

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**JULY 22, 2008**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Commissioners Adams, Blatz, Lehman, Walker, and Cheleen were present. Schmitz and Sjeklocha were absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Planner Josh Metzger, Planner Jeff Thomson, Assistant City Manager Geralyn Barone, and Planning Consultant Ann Perry.

**3. APPROVAL OF AGENDA:** The agenda was approved as submitted with additional comments provided in the change memo dated July 22, 2008.

**4. PUBLIC HEARINGS**

**A. 2030 Comprehensive Guide Plan**

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

Barone reviewed the steering committee's work. She invited commissioners to ask questions during the presentation. Barone introduced the steering committee members. She thanked the volunteers for attending 18 meetings.

Wischnack explained the land use planning law which requires the city to update its comprehensive guide plan every 10 years. She reported on the public involvement utilized while developing the comprehensive guide plan proposal. The *Minnetonka Memo* updated residents on the times for steering committee meetings. The number of housing units, protecting neighborhood character, and diversity of housing types were considered by the steering committee. Cohesive design, infrastructure management, and sustainability in design were reviewed. Increasing connectivity of the trail system was identified by residents as a priority. Preserving water and woodland areas is a high priority for Minnetonka residents.

Ms. Perry reported on demographic changes for specific areas in the future. Village areas were identified and different uses were considered. The proposal includes housekeeping changes that update the comprehensive guide plan to match a property's current use. Proposed changes in the comprehensive guide

plan also suggest changes for areas including adding higher density housing for the Ridgedale area because of the services offered and transit available. Ms. Perry reviewed areas that would not be changed.

Blatz questioned the benefit of listing criteria. Ms. Perry explained that the criteria would provide direction to a potential developer of parameters required for development or redevelopment to take place. It would not require the city to approve the comprehensive guide plan amendment. It would give the planning commission and city council information to base its decision on whether the application sufficiently met the criteria to justify a comprehensive guide plan amendment. Wischnack explained how providing parameters to measure an application requesting a comprehensive guide plan change would be beneficial.

Ms. Perry noted an area on the map that was mistakenly designated as commercial, but should be shown as light density residential. She continued explaining criteria used to determine the zoning for numerous areas.

Wischnack agreed with Blatz's calculation of the number of units to be located in a medium density area that is 1.7 acres in size.

Blatz asked Wischnack to comment on an effort to improve the buffer for the rear of residents on Manor Road. Wischnack explained that landscaping and garbage enclosures would be completed by the fall.

Adams asked if a buffer had been considered for the southwest quadrant between commercial and residential uses. Ms. Perry said that the proposal would define implementation regulations better, especially as it interacts with residential areas. The city needs to look at performance standards and determine what constitutes a buffer.

Ms. Perry explained that the major difference between the proposal and the existing comprehensive guide plan is the implementation. The proposal focuses more on how development and redevelopment impacts adjacent neighbors and infrastructure.

Chair Cheleen shared the reasons why the steering committee did not change the zoning for the Manor Road/Highwood Road area. Residents were opposed to changing the use for the area and rezoning before the area would be ready for medium density may be putting the cart before the horse. Chair Cheleen asked if performance standard changes need to be made now. Ms. Perry recommended that a sentence be added stating that the city establish review criteria for a

property before the comprehensive guide plan amendment is reviewed by staff, planning commission, and city council. Chair Cheleen felt that made sense.

Chair Cheleen asked how and when a comprehensive guide plan could be changed. Wischnack stated that comprehensive guide plan changes usually deal with housing type or edge property changes. A comprehensive guide plan amendment application is reviewed by the planning commission; the public within 400 feet of the site receives notification of a public hearing; the city council makes a final decision for the city; and the Metropolitan Council also needs to approve the application.

In response to Lehman's question, Wischnack explained that the steering commission spent a great deal of discussion regarding sustainability issues. The city should be supportive and serve as an example by its role in its activities rather than mandate sustainable requirements. The water resource chapter includes state mandates regarding maximum daily loading of phosphorus and other problems that cities control. Wischnack noted the types of uses that light rail would create. Transit-oriented design, "green" building, and water resources are big issues.

Ms. Perry continued her presentation of the land use chapter and housing plan for the future. Rental licensing and an inspection program were mentioned. The parks plan needs updating as well as an athletic fields needs study with surrounding cities and school districts. Ms. Perry reviewed the remaining chapters of the proposal.

Ms. Perry explained that the proposed 2030 comprehensive guide plan is tentatively scheduled to be reviewed by the city council at its August 11, 2008 meeting. The city council may authorize the plan's distribution to the surrounding cities, watershed districts, county, and school districts. Those entities are given six months to review the comprehensive guide plan. Staff will document concerns from those agencies and, make changes if necessary, and submit the plan to the Metropolitan Council.

Chair Cheleen noted that final adoption could take place March of 2009.

In response to Walker's question, Ms. Perry explained that the Metropolitan Council realizes that the best way to provide efficiency in the regional system is to increase density in areas served by public sewer and water. The Metropolitan Council allocates forecasts based on the designation. Minnetonka is a developed community. The expectation is that new development that would occur since the adoption of the comprehensive guide plan would occur at an overall density of 3

units per acre. The city may keep its half-acre-lot size, but compensation would be needed that would include high-density and medium-density housing. Minnetonka is currently close to 2.5 housing units per acre. New development would be in the range of 4.5 units per acre. She believed the expectation would be met. Walker asked what would happen if the expectation was not met. Ms. Perry responded that, theoretically, the Metropolitan Council could withhold federal funds from the city.

In response to Walker's question, Wischnack explained that a developer is responsible for funding improvements in infrastructure needed to support its development.

Chair Cheleen provided instructions for the public hearing.

The public hearing was opened.

Judy McClellan, 17408 Manor Road, lived in her residence over 27 years. She stated that:

- She has attended all of the meetings.
- She provided a slide show of five residences. Her residence sits on a berm above a shopping center. Two-story to three-story residences would overlook the shopping center. That would create an issue.
- Behind her lot is city property. She wanted to put a fence, but she was told it is an alley. There really is no alley.
- She wants a buffer between the residential and commercial property. The problems created by the commercial use are getting worse. She was told a buffer would not be created because sewer and utility lines are located in that area. She asked how a townhome could be built if that was already an issue.
- She provided a photograph of another residence that needs a buffer.
- Townhomes would cause traffic problems. The accesses would be too close to each other.
- She invited everyone to visit the site.
- The proposal would not be attractive to developers. She was worried that her property would not sell for many years if the comprehensive guide plan would be changed.
- Medium density still could be done in the future with a comprehensive guide plan amendment.

- Residences located that close in proximity to a commercial use is a difficult situation. She is frustrated with the lack of enforcement of ordinances that are in place to regulate the businesses' activities. Dumpsters are emptied at 5 a.m. on Saturdays. She accepts traffic and truck noise, but there are things going on that go beyond that.
- The proposed comprehensive guide plan gives her and her 4 neighbors no incentive to keep up their homes.
- Please consider the look of the land. A developer would not jump on the property if the guiding changed.

Mary Ann Hannah, 3535 Lilac Lane, stated that:

- She resided in her current residence 7 years.
- She was concerned that the proposed reguiding of Manor Road would drastically change the basic nature of the community.
- Expanding a structure to three stories of affordable housing would increase the noise complaints. There would be more voices to protest the noise.
- She was puzzled why a neighborhood that is already diverse in the value of its residences and ages of the residents would be chosen rather than undeveloped land.
- She preferred no hint of land use change for Manor Road to be included in the 2030 comprehensive guide plan.

Mike Stone, 4505 Timberwoods Lane, part of a neighborhood committee, stated that:

- His presentation given at a previous meeting was well received and understood.
- He thanked the steering committee for not recommending change of the comprehensive guide plan for the Highwood area.
- He appreciated the process to consider the neighborhood's feelings, specifically the current residential zoning and the feel of the neighborhood and traffic.
- He thanked the committee, Wischnack, and Gordon for their work and responses.

John Gonsiorek, 3514 Lilac Lane, stated that:

- He provided a memo outlining why the original proposal was a bad idea and he was pleased that the steering committee recommended that the guidance remain as it is.
- He was concerned that language in the new proposal includes wording that states that it is likely that a land use change may be requested in the long-term future and then proceeds to detail the land use change which is similar to the original comprehensive guide plan change. He felt that would be perceived as a target for developers. He requested that any mention of the property be dropped. It should be the same as any other low-density housing in the city.
- The area currently has three units per acre. The houses are small, sturdy, affordable houses.

Jennifer Jackson King, owner of the Big Buck Roadhouse property, stated that:

- She was concerned with changing the site's designation to mixed use.
- She understood the desire to make the area "less choppy" which was being caused by the appearance of the vacant buildings.
- Ace Hardware has a very long-term lease of 18 years that is being managed by the bankruptcy court. She did not see how a developer would be willing to take the existing piece-meal parcels and create a mixed-use development.
- She favors the area being improved. It would benefit her business.
- Mixed use is not the answer. The area is not pedestrian friendly. No one would cross Highway 7 to reach Super Target. It is not easy to navigate in a vehicle.
- She preferred remaining as an individual business for future sale potential.

Lowell Zitzloff, 12460 and 12500 Wayzata Boulevard, owner of Mattress Giant and Fireplace Center, stated that:

- A site with a major interstate for a front yard and a car dealership and office building as neighbors would be better left as commercial property rather than multiple dwelling or high-density housing.
- He appreciated staff's job, but he had difficulty with the proposed designation of that property.

Bill Claflin, 3410 Rainbow Drive, stated that:

- His neighborhood currently meets the proposed 2030 comprehensive guide plan guidelines.
- Medium density housing on Manor Road would destroy the character of the neighborhood and create traffic problems.
- Adding population is contrary to protecting water resources and infrastructure.
- A buffer could be created between the existing commercial and the neighborhood with a few pine trees, a fence, and a berm.
- The proposed comprehensive guide plan would alter the character of the neighborhood irrevocably. There are currently no sidewalks.
- The streets are not able to handle the current traffic. Vehicles travel at a high rate of speed.
- A rental neighborhood would be a disaster.
- Do not sacrifice a neighborhood for a plan that is not really needed. It could be accomplished in less populated areas.

David Vogel, 3537 Comet Lane, provided slides of the area and stated that:

- The neighborhood has a unique nature.
- Some 60 residences depend on Manor Road for access in and out of the neighborhood. Right now it is a quiet residential neighborhood.
- Mixed housing exists.
- Kids can literally play in the street.
- Any type of increased density on Manor Road would impact the entire neighborhood.
- The city received 30 letters in opposition to the proposed comprehensive guide plan in regard to the Manor Road area. It would be a poor choice of location to increase density.
- The goal to have mixed density in Minnetonka is admirable and he understood the benefits of planning for the future.
- Lowell Street has single family residences that border on commercial property.
- He provided photos of the area. The houses are maintained well. There is a natural berm behind the residences. The area has large trees.
- The "alley" near Ms. McClellan's residence is not attractive. The area is congested. A major intersection, Minnetonka Boulevard, and County Road 101, is located a few hundred feet north.

- Any type of development would make Manor Road much more of a commercial-kind of road in the middle of a residential neighborhood.
- Motorists park in the “alley” and cut through the area. Medium density housing would aggravate the problem.
- It would not be hard to berm the area and install a fence.
- He wanted every reference to the five properties in the Manor Road area removed from the proposed comprehensive guide plan.
- A change in density designation would be really inappropriate.
- A developer building townhomes on a thin strip of land adjacent to and overlooking dumpsters would be ludicrous. It would change the nature of the entire neighborhood.

Tom McMullen, 3509 Lilac Lane, reiterated that all language referring to the Manor Road properties should be removed from the proposed comprehensive guide plan. He thanked the steering committee for removing the language related to the land use change, but he still objected to the long-term plan language. It would act as a self-fulfilling prophecy. A better solution would be to come up with criteria that would apply to the entire city instead of targeting specific neighborhoods. Care should be taken when considering changing well-established neighborhoods at the expense of increasing housing density.

Bill Claflin, 3410 Rainbow Drive, stated that everyone in his neighborhood received a notice of a public hearing regarding a homeowner who lived a half a mile away adding a porch to his residence, but he did not receive any notice directly mailed to his residence regarding the proposed “rezoning”. That needs to be looked at very closely.

Doug Olson, 3600 Comet Lane, stated that:

- He wanted the neighborhood to maintain its integrity.
- The speed of motorists traveling on Manor Road and Rainbow Drive is a concern. A neighbor died at County Road 101 and Manor Road.
- Rebuilding the commercial businesses should occur prior to fitting a higher density building on the existing land.

John Powers, 3611 Rainbow Drive, stated that:

- He is a realtor. His neighbors are correct to request all of the language regarding the neighborhood be deleted from the

- proposed comprehensive guide plan. It would stigmatize the properties. Even the mere suggestion would open the door for developers. The homeowners have a right not to be stigmatized.
- The Sanctuary property was previously single-family residences. The developer applied for high-density residential. It was guided for single-family residential. It ultimately was developed for medium-density residential housing.

No additional testimony was submitted and the hearing was closed.

Adams asked who residents should direct nuisance complaints to at city hall. Wischnack explained that Community Development handles nuisance complaints. She and John Weinand handle nuisance abatement. They have visited the area many times. Violations in progress should be reported to the police department.

Adams asked what the practical impact is on a property that is rezoned. He noted that Manor Road would not be rezoned. Wischnack explained land use guidance and implementation of zoning districts. Rezoning is a separate action from the comprehensive guide plan. The comprehensive guide plan is a guidance document. Zoning is a law. Talking about the property in the comprehensive guide plan is not harmful to the property, but, obviously there is concern. The planning commission may recommend that the city council leave the language, soften it, or not include it at all.

In response to Chair Cheleen's question, Ms. Perry directed him to Page 15 of Chapter 4. The language is in the planning portion of the document, not the implementation portion. Chair Cheleen noted that one performance standard could be that a developer would need either to own or have options on all 5 pieces of property before any development could happen. Ms. Perry responded affirmatively.

Lehman asked if the criteria could be left to apply to the entire city and language referring to the Manor Road neighborhood be removed. Ms. Perry stated that the Knollway neighborhood was included to provide language for a future deciding body to use as a guide. The steering committee was given the options of changing the comprehensive guide plan designation, taking out the language all together, or providing criteria to apply to a comprehensive guide plan modification requested in the future. The draft includes the steering committee's recommendation. The planning commission could recommend elimination of that language and replace it with language in the implementation section of the plan

to the effect that if a comprehensive guide plan change is requested, the city may allow sufficient time to review the criteria for the property.

Lehman asked if generic criteria could be included to apply to any property. Ms. Perry directed him to a list of general criteria that asks for sufficient information for specific properties. There needs to be sufficient flexibility to allow the city to consider specific circumstances.

Walker asked for the amount of vacant land in Minnetonka. Ms. Perry responded that Minnetonka has 205 acres of vacant, developable land, out of 18,023 acres.

Walker questioned if the neighborhood was properly informed of the public hearing. Wischnack stated that adjacent property and impacted property owners and tenants received notices mailed to the properties as well as notification provided in the *Minnetonka Memo* and *Lakeshore Weekly News*. That is beyond what the law requires. The state law requires no specific notification when the city is proposing modification of its comprehensive guide plan. If the city received an application for a comprehensive guide plan amendment, then state law requires the city to notify residents within 400 feet of the site with a written notice of the public hearing.

