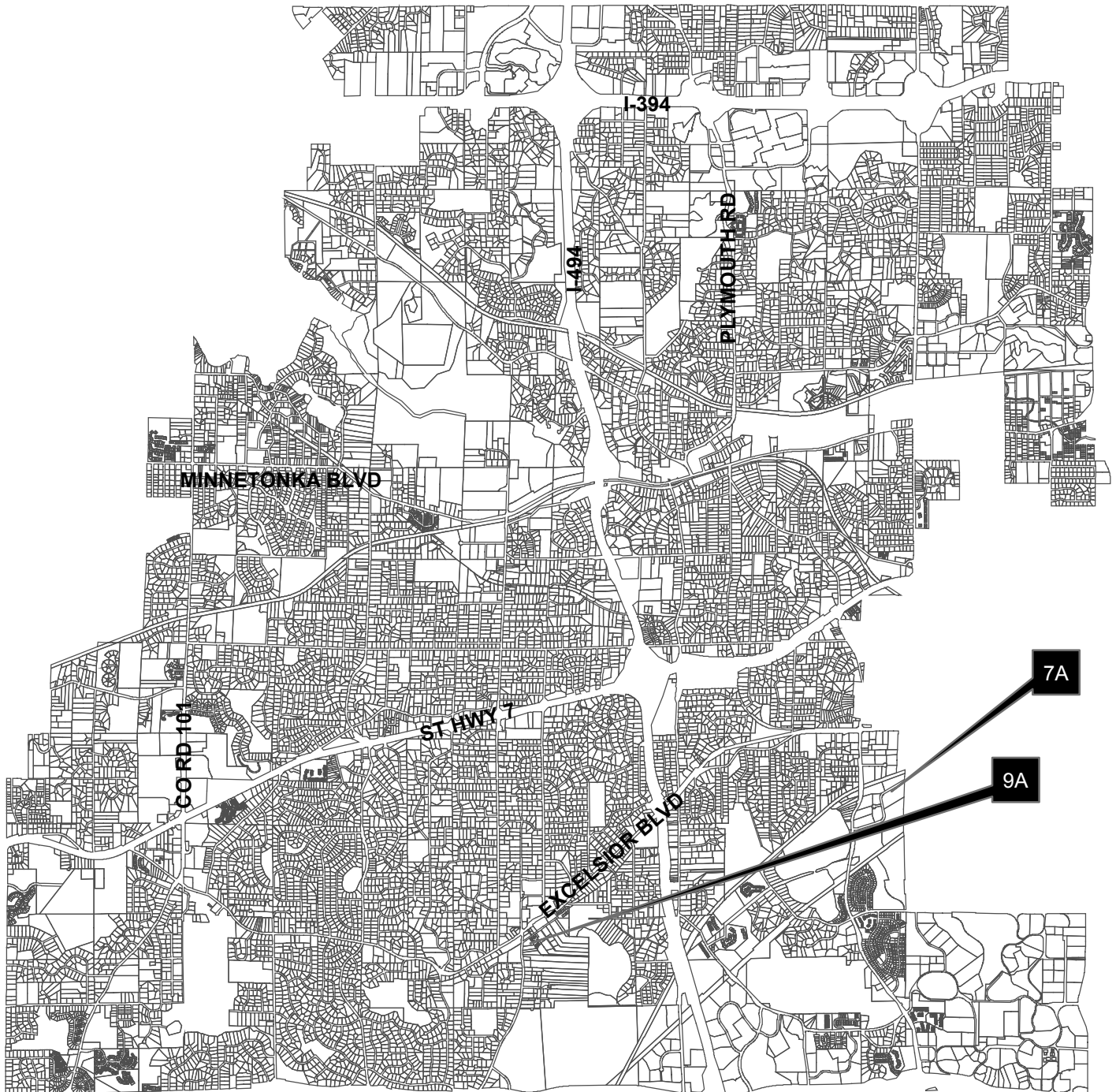




CITY OF
MINNETONKA

**CITY OF MINNETONKA
PLANNING COMMISSION
DECEMBER 14, 2017**

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Planning Commission Agenda

December 14, 2017—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: November 30, 2017

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

- A. Time extension for a parking lot setback variance from 20 feet to 5 feet at 11311 K-Tel Drive.

Recommendation: Approve the time extension (4 votes)

- Final Decision Subject to Appeal
- Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

No Items.

9. Other Business

- A. Concept plan review for The Villas of Glen Lake at 5517 and 5525 Eden Prairie Road.

Recommendation: Discussion only. No formal action required

- Recommendation to City Council (Tentative Date: January 8, 2018)
- Project Planner: Susan Thomas

10. Adjournment

Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.
2. Applications and items scheduled for the January 4, 2018 Planning Commission meeting:

Project Description: Morrie's Minnetonka is proposing three site changes to the property at 13700 Wayzata Boulevard: (1) relocation of an existing trash enclosure; (2) construction of a single-stall car wash in the vacated area of the trash enclosure; and (3) construction of new parking stalls on the east side of the existing parking lot. The changes require approval of: (1) a minor amendment to the existing master development plan; and (2) approval of final site and building plans with setback variances.

Project No.: 89005.17a

Ward/Council Member: 3—Brad Wiersum

Staff: Susan Thomas

Section: 03

WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.
2. Staff presents their report on the item.
3. The Commission will then ask City staff questions about the proposal.
4. The chairperson will then ask if the applicant wishes to comment.
5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.
6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.
7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.
8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.
9. The Commission will then discuss the proposal. No further public comments are allowed.
10. The Commission will then make its recommendation or decision.
11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.

**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 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.
- The rules for a 31 facility requires the 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 for 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 use 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 belong to 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 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.

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 there is a bedroom-size-per-resident requirement. Ingvalson answered in the negative. The requirement dictates the square footage for the entire building.

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 the Minnetonka Boulevard facility. She encouraged the applicant to install fencing to provide a more attractive buffer than buck thorn. The ordinance mandates that conditional use permit requirements and the application meets those requirements. 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 right away. The number of residents per size of the building 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 the 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 the 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 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 effective in the winter. There would be a path along the pond and 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 Ridgedale 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 that 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 use 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

Minnetonka Planning Commission Meeting

December 14, 2017

Agenda Item 7

Public Hearing: Consent Agenda

MINNETONKA PLANNING COMMISSION
December 14, 2017

Description	Time extension for a parking lot setback variance from 20 feet to 5 feet at 11311 K-Tel Drive
Recommendation	Approve a twelve-month time extension

Background

Metro Transit will need to acquire right-of-way throughout the Southwest Light Rail Transit (SWLRT) corridor to accommodate METRO Green Line Extension. The property at 11311 K-Tel Drive will be impacted by this acquisition. As currently planned, 47 feet of the eastern portion of the office/industrial property will be taken, resulting in removal of 65 parking spaces.

In June 2016, the planning commission considered and approved a parking setback variance from 20 feet to 5 feet for the subject property. The variance would allow for reconstruction of 15 of the 65 stalls lost to SWLRT. As is a condition the approval, the variance will expire on December 31, 2017, unless the planning commission approves a time extension.

Extension Request

On November 30, 2017, the city received a request to extend the variance approval to December 1, 2020.

Staff Analysis

In evaluating extension requests, the city has generally considered: (1) whether there have been changes to city code or policy that would affect the previous approvals; and (2) whether such extension would adversely affect the interests of neighboring property owners. Staff finds that a 12-month extension is reasonable as:

- There have been no changes to city code that would affect the previous approval; and,
- The 12-month extension would not adversely affect the interests of neighboring property owners.
- A 12-month extension is consistent with city practice.

Though staff acknowledges the complexity of the SWLRT situation, staff finds that a three-year extension to 2020 would be unreasonable as:

- Staff cannot guarantee that there will not be changes to the SWLRT project or city code that would affect the previous approval; and,

- The three-year future interests of neighboring property owners cannot be foreseen.
- A one-time, three-year extension would be well beyond extensions previously granted to other variance applicants.
- The property owner would not be precluded from submitting additional extension requests in the future.

Staff Recommendation

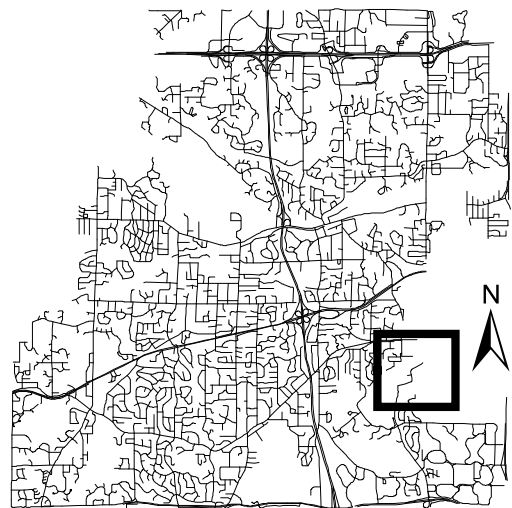
Approve a twelve-month time extension.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner



Location Map

Project: St. Paul Properties
 Applicant: Peter Beck
 Address: 11311 K-Tel Dr
 Project No. 16009.16a



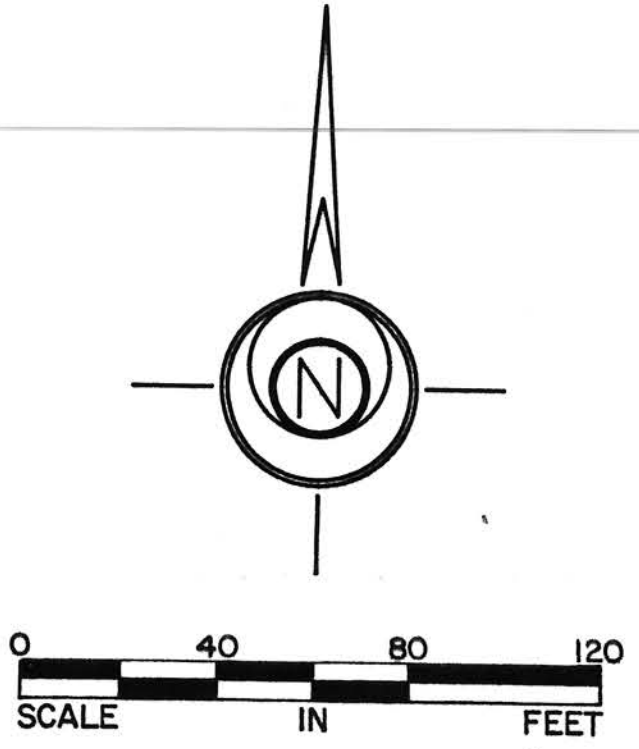
This map is for illustrative purposes only.

SURVEY FOR:

USAHOLD CORPORATION

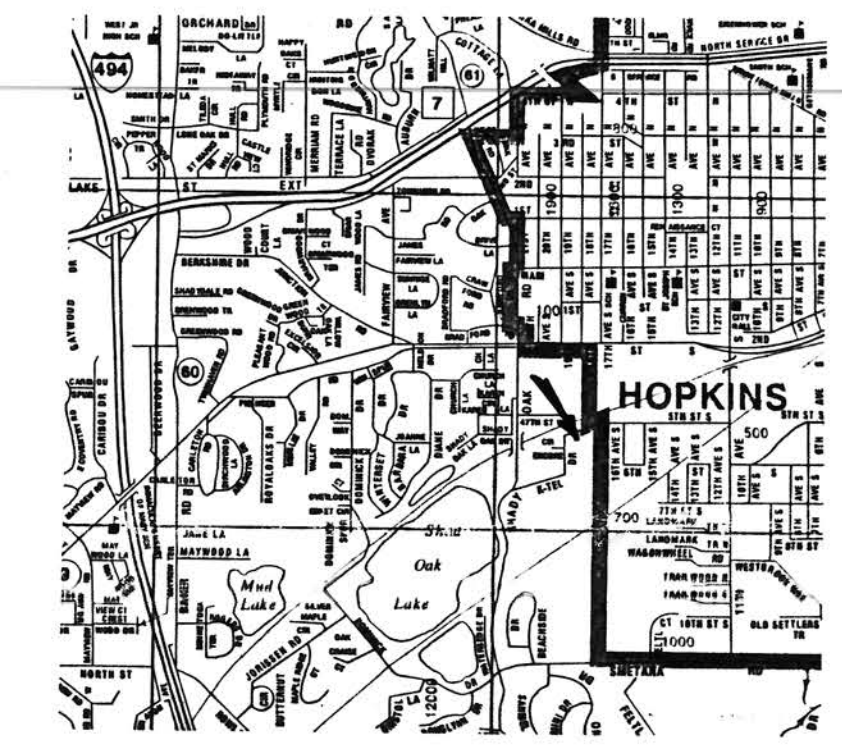
City of **minnetonka**
 1400 Minnetonka Boulevard Minnetonka, MN 55345 612-839-8200 Fax 612-839-8244

A. Subject Property 11311 K-Tel Drive Address
 B. Lot 2, Block 2, Napco Industrial Park Brief Legal
 C. Property Tax ID #
 Dave Tonnies, Schoell & Madson Inc.
 Name and address of Person Requesting Information
 Address
 City: State Zip Code
 () Fax No. () 1546-5065 Telephone
 1. Flood Insurance Rate Map (FIRM):
 Property appears to be in Zone(s) Yes
 Community Panel No. 270173-0002C Dated: 09-30-92
 2. Comments: Zone X is not a flood zone.



This information was researched by the undersigned, on request, as a public service. The undersigned certifies that the above information in paragraphs 1 and 2 is believed to be accurate based on or relating to the information supplied in paragraphs A, B and C, however, neither the undersigned nor the City assumes liability for errors and omissions. All information was obtained from public records which may be inspected during regular business hours.
 Signature Assistant City Engineer 10-03-96 Date

SCHOELL & MADSON, INC.
 ENGINEERS * SURVEYORS * PLANNERS
 SOIL TESTING * ENVIRONMENTAL SERVICES
 10580 WAYATA BOULEVARD
 MINNETONKA, MN 55305
 (612) 546-7601 FAX (612) 546-9065



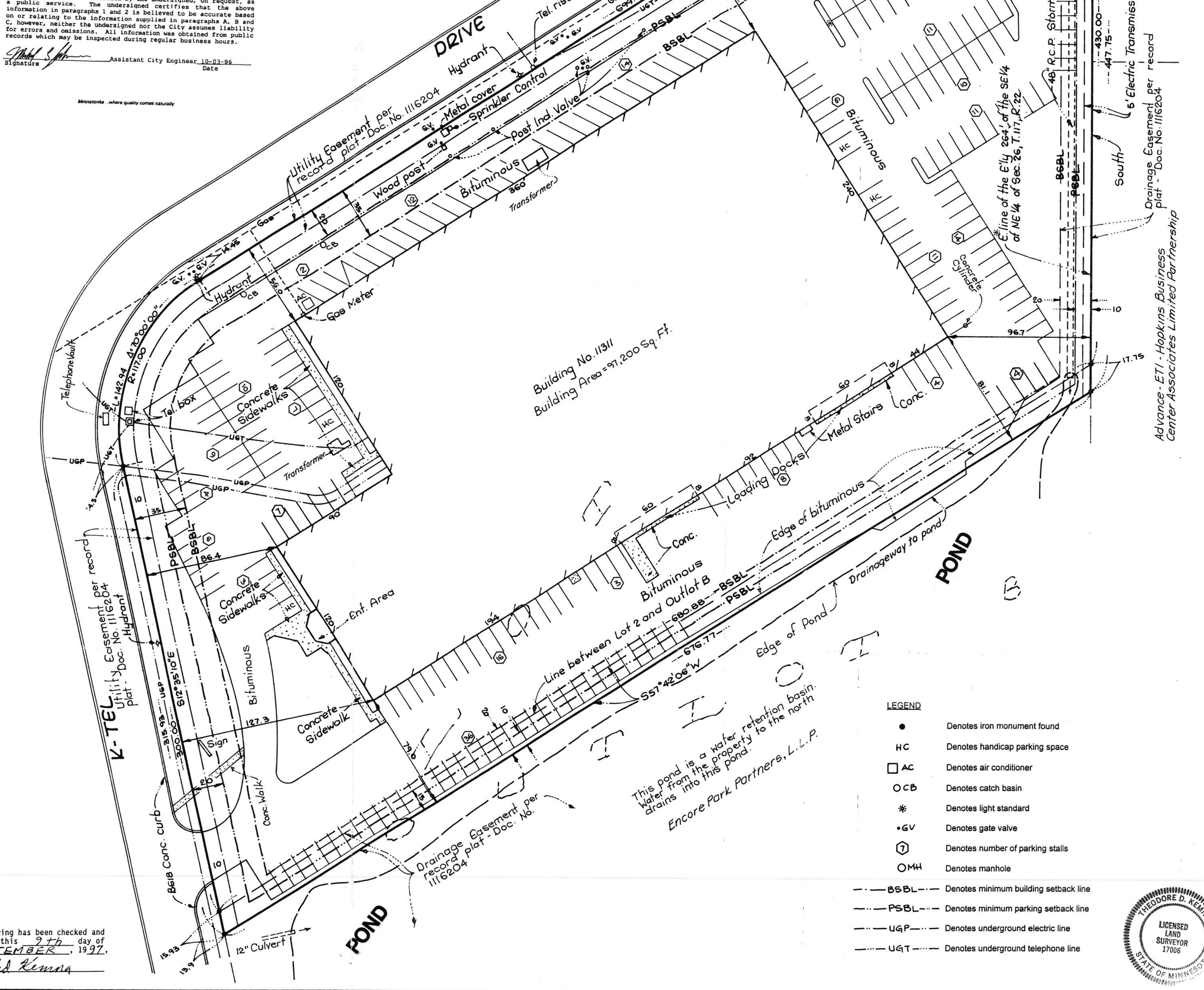
VICINITY MAP

DESCRIPTION

Lot 2, Block 2:
 That part of Outlot B, lying Northwesterly of a line 15.00 feet Southeasterly of, measured at a right angle to and parallel with the Southeasterly line of Lot 2, Block 2, all in Napco Industrial Park, according to the recorded plat thereof on file or of record in the office of the Registrar of Titles in and for Hennepin County, Minnesota.

GENERAL NOTES

- Orientation of the bearing system used for this survey is based on the east line of Lot 2, Block 2, NAPCO INDUSTRIAL PARK, which is assumed to have a bearing of South.
- Land area: 272,993 square feet (6.267 acres).
 Area of bituminous pavement: 125,190 square feet
 Building area: 97,200 square feet
- Underground utility lines are shown in an approximate way only, according to information provided by the service provider, and verified where possible.
- The plat of NAPCO INDUSTRIAL PARK was recorded as document numbers 4098357 and 1116204.
- All of that part of Outlot B, NAPCO INDUSTRIAL PARK, within the boundaries of the subject property is drainage and utility easement, as shown on the record plat.
- Information about minimum building and parking setbacks was provided by the City of Minnetonka, Minnesota.
- This site is located in the City of Minnetonka, Hennepin County, Minnesota.
- This site, as described, was a division and combination of land approved by the City of Minnetonka, Minnesota.
- Revised September 19, 1997 to show legend, revise parking space count and misc. notes.



LEGEND

- Denotes iron monument found
- HC Denotes handicap parking space
- AC Denotes air conditioner
- CB Denotes catch basin
- * Denotes light standard
- GV Denotes gate valve
- ⊙ Denotes number of parking stalls
- MH Denotes manhole
- BSBL --- Denotes minimum building setback line
- PSBL --- Denotes minimum parking setback line
- UGP --- Denotes underground electric line
- UGT --- Denotes underground telephone line

I hereby certify to USAHOLD Corporation, an Ontario corporation, Metro International Property Fund I Limited Partnership, an Ontario limited partnership, Metro International Property Fund I Limited Partnership, a Minnesota limited partnership, St. Paul Properties, Inc., a Delaware corporation, Principal Mutual Life Insurance Company and its successors and/or assigns, First American Title Insurance Company, that this is a survey of the property described hereon (11311 K-Tel Drive) and shows the location of the buildings and improvements situated on such land and all easements, rights-of-way, setback lines, and similar restrictions of record which are listed in Schedule B of the title insurance commitment issued by First American title Insurance Company (File No. 59-2804C), dated effective July 17, 1997. The buildings and improvements do not overhang or encroach upon any easements or rights-of-way of others, except as shown, and there are no encroachments either way across the property lines, except as shown. The property surveyed contains 6.267 acres, 4 handicap and 274 regular parking spaces, and, according to information provided by the City of Minnetonka, Minnesota, is located in Flood Zone X, according to Flood Insurance Rate Map Community Panel No. 270173-0002C, dated 9-30-92.

I hereby certify that this Survey was prepared by Theodore D. Kemna, a Land Surveyor licensed under the Laws of the State of Minnesota and was made (i) in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and ACSM in 1992, and includes items 1, 2, 3, 4, 6, 7(a), 7(b)(1), 8, 9, 10 and 11 (including underground utilities), and (ii) pursuant to the Accuracy Standards (as adopted by ALTA and ACSM and in effect on the date of this certification) of an Urban Survey.

Date: July 30, 1997
 Theodore D. Kemna
 Theodore D. Kemna, Land Surveyor
 Minnesota License No. 17006



This drawing has been checked and reviewed this 9th day of SEPTEMBER, 1997, by Ted Kemna

PRESUMED TAKING

RIGHT OF WAY PARCEL LAYOUT



C.S. 2700 (SWR)

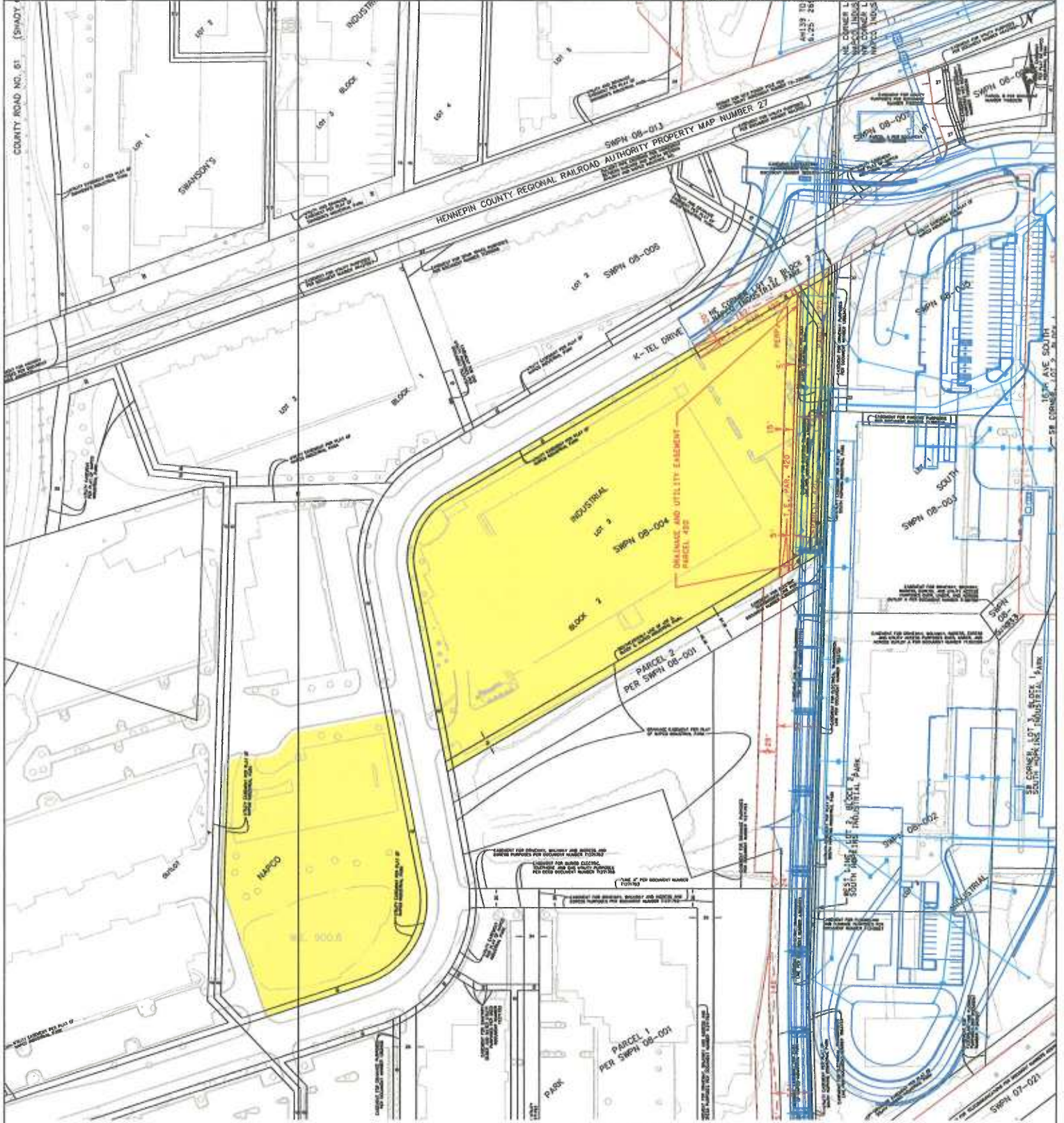
S.P. 9909-01

COUNTY Hennepin

PARCEL NO. 420

OWNER St. Paul Properties, Inc.

Scale 1" = 200ft.



Layout sketch by AAH

Date 02/25/2016

Parcel No. 420

St. Paul Properties

11311 K-Tel Drive

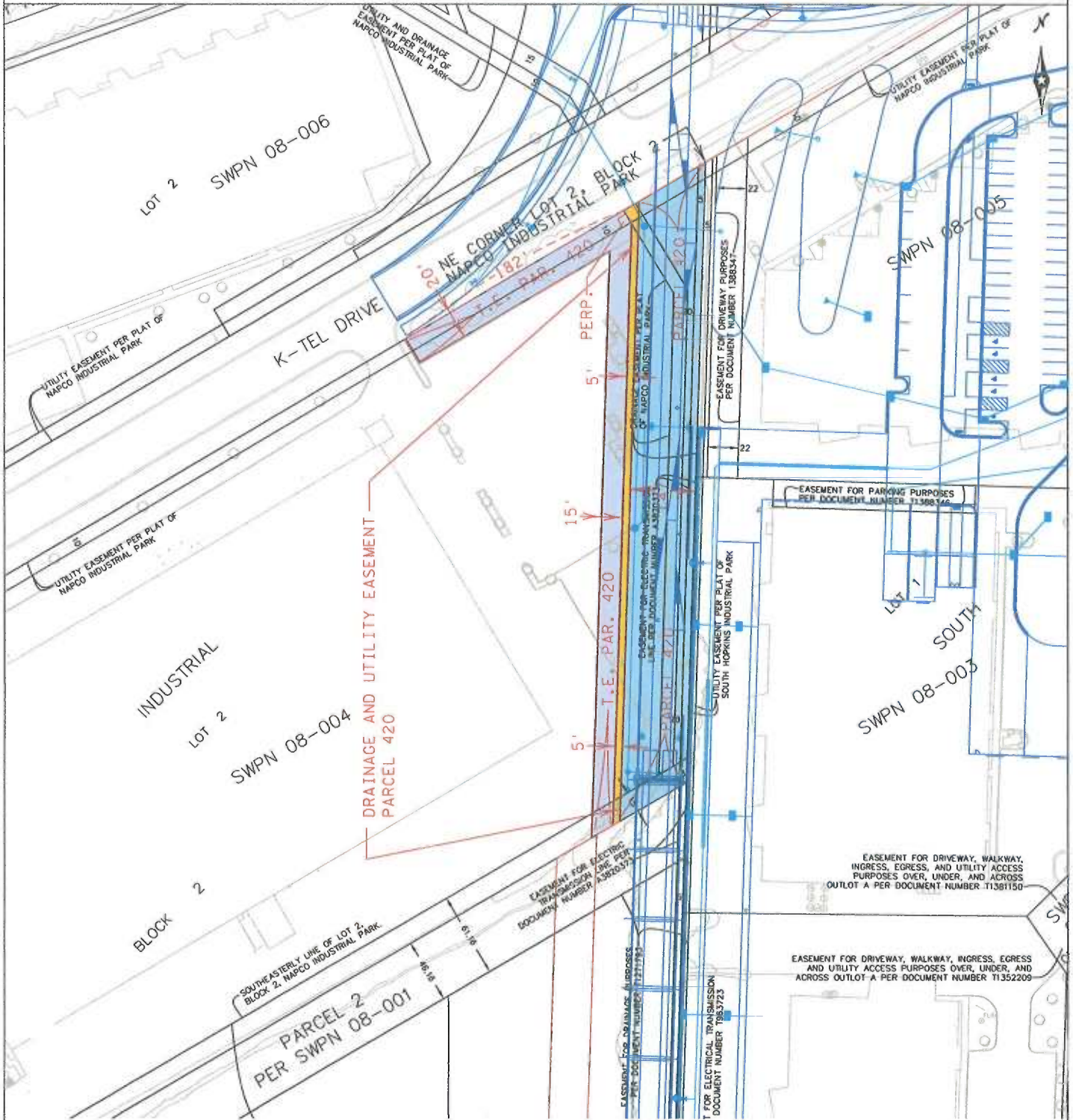
16009.16a

PRESUMED TAKING

RIGHT OF WAY PARCEL LAYOUT



C.S. 2700 (SWR) COUNTY Hennepin PARCEL NO. 420
S.P. 9909-01 OWNER St. Paul Properties, Inc. Scale 1" = 100ft.



Layout sketch by AAH Date 02/25/2016 Parcel No. 420

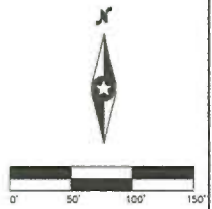
PRESUMED TAKING

©2014 Westwood Professional Services, Inc.



Call 48 Hours before digging:
811 or call811.com
 Common Ground Alliance

SITE DATA	
NEW ROW AREA TAKING:	47' WIDE (2,023 SF)
NEW PERMANENT D&U BASEMENT TAKING:	5' WIDE (2,256 SF)
NEW TEMP. CONSTRUCTION BASEMENT:	15' & 20' WIDE (9,863 SF)



5614-SWLRT Impact Plan 16-03-04.dwg
 Date: 03.04.2016 Sheet: 01 of 01

Westwood

Phone (612) 274-1150 2588 Arrogan Drive
 Fax (612) 274-1152 Eden Prairie, MN 55346
 Tollfree (800) 274-1150 westwood.com
 Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.

Type name here
 Date License No.

Services

Designed:
 Checked:
 Drawn:
 Board Drawing Number:

Prepared for:

Beck Law Office
 2600 US Bancorp Center, 800 Nicollet Mall
 Minneapolis, Minnesota 55402

11311 K-Tel Drive

Minneapolis, Minnesota

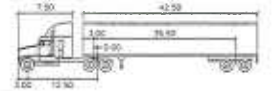
**SWLRT
 Impact
 Plan**

PARKING LAYOUT WITH 5-FT SETBACK

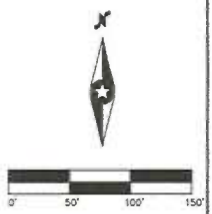
©2014 Westwood Professional Services, Inc.



Call 48 hours before digging:
811 or call811.com
 Common Ground Alliance



WB-50	feet	Lead to Lock Time	seconds
Tractor Width	8.00	Steering Angle	17.7
Tractor Wheel	8.50	Approaching Angle	70.0
Tractor Track	8.00		
Tractor Tread	8.50		



5614-Concept 3-5 foot 100.dwg
 Date: 12.18.2015 Sheet: 01 of 01

Westwood
 Phone: (612) 914-6152 Fax: (612) 914-6273
 7800 Argonne Drive, Eden Prairie, MN 55344
 www.westwoodps.com

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed PROFESSIONAL ENGINEER under the laws of the state of MINNESOTA.

Date: _____ License No. _____

Drawn by: _____
 Checked by: _____
 Design by: _____
 Project No. _____

Prepared for: _____

Beck Law Office
 2600 US Bancorp Center, 800 Nicollet Mall
 Minneapolis, Minnesota 55402

11311 K-Tel Drive
 Minneapolis, Minnesota

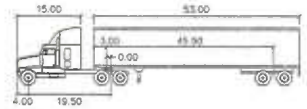
Post SWLRT Construction Layout
 Plan- 5' Parking Setback

PARKING LAYOUT 20-FT SETBACK

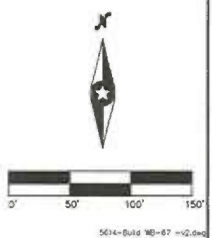
©2014 Westwood Professional Services, Inc.



Call 48 Hours before digging:
811 or call811.com
 Common Ground Alliance



WB-67		feet	
Tractor Width	: 8.00	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 28.4
Tractor Track	: 8.00	Articulating Angle	: 75.0
Trailer Track	: 8.50		



Westwood
 Phone: (612) 834-1550 3549 Algonquin Drive
 Fax: (612) 834-5225 6506 Phelan, MN 55124
 Toll Free: (800) 614-1550 westwoodps.com
 Westwood Professional Services, Inc.

I hereby certify that this plan was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer (PE) under the laws of the State of Minnesota.
 Type name here
 Date: _____ License No. _____

Revised: _____

Designed: _____
 Checked: _____
 Drawn: _____
 Detail Drawing: _____

Prepared by:

Beck Law Office
 2600 US Bancorp Center, 800 Nicollet Mall
 Minneapolis, Minnesota 55402

11311 K-Tel Drive
 Minnesota, Minnesota

Date: 11.04.2015 Sheet: CP

Post Conditions
 WB-67 Truck
 Route Plan

Planning Commission Resolution No. 2016-08

Resolution approving a parking lot setback variance from 20 feet to 5 feet at 11311 K-Tel Drive

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 The subject property is located at 11311 K-Tel Drive. It is legally described as:

Lot 2, Block 2; That part of Outlot B, lying Northwesterly of a line 15.00 feet Southeasterly of, measured at a right angle to and parallel with the Southeasterly line of Lot 2, Block 2, all in Napco Industrial Park, according to the recorded plat thereof on file or of record in the office of the Registrar of Title in and for Hennepin County, Minnesota

1.02 To accommodate construction of the Southwest Light Rail Transit line, 47 feet of the eastern portion of this office/industrial property will be taken for transit right-of-way purposes, resulting in removal of 65 parking spaces.

1.03 By City Code §300.28 Subd.12(b)(4)(b), parking must be set back a minimum of 20 feet from public right-of-way. Following the taking, parking could not be added to the site meeting this setback requirement.

1.04 The property owner, St. Paul Fire and Marine Insurance Company, is requesting a setback variance from 20 feet to 5 feet. Such setback would allow for reconstruction of 15 of the lost 65 parking stalls.

1.05 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

2.01 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony

with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:** The intent of the parking setback from right-of-way requirement is to ensure appropriate distances between parked vehicles and the traveled portion of right-of-way, so as to promote and maintain safety. As the light rail transit corridor would be a controlled right-of-way serving only light rail cars and those at measured intervals, the proposed 5-foot setback would meet this intent.
2. **CONSISTENT WITH COMPREHENSIVE PLAN:** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive plan provide for allowing flexibility in the application of development controls to encourage public facilities and benefits. The proposed setback variance is consistent with this principal. Though a reduction in a development control, the variance would allow both an existing property owner and future public transportation system to be accommodated.
3. **PRACTICAL DIFFICULTIES:** There are practical difficulties in complying with the ordinance:
 - a) **REASONABLENESS and UNIQUE CIRCUMSTANCES:** The subject property currently meets minimum parking requirements on-site. The right-of-way taking will result in a noticeable reduction in parking; after the taking, parking requirements can only be met through the use of off-site parking. The requested setback variance would allow the property owner to recover 15 parking spaces. This is a reasonable request based on a unique situation not common to all industrial properties in the community.

- b) CHARACTER OF LOCALITY: The reduced setback would be adjacent to the Southwest Light Rail Transit line itself and opposite from the proposed light rail operation and maintenance facility. Though construction of the light rail line will alter the surrounding area, the requested setback variance itself would not negatively impact surrounding land uses or neighborhood character.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

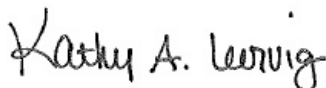
1. This variance is effective only upon the legal taking of 47 to 50 feet of right-of-way for construction of the Southwest Light Rail Transit line.
2. Prior to construction of the parking lot, a final landscape and tree mitigation plan must be submitted for staff review and approval.
3. This variance will expire on December 31, 2017, unless the planning commission has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 16, 2016.



Brian Kirk, Chairperson

Attest:



Kathy Leervig, Deputy City Clerk

Action on this resolution:

Motion for adoption: Odland

Seconded by: Powers

Voted in favor of: Knight, O'Connell, Odland, Powers, Calvert, Hanson, Kirk

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on June 16, 2016.

Kathy Leervig, Deputy City Clerk

Minnetonka Planning Commission Meeting

December 14, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda

(No Items)

Minnetonka Planning Commission Meeting

December 14, 2017

Agenda Item 9

Other Business

MINNETONKA PLANNING COMMISSION
December 14, 2017

Brief Description	Concept plan review for The Villas of Glen Lake at 5517 and 5525 Eden Prairie Road.
Action Requested	Discuss concept plan with the applicant. No formal action required.

Background

Quest Development, Inc. has submitted a concept plan for redevelopment of the two, single-family residential properties at 5517 and 5525 Eden Prairie Road. The combined site is roughly 1.5-acres in size and is currently zoned and guided low-density residential.

The concept plan contemplates development of five villa homes, sometimes referred to as detached townhomes. At 3.3 units per acre, the concept development would be defined as low-density.

Key Issues

City staff has identified the following considerations for any development of the subject properties:

- **Site Access:** Hennepin County has jurisdictional control of access to Eden Prairie Road. Both county and city engineers would need to evaluate the access location suggested by a formal development application. The city would further need to evaluate the type of access – public or private.
- **Site Impact:** Utility access, tree preservation, grading and drainage must be evaluated. A portion of the combined site would be regulated by the city's steep slope ordinance. As part of a formal application, staff would conduct a thorough site impact analysis.

Review Process

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** The developer will hold a neighborhood meeting on December 12, 2017. Staff will report on that meeting during the planning commission's concept plan review.
- **Planning Commission Concept Plan Review.** The planning commission concept plan review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning

commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

- **City Council Concept Plan Review.** The city council concept plan review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission concept plan review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

Staff Recommendation

Staff recommends the planning commission provide comment 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.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner

ADDITIONAL INFORMATION

Next Steps

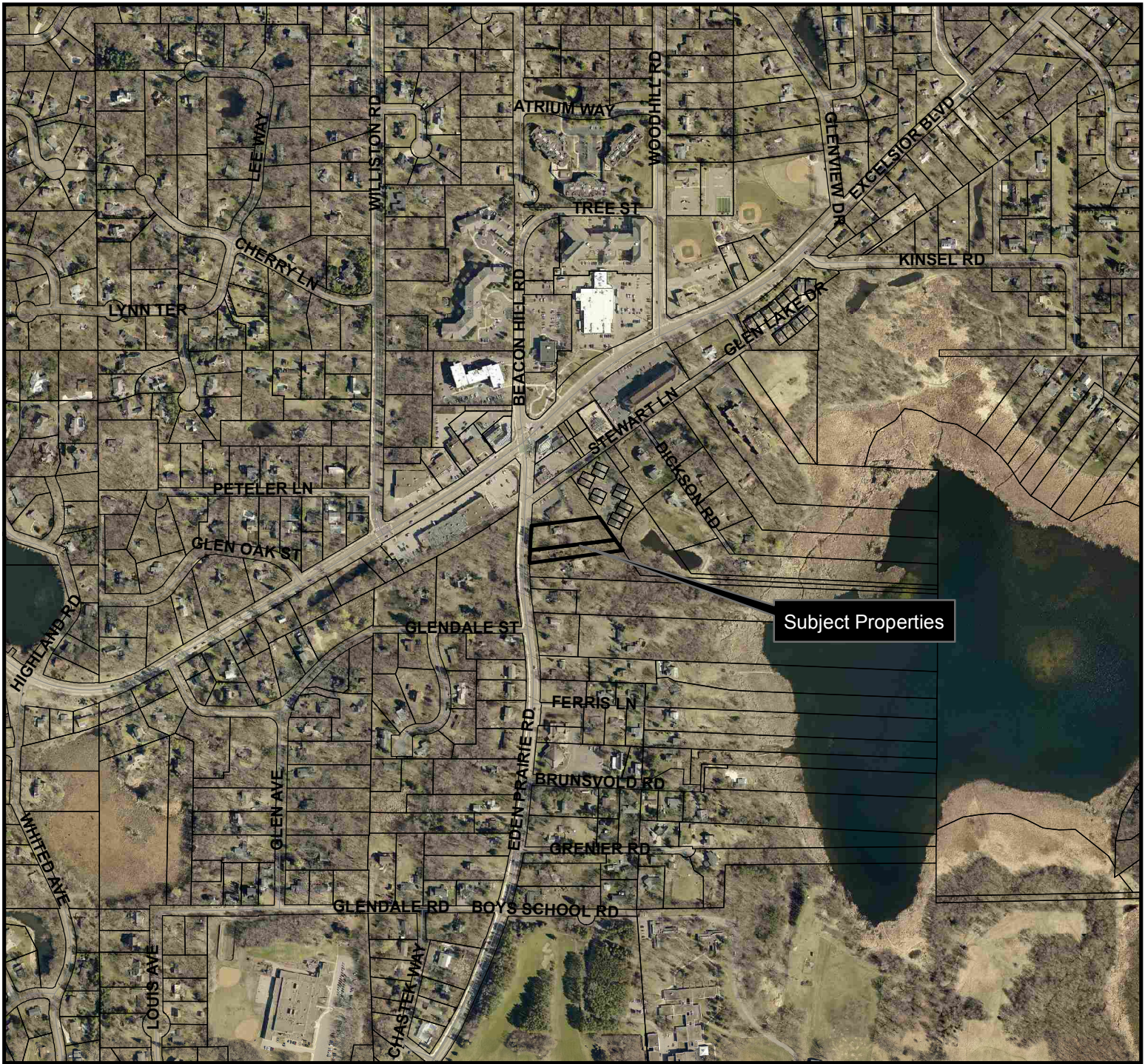
- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.
- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting would be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.
- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial concept plan review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.
- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.
- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.
- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.
- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns

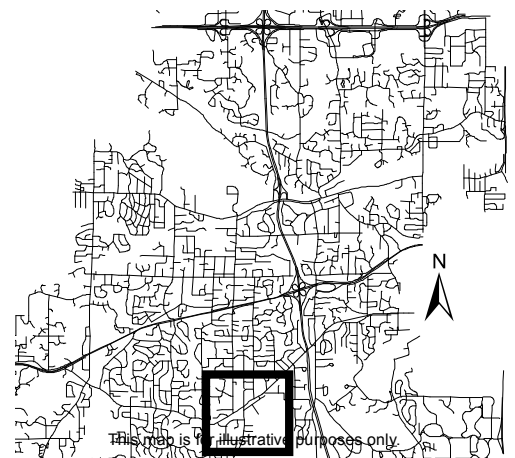
prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.
- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.



Location Map

Project: The Villas of Glen Lake
 Applicant: Quest Development, Inc
 Address: 5517 & 5525 Eden Prairie Rd

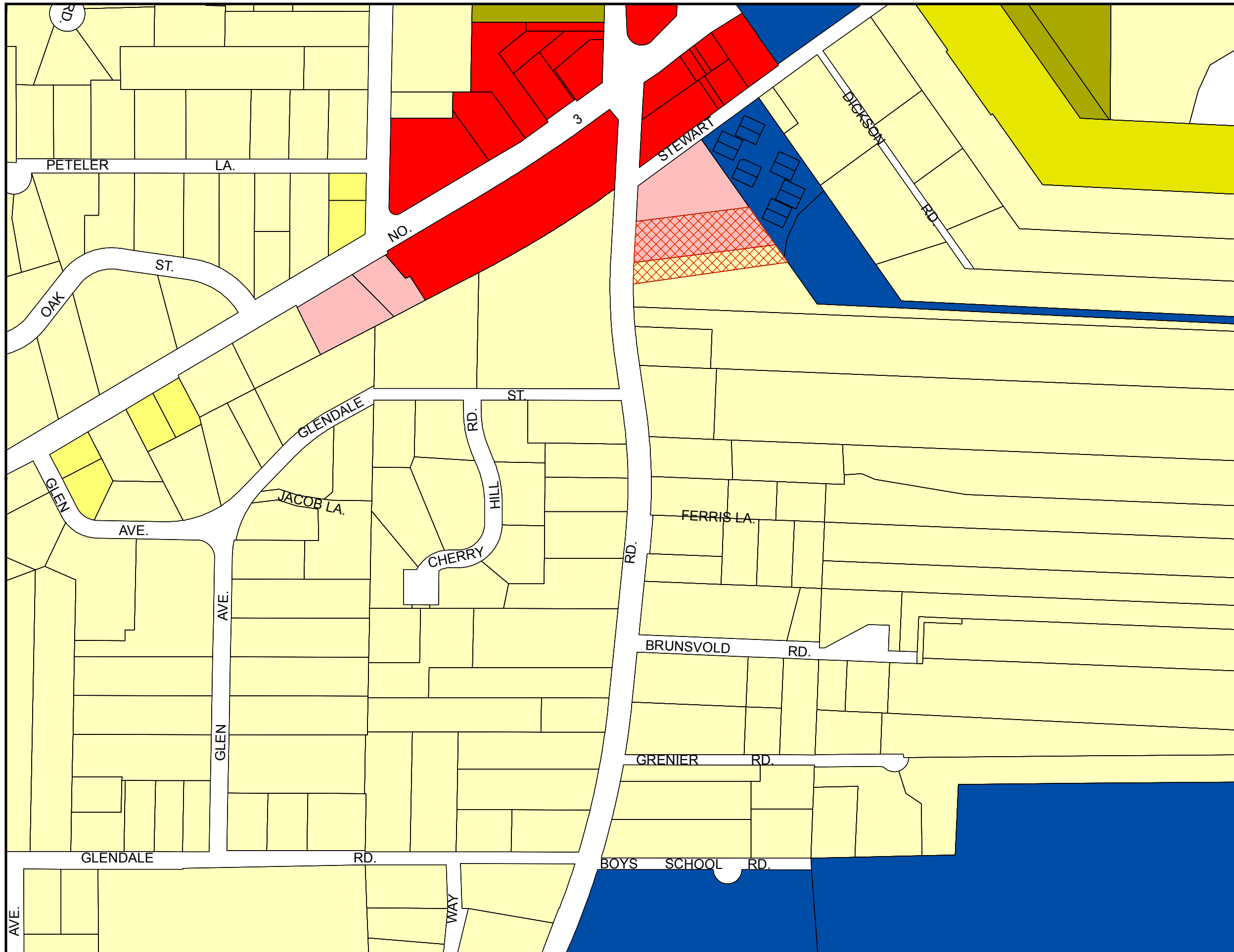




QUEST
DEVELOPMENT
VILLA LAYOUT

MINNETONKA, MN





Legend

----- City Boundary

□ Parcels

Zoning

ZONING

□ B-1

■ B-2

■ B-3

■ I-1

■ PID

■ PURD

■ PUD

□ R-1

□ R-1 PURD

□ R-2

□ R-2 PURD

■ R-3

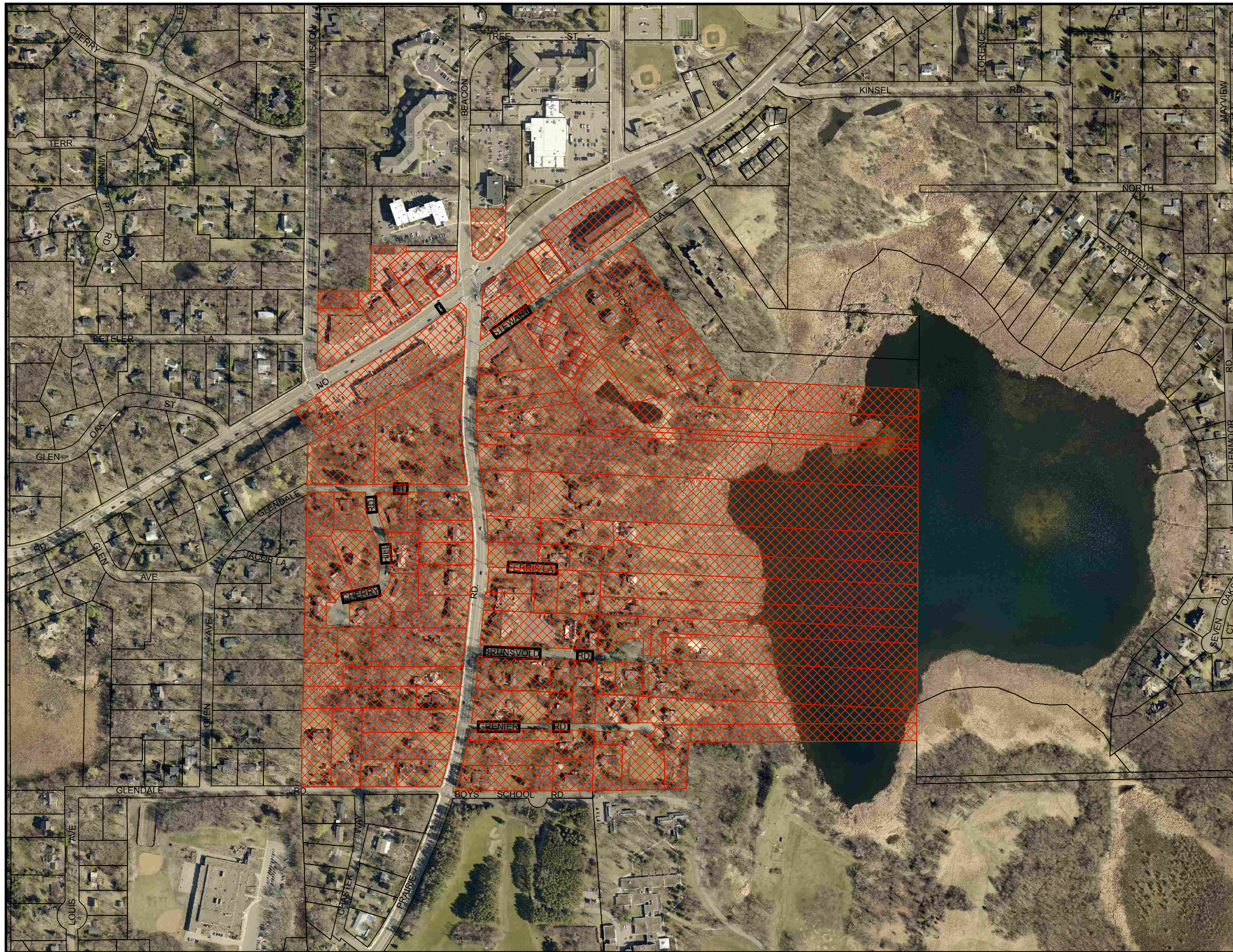
■ R-3 PURD

■ R-4

■ R-4 PURD

■ R-5





Legend
----- City Boundary
□ Parcels



NOTIFICATION AREA