

**Unapproved
Minnetonka Planning Commission
Minutes**

November 30, 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, Planner Drew Ingvalson, Natural Resource Specialist Aaron Schwartz, and Officer Scott Marks.

3. Approval of Agenda

Schack moved, second by Calvert, to approve the agenda as submitted with additional comments provided in a change memo dated November 30, 2017.

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

4. Approval of Minutes: November 16, 2017

Schack moved, second by Calvert, to approve the November 16, 2017 meeting minutes as submitted.

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

5. Report from Staff

Gordon stated that there will be a comprehensive guide plan steering committee meeting on Monday, December 11, 2017, at 6 p.m.

6. Report from Planning Commission Members

Chair Kirk stated that Knight will complete six years of service on the planning commission next month and is eligible to serve another two-year term. He mistakenly stated at the last meeting that Knight would not be eligible to serve another term.

Schack noted that applications for commissions and committees are due tomorrow, December 1, 2017. She encouraged every resident to apply.

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Storage and building plan review with a setback variance for gymnasium, office, storage, and classroom additions at Clear Spring Elementary at 5701 County Road 101.

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.

Knight asked if the underground water storage container would be strictly for the new addition. Cauley answered that it would accommodate the new addition as well as some of the new sidewalk. The school district has several existing stormwater facilities that treat the existing impervious surface runoff.

Paul Bourgeois, director of finance and operations for Minnetonka Public Schools, applicant, stated that the gymnasium would benefit the physical education classes. It is the last piece needed to adequately handle the student enrollment physical education classes. It would also be used for band and choir concerts and plays. The classrooms would be 150 square feet each for small-group instruction. The classrooms would not increase the enrollment capacity of the building. The community could use the gymnasium for community volleyball and basketball.

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

In response to Calvert's question, Cauley explained that uses with a conditional use permit located in a residential zoning district have a more generous setback than a traditional residential house. The existing school currently has a nonconforming setback because it was constructed prior to the city's first zoning ordinance being adopted.

Calvert moved, second by Powers, to adopt the resolution approving final site and building plan review with a setback variance for gymnasium, classroom, office, and storage additions at Clear Spring Elementary School at 5701 County Road 101.

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

B. Preliminary and final plats of Williston Acres Third Addition, a two-lot subdivision at 14819 Margaret Place.

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.

Calvert visited the site and took pictures of the magnificent trees. Thomas identified which trees would be removed on the general grading plan.

Perry Ryan, of Lakewest Development, applicant, stated that he was available for questions. He stated that Thomas and Gordon have done a good job on the report. The proposal would be below the threshold required in regard to tree preservation.

Powers agreed with Calvert's request to save as many of the large oak trees as possible. Subdividing the lot into two lots would be appropriate.

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

Powers moved, second by O'Connell, to recommend that the city council adopt the resolution approving the preliminary and final plat of Williston Acres Third Addition, a two-lot subdivision at 14819 Margaret Place.

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

This item is tentatively scheduled to be reviewed by the city council on December 18, 2017.

C. Conditional use permit for a seven-to-twelve-resident, licensed-residential care facility at 5022 Baker Road.

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.

Fartun Ahmed, owner of Counter Point Recovery, applicant, stated that:

- She currently operates a 6-bed facility in Minnetonka on Moonlight Hill Road. She has purchased the proposed site and will be moving the 6-bed facility from Moonlight Hill Road to Baker Road. The proposal would allow the expansion of services from 6 beds to up to 12 beds.
- The facility is a Rule 31 facility licensed by the MN Department of Human Services (DHS). The Moonlight Hill Road facility began operation October 17, 2016.
- The facility serves adult males seeking recovery from substance abuse.
- In order to be a provider, there is a rigorous process that the facility must go through administered by Hennepin County and the State of Minnesota. Those approvals have been provided.
- There is a great need for the service because there is only one other facility in the State of Minnesota that provides this service for East African adult males.

John Geffen, attorney for Counter Point Recovery, CPR, stated that he works with a lot of licensed entities. He was previously an assistant attorney general for the State of Minnesota Department of Human Services. He explained that a correction order is the lowest form of citation and are very common. He pulled all 27 residential Rule 31 treatment centers in Hennepin County and all of them had been cited with a correction order or maltreatment investigation except for one which has not yet had a licensing inspection. The citation is a tool to make the facilities better. Hazeltine had 19 citations and a correction order when he checked ten days ago. The department of human services can suspend licenses, add conditions to licenses, and revoke licenses. That has never happened to CPR. The department of human services performs announced and unannounced inspections. The MN Department of Health, MN Healthcare Program, and LADC regulate recovery facilities. CPR does not admit violent offenders or sex offenders. All Rule 31 programs complete an assessment at intake to determine whether the client is safe. The facility would have video cameras, alarms for doors and windows, and supervision 24-hours a day. The individuals are not allowed outside or into the community without supervision. CPR meets the

standards for a conditional use permit. He requested that commissioners recommend that the city council approve the application.

Ms. Ahmed stated that CPR moved into the Moonlight Hill Road location in October of 2016. Many of the police calls occurred prior to the use occupying the site. She provided background on the events that led to police being called to the facility. She requested commissioners recommend that the application be approved by the city council.

Sewall thanked the applicant for hosting a neighborhood meeting. The applicant was not required to do that. He asked if residents would be allowed visitors. Ms. Ahmed explained that visitors do not come to the facility. Staff members take a client off site to meet with a visitor.

Sewall asked how many of the police calls happened prior to CPR moving into Moonlight Hill Road. Ms. Ahmen said that the calls from March and August were for the previous occupant.

In response to Powers' question, Ms. Ahmed stated that personnel would be on site to supervise patients at all times. CPR is planning to add video surveillance and an alarm system in response to a request from neighbors who attended the neighborhood meeting.

Mr. Geffen explained that the state requires a certain number of staff for each resident. The applicant would far exceed the state requirements by adding video surveillance and an alarm system.

Ms. Ahmed stated that the state requires one alcohol and drug counselor for every 16 clients. CPR has three counselors. CPR is not required to have physical activities for the clients, but all of the members would have memberships to the Williston Center and be required to attend. CPR is not required to transport clients to AA meetings, but clients would be transported to and be required to attend AA meetings. CPR does numerous things that exceed the requirements of DHS.

Calvert asked if the upper level would be used as an office. Ms. Ahmen answered affirmatively. The attic would act as an office space.

Calvert asked if the dirt driveway would be paved. Ms. Ahmen answered affirmatively. There would be room for four vehicles to be parked outside and there would be a garage to house a van used to transport residents.

Ingvalson reviewed the conditional use permit standards. If the general and specific conditional use permit standards have been met, then the city is legally obligated to approve the application.

Schack asked if there is a restriction on how many vehicles could be parked in her own, personal driveway. Ingvalson answered that four vehicles are allowed to be parked outside a residence on a routine basis. More vehicles are allowed on a sporadic basis.

Chair Kirk noted that he lives within a block of the proposed site.

The public hearing was opened.

Suzanne Glassman, 4838 Carleton Road, stated that:

- Residents are legally required to receive visitors on site. She was concerned that 4 parking spaces would not accommodate visitors for 12 residents.

Angela Hansen, 5207 Baker Road, stated that:

- She read from the staff report police calls listed for CPR located on Moonlight Hill Road.
- The use would violate the general standard requiring the use to not adversely impact the public health, safety, or welfare of the community. An expansion from 6 residents to 12 residents would make the problem worse. The site is located close to bus stops and within a 3-minute walk to a preschool.
- She empathized with the men trying to overcome chemical dependency, but the proposed scale of expansion would not be the right fit.
- CPR staff said that they are still in the learning process. She believes CPR staff have a positive intent, but are not in a position to expand without first stabilizing its current platform.
- She requested that the application be denied.

Brionna Bachman, 5134 Baker Road, stated that:

- One hundred and twelve signatures against and two in favor were collected.
- The site would not have the required square footage to accommodate 12 adults. There should be 300 square feet for each

adult. Her calculations show the site has 3,472 square feet which is 100 feet below the requirement.

- The north and south adjacent properties are open on a flat plane.
- Baker Road currently has bumper to bumper traffic heading north during evening rush hour.
- Neighbors of the current CPR site state that multiple vehicles park in the cul-de-sac on a regular basis on week days. The number of vehicles increases on weekends due to visitors. Excessive speed continued even after drivers were asked to slow down.
- On a meeting November 14, 2017, CPR staff said that visitation is allowed on Wednesdays and weekends and that residents would be driven to another location for visits.
- Education is required for families of residents. There would not be adequate parking space to accommodate all vehicles. Staff would be needed to drive residents to and from appointments.
- Visitations performed off site would allow patients to obtain drugs.
- The current CPR site received 14 citations during 1 inspection.
- The residents' personal property is not being documented properly.
- A third of the files for discharged clients do not include continuing care recommendations.
- There were no annual reviews or training records in personnel files.
- There are 6 facilities in Minnetonka providing identical services to CPR totaling a 41-person capacity. The CPR site made 19, 911 calls which equals 61 percent of 911 calls to these types of facilities in 2017.
- CPR staff need to figure things out before expanding.
- The residents are court ordered and put neighbors at risk.
- She requested that the application be denied.

Lenny Marshall, Elk River, stated that:

- He is in long-term recovery. He was given an opportunity 16 months ago to quit using drugs at a facility in Minnetonka. He was grateful today for the opportunity to change his life around. He is a single father of three kids. He is now a productive member of society. Lives do change with support. He has made a lot of good connections in Minnetonka.

Marcus Marshall, Blaine, stated that:

- His brother went through recovery. His brother is a good-hearted person.

- His neighborhood is made up of houses priced at \$800,000. There is no residential housing facility, but there is one house that receives visits from the police every other week because the resident has mental health issues. It happens everywhere.

Maurine Burke, 5014 Baker Road, stated that:

- She knows her neighbors very well. She hosts neighborhood night out and collected the most food for ICA Food Shelf.
- She opposed “transient housing.”

Melissa Wagner, 5101 Baker Road, stated that:

- The proposed site is not appropriate for a 12-person treatment facility.
- A Rule-31 facility is required to allow clients to be able to receive visitors.
- There is not enough bedroom space to be a supervised living facility for 12 residents. It only has room for 8 residents. The attic space is unable to be used as a bedroom. The residents must have 70-square-feet per person for a single-use bedroom and 60-square-feet per person for a multi-use bedroom. The main floor bedrooms could house 6 residents.
- The use is a valued need to address the chemical dependency problem in the community.

Charlie Greenman, 11421 Live Oak Drive, stated that:

- He lives two blocks from an adolescent treatment recovery program that houses 30 adolescents. The gift of being able to see adolescents who suffered from mental illness and chemical dependency begin to recover is one of the great gifts of being a resident in Minnetonka. It is important to have an environment like this. He has never felt threatened, frightened, or endangered. Minnetonka is a great community that can help others.

A man stated that:

- He has worked for Hennepin County for 20 years. He visits the facilities. CPR is similar to other facilities.
- One of his family members graduated from CPR. It is a fine facility.

- He support's staff's recommendation. The facility has enough rooms, employees, services, and parking.
- The application fills the requirements of the DHS.

Jay Hromatka, 5221 Minnetoga Terrace, stated that:

- The proposed site does not meet the general and specific requirements.
- Increasing the number of residents from 6 to 12 would double the amount of time police officers would spend on calls to the facility. There would be more of an impact to the safety of the neighborhood.
- The buffering is buckthorn and should be removed.
- The proposal should have a maximum of 6 residents.

Emily Gallagher, 5385 Baker Road, stated that:

- She believes in group homes and used to work at one.
- Of the 9 facilities in Minnetonka, 5 of them would be within 1.25 miles of the proposed site. She pointed out the location of a 12-person facility which is an apartment building in a commercial area.
- She did not think the proposed location would be the right one for a 12-person facility.

Mr. Mohamed, Brooklyn Park, stated that:

- He resided next to a recovery center and transitional housing. He never feared for the safety of his family.
- Hennepin County provided a letter supporting CounterPoint. It has been successful operating in Minnetonka with 6 residents. The state also supports the increase in capacity.
- It would be improper for the commission to extend the conditions of approval because of peoples' opinions. Staff has said that the requirements would be met.

Jeff Wehner, 5030 Baker Road, stated that:

- The public safety requirements have not been met. He talked to residents of Moonlight Hill Road who complained of excessive parking on weekends, vehicles racing up and down the street, and stated that CPR did not listen to neighbors' concerns.
- The facility should have no more than 8 residents.

- He questioned if the conditional use permit could be revoked.
- He requested the application be denied until everything would be settled.
- There would be no buffer from his line of site.

Kim Antone, Bloomington, stated that:

- She works with volunteers at Hazelden and other recovery treatment centers.
- The leading cause of death in the United States for persons 50 years of age and under is opioid use.
- There are treatment centers in neighborhoods. She encouraged people to step outside the fear. The stigma is killing the population right now. Substance abuse disorder is not a moral failure.
- She has volunteers willing to work with any treatment facility to provide buffering.

Peggy Kvam, 13012 Jane Lane, stated that:

- She lives within 400 feet of the site. The applicant lives in the neighborhood and is doing everything she can to go above and beyond the minimum requirements to ensure the neighbors' safety. She prefers working with the applicant. She is not afraid and believes that it would all work out.
- Her family has dealt with alcohol abuse and lives have been lost. She applauded the recovery center working to save lives.

Jim Swigart, 5211 Baker Road, spoke on behalf of several people. He stated that:

- These types of facilities are needed.
- The better solution is to have another 6-person facility. There would not be enough bedrooms for more than 6 residents.
- Twelve residents plus staff would equal 20 people there at a time.
- Neighbors of the current CPR site said that the site can get loud during smoke breaks.
- CPR has had a lot of citations for its size.
- There is a lack of due diligence shown by the application stating that there would be six bedrooms that was then reduced to five bedrooms.

- There is only 1 facility licensed for 12 residents in Minnetonka and it is located on Minnetonka Boulevard. It has 16,000 square feet. That is an appropriate size and location for up to 12 residents.
- Approving this application would set the bar very low to approve similar requests.
- He wants to problem solve and work together to help the people recovering.
- He requested that the application be denied so the conditions can be discussed and made part of the conditional use permit.

Two juniors from Hopkins High School stated that they are representing a club called Hopkins High School Responds. The club accepts every student regardless of gender, race, religion, or sexual orientation. The vision of the club is to make the school a more inclusive place. They support the facility because the people should not be ignored, are part of the community, and strive to be active members of society. The stereotypes around addiction need to be broken. Some of the concerns expressed are legitimate, but some of them are biased. The residents are not court ordered to be there. They come because they want to straighten out their lives. This would be a step toward changing the future for people seeking help.

Another Hopkins High School student stated that she has lived in Minnetonka and Hopkins her whole life. She is inspired by Fartun Ahmed who is doing such great things for the community. The proposal would help build a positive environment for others and address a nation-wide issue.

Patrice Wehner, 5030 Baker Road, stated that:

- The view from her window looks closer than the rendering. She can see into the proposed house and those in 5022 Baker Road can see into her house. She does not care about the race of the residents. The staff may get to know the neighbors, but the residents stay no longer than three months. Most of the residents may be fine, but there would be a couple "bad apples."
- Her teenage daughter came home at 2 p.m. one afternoon and found a woman leaving their house with their belongings. She was concerned with safety.
- The current facility has been operating less than a year and now the use is requesting to double its size. She would like alarms and video surveillance as a condition of approval.
- She understood the need for these types of facilities.
- The house would be too small for up to 12 people.

A female Hopkins resident stated that:

- There needs to be a healthy dialogue on the issue to address it head on. The facility is vital and needed by the community.
- Fartun Ahmed has worked hard to open a chemical dependency recovery facility in compliance with regulations.
- Chemical dependency is ignored and hushed up.
- There is diversity in the city. She is a healthcare professional. She named group homes operating in residential neighborhoods.
- She requested that the application be approved.

Ms. Bachman added that:

- Race is not an issue. Residential recovery facilities when run properly are aiding our communities and are necessary to address a pandemic, but they need to be done right. Requesting to increase the capacity from 6 residents to 7 to 12 residents when the operator of the facility is not aware that there have been 3 escapes from the facility indicates that there is a problem.
- When a facility is not run appropriately, it creates a serious threat to the community. She supports doing good and expanding, but in the right way after proving that 6 residents can be handled.

Ken Schendel, 5017 Baker Road, stated that:

- He was concerned with crime.
- The house and street are not large enough. The driveway would not hold four vehicles.

Rhama Abdi, Minneapolis, stated that:

- Facilities like the proposed one make it acceptable to seek help. Everyone needs help at some point.

Annika Wehner, 5030 Baker Road, stated that:

- She saw a burglar leaving her house when she arrived home one afternoon. She was concerned for the neighborhood's safety, but wants to break the stigma related to chemical dependency.
- People fear the unknown, but everyone should be accepted.

No additional testimony was submitted and the hearing was closed.

Chair Kirk thanked the speakers for providing comments and the audience for being cordial and hearing both sides.

Calvert went inside the house. She asked if the licensing authority would restrict the number of residents to the size of the house even if the conditional use permit would allow up to 12 residents. Ingvalson answered affirmatively. The state fire marshal and building official would also inspect the building to ensure that it meets state fire and building code requirements.

Schack looked up the square footage of the house on MLS which lists the building to have over 4,300 square feet.

Calvert asked if a slope is required to separate the site from surrounding properties. Ingvalson answered that landscape buffering is a condition of approval. Buffering could be done in a lot of different ways including vegetation, wetlands, distance, or a slope. A slope is not required.

Calvert asked if the 911 calls were made by staff or neighbors. Ingvalson explained that the city received 14 calls to the subject property, of which 2 were unfounded, and all of them were made by CPR management. Officer Marks added that there were no calls that originated from outside sources other than from within the facility itself or was started by an officer. Not all of the calls were necessarily 911 calls. In fact, there were two that were unfounded. A predatory offender had used the address, but never resided there. One call was started by dispatch the night of the information meeting in order to review prior calls.

Calvert confirmed with Officer Marks that when a resident exited the house, a staff person was on the phone with a dispatcher while following the resident outside.

Knight asked if Officer Marks considered the facility on Moonlight Hill Road a nuisance property. Officer Marks stated that from October 1, 2016 to November 28, 2017 between the Homeschool and Nexus facilities there were 136 calls for service. During the same time, Omegon had 101 calls for service; CPR on Moonlight Hill Road had 13 total calls; another facility had 8 calls; a similar facility had 2 calls for service; and another facility had 1 call for service. There are other group homes that have more calls than CPR.

Calvert asked if a resident living at the facility has committed a crime. Officer Marks researched the facility on Moonlight Hill Road and found that there was

one arrest on the site regarding a probation violation originated by a Hennepin County Probation Officer.

Knight asked if the city has a bedroom-size-per-resident requirement. Ingvalson answered in the negative. The city's standards dictates the square footage for the entire building. The county and state licensing agents have additional requirements.

Knight asked if the kitchen would meet the requirements. Wischnack explained that building officials and environmental health staff would review the building permit which would not be issued until the site would be in compliance with all regulations.

Chair Kirk stated that his issues have been addressed.

Ms. Ahmed explained that visitation is required. Visits can be done off site. Physicians, attorneys and probation officers can make appointments to have on-site appointments and a staff member can park in the three-car garage during that time. Family events would occur off site.

Schack lives close to a residential housing facility located on Minnetonka Boulevard. She encouraged the applicant to install fencing to provide a more attractive buffer than buck thorn. The ordinance mandates that conditional use permit requirements be met. She supports staff's recommendation.

Calvert concurred. Natural buffering is more attractive than a fence, but it would be hard to find natural buffering that would be large enough right away. The number of residents per size of the rooms is determined by other agencies. No one has been threatened by a person residing at the CPR facility on Moonlight Hill Road. Chemical dependency is a national pandemic impacting people in the community who need help. All of the conditional use permit standards would be met. She supports staff's recommendation.

Knight concurred. He supports staff's recommendation. It is a worthwhile endeavor. He rides his bike down the path twice a day, five times a day. There needs to be a buffer added to the south side whether that be a fence or trees. He was concerned with the interior space being large enough, but the state would make that determination.

Sewall stated that the proposal is for a worthwhile cause that is underserved. He did not support the proposal because it did not meet Section D of the general conditional use permit requirements.

Powers stated that the proposal would add value to Minnetonka. The site would be inadequate for 7 residents to 12 residents, would pose a safety problem, and would not have enough buffering.

O'Connell understands the importance of the service the proposal would provide. He was concerned with operational issues. He thinks the facility should stay at six residents.

Chair Kirk thought 6 residents would be similar to most residences. A whole different level of services would be needed to provide for 12 residents in regard to food service, garbage, care providers, and vehicle trips. He saw the need for the use and it is very important. He embraced the use moving into the site with a limit of 6 residents. He did not like the low ceiling, square footage of the building, parking situation, and lack of buffer.

Schack stated that the commission is charged with making a recommendation on a land use decision, not on the fitness of an applicant to run a particular facility. That is done by state licensing agencies. Providing land use reasons related to why a commissioner would vote against allowing up to 12 residents would be in the commission's purview, but judging an applicant is not.

Calvert agreed. She lives on Baker Road near the facility on Minnetonka Boulevard. She wants the proposed facility to succeed and be a good neighbor. The buffer could be strengthened, but the standard is not violated. She supports staff's recommendation.

Sewall moved, second by Powers, to recommend that the city council deny a conditional use permit for a 7-to-12-resident, licensed, residential-care facility at 5022 Baker Road due to operation issues creating off-site impact to neighbors, not enough buffering, and traffic and parking concerns.

O'Connell, Powers, Sewell, and Kirk voted yes. Calvert, Knight, and Schack voted no. Motion carried.

The city council is tentatively scheduled to review this item at its meeting of December 4, 2017.

9. Other Business

A. Concept plan for Ridgedale Executive Apartments, a 112-unit luxury apartment building, at 12501 Ridgedale Drive.

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

Gordon reported. He recommended that the planning commission provide comments and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Chair Kirk noted that he is the YMCA director of architectural services, but there is no conflict for him with the proposed application as a member of the planning commission.

Schack confirmed with Gordon that the density would equal 25 to 30 units per acre.

Richard Rotenberg, applicant, stated that he purchased the property in 1986. He built the office building at 12455 Ridgedale Drive. Red Stone Grill recently terminated its lease agreement. The site is fantastic. The proposed plan fits with the city's 2035 vision.

Charlie Carpenter, attorney for the applicant, stated that he has studied the city's vision statement for Ridgedale Village. The concept would fit pretty well. The property lies at the center of Ridgedale Drive. Given its prominent location and natural beauty, the proposal would create a center piece for the Ridgdale Center Village. There is a substantial demand not being met for up-scale rental housing. The largest demand is from empty nesters who want high-quality homes, freedom, and the amenities of a luxury apartment. Young professionals would also reside in the proposal. The proposal would serve as a catalyst for investment in the Ridgedale area. The project would include heated parking, electronic vehicle charging stations, wash bays, a private yoga studio, boardrooms equipped with communication technology, virtual golf, a putting green, and a concierge. The high quality of the project would set it apart. It would become an iconic presence.

Jesse Hamer, design architect for the applicant, stated that he was directed to create a luxury, elegant, and beautiful building. The proposal would have 111 units, 6 stories, and exterior made of natural stone.

Knight moved, second by Calvert, to extend the meeting until midnight.

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

Mr. Hamer stated that glass with glazing would be used to allow more light to come inside. Details at the base would include metal panels. The building was designed to be pushed up against Ridgedale Drive to make it part of the community, maximize the number of parking stalls between the buildings, and create as much distance between the neighbors on the south side as possible. The site is wooded which is a big amenity. There would be wood floors and marble countertops in the units. The proposal would be an asset to the neighborhood.

Dan Rhodes, applicant's landscape architect, addressed the concerns expressed at the neighborhood meeting. The building would be pushed close to Ridgedale Drive and away from neighbors on the south. The closest residence would be 130 feet from the nearest point of the building. The Ridgedale Library and YMCA are further south than the proposed building. The bluff between the site and adjacent south neighbors would provide effective screening. The applicant has agreed to work with neighbors to add more screening such as evergreens that would be more effective in the winter. There would be a path along the pond and a path that would tie in with the government center.

Mr. Rotenberg is looking forward to doing a great project. The Ridgedale area is the center and hub of the city. It belongs to the entire city of Minnetonka. It would be a great project for everyone and would be impressive when done.

Powers confirmed with Mr. Rotenberg that the existing building and proposed building would complement each other.

The public was invited to comment.

Kim Leventhal, 2030 Norway Pine Circle, asked if 4.3 acres encompasses the entire site. Gordon answered affirmatively. It includes the developed portion of the site and the portion that would be in a conservation easement.

Dr. Mark Stesin, 2000 Norway Pine Circle, stated that he spoke on behalf of the neighborhood. He did not believe that one would not be able to see a six-story building through the trees from his house. The path would cause people to walk through the residents' back yards. There is not enough room to tear down trees, put in a path, and install railings to prevent people from falling into the pond. Commissioners need to visit the site. He welcomed commissioners to his back yard. He was not opposed to building on the property, but six stories would be way out of proportion for the density and proximity to the neighborhood.

Gary Van Cleave, attorney on behalf of Mark and Heather Stesin at 2000 Norway Pine Circle, Felix and Donna Ricco at 2010 Norway Pine Circle, and Andy and Zhanna Schectman at 2074 Austrian Pine Circle stated that:

- The property owner has the right to develop the property, but the proposal is not the right size. There are inconsistencies between the proposal and the comprehensive guide plan and zoning ordinances. The building would exceed the allowed size and scale for the area. He disagreed that the proposal would fit within the context of the surrounding neighborhood.
- The PID I-494 district does not allow a mixed-use development.
- The height and mass would be grossly out of scale and character with the surrounding area.
- There would not be adequate buffering between different land uses.
- The proposal would increase traffic, noise, and light exposure. Balconies would face sideways toward the neighborhood.
- The zoning district limits FAR to .75. The proposed FAR is 1.06.
- The trail adjacent to the single-family residences would not provide adequate buffering, would cause tree removal, and result in bluff destabilization.
- The neighbors he represents strongly object to the proposed project. He urges commissioners and city councilmembers to direct the applicant to work with staff to develop a project consistent with policies and law and work with neighbors.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- The proposed path would be a park trail that would be paid for with park and trail improvement funds. It would be maintained by the park and trail budget. Adding a trail around the pond had never been mentioned before this proposal. The trail would be 10 feet from houses. The trail would be a loop that would go nowhere. The trail is not needed. The funds should be used for other parks and trails.

Zhanna Schectman, 2074 Austrian Pine, stated that:

- Her house was built four years ago. The back of the house is all windows. The second floor of her house would overlook the proposed building. Her fear is that people with binoculars would look in her windows. Her house would have no privacy if the

building would be six stories tall. The back of her house would be lit up all night long. She opposed the proposal.

Richard Campion, 12700 Sherwood Place, stated that:

- The easement travels to Woodbine.
- When the leaves are down, the Ridgedale Service Center is visible and residents are used to the view. When the leaves are on, none of the buildings are visible.
- He understood that the trail could connect to Plymouth Road and the sidewalk. He asked if that would be the grand plan. He questioned if another path is necessary.
- Two lanes of traffic are needed instead of making it look green and pretty. Adding hundreds of people around Ridgdale would cause a traffic problem. Cops could tell commissioners about traffic better than an engineer.
- Bike paths provide escape routes for burglars.
- He did not think the trail would be necessary.

Heather Stesin, 2000 Norway Pine Circle, stated that:

- The swing set in her back yard would be 25 feet from the path. She did not think it would be safe.
- Helicopters have looked for shoplifters in the woods before. The path would make it more convenient for criminals to leave a getaway car on her cul de sac.
- The building would be an albatross. The library is two stories and the Sheraton Hotel is three stories. The proposal would not fit in the neighborhood. She would be fine with a three-story building.

Felix Ricco, 2010 Norway Pines Circle, stated that he agrees with his neighbors' comments.

In response to Schack's question, Gordon explained that the trail would not travel south into the neighborhood. It would go around the pond.

Powers requested Dr. Stesin provide photos from his house of the view. Powers liked the idea of a luxury apartment building. There is a demand. The Ridgedale Center area would be the right place. He did not have enough visual evidence yet to determine if six floors would be appropriate.

Calvert agreed that there is a market for luxury, high-density residential housing. The Ridgedale area would be a likely spot for it. She asked what sustainable features would be utilized. A green roof might reduce the mass or industrial look of the building. She drove all of the streets south of the site. In her mind, a six-story building would be intrusive to the neighborhood. It would be an abrupt transition from high density to a single-family resident's back yard. It would be a valuable project. The proposal looks very attractive. The stone exterior would be beautiful. She was concerned with the mass being located so close to a residential area. It would have an urban feel and what people love about Minnetonka is the suburban feel, so she has conflicted feelings.

Schack understood that, generally, it has been agreed that the Ridgedale area is an area suitable for high density. The proposed mass seems large to be adjacent to single-family houses. She noted that a 10-story office building would not be any better. The need for high-density housing is great, but 6 stories at the proposed location does seem like a lot. She commended the inclusion of electric-vehicle plugins, but would look for more than that from a sustainability perspective.

Sewall felt that the land use would be appropriate. There is a compromise to be made. He saw dense housing orbiting Ridgedale and funneling people towards Ridgedale.

Powers asked if the proposal would move forward if the SWLRT would not be completed. Mr. Rotenberg answered in the affirmative. He noted that the illustrations were created using actual elevations and a survey. Trees that would be planted were included in the illustration. The white building is the building based on the survey. The light pole is 15-feet tall. The building would be visible in the winter without additional buffering, but not in the summer.

Knight thought that the angle would be so low that a six-story building would not look like a six-story building from the houses. The density would work. It does not look too big. View corridors are not property rights. He would like staff, the developer, and city councilmembers to add some clarity around the favored zoning districts.

Chair Kirk wondered about the FAR in regard to high-density housing. He would be comfortable not including the trail or creating two dead-end trails that would not encroach on the neighborhood. He saw the center of Ridgedale Center as a bullseye. He thought the mass would be too large. He preferred four stories.

Calvert agreed with Chair Kirk.

10. Adjournment

*Calvert moved, second by Schack, to adjourn the meeting at 12:03 p.m.
Motion carried unanimously.*

By: _____
Lois T. Mason
Planning Secretary