In response to Walker's question, Wischnack explained that the area has a unique quality that wants to be maintained. It is not intended to increase its density similar to Excelsior Boulevard and Grand Avenue.

Blatz understood that Highway 7 and County Road 101 would become more pedestrian friendly by adding walkways and trails. Wischnack agreed. Mixed use allows for a greater number of uses rather than boxing-in a certain type of land use.

Chair Cheleen served on the steering committee and noted that most things discussed referred to the long-term.

Wischnack explained that Mr. Zitzloff's property has dual designation. Certain things need to happen for certain types of uses to occur. High density is one of the considerations for his property. If a transportation improvement, like a west-bound ramp, was added, then it would make the site more appropriate for an office use. That is an example of the situations the 2030 comprehensive guide plan leaves flexibility to consider.

Adams asked how many of the designations have come to pass. Wischnack recognized a certain amount of guess work with comprehensive planning. Some of it may not be needed, but if it is, it is available.

Lehman asked if there are a number of locations in the city that are currently residential housing that are guided for a different use. Ms. Perry said that was true more so in the past. Minnetonka does not “pre-zone” land. There is a requirement now that the zoning ordinance needs to be consistent with the comprehensive guide plan. Lehman asked what percentage of the city’s uses are in conformance with their guiding. Ms. Perry estimated five percent of the city’s uses are inconsistent with its zoning. Over time, properties become in compliance with the zoning ordinance.

In response to Lehman’s question, Wischnack provided the example that County Road 73 and Interstate 394 were zoned R-1, but the comprehensive guide plan guided the area as office in its 20-year plan. When certain parameters listed in the comprehensive guide plan were met, the area was allowed to be zoned for office use.

Lehman noted that the proposed comprehensive guide plan discussed changing the guidance for certain properties, but the fear for the property owners was that a buyer would think the property would be rezoned. Wischnack explained that it is unusual that the steering committee has opted not to recommend changing the land use. It is not typical in terms of past practice. Transitional issues that include neighborhoods and buffering issues create a difficult decision. Each plan will be considered individually to determine its appropriateness. Housing issues will continue to arise. Staff is alerting the commission’s understanding of the issues.

Walker asked if the wording was dropped in regard to the five homes, then would a tool exist to change the zoning to a medium density development. Wischnack answered affirmatively.

Chair Cheleen asked for the advantage of leaving the wording in the proposed comprehensive guide plan regarding the 5-lot area. Ms. Perry responded that the wording provides direction to staff and decision making bodies on the parameters that would be expected to be met prior to changing the comprehensive guide plan. Wischnack added that the document will be read by a wide variety of people. It is much easier for an individual to determine if he or she wishes to purchase or develop property if guidelines are provided. Chair Cheleen noted that a comprehensive guide plan amendment would still be required and provide safeguards. If a developer looked at the area, then those residences would stand

out anyway because of where they are located and their proximity to commercial businesses.

Blatz asked if there is a risk to remove the language. She viewed requiring the applicant to own all of the properties in the site protection for the property owners.

Adams suggested including a condition requiring sufficient time for the city to review criteria for the property in which a comprehensive guide plan modification application is requested. Ms. Perry requested the specific language be determined by the city attorney. Adams agreed. He supported leaving the language to provide future planners and leaders with an understanding of how the guidance was determined. He did not think it stigmatized a neighborhood to leave it in.

***Lehman moved, second by Adams, to recommend that the city council adopt the 2030 Comprehensive Guide Plan with a condition that would allow the city time to review criteria in regard to approval of a comprehensive guide plan amendment application.***

***Adams, Blatz, Lehman, and Cheleen voted yes. Walker voted no. Schmitz and Sjekocha were absent. Motion carried.***

This item is tentatively scheduled to be reviewed by the city council at its August 11, 2008 meeting.

## 5. ADJOURNMENT

***Lehman moved, second by Adams, to adjourn the meeting at 9:00 p.m. Motion carried unanimously.***

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