

**Minnetonka Planning Commission
Minutes**

April 20, 2023

1. Call to Order

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

2. Roll Call

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

Maxwell moved, second by Hanson, to approve the agenda as submitted with additional comments and a modification provided in the change memo dated April 20, 2023.

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

4. Approval of Minutes: March 30, 2023

Waterman moved, second by Powers, to approve the March 30, 2023 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting held on April 17, 2023:

- Adopted a resolution approving items for Dave's Hot Chicken located at 1805 Plymouth Road.
- Adopted a resolution approving a minor amendment to the existing master development plan and a conditional use permit for Ovation Orthodontics at 10999 Red Circle Drive.
- Adopted a resolution approving items for Mega Pickle and Pong at 17585 Hwy 7.
- Adopted a resolution approving items for a conditional use permit and location variance for Hoover Perio at 10000 Minnetonka Blvd.

- Adopted a resolution approving items for Dunibar Court at 17809 Ridgewood Road.
- Introduced an ordinance and referred it to the planning commission for items concerning Marsh Run II, a multi-family residential redevelopment by Doran at 11816 Wayzata Blvd.
- Provided feedback on a concept plan redevelopment of the properties at 2511 and 2516 Plymouth Road.

The next planning commission meeting is scheduled to be held on May 4, 2023.

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

7. **Public Hearings: Consent Agenda:** None

8. **Public Hearings**

A. Expansion permit for an addition at 4954 Shady Oak Road.

Chair Sewall 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.

Chris Blaisdell, 4954 Shady Oak Road, stated that:

- She bought the property from her grandmother.
- The addition would serve as a mudroom and laundry room on the main level.

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

Hanson appreciated the homeowner investing in the house.

Waterman moved, second by Banks, to adopt the resolution approving an expansion permit for an addition to the home at 4954 Shady Oak Road.

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

Chair Sewall stated that an appeal of the planning commission's decision must be submitted in writing within ten days to city staff.

B. Variance for a garage addition at 3516 The Mall.

Chair Sewall 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 public hearing was opened. No testimony was submitted and the hearing was closed.

Waterman supports the proposal. It seems logical. He appreciates the improvement. It makes sense since there is only a single-car garage.

Maxwell agreed. It makes sense to cover the vehicle. She has no concerns.

Chair Sewall supports the proposal and would also vote to approve an enclosed garage stall.

Powers moved, second by Hanson, to adopt the resolution approving a side yard setback variance for a carport at 3516 The Mall.

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

Chair Sewall stated that an appeal of the planning commission's decision must be submitted in writing within ten days to city staff.

C. Items concerning Marsh Run II, a multi-family residential redevelopment at 11816 Wayzata Blvd.

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

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Powers' question, Gordon explained that two items staff identified in the proposal that would benefit the public good would be the affordable housing units and the project's compatibility with the surrounding neighborhood.

In response to Hanson's question, Wischnack explained that the affordable housing contract would require that the fee related to each garage stall for residents of affordable housing units not exceed 10 percent of the base rent.

In response to Waterman's question, Gordon explained that a planned unit development (PUD) would allow more flexibility in front yard setback and building height regulations. The staff report shows that the proposal would meet all wetland setback requirements.

In response to Waterman's question, Wischnack explained that the immediate area has 387 units of multi-family-residential housing with 206 of those units designated for

affordable housing at 50 percent of area median income (AMI). The entire Ridgedale area has 2,100 units of multi-family residential housing and 336 of those are affordable units. The proposal would have 20 units of affordable housing at 60 percent AMI and 20 units at 80 percent AMI.

Maxwell asked if the number of homeowners and renters in the city is aligned with the comprehensive guide plan goals. Wischnack explained that approximately 67 percent of Minnetonka's residents own their homes and 33 percent of residents rent their homes. The comprehensive guide plan promotes diversification of housing types.

Ann Behrendt, Doran Companies, introduced herself and Ben Lindau, architect for the project.

Ms. Behrendt stated that:

- Staff did an excellent job being thorough in their report.
- The change in design was done in response to the traffic report. Moving the entrance to the east increases visibility for drivers and creates a cascading effect due to the grade.
- The plan would preserve the grade on the north side and preserve as many trees as possible.
- All of the traffic going to the garage would happen on the east side of the property.
- There would be 36-surface-parking stalls for visitors. There would be excess parking in the parking lot to provide additional parking for visitors of Birke Apartments.
- Once a year at Birke Apartments, all vehicles are required to be removed from the indoor garage so it may be cleaned. It does create chaos for one day each year.
- The project would have many sustainable features.

Mr. Lindau stated that:

- The public-input process helped improve the project.
- One access drive was eliminated and the amenity deck was extended.
- The building design would have more historical residential features.
- The site would be more walkable.
- It would be a unique project that would fit in with the neighborhood.
- The sustainable features would include occupancy sensors for lighting, the type of HVAC system utilized, and gas fireplaces to save over 30 percent of the energy costs.
- A redesign was done to prevent a shadow from impacting the condominium building.

In response to Waterman's question, Ms. Behrendt stated that a handful of people attended the neighborhood meeting. The office building has an extra 15 to 20 parking stalls available during the day and the entire parking lot available in the evening to help alleviate issues with visitors not utilizing the underground-visitor parking at Birke Apartments. The trail would have pedestrian connectivity up and around the stormwater pond. The applicant will work with city staff to create a safe area for pedestrians to cross the street from Birke Apartments to the office building parking lot.

Waterman confirmed with Ms. Behrendt that DNA testing would be done if pet waste was not picked up on site and a fine charged for a violation.

In response to Powers' question, Ms. Behrendt stated that there would be 36-surface-parking-visitor stalls. Mr. Lindau stated that the proposal would have 1.54 parking stalls per unit.

In response to Powers' question, Ms. Behrendt stated that there would be nine three-bedroom apartments that may accommodate a family with school-age children. There would be multiple, different, small spaces for people to gather. Marsh Run II would have a pool, bocce court and a game simulator that is popular with kids.

Chair Sewall noted that comments should focus on the current application for Marsh Run II rather than the already approved and completed Birke Apartments.

In response to Hanson's question, Ms. Behrendt explained how the applicant worked with staff to identify the type of affordable housing most needed. The 60 percent and 80 percent AMI would provide workforce housing. Utilizing 80 percent AMI is not common because it does not provide as many financing tools for the applicant. A tax-increment-finance (TIF) district may be used in this case because the existing buildings are deemed blighted.

Hanson was concerned that the cost of parking would be too expensive for residents with incomes that meet affordable-housing requirements. Ms. Behrendt explained that the affordable-housing contract would require that the fee related to a garage stall for an affordable housing-unit resident not exceed 10 percent of the base rent.

Banks asked which units would be designated as affordable. Ms. Behrendt answered that for residents earning up to 60 percent AMI, there would be two alcove units, 12 one-bedroom units and six two-bedroom units. For the residents earning up to 80 percent AMI, there would be two alcove units, ten one-bedroom units, six two-bedroom units and two three-bedroom units. The applicant is working on being able to provide one affordable unit for a family experiencing homelessness.

Maxwell asked for the distance around the footprint of the building that would be impacted during construction and its proximity to the wetland. Ms. Behrendt answered that the proposal would exceed all of the wetland setback requirements set by the city and the watershed district. The tightest spot would be the distance from the northeast

corner of the building to the wetland. That would be about 18 feet. The distance is typically between 30 feet and 50 feet. The average is 35 feet. There would be a construction plan reviewed and approved by the city that would include wetland protection requirements. All of the wetland protection requirements would be met.

The public hearing was opened.

Pam Lewis, 980 Fairfield Court, stated that:

- She was concerned with the wetlands, trees and berm on the north side. There is no sidewalk there now.
- The residents pay the consequences for development. The homeowners are part of the greater good.
- There is still a parking shortage that impacts her parking.
- Dog owners leave litter and waste bags in her neighborhood.
- The pedestrian bridge would lead more pedestrians to Fairfield Road to reach Oberlin Park. The grass along Fairfield Road would be damaged.
- She opposed construction starting before 8 a.m. due to the noise that would carry across the wetlands.
- She opposes the noise from pool parties and residents' decks.
- She was grateful for the "no parking" signs on Fairfield Road, but it has not taken care of the parking shortage.
- She was concerned with overflow parking.
- She was concerned that the office-building property would be sold.
- The density would be too high.
- The black and white colors would stick out like a sore thumb.
- The pool deck and amenities would be a distraction for drivers.
- The building would be too big for the site.
- She requested that the proposal be denied.
- The proposal would impact the living experience of the neighbors.
- She suggested that the proposal be located on the former Dick's Sporting Goods site.

Margaret Meier, a Bayhill resident, stated that:

- She admires the way the Minnetonka government is run. She admires all of the work being done on one proposal. She likes the housing policies and the effort to get more diversity and affordability.
- The building would be too big and 197 units would be too many.
- School buses and cars travel very fast on Wayzata Blvd.
- She would prefer the building to be shorter.
- She questioned if something would be done to the green area on the west.
- Last year, the pond was empty. There is goose waste all over.

- She was concerned with dog waste. She encouraged bags be made available.
- She suggested developing the former Dick's Sporting Goods site.
- She would favor a smaller building and a fewer number of units. The building would be out of proportion with the shorter Bayhill buildings.

Sara Malone, 705 Fairfield Circle, stated that:

- She was concerned that there would be too many residents and dogs utilizing the green space owned by townhome owners.
- The dog DNA enforcement would be done on the proposal's property, but not on other properties.
- Many motorists still park on Fairfield Road.
- She opposed a six-story building being located so close to the wetlands.
- Many of her neighbors, who were not present, also oppose the project.

Ms. Lewis added that:

- She was glad that the shadow would not land on her property.
- Deer live in the vegetation near the wetland.
- She showed a video of deer on the tree line and swans in the wetland. She requested that the tree line be preserved.

No additional testimony was submitted and the hearing was closed.

Wischnack and Gordon explained that:

- The noise ordinance prohibits noise from extending to other properties prior to 7 a.m. and after 10 p.m. The construction management plan could customize the times.
- MnDOT and the city own the properties west of the site.
- The former Dick's Sporting Goods building is available to be leased.
- Soil restoration would be funded by TIF funds.
- Staff could work with homeowners associations to brainstorm ways to educate and guilt dog owners to clean up their dog's waste.

Ms. Behrendt explained that there would be a dog policy within the rental agreement that would have restrictions regarding the type of breed, weight and number of dogs allowed. There would be an enclosed-turf-dog-run area. Bags and trash receptacles would be provided for dog waste.

Ms. Behrendt clarified that the gravel path shown on the plan currently exists and would remain a gravel path.

Waterman stated that:

- He appreciated everyone who attended the meeting and shared their thoughts.
- There is a lot to like about the project.
- He acknowledged the neighbors' concerns regarding parking and pets.
- He supports the proposal.
- There are a lot of residential units in the area. The use fits in the area and is in accordance with the 2040 comprehensive guide plan.
- The proposal would preserve many of the natural features of the site including using the existing building footprint and maintaining the gravel trail.
- He likes the building shape being something other than a large block.
- He supports the zoning change because he supports the project. The affordable housing units and the fact that the proposal would fit in the area would provide a public good.
- The proposed exterior materials for the building indicate a high level of investment and architectural character.
- He likes the idea of city staff meeting with residents to help find ways to prompt dog owners to clean up their dog's waste.
- He would like a permanent solution identified for the parking problem at the Birke Apartments. That is a unique situation that could provide a public benefit.
- He supports staff's recommendation.

Hanson stated:

- He supports the proposal.
- Communities stay vibrant by investing in the community. This is an opportunity to do that. The residents would be individuals and families who would work here and spend money here and add vibrancy to everyone's day-to-day lives.
- The applicant has acknowledged a parking issue at another site which they are taking steps to correct.
- The proposed use would fit the area.

Banks stated that:

- He supports the proposal.
- The proposal does meet the condition of providing a public good to rezone the site to a PUD.
- He suggested that the applicant assist with finding solutions to the parking and dog waste problems.
- The proposed building would be beautiful.
- The amenities and affordable housing component are great.
- He suggested turning the office building site into a park.
- The proposal would be good for Minnetonka.

Maxwell stated that:

- The site is gorgeous and located near a wetland, businesses and public transit. Multi-family residential housing is appropriate for the site.
- She appreciates that the proposed footprint aligns with the existing impervious surface.
- The proposed six-foot building would be a sharp contrast to the existing two-story building. She would like to see the building height lowered and the northwest corner aligned with the current building so that there would be no impact on the wetland on the northwest side.
- The proposed building would not fit in the neighborhood due to its color and mass being a significant change from anything else in the neighborhood.
- Investing in the site and bringing in new residents is good for the city.

Powers stated that:

- He agrees with Maxwell.
- The site has beautiful wetlands.
- The mass of the proposed building would be too large.
- He likes that the building would be located on the existing footprint.
- He empathized with the neighbors.
- He opposes the current proposal because it would be too much. He would like the height of the building lowered.
- The proposal would disrupt wildlife.
- He likes Doran Companies.

Chair Sewall stated:

- Multi-family residential housing is an appropriate use for the site.
- He thanked the applicant for improving the plan in response to the shadow-study results.
- He appreciated the applicant working to address the current parking issue in the area.
- He likes the design of the building. He agreed with the idea of moving the entrance further to the east. That makes sense.
- This proposal is adequately parked.
- The proposal has a lot to like, but he is concerned with the mass of the building. He understands that the number of units is part of a bigger calculation.
- He agreed that the affordable housing component would provide a public benefit.

Waterman pointed out that if the soon-to-be-parking-ordinance amendment was in place, then the proposal would not need a variance.

Hanson moved, second by Waterman, to recommend that the city council adopt the following in regard to the Marsh Run II redevelopment at 11816 Wayzata Blvd:

- 1. An ordinance rezoning the property from PID, Planned I-394 District, to PUD, Planned Unit Development, with a master development plan.***
- 2. A resolution approving the final site and building plans with a variance to the parking ordinance.***

Hanson, Waterman, Banks and Sewall voted yes. Maxwell and Powers voted no. Henry was absent. Motion carried.

This item will be reviewed by the city council at its meeting scheduled to be held on May 22, 2023.

9. Adjournment

Hanson moved, second by Banks, to adjourn the meeting at 9:07 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary