

**Minnetonka Planning Commission
Minutes**

December 15, 2016

1. Call to Order

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

2. Roll Call

Commissioners O'Connell, Odland, Powers, Calvert, and Kirk were present. Knight was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Water Resources Technician Tom Dietrich, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda

Odland moved, second by Calvert, to approve the agenda as submitted with a modification provided in the change memo dated December 15, 2016.

O'Connell, Odland, Powers, Calvert, and Kirk voted yes. Knight was absent. Motion carried.

4. Approval of Minutes: December 1, 2016

Odland moved, second by Calvert, to approve the December 1, 2016 meeting minutes as submitted.

O'Connell, Odland, Powers, Calvert, and Kirk voted yes. Knight was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of December 5, 2016:

- Adopted a resolution approving a 12-month extension of the approvals for Bauer's Custom Hitches.
- Introduced the ordinance amendment for Crest Ridge.

- The concept plan for 1911 Linner Road and 1935 Linner Road for Zender Homes was pulled from the agenda by the applicant.

The next planning commission meeting is scheduled for January 5, 2017.

6. Report from Planning Commission Members

Chair Kirk noted that his father-in-law is moving into Applewood Pointe. It is interesting to see a project from concept plan to full completion. Wischnack added that 40 percent of Applewood Pointe residents moved from homes in Minnetonka.

7. Public Hearings: Consent Agenda

No items were removed from the consent agenda for discussion or separate action.

Odland moved, second by Powers, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:

A. Preliminary and final plat for RiZe at Opus Park at 10101 Bren Road East.

Recommend that the city council adopt the resolution granting preliminary and final plat approvals to RiZe at Opus at 10101 Bren Road East.

B. Variance to allow construction of an attached garage addition at 14831 Wellington Road.

Adopt the resolution approving an aggregate side yard setback variance for an attached garage addition at 14831 Wellington Road.

O'Connell, Odland, Powers, Calvert, and Kirk voted yes. Knight was absent. Motion carried. Motion carried and the items on the consent agenda were approved as submitted.

Chair Kirk stated that an appeal of the planning commission's decision must be made in writing to the planning division within 10 days.

8. Public Hearings

A. A conditional use permit with parking variance for River Valley Church at 10801 Red Circle Drive.

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

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

Powers asked Ingvalson if ITE determined that there would be enough parking to accommodate the main worship area and youth area at full capacity. Ingvalson explained that the youth area capacity was not included in the calculation since the children do not drive separately from adults. ITE found that the site would have significantly more parking than would be needed during the site's highest parking demand times.

Anthony Richards, pastor of River Valley Church, applicant, thanked commissioners for considering the application and staff for their hard work. The building would provide central administration services for eight campuses around the twin cities. His congregation currently meets at a temporary location in a warehouse. The youth areas are for newborns to 5th grade. The children meet in those areas during regular service times. There is a weekend each year that is dedicated to serving the city where the church is located. The goal is to be part of the community.

O'Connell asked if there would be late-night services or activities. Pastor Richards answered that there would be a Christmas Eve candle-light service at 10 p.m., but, usually, the latest service would be at 6 p.m. There are youth events on Wednesday nights that finish at 8:30 p.m.

Chair Kirk noted that there is no housing near the site.

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

Odland moved, second by O'Connell, to recommend that the city council adopt the resolution approving a conditional use permit with parking variance for River Valley Church at 10801 Red Circle Drive.

O'Connell, Odland, Powers, Calvert, and Kirk voted yes. Knight was absent. Motion carried.

B. Preliminary plat with variances for Woodlands at Linner at 1555 Linner Road.

Chair Kirk 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.

Odland asked for the location of the driveway for Lot 2. Cauley responded that it is anticipated that it would travel north from the house and access the cul-de-sac.

In response to O'Connell's question, Cauley explained that today's zoning ordinance allows for a smaller lot width at right-of-way for cul-de-sacs of 65 feet. The cul-de-sac could remain a temporary cul-de-sac forever. The temporary status relates to the platting process, not with the construction of the cul-de-sac. Temporary road easements are in place. At the time of the original plat, it was anticipated that it would be changed into a through street. It makes no difference to maintenance or property rights if the cul-de-sac is temporary or permanent.

Tom Bakritges, of Homestead Partners and JMS Custom Homes, stated that the applicant's attorney and engineer were also available to answer questions. Staff has done a nice job explaining the history of the site. He pointed out where the driveway for Lot 2 would be located on the cul-de-sac. This is one of the last parcels off of Linner Road. One of the benefits of the proposal would be connecting the water main loop. The quality of stormwater runoff has been an issue for the area. The storm sewer provided by the proposal would improve the water quality. The project would minimize tree impact. He described the options considered. This would be the best solution that would benefit the entire neighborhood.

The public hearing was opened.

Jason Heaser, 1553 Linner Road, stated that:

- He was unable to attend the neighborhood meeting. The applicant has done a good job of communicating with him. He appreciated that. He knew of the proposal when he purchased the property.
- He asked what variances were alleviated by the creation of the cul-de-sac. He thought that the cul-de-sac would create more of an environmental impact than granting variances for a through road. That is his concern. He would prefer the through road so more trees east of his lot could be saved.
- He did not want the large weeping willow tree south of the right of way impacted.

