within the subdivision ordinance that addresses this, and the instances when a lot behind lot was allowed through a variance. He commented in some cases this occurs due to the layout of a project.

Schaeppi commented on Lot 5 and questioned if this lot would be more restrictive when it came to setbacks. Gordon indicated the lot behind lot does have different setbacks than a typical R-1 lot.

Kirk inquired if the wetland areas were potential locations and not delineated wetlands. Gordon reported this was the case.

Wiersum discussed Lot 5 further and questioned if this should be a flag lot versus a residential lot. He recalled that the city has not looked favorably upon lots behind lots. He stated he did not recall the city approving this type of scenario in the past 10 years. He requested staff investigate the last time a lot behind a lot was approved by the city.

Carter questioned why historical context matters now.

Wiersum stated this was a matter of perspective and understanding what has been done when approving developments. Years ago, lots behind lots was the norm. He noted the trend has been to move away from lots behind lots. He explained if the council were to approve this concept plan as is, this would be an exception to the norm.

Calvert commented she had safety concerns for lots behind lots and how the properties would be accessed by emergency vehicles.

Gordon stated city ordinance allows for flag lots noting certain standards have to be met. He reported he would do some follow up work to see how many flag lots were in place in the city. He explained the city has not been approving lots behind lots as developers have been finding other ways to develop their property.

Roger Anderson, civil engineer for Anderson Engineering, commented further on the Woodhaven concept plan with the city council. He discussed how he enjoys developing interesting properties in the community. He noted this property was zoned R-1A. He commented on how the smaller lot size would lead to smaller villa style homes, noting these homes would have an HOA in place. He indicated the property was being surveyed to better understand the significant trees on site. He discussed the drainage and stormwater plans for the development. He explained he has never received a complaint from a lot behind a lot, especially once the road and driveways were installed.

Kirk discussed Lot 5 and understood this lot would have a longer driveway than the other homes within the development. He commented he had a problem with the setbacks for Lot 5 and recommended the side lot setback be the same as a rear yard setback. He indicated if Lot 5 were to move forward, he wanted to ensure there was a proper buffer in place from the new home and the existing neighborhood. He asked why the applicant was requesting an R-1A zoning designation and not a PUD. Mr. Anderson stated R-1A was a straight zoning matter where a PUD would open the development to a lot more issues. He indicated he had not closely looked into a PUD for this development.

Kirk questioned what the price point would be for these lots. He explained he would like to see smaller homes on these small lots. Mr. Anderson reported the homes would be close to \$1 million. He stated the lot width on the R-1A lots was 80 feet and the setbacks are a combination of five and ten feet. He indicated people are building big houses. He noted he would market the lots, would work to guide people to build something smaller, but ultimately this was out of his control.

Schaeppi commented he looked forward to seeing if Lot 5 would work. He stated he was open to options and wanted to see how the setbacks could be

addressed. He explained he would like to see more information regarding the stormwater pond and how it would function with 2019 rain levels.

Wiersum opened the meeting to the public.

Harshpal Narang, 12911 Forest Meadow Drive, explained his home would be adjacent to Lots 4 and 5. He stated there was elevation behind his home with a lot of trees, which offers a great deal of privacy and some drainage concerns. He commented he was concerned with how the new homes would impact the trees and water runoff. He recommended the council not pursue the lot behind a lot concept. He feared this concept would lead to parking and access concerns.

Don Cooke, 12829 Forest Meadow Drive, stated he has lived in his home for the past 44 years. He explained he was concerned with how the new houses would impact the drainage area behind his home. He indicated his back yard already gets water in it during heavy rains. He encouraged the developer to save as many trees as possible between the two developments.

Wiersum closed the meeting to the public.

Schack stated she was very familiar with this area. She understood these lots have seen better days and believed the concept plan was an improvement. She hoped that the water concerns from the adjacent property owners could be addressed by the developer and staff through this development. She indicated she was uneasy about Lot 5 and stated she would rather see eight or nine lots within the development.

Coakley discussed the lot behind a lot situation and believed this would be a safety concern. She indicated she appreciated the residents that came forward and spoke about the drainage and water concerns. She indicated she looked forward to learning more from the developer on how the water issues would be addressed.

Kirk commented his perspective on the lot behind lot scenario was created because Minnetonka had a lot of one acre lots that were subdivided into two. He stated on the proposed cul-de-sac he believed it would be problematic to have a lot behind a lot for garbage cans, snow removal, parking and access purposes. He discussed the runoff from this development and anticipated there would be a few areas that would be difficult to manage. He stated he did not want to play real estate agent, and was hoping that there was a way to make this development work without pushing the limit.

Calvert indicated the city was in need of this type of development that had single-level living. She believed this was a decent proposal and encouraged the developer to be mindful of the water drainage and tree loss.

Carter agreed with most of the comments that had been made. She explained she welcomed further conversation on the development and believed there was a real demand for housing in Minnetonka. She believed this development was a great use of the space. She reported she was open to considering Lot 5 but wanted all water concerns to be addressed.

Wiersum stated these developments get challenging when they have a short cul-de-sac off of a fairly busy street because there wasn't a lot of space to put things. He appreciated the R-1A approach but feared the developer was trying to put in one too many lots given the challenges on Lots 4 and 5. He discussed the size of the lots if the development were to have eight or nine lots. He indicated he was struggling with Lot 5 and noted the property between this development and the adjacent homes already had water challenges. He explained this development would have to have serious water solutions. He discussed the pros and cons of having shared driveways. He encouraged the developer to work with staff to come up with a layout that improves on the concept plan and properly manages the water on the site.

No formal action required.

B. Concept plan review for Top Ten Liquors at 1641 Plymouth Road

Community Development Director Julie Wischnack gave the staff report.

Kirk asked if staff had any comments about how Champ's may be repurposed. Wischnack explained the city had a lot of restaurants coming into the community but noted Champ's was quite large, which made the market smaller for this size of a space.

Jon Halper, representative for Top Liquors, introduced himself to the council, along with the members of his team. He commented further on his concept plan and noted he was dedicated to his staff. He explained this was a local company that would have restaurant people involved to bring about a new concept when it comes to liquor stores. He believed Minnetonka was the right place for this concept.

Omar Torres, marketing representative for Top Liquors, stated he was excited to get into this unique marketplace. He discussed how the retail market was changing into an experiential place. He reported this was an exciting change that he was hoping to cater too. He commented further on how the wine bar, retail space and cheese shop complement's each other.

Carter reported the proposed use was quite unique and would complement the Ridgedale area nicely.

Schack stated she supported this concept as well. She suggested cooking classes also be offered.

Coakley commented she met with the individuals proposing this concept. She explained she supported the proposed concept because it was a new idea and would create new experiences for the residents of Minnetonka. She stated even though there were liquor stores in close proximity this would provide a different experience.

Calvert agreed with many of the comments that have been made. She believed people were craving new and intimate experiences. She appreciated the educational aspect of this concept and supported the site having cooking classes. She was of the opinion there were a lot of selling points for this concept.

Schaeppi stated this was a great concept for the council to consider. He supported this small business and the co-mingling of the proposed services within this retail use. He understood there were other liquor stores in the area of Champ's but noted it was not the city's role to ensure this business turns a profit.

Kirk commented he was excited to see this concept work in Minnetonka. He anticipated it would have a brewery feel and was pleased the Champ's site would be repurposed. He did not believe this liquor store concept would saturate the market but rather would provide a new and unique service to residents.

Calvert stated Ridgedale was the city's largest commercial area and receives a larger proportion of traffic. She indicated it was refreshing to see a rainbow of people in front of the council proposing this concept. She appreciated the diversity in this business and looked forward to working with them on this concept plan.

Wiersum commented this was an intriguing concept that had a lot of merit. He discussed other uses in Minnetonka that paired wine with food. He noted there did not need to be another liquor store near Ridgedale, but believed this concept was different. He encouraged the developer create a link between the liquor store and the other uses. He stated he would not support a stand alone liquor store at this location, but rather supported the experiential use for this concept. He reported Ridgedale was a regional shopping center that drew people to the area. He recommended that a condition for approval state that this concept could not move forward as a stand alone liquor store.

No formal action required.

C. Items concerning the Shady Oak Office Center at 10901 Red Circle Drive

City Planner Loren Gordon gave the staff report.

Kirk asked if the setback from the trail was the same as the Doran setback. Gordon discussed the conversation that was held with Doran regarding the setback and shadows. He noted the Doran setback was 90 feet at the narrowest point, which was three or four times more than this. He noted there would still be shadow issues, with this property, but the uniqueness of the Doran property was the adjacent townhomes.

Kirk commented on the 10 foot elevation change along this property. He asked if this would be a walkability or ADA concern. Gordon discussed the numerous ways the site would be accessed and noted all ADA requirements would be met.

Pete Keely, Collage Architects, thanked the council for their consideration. He discussed the changes that were made to the architecture based on the council's feedback and the fact that he had worked to make this building fit into the Opus development. He described how the roof deck amenity would serve the building residents. He stated he was offering a market rate apartment with amenities, noting this would not be a luxury complex. He discussed how the north side of the building had been altered and commented on the proposed parking.

Kirk stated the berm on the north side would help mask the lower level parking. He asked what confidence the developer had with the ability to move forward with the proposed glazing. Mr. Keely explained he was working on construction documents at this time and he was very confident the glazing could be completed.

Kirk questioned if the developer believes the roof top amenities from the earlier concepts have been properly transferred to the final plans. Mr. Keely stated the rooftop area was slightly smaller, but the pool area would have a great energy. He reported this version would have private first floor patios with more indoor amenities. Further discussion ensued regarding Phase II of this development.

Schaeppi asked why this project was not five and a half or six stories high. Mr. Keely explained five stories was the maximum height for wood framing. He reported the entire construction style would have to change to concrete or steel if the building were six stories high. He commented another consideration would be that a sixth floor would require a second level of underground parking, which was quite costly.

Kirk moved, Calvert seconded a motion to adopt Ordinance 2021-12 and Resolution 2021-061 and Resolution 2021-062. All voted "yes". Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Schack seconded a motion to adjourn the meeting at 9:31 p.m.
All voted "yes." Motion carried.

Respectfully submitted,

A handwritten signature in black ink that reads "Becky Koosman". The signature is written in a cursive, flowing style.

Becky Koosman
City Clerk