

**Minnnetonka Planning Commission
Minutes**

August 24, 2017

1. Call to Order

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

2. Roll Call

Commissioners Calvert, Knight, O'Connell, Powers, Schack, Sewell, and Kirk were present.

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

3. Approval of Agenda

Knight moved, second by Powers, to approve the agenda as submitted with additional comments and a correction provided in the change memo dated August 24, 2017.

Calvert, Knight, O'Connell, Powers, Schack, Sewell, and Kirk voted yes. Motion carried.

4. Approval of Minutes: August 10, 2017

Knight moved, second by Powers, to approve the August 10, 2017 meeting minutes as submitted.

Calvert, Knight, O'Connell, Powers, Schack, Sewell, and Kirk voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of August 14, 2017:

- Adopted a resolution approving a conditional use permit for a restaurant with outdoor seating for the Ridgedale Corner Shoppes on Plymouth Road.

- Adopted a resolution approving a conditional use permit and final site and building plans for a storage building at Hopkins High School on Hillside Lane West.
- Adopted a resolution approving a conditional use permit for an accessory structure with an aggregate gross floor area of 1,455 square feet at 13330 North Street.
- Adopted a resolution approving preliminary and final plats with lot area and front yard setback variances and waiving the McMansion Policy for Grenier Road Addition at 5717 Eden Prairie Road.
- Introduced a comprehensive guide plan amendment, rezoning, subdivision, and site and building plan review for the Shady Oak Road redevelopment.

The third comprehensive guide plan steering committee meeting was held the previous night. A consultant provided an overview of the results of the housing market study. The next meeting will be September 13, 2017.

The next planning commission meeting will be September 7, 2017.

6. Report from Planning Commission Members

Schack attended the comprehensive guide plan steering committee meeting. She learned a great deal regarding Minnetonka's housing stock. Gordon stated that the report will be posted on the comprehensive guide plan page of the city's website when it is finalized. The draft is on the city's website for the comprehensive guide plan steering committee meeting of August 23, 2017.

Powers stated that he met with residents to discuss a project. The meeting went well.

7. Public Hearings: Consent Agenda

Item 7A, aggregate side yard and rear yard setback variances to construct a second story addition at 3715 Huntingdon Drive, was removed from the consent agenda for discussion and separate action.

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

- A. Side yard and aggregate side yard setback variances for the construction of an attached garage at 4714 Caribou Drive.**

Adopt the resolution approving a side yard and aggregate side yard setback variance for an attached garage at 4714 Caribou Drive.

B. Front yard setback variance for a second story addition onto the existing home at 4316 Camelot Drive.

Adopt the resolution approving the front yard setback variance for additions onto the home at 4316 Camelot Drive.

C. Conditional use permit for a microdistillery at 6020 Culligan Way.

Recommend that the city council adopt the resolution approving a conditional use permit for a microdistillery at 6020 Culligan Way.

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

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

8. Public Hearings

A. Aggregate side yard and rear yard setback variances to construct a second story addition at 3715 Huntingdon Drive.

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.

Robert Boyer, representing the applicant, explained that there would be no basement because of the wetland. All of the mechanical systems would be located between the garage and the house. The only logical place to create additional space is over the garage. The garage appears undersized compared to the mass of the house. The addition would improve the appearance of the residence considerably.

The public hearing was opened.

Nancy Sand, 3644 Shady Oak Road, stated that she was concerned that there would be windows on the side. There are woods on the side, but some of the

trees are dying. She requested that the applicant plant additional trees on the side adjacent to her lot to hide the addition.

No additional testimony was submitted and the hearing was closed.

Thomas stated that the city does not require screening between single-family residential properties. The requested variances are for an aggregate side yard setback and rear setback. The north side yard setback is 14.3 feet. The proposal would not extend the footprint of the residence.

Chair Kirk noted that the residence was built prior to the current setback requirements being adopted, so the site is nonconforming which is why it is required to obtain a setback variance.

Powers stated that the proposed addition would not create an adverse situation. It does not seem larger from the side view than the existing house. Requiring additional screening would not be warranted.

Chair Kirk agreed that the nexus would not be strong enough between the proposed variances and the north side setback to require additional trees.

Calvert moved, second by Sewall, to recommend that the city council adopt the resolution approving aggregate side yard and rear yard setback variances to construct a second story addition at 3715 Huntingdon Drive.

Calvert, Knight, O'Connell, Powers, Schack, Sewell, and Kirk voted yes. Motion carried.

B. Conditional use permit for a restaurant at 17420 Minnetonka Boulevard.

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.

Schack asked if the existing tenants expressed any concerns. Cauley answered in the negative.

The public hearing was opened.

Victoria Pervix, on behalf of Interstate Development, the applicant, stated that she has received very positive comments from the existing tenants. The framing shop would share restroom facilities with the applicant. The bread shop owners have been supportive. The applicant plans to implement the recommendations provided in the parking study report by installing signs and adding parking stalls in the rear.

No additional testimony was submitted and the hearing was closed.

O'Connell moved, second by Schack, to recommend that the city council adopt the resolution approving a conditional use permit for a restaurant at 17420 Minnetonka Boulevard.

Calvert, Knight, O'Connell, Powers, Schack, Sewell, and Kirk voted yes. Motion carried.

C. Items concerning 11806 Cedar Lake Road.

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.

Sewall asked if there would be access on Cedar Lake Road. Thomas explained that access would be on Meadow Lane. A condition of approval would require the existing driveway to be abandoned and turned into a floodplain.

O'Connell asked if this reconfiguration is the same as what was previously approved. Thomas stated that this proposal is slightly different. It accommodates new floodplain rules. The house size would be the same.

Jeff Martineau, of Coldwell Banker, applicant, stated that the proposal is a good outcome for the neighborhood. It is fairly positively supported by the neighbors in the area.

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

Chair Kirk thought the proposal would be an improvement to the area.

Calvert agreed. She was happy that the access would connect to Meadow Lane and the existing driveway used as a floodplain. The plan makes a lot of sense. It

would be incredibly private and buffered from neighbors. It is a tremendous project that would result in two lovely homes.

Schack agreed that access to Meadow Lane would be great. The property is so large that most people would not notice the difference.

Sewall thought that the proposal is a good idea.

Calvert moved, second by Sewall, to recommend that the city council adopt the following for the property at 11806 Cedar Lake Road:

1. ***A resolution approving floodplain alteration and conditional use permits.***
2. ***An ordinance removing areas from the floodplain overlay zoning district.***
3. ***A resolution approving the preliminary and final plats.***

Calvert, Knight, O'Connell, Schack, Sewell, and Kirk voted yes. Powers abstained. Motion carried.

The city council is tentatively scheduled to review this item at its meeting on September 1, 2017.

D. Items concerning Shady Oak Crossing at 4312 Shady Oak Road.

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

Gordon reported. He recommended that the planning commission hear the staff report, conduct a public hearing, discuss the proposal, and table the item to allow the applicant time to provide a revised site plan.

Gordon explained that the planning commission deals with land use issues. Its purview does not include financial aspects of projects. The EDAC and city council review and make decisions regarding financial aspects as well as affordable housing. Wischnack added that the EDAC and city council meetings are linked to the project's page at eminnetonka.com.

Powers noted that there is only one access to the property. He assumed the easement located on the back of the property prevents the building from being adjusted to the west. He asked if there are any similar sites in the city. Gordon noted that Zvago has one access drive from Stewart Lane. It serves both above

and underground parking. The Overlook on Minnetonka Boulevard has one access drive for the underground and surface parking.

Sewall asked if the trees that would be planted would be as large as they appear on the landscape plan. Gordon explained that the city's minimum standard is six feet in height for evergreen trees and two and a half inches in trunk diameter for deciduous trees. The developer has indicated that they would like to plant taller trees along Shady Oak Road.

Schack asked for the benefits of a PUD in this situation. Gordon stated that this site is located in a commercial corridor. An R-5 district is geared for suburban areas. The setbacks of an R-5 district would be larger and would not fit with a commercial corridor.

O'Connell asked what could be built with the current zoning. Gordon stated that the B-2 Commercial Zoning District would allow uses that would have more impact than the current proposal including a gas station, a use with a drive-through, and other high-traffic businesses with outdoor circulation and storage.

Chair Kirk confirmed with Gordon that the PUD would not include the residential parcel. The proposed project would provide water retention for future opportunities for the residential lot. The sanitary sewer easement and environmental conditions do not allow the pond to be located on the residential parcel.

Powers asked if the cost for cleanup of the site has been a deterrent for developers. Wischnack stated that a contaminated site makes redevelopment difficult. It is hard to estimate cleanup costs until digging has begun. The city has experience cleaning up contaminated sites.

Tim Whitten, of Whitten and Associates, applicant, stated that:

- It is a difficult site. Access is limited to Oak Drive Lane, there is a stormwater easement, and the grade is higher on the south end.
- The first design was a straight-lined building with two access points from Oak Drive Lane. Some of the neighbors were concerned with traffic and stacking. That building was 56 units and 3 stories. Some neighbors were concerned with the size of the building, so every effort has been made to reduce the mass of the building.
- In order to address the access points, the building has been pulled back to allow a drive to the structured parking. This also reduced the length of the building along Shady Oak Road.

- The current site plan dropped the height of the building on the ends and the corner. He pointed out the guest parking, structured parking, access, and common areas.
- The proposal would provide pedestrian connections for residents to access Shady Oak Road, Main Street, and transit.
- He reviewed the first sketch given to the city council. The concept is on the edge of urban with residential. It would fit like a library or school would fit into an existing neighborhood.
- He provided an illustration of how the building would look from Main Street. The mass of the building was considerably reduced. The all-flat roof received a positive response.
- He went over the landscape plan that includes a retaining wall and evergreen trees.
- The exterior would utilize brick and metal. It would be very attractive.
- He provided a variety of views of the building.
- The grades would be kept as close to the first level as possible.
- As much privacy would be created along the adjacent property as possible. There would be a strong focus of evergreen trees to soften the edge.
- He described the main entrance off of Oak Drive Lane and traffic pattern.
- He provided an aerial view of the area.
- He pointed out an area of trees that would remain.
- There would be 66 underground parking stalls. He pointed out the entrances and described the building's floor plans.
- He explained the grading plan and the addition of a fence.

Mike Waldo, of Ron Clark Construction and Design, stated that:

- Bike racks would be available on site and each resident would have storage above their vehicle in the garage. A couple extra indoor stalls would be used for bike storage based on the need.
- The northwest corner and another corner would have trees planted by spading to provide an instant impact.
- Trees would be planted along the adjacent single-family lot.
- There is a pipe that has prompted a revision.
- The site today has no cleaning of its runoff. The proposal would include the pond that would allow for treatment of water runoff prior to entering the wetland.

- The building would not be able to access Shady Oak Road even if it could be pushed back 40 feet. The county denied the request.
- He provided images of projects done in Savage and Prior Lake.
- He reviewed images of the units' floor plans, common spaces, playgrounds, and patio areas.
- He provided the affordable housing income limits.
- He was available for questions.

Knight asked if there would be windows on the third floor overlooking the flat roof. He questioned what would be seen from the third-floor windows. Mr. Waldo stated that the view would be of a dark or lite colored roof. There would be no mechanical equipment located on the roof.

Knight asked if a child could access the roof. Waldo said that there would be a four-inch lock on windows, so a window would not be able to be opened more than four inches. The front side above the second story would be designed to prevent anyone from getting on the roof.

Chair Kirk appreciated the view from Crawford Road. He asked if there would be tree loss on that side. Mr. Waldo said that one or two trees would be removed for the ponding area. The shape of the pond would limit the amount of tree loss. Gordon pointed out the trees that would be removed. Mr. Waldo described the landscaping for that area.

Chair Kirk asked what the practice would be to remove snow. Mr. Waldo stated that residents would be required to park in the indoor structure during plowing.

Powers asked for the size of the tot lots. Mr. Waldo estimated 2,000 to 3,000 square feet in size.

The public hearing was opened.

Betty Wentworth, 5516 Bimini Drive, stated that:

- She supports the project.
- It would provide a good transition to the area. She is not concerned with the traffic since there are 300 units where she lives and there are two ways to get in and out. Traffic is not a major issue.
- The proposal would be affordable housing, not low-income housing. She probably could not afford to live there.
- It seems like a good proposal.

- The developer has a proven track record.
- The proposal is the right thing to do. She tries to live by the golden rule. People who work full time should be able to have good housing. Children who have stable housing do better in school and life and parents have enough stress in their lives. She supports the looks of the project and supports the project from a moral stand point.

Ann Annestad, 4255 Oak Drive Lane, stated that she represents some neighbors. She stated that:

- She appreciated staff meeting with individuals and providing the packet of comments to commissioners.
- Residents in the area have always been open to “low profile,” like commercial redevelopment or low-density residential, redevelopment on the property. They have been consistently asking for a maximum of a one or two-story building that would blend in with the neighborhood character which is low density and light commercial throughout the Shady Oak corridor.
- The existing curb cut should remain.
- The scale of the building would be too massive.
- The traffic and access are big issues.
- The proposal would cause more cut-through traffic. It happens now.
- The traffic study was flawed because the north leg of Oak Drive Lane was not included.

Jeri Massengill, 4272 Oak Drive Lane, stated that:

- She handed staff a map. Sixteen of 21 Oak Drive Lane property owners contacted oppose the project.
- She provided petitions created over the last few months.
- She provided a written list of the “quality of life” issues.
- The current site plan has a lower elevation. Traffic is not visible and there is no light pollution. The existing commercial building creates very little noise. The proposal would be a big change.
- She did not agree that people would walk a half mile to a train station. The existing bus lines are limited in where they go and run infrequently. The proposal would not meet the needs of a population that would utilize affordable housing at this location.
- The sidewalks are poorly maintained and the area lacks sidewalks.
- She was glad that there would be bike racks.

- She was concerned with families living near the busy intersection.
- There are no adjacent green spaces or parks. Most of the children would cross Shady Oak Road to access parks and trails in Hopkins.
- She is not opposed to affordable housing.
- She would love to see the building pulled back from the road.
- Air pollution is created along traffic corridors. There would be windows 16 feet from the road.
- The location is unhealthy and unsafe due to its proximity to busy Shady Oak Road and the lack of green space for kids to play.
- She asked what is meant by “softening the edges.”
- She asked why the recommendation is to change the zoning from residential to a PUD.
- She asked what information is helpful to staff.
- She asked if the input from people who live closer to the site is weighted more than people who live further from the site.
- She asked at what point the redevelopment focused on high-density residential.
- She asked if the city has an affordable housing plan.

Andy Braun, 4408 Crawford Road, stated that:

- The land is owned by the city. The public should be asked how it should be used instead of developers.
- There is no mention of sustainability.
- There is no bus access to the site.
- He did not see a similar use in the immediate area, nearby, but not the immediate area.
- The proposal is not reasonable.
- The cons outweigh the pros.
- It does not fit in the context of the Shady Oak Road corridor.
- There would not be enough buffering.

Sarah Biese, 640 Oakridge Road, Hopkins, stated that:

- Affordable housing is an important need in the area.
- She is excited about the proposal.
- The area has access to the ICMA Food Shelf and Community Action Partnership of Suburban Hennepin County that would help and support people that would reside in the proposal. There are many faith-based communities in the area as well.
- The proposal is very much needed.

Elizabeth Miller, 4408 Crawford, stated that:

- She agreed with the comments regarding safety and the need for affordable housing in Minnetonka.
- The safest way for her to drive to work is through an alley and a parking lot. It is difficult to turn left on Shady Oak Road.
- There are no bike trails.
- When construction occurs on the interstates traffic increases on Shady Oak Road.
- She is tired of listening to the developer. She is not interested in high density. It would be unsafe.
- She thanked commissioners for their time.

Chris Aanestad, 4255 Oak Drive Lane, stated that:

- The parcel has 1.128 buildable acres which does not include the stormwater easement and wetland areas of the property.
- He calculated the site to be 43.7 units per acre. There are too many flaws in the proposal.

Steve Philbrook, 4222 Oak Drive Lane, stated that:

- The road is narrower than other residential roads. If vehicles are parked on both sides of the street, it is difficult to drive a vehicle through the parked vehicles.
- He is terrified when his son rides his bike. Safety is the big issue. The place is not safe for kids. The bus stop is at the intersection of Oak Drive Lane and James Road. There is no stop sign at the intersection. Vehicles travel fast on Shady Oak Road.

Henry Yoon, 4240 Oak Drive Lane, stated that:

- He just moved into the ideal neighborhood.
- Adding more people would increase traffic.
- He is not opposed to affordable housing, but the proposal would be detrimental to his neighborhood.

Abbey Holm, 4234 Oak Drive Lane, stated that:

- There would be no buffer or transition. The proposal would be high density located near single-family residences.

Andy Braun, 4408 Crawford Road, asked that the proposal be compared to the city's mission and goals.

Betty Wentworth, 5516 Bimini Drive, stated that:

- She asked if Oak Drive Lane could be "chopped off" so that the residents living in the proposal would travel a different direction to eliminate an increase in traffic on Oak Drive Lane.

Eric Johnson, 2 Shady Oak Road, Hopkins, stated that:

- He met with the developer. He was interested in talking. No deal has been offered to him.

No additional testimony was submitted and the hearing was continued until the next planning commission meeting.

Chair Kirk explained that review, discussion, and action for the item will be tabled until the September 7, 2017 planning commission meeting. The city council is tentatively scheduled to review the item at its meeting on September 25, 2017.

Wischnack explained the roles of staff and the planning commission. The city council will make the final decision.

Gordon answered some of the questions from the public hearing:

- He explained that "softening the edges" in the staff report refers to reducing the height of part of the building, increasing the setback from the sidewalk, and providing landscaping.
- Staff determined that R-5 zoning would not be the best fit for the site. A PUD would allow more flexibility with setbacks to accommodate the easement area and protection of the wetland.
- Staff appreciates comments specific to the project being proposed. Specific suggestions on ways to improve the proposal are helpful.
- The city has an affordable housing plan included in the Minnetonka Comprehensive Guide Plan. An excerpt from the affordable housing plan is included in the staff report. It identifies ways for the city to reach its affordable housing goals.

Wischnack added that the city participates in the Livable Communities Act which operates on a regional level. The SWLRT study identified housing gaps along the SWLRT line. The city adopted a resolution that requires developers when receiving assistance or asking for a land use change to make a portion of the proposal meet affordable housing standards. Many of the projects over the years have been required to have a percentage of its units meet affordable housing regulations.

Gordon stated that 68,626 square feet is 1.575 acres which is the size of the property including the stormwater easement and wetland areas.

Chair Kirk suggested that the community benefits of the proposal, in addition to affordable housing, be clearly outlined at the next meeting.

O'Connell asked for clarification on how commissioners should consider safety issues related to traffic, pedestrians, and bicyclists.

Calvert requested that the project's sustainability be elaborated on at the next meeting.

Schack asked if Shady Oak Road is a designated detour for state highways and, if it is, if that should be taken into consideration. She noted the legal issues associated with limiting locations for affordable housing. She asked if a city would be able to establish a regulation that would require a proposal to have an affordable housing component. Wischnack stated that the city council has adopted a resolution that requires affordable housing to be part of a project when conditions such as a change in zoning or an increase in density are included in the project.

Sewall moved, second by Calvert, to recommend that the planning commission table the item until the planning commission meeting on September 7, 2017 to allow the applicant time to provide a revised site plan.

Calvert, Knight, O'Connell, Powers, Schack, Sewell, and Kirk voted yes. Motion carried.

9. Adjournment

Calvert moved, second by Sewall, to adjourn the meeting at 9:32 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary