

## Ordinance No. 2023-13

### An ordinance approving a rezoning from I-1, industrial, to PUD, planned unit development and a master development plan for the property located at 10701 Bren Rd East

---

The City Of Minnetonka Ordains:

Section 1. Background

1.01 The subject property is located at 10701 Bren Rd East.

1.02 The property is legally described as:

Parcel 1:

Lot 5 and that part of Lot 6, which lies Easterly of the following described line: Beginning at a point on the South line of said lot 6 distant 123.00 feet Westerly from the Southeast corner of said Lot 6; thence North 1 degree, 09 minutes, 15 seconds East, a distance of 391.08 feet to a point on the North line of said Lot 6, distant 127.43 feet Westerly from the Northeast corner of said Lot 6 and said line there terminating; All in Block.1, Opus 2 Eighth Addition, Hennepin County, Minnesota

Torrens Property Certificate of Title No. 1211616

Parcel 2:

Permanent easement for pedestrian and vehicular access and ingress and egress for the benefit of Parcel 1 as set forth in that certain Easement Agreement dated September 20, 2007, recorded September 21, 2007, as Document No. 4428662

(T).

1.03 Greystar Development is requesting rezoning from I-1, industrial, to PUD, planned unit development and a master development plan for the subject property. The amendment would allow for the construction of a six-story, 275-unit apartment building with 27 affordable units (5% at 40% AMI and 5% at 80% AMI) meeting affordability guidelines.

Section 2. Standards

2.01 Under City Code 300.22, Subd. 4:

1. The PUD must result in a least one public benefit, as outlined in city ordinance;
2. The PUD must be consistent with and advance the community-wide goals of the comprehensive plan; and
3. The PUD must be appropriately integrated into existing and proposed

surrounding development.

2.02 Under City Code 300.22, Subd. 5, if a PUD includes provision of affordable housing, a specific housing type, or target housing price, details associated with the housing - including the number of units, unit size, and price - must be documented in a legally-binding agreement approved by the city and recorded against the properties within the PUD.

### Section 3. Findings

3.01 As proposed, the PUD would result in the creation of 27 affordable rental units.

3.02 The proposal is consistent with the OPUS area's mixed-use designation in the comprehensive guide plan. Further, the proposal would locate new affordable housing near access to the transit system and village centers, which is a specific goal of the 2040 Comprehensive Plan.

3.03 The proposal would be similar to other high-density residential projects constructed – or under construction – in the OPUS area.

3.04 The proposal is consistent with City Council Policy 13.2, Affordable Housing Policy. As a condition of this ordinance, details of the affordable units must be documented in a legally-binding agreement approved by the city and recorded against the properties within the PUD.

3.05 The proposal would not negatively impact the public health, safety, or general welfare.

### Section 4.

4.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions below:
  - Site Plan, revision dated Aug. 16, 2023.
  - Exterior Elevations and Floor Plan revisions dated July 21, 2023.
  - Grading and Drainage Plan, revision dated Aug. 16, 2023.
  - Utility Plan, revision dated Aug. 16, 2023.
  - Landscaping Plan, updates dated Aug. 15, 2023.
2. Prior to issuance of any permits for site work, details of the affordable units must be documented in a legally-binding agreement approved by the city and recorded against the properties within the PUD.
3. The development must further comply with all conditions outlined in City Council Resolution No. 2023-059, Site and Building Plan approval, adopted by the Minnetonka City Council on Aug. 28, 2023.

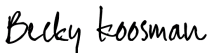
Section 5. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 6. This ordinance is effective upon the recording of the document referenced in paragraph 3.02, in a form approved by the community development director and city attorney, and establishing affordability requirements for a minimum period of 30 years.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Aug. 28, 2023.

DocuSigned by:  
  
21AA42DB33F7415...  
Brad Wiersum, Mayor

Attest:

DocuSigned by:  
  
C8FF609054654E1...  
Becky Koosman, City Clerk

**Action on this ordinance:**

Date of introduction: Jan. 30, 2023  
Date of adoption: Aug. 28, 2023  
Motion for adoption: Coakley  
Seconded by: Wilburn  
Voted in favor of: Coakley, Kirk, Schack, Wilburn, Calvert, Wiersum  
Voted against:  
Abstained:  
Absent: Schaeppi  
Ordinance adopted.  
Date of publication: Sep. 14, 2023

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on Aug. 28, 2023.

\_\_\_\_\_  
Becky Koosman, City Clerk