Peter Carlson, 1551 Linner Road, provided pictures of his lot. He provided history on the redevelopment of the site. A developer won a court ruling which excluded

the through street in 1993. Nobody has given consideration to his property rights, the impact on his privacy, and the use of the driveway since 1985. He provided a legal document that gave "exclusive benefit" for each resident lot. That is relevant. He has never been opposed to the development of the other lots, but he is opposed to the change in the use of his property and privacy rights. His water pressure is fine. Water pipes can be installed without a cul-de-sac. Stormwater drains off his property just fine. There is a fire hydrant at the end of his driveway. He would like the commission to consider alternatives.

Keith Ernst, 14731 Oak Lane, stated that his main concern is the environmental impact. A lot of his concerns have been alleviated from his communications with Colleran, Dietrich, and Cauley who were great and responded quickly. The pond in his backyard would be protected and there would be consequences if there would be a problem. A lot of trees would be removed from a beautiful, forested area. He thought the proposed sewer and water line locations drove the layout for the development. He was concerned with the infrastructure having an impact on the wetland area.

Julie Heaser, 1553 Linner Road, asked for the proposed changes in elevation and when she can expect to know more about how the construction would disrupt the water service and access to her property.

Gary Eidson, attorney representing the applicant, stated that he provided a history to Cauley of the recorded instruments in respect to the street. He reviewed the history. The city has the right to build the street and the declaration that Mr. Carlson provided would have no effect.

Mr. Ernst stated that the development of 1503 Linner Road caused the removal of all of the trees that were there.

No additional testimony was submitted and the hearing was closed.

Cauley described the proposal and each variance. Keeping the driveway a driveway rather than a cul-de-sac appeared that it would save seven high-priority trees. On the same day that the Declaration of Easements and Covenants and Conditions and Restrictions provided by Mr. Carlson was recorded, a driveway permit was also recorded that states that the property owner does not assume any property owner rights of that area and that a declaration of covenants was also recorded on that date which specifically states that the through street could be constructed in the future. That provides the notice in the chain of title. Those documents are still tied to the properties.

Cauley stated that the willow that Mr. Heaser referred to is located on 1553 Linner Road, so it would not be impacted by the proposal. Colleran explained that tree protection fencing would be required to be installed at the grading limit in order to protect most of the critical root zone. Chair Kirk confirmed with Colleran that the trees on the site do not constitute a woodland preservation area, as it is not at least two acres in size.

Dietrich explained the stormwater drainage patterns for the area and stormwater ponds that would be provided by the proposal. The ponds would be sized to accommodate the stormwater runoff from the buildings and road.

Cauley explained that a construction management plan would outline aspects of construction including the hours of construction and routes for construction vehicles.

Mr. Bakritges explained that once the proposal is approved, the first step would be to remodel the “burned” house, bid the project in January, and construction would begin in April or May of 2017. The lots would be custom graded. The houses would not be built at one time, but would be built for each buyer. In this area, houses are selling for \$1 million to \$1.2 million and more. The houses would be similar to what exists.

Nick Polta, engineer for the applicant, stated that the elevation for the “burned” house would not change at all; Lot 2 would have some fill, but would still be lower than the neighboring house; Lot 3 would be a walkout which would fit the existing contours; and Lot 4 is a flat lot that would not be changed much.

In response to Powers’ question, Cauley explained that staff did not feel that saving two trees would justify approving four substantial variances for a four-lot subdivision especially when the variances would not result in significant preservation of a natural resource. Staff looks at how a development would influence design and redevelopment of the area.

Chair Kirk noted that the city is trying to move away from creating lots behind lots. The neighborhood is primarily made up of cul-de-sacs. Powers agreed that there are a lot of cul-de-sacs.

Chair Kirk noted that changing a driveway that has been used as a private driveway for years is difficult. The difference in tree loss between a cul-de-sac and driveways alternative is almost negligible.

Powers appreciated the neighbors’ concerns. Calvert appreciated the community caring about trees and water quality.

O'Connell supports staff's recommendation.

O'Connell moved, second by Powers, to recommend that the city council adopt the attached resolution with modifications provided in the change memo dated December 15, 2016 which grants preliminary plat approval to Woodlands at Linner a four-lot subdivision with variances at 1555 Linner Road.

O'Connell, Odland, Powers, Calvert, and Kirk voted yes. Knight was absent. Motion carried.

C. Items concerning Crest Ridge Senior Living at 10955 Wayzata Boulevard.

Chair Kirk 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.

Matt Rauenhorst, Opus Development, 10350 Bren Road West, applicant, stated that Thomas did a great job providing background on the project. The proposal has been able to accommodate many of the comments received. He was available for questions. He is comfortable with staff's recommendations.

O'Connell asked when the proposal would be completed. Mr. Rauenhorst estimated the summer of 2018. A significant number of trees would be added to the site to provide screening. The neighbors are now comfortable with the proposal. Thomas noted that there were no neighbors in the audience and gave the applicant credit for meeting with neighbors and adding substantial screening to the proposal. The photometrics plan for the site indicates that the light reading at the property line would be zero footcandles.

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

Powers complemented the applicant for addressing the neighbors' concerns.

Odland moved, second by Calvert, to recommend that the city council adopt the following pertaining to 10955 Wayzata Boulevard:

- 1. A resolution amending the comprehensive guide plan designation from office to high-density residential.***

2. ***An ordinance repealing and replacing the existing Crest Ridge Corporate Center master development plan as it pertains to the subject property.***
3. ***A resolution approving final site and building plans for Crest Ridge Senior Living.***

O'Connell, Odland, Powers, Calvert, and Kirk voted yes. Knight was absent. Motion carried.

9. **Adjournment**

Odland moved, second by Calvert, to adjourn the meeting at 8:40 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary