

**Minnetonka Planning Commission
Minutes**

May 24, 2018

1. Call to Order

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

2. Roll Call

Commissioners Hanson, Knight, O'Connell, Powers, Sewall, and Kirk were present. Schack was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Planner Drew Ingvalson, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda

Sewall moved, second by Powers, to approve the agenda as submitted with the revisions and additional comments provided in the change memo dated May 24, 2018.

Sewall, Hanson, Knight, O'Connell, Powers, and Kirk voted yes. Schack was absent. Motion carried.

4. Approval of Minutes: May 10, 2018

Hanson moved, second by Knight, to approve the May 10, 2018 meeting minutes as submitted.

Sewall, Hanson, Knight, O'Connell, Powers, and Kirk voted yes. Schack was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of May 14, 2018:

- Adopted a resolution approving items for the three-lot Arundel Addition at 15500 Minnetonka Blvd.
- Adopted a resolution approving the Adler Graduate School at 10225 Yellow Circle Drive.
- Adopted a resolution approving a roof-line amendment for the Copper Cow.
- Adopted a resolution approving items for Solbekken Villas on Shady Oak Road.
- Tabled action on items for Chabad Center at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run.

The next planning commission meeting will be June 14, 2018.

6. Report from Planning Commission Members

Sewall thanked staff for hosting the boards and commissions' dinner and exercise on diversity.

Knight heard from residents how impressed they were with staff acting professionally in a difficult situation.

7. Public Hearings: Consent Agenda

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

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

A. Minor amendment to the existing Minnetonka Hills master development plan and final site and building plans.

Adopt the resolution approving an amendment to the Minnetonka Hills master development plan and final site and building plans.

B. Expansion permit to construct a porch addition at 16485 Creekside Circle.

Adopt the attached resolution approving an expansion permit to construct a porch addition to the single-family home at 16485 Creekside Circle.

C. Expansion permit to construct an addition at 10107 Lakeview Drive West.

Adopt the attached resolution approving expansion permit to construct an addition to the single-family home at 10107 Lakeview Drive West.

D. Conditional use permit for an accessory structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101.

E. Conditional use permit for an accessory apartment at 2920 Ellsworth Lane.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 2920 Ellsworth Lane.

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

Chair Kirk stated that an appeal of a planning commission final decision must be made in writing to the planning division within 10 days. Recommendations to the city council are scheduled to be reviewed by the city council on June 4, 2018 or June 18, 2018. Please check *eminnetonka.com* for updates.

8. Public Hearings

A. Expansion permits and a variance to allow construction of three home additions at 16912 Grays Bay Blvd.

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.

Knight asked if the two adjoining lots could be combined with the proposed site at some point to create a buildable lot. Ingvalson responded that the property would still not meet minimum-lot-size requirements.

The public hearing was opened.

Paul Chamberlain, 16962 Grays Bay Boulevard, applicant, explained that the additions would provide room for a closet and kitchen.

No additional testimony was submitted and the hearing was closed.

Powers drove by the property and thought the proposal would be appropriate and work out really well. Ingvalson provided a good report.

Chair Kirk stated that the application is normal for the area. The two-and-a-half-foot setback is justifiable because of the unbuildable buffer lots. The unique condition of the property having unbuildable lots on both sides prevents a precedent from being set.

Sewall agreed that the proposal is a unique situation because of the adjacent lots. The gaps are being filled in the same footprint. He supports staff's recommendation.

Hanson supports staff's recommendation. The design would be efficient.

Powers agreed that each application is considered on a case by case basis.

Chair Kirk stated that the unique conditions of the property are connected to the motion. The two adjoining properties make it very unique.

Knight confirmed with Ingvalson that the lot lines shown on the aerial view are most likely not accurate. Ingvalson stated that a survey would be required to confirm the location of the property lines.

Sewall moved, second by Hanson, to adopt the resolution approving the expansion permits and variance for the three additions at 16912 Grays Bay Blvd.

Sewall, Hanson, Knight, O'Connell, Powers, and Kirk voted yes. Schack was absent. Motion carried.

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

B. Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive.

Chair Kirk introduced the proposal and called for the staff report. He disclosed his employment with the YMCA, but noted that there would be no conflict of interest by his participation on the planning commission.

Gordon reported. He recommended denial of the application based on the findings listed in the staff report.

Powers was confused why there would be a concern regarding disharmony between the design of both buildings when the buildings would not be visible from Ridgedale Drive. Gordon explained that staff determined that the functionality of the proposed layout of the site would not work. The mix of uses would be welcome in the Ridgedale area, but the way the buildings would be laid out locates the front of an office building facing a parking garage belonging to a new apartment building. That would not provide a good functional relationship. Powers did not see how that would harm the city.

Sewall asked for the width requirement of a standard-drive-aisle access. Gordon answered that the drive-aisle-width standard for a two-way access is 24 feet. The proposal's drive aisle would be 22 feet in width.

Sewall asked if the applicant owning the office building was considered. Gordon stated that at some point ownership could change, so things need to be in place to ensure that the real estate would remain viable.

Sewall asked if staff would support the application if the office building would be removed. Gordon stated that would eliminate the problem with the disharmony between the layout of the two buildings.

In response to Hanson's question, Gordon explained that the building behind a building layout would be concerning for long-term viability of a valuable piece of real estate. That may work for the current tenants, but would not be a good long-term solution for way finding and accessibility of future tenants.

Chair Kirk noted that the applicant could stay with the current PID zoning. Gordon agreed. He explained that PID zoning allows a mix of uses. The proposed setbacks would require variances in a PID.

In response to Chair Kirk's question, Wischnack stated that the footprint issue was not resolved. That led to the issues listed in the staff report.

Powers asked if staff liked the look of the building from a pedestrian's view. Gordon answered in the affirmative. It is an attractive building. It has a look that resembles parts of Ridgedale Center. There is compatibility with the materials. It works pretty well in a lot of aspects.

Tammy Diehm, attorney with Winthrop and Weinstine, representing the applicant, stated that:

- The site is one tax parcel with one legal description.
- The code requires only one standard to be met to justify rezoning a property to PUD.
- Staff has acknowledged that housing is appropriate for the area, specifically high-density housing. The city's comprehensive guide plan specifically makes statements about adding diversity in housing types. Several Minnetonka residents expressed interest in having luxury rental units. This is a justification for rezoning the site to a PUD.
- She reviewed the history of neighborhood meetings and revisions to the plan. The applicant revised the plans to address concerns that were raised by neighbors, councilmembers, and commissioners.
- The architect has come up with some further modifications that could be made. The developer is in a difficult position. The developer needs to create a viable project to attract a certain demographic that fits the market demand. The architect provided staff yesterday with modifications that could be done to address the issues raised in the staff report.
- The two-lane drive aisle access on the west side would be widened to 24 feet in width.
- The applicant believes that the project does meet the city's requirements and would be a wonderful project for the city of Minnetonka.
- The building height would be reduced from 55 feet to 51 feet.
- She provided a diagram that showed the reduction in the building height and footprint since the concept plan.
- The most recent changes removed the pool and the outside amenity area would be on ground level and hidden. Units that previously wrapped around the pool deck could be removed to reduce the massing on the west side of the building as well as near the existing office on the southeast side.
- The number of parking stalls would be reduced to 178. That would include 123 spaces of underground parking.

- A traffic consultant found that, overall, the internal operations of the development work well. He had no concerns.
- The proposed PUD zoning would be appropriate.
- The development meets the city's goals.
- She was available for questions. She requested that the commission recommend that the city council approve the project.

Sewall confirmed with Ms. Diehm that the recent modifications did not include changes to the office building. Ms. Diehm would appreciate commissioners' feedback on the revisions.

The public hearing was opened.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- The proposed building would not be allowed in a PID-zoned area because it would be too big. A lot of variances would be needed. Variances cannot be approved for economic reasons.
- The setbacks would be way too small.
- Apartments are required to provide 10 percent of the site to be used as outdoor recreation space. That would be another variance.
- The same standards in a PID are the guidelines in a PUD. There still needs to be a judgement on whether the proposed building and footprint would be appropriate.
- The proposal would be a big, dense use adjacent to single-family residences.
- The building would feel massive, be more intense, and provide no transition to single-family houses.

Mark Stesin, 2000 Norway Pine Circle, stated that he represents his wife and a coalition of neighbors. He stated that:

- They are excited about the Ridgedale redevelopment project and support high-density housing as long as it is compliant with the comprehensive guide plan and ordinances north of Ridgedale Drive and does not encroach on surrounding properties. They support the Trammel Crow project proposed on the Ridgedale Center property.
- They vehemently oppose the proposed project even with the revisions because it does not meet the comprehensive guide plan and ordinance requirements.
- The building and its footprint would be too big for the property. The height has been addressed.
- They agree with denying the request. His attorney provided a letter that is included in the agenda packet. It lists their concerns with the proposal changing the zoning from PID to PUD; not being compliant with the

comprehensive guide plan; and not providing a sufficient transition from high density to single-family houses.

- The building would be very nice and upscale.
- They agree with staff's recommendation to deny the proposal.

No additional testimony was submitted and the hearing was closed.

Gordon confirmed that PID zoning requires 10 percent of a site to be used as outdoor space.

O'Connell mainly supports the proposal. He understood staff's concern, but the success of the office building is a risk for the building owner to bare. He thought the mass would be fine. He believed that the market would support the building, but that is not his concern as a planning commissioner.

Powers concurred with O'Connell. He favors the development. The developer has gone to extraordinary lengths to meet the requests of the neighborhood. The neighbors do not own the view. He has seen developments on Shady Oak Road that are much closer to residential areas and have much more impact on the view. He had no issue with the size of the building or the mass.

Knight agreed. A new resident in the apartment building has a choice to live there and view the office building. He agreed that the mass would be appropriate. He supports the proposal.

Sewall applauded the developer for making changes from the original concept plan to create a much more manageable design and scale. There would be over 400 feet and tree cover between the property and the nearest house. This would provide better view shed protection than a lot of other developments. He concurred with staff that the flow of the project is not what it should be and a different design could provide a better flow. He did not support the plan tonight. He felt good about the scale and was not as concerned with the detriment to a future property owner. A future property owner would know what he or she was getting into.

Chair Kirk noted that there would be a fair amount of buffer between the proposed building and the adjacent neighbor. The proposal would fit the harmony of being located north of Ridgedale Center. This proposal would pale in comparison to future development. He struggled with the density. He thought the two buildings could have a better layout. He thought the two buildings would appear poorly planned. He saw it as a detriment to the city if the site would not be organized well. He did not think the apartment building and office buildings worked well enough together. He did not have a problem with PID or PUD zoning. The setbacks could not be decreased any further. He was comfortable with the mass of the buildings. He did not think the proposal was quite there yet.

Hanson did not see a problem with the office building.

Powers appreciated the developer making revisions because it shows intent. Requiring a plan to be harmonious is too much of a burden on the applicant.

Sewall moved, second by Hanson, to recommend that the city council adopt the attached resolution with revisions provided in the change memo dated May 24, 2018 denying rezoning, master development plan, and building plans for the Ridgedale Executive Apartments.

Sewall, Hanson, and Kirk voted yes. Knight, O'Connell, and Powers voted no. Schack was absent. Motion carried.

This item is scheduled to be reviewed by the city council at its meeting on June 4, 2018.

C. Items concerning Bren Road Development, a multi-family residential development by Dominion, at 11001 Bren Road East.

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

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

Sewall confirmed with Wischnack that the SWLRT is proceeding.

Ryan Lunderby, representing Dominion, the applicant, stated that he appreciated the commission's consideration and he was available for questions.

In response to O'Connell's question, Mr. Lunderby stated that the credits would have a 15-year compliance period and an additional 15-year-extended use. The whole property would be managed by Dominion, but owned by two entities because of the financing for the two buildings. Closing on the properties and construction would happen at the same time.

Wischnack provided that \$1,000 is the typical rent for a one-bedroom affordable unit, for a qualifying tenant earning less than 60 percent of area median income. The rent is set annually by HUD.

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

In response to Hanson's question, Gordon reviewed a graphic illustrating proposed trails and walkways. Wischnack added that an underpass would not be possible due to engineering constraints. Chair Kirk noted that the SWLRT station would have planned controlled crossing areas.

Chair Kirk favored developers providing funding in addition to park dedication fees for improvements linked to the proposal. A crossing at a road would benefit the development and SWLRT.

Chair Kirk asked if the St. Margaret's cemetery could become a cut-through area. Gordon answered that that could happen. There is a fence, wooded area, and steep slope. It would not be an easy path to Shady Oak Road. Chair Kirk supports having a larger park in the area because of the potential pets.

Chair Kirk confirmed with Gordon that the Opus Station would have a park-and-ride area. Chair Kirk did not foresee a problem. The controlled entrance to the complex and its current design would be easier to modify into a controlled parking area if that would become necessary.

Powers moved, second by Hanson, to recommend that the city council adopt the following related to the Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East:

- 1) *Ordinance rezoning the property from I-1, industrial, to PUD, planned unit development, and adopting a master development plan.*
- 2) *The resolution approving final site and building plans.*
- 3) *A motion making a negative declaration on the need for an Environmental Impact Statement.*
- 4) *The resolution declaring the proposal consistent with the comprehensive plan.*

Sewall, Hanson, Knight, O'Connell, Powers, and Kirk voted yes. Schack was absent. Motion carried.

This item is scheduled to be reviewed by the city council at its meeting on June 18, 2018.

9. Adjournment

Sewall moved, second by Knight, to adjourn the meeting at 9:20 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary