

**Minnetonka Planning Commission
Minutes**

Dec. 6, 2018

1. Call to Order

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

2. Roll Call

Commissioners Knight, Luke, Powers, Sewall, and Kirk were present. Henry and Hanson were absent.

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

3. Approval of Agenda

Powers moved, second by Knight, to approve the agenda with modifications listed in the change memo dated Dec. 6, 2018.

Knight, Luke, Powers, Sewall, and Kirk were present. Henry and Hanson were absent. Motion carried.

4. Approval of Minutes: Nov. 15, 2018

Powers moved, second by Luke, to approve the Nov. 15, 2018 meeting minutes as submitted.

Knight, Luke, Powers, Sewall, and Kirk were present. Henry and Hanson were absent. Motion carried.

5. Report from Staff

Gordon stated that the next regular planning commission meeting is scheduled for Jan. 3, 2018.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

Sewall moved, second by Powers, to approve the item listed on the consent agenda as recommended in the staff report as follows:

A. Resolution approving an expansion permit for the construction of a second story living addition with cantilevers and a front entry porch at 5536 Glenavon Ave.

Adopt the resolution approving an expansion permit for the construction of a second-story living addition with cantilevers and a front entry porch at 5536 Glenavon Avenue.

Knight, Luke, Powers, Sewall, and Kirk voted yes. Henry and Hanson were absent. Motion carried and the item on the consent agenda was approved as submitted.

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

8. Public Hearings

A. Resolution approving a preliminary plat with variances for a two-lot subdivision at 5524 Nantucket 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.

Chair Kirk asked what floor area ratio (FAR) a house would need to be fit in the neighborhood. Ingvalson answered that the highest FAR for houses in the area is .18 which would be a house with 3,114 square feet on the proposed lot. The lot would be able to be subdivided and meet all ordinance requirements, but the proposal with the area variance creates a better subdivision.

Catie Dorn, 5524 Nantucket Road, stated that:

- She and her husband have lived in the house 32 years and raised seven children there. The neighborhood is great and she loves her home.
- She provided handouts comparing the square footage of her lot with the neighboring properties.
- Ingvalson and the city planners have been great to work with. She learned a lot about the trees. She has done her best to do what staff recommends.
- She was available for questions.
- When she purchased the lot, it was treated as two separate lots.
- She worked with staff to design the addition built in 2000 to meet setback requirements and allow the property to be legally divided in the future.

The public hearing was opened.

Angela Moreira, 5554 Nantucket Place, stated that:

- She opposed the subdivision and variance because it would adversely impact the appearance and character of the neighborhood. She was worried a new house would be an unimaginative eyesore.
- She likes the barn and large lot.
- The neighborhood has large lots and modest houses.
- The steep slope provides screening.
- She was concerned with tree removal.
- She favored a conservation easement to increase the setback to at least 60 feet to save trees.
- She did not like the shared driveway.

Eric Moreira, 5554 Nantucket Place, stated that:

- He requested denial of the variance.
- One house would have a new house behind their lot.
- He did not see how it mattered that the new lot would exceed the size requirement for a lot.
- The proposed house could be an eyesore, but that is not yet known.
- Trees have been cut down on other lots in the neighborhood.
- He does not think it is a burden to sell houses in Minnetonka.
- The current house looks fine.
- There is nothing to allow subdividing a lot for economic reasons.
- The proposed subdivision and a large house would change the character of the neighborhood.
- The mcmansion policy should be enforced.
- He asked for what the park dedication fee could be used.

Carl Nelson, 5541 Nantucket Place, stated that:

- The six lots on Nantucket Road average .63 acres in size. The proposed lot would be .4 acres. The front width would be 144 feet. The other six lots average fronts 200 feet wide.
- The proposal would alter the essential character of the neighborhood, be detrimental to the neighborhood and detract from the natural beauty.
- He opposed the variance.

Jonas Hans, 5561 Nantucket Place, stated that:

- He was concerned with keeping his privacy.
- He was concerned the current retaining wall would collapse.

Paul Giguere, 5538 Nantucket Place, stated that:

- He agrees with the comments already made.
- He did not see a need for the variance.
- The mcmansion policy should be applied.
- He did not agree with staff's report or recommendation.
- He wanted to maintain the unique character of the neighborhood.

No additional testimony was submitted and the hearing was closed.

In response to Chair Kirk's request, Ingvalson reiterated that staff recommends waiving the mcmansion policy because the proposed variance would not change the size of the buildable area. Thomas reviewed the staff report which illustrates that the property could be subdivided without a variance and, therefore, the mcmansion policy would not apply.

Chair Kirk confirmed that the two lots of the proposal would meet all ordinance requirements if the "tail" portion of the property would be part of the proposed south property. Staff recommends keeping the "tail" with the north property to create cleaner lot lines and could be done with approval of a variance.

Wischnack clarified that the applicant can subdivide the property without a variance which would eliminate the subjective review process and the mcmansion policy would not apply.

Chair Kirk noted that the city code does not regulate views of residential single-family properties.

Ingvalson explained how FAR is calculated.

Wischnack explained that park dedication fees go into the park fund and can only be used for park improvements.

Sewall confirmed with Ingvalson that the reason for the subdivision may be economic, but the reason for the variance is not economic because the subdivision could be done without the variance. The variance was a suggestion from staff to create a better layout of the property lines.

Sewall supported keeping the mcmansion policy requirement, but acknowledged that it would not dramatically change the size of the house that could be built on the lot.

Powers said that the homeowner is accommodating staff's request to create cleaner lot lines. He sympathized with the neighbors. He understood the loss of view. The number of houses doubled along his street. He favored staff's recommendation because staff is creating the burden for the homeowner. There is no economic gain from creating a better lot-line configuration. He supports waiving the mcmansion policy because the applicant is only following staff's request. He supports staff's recommendation.

In response to Knight's question, Ms. Dorn explained that she worked with staff when the addition was added to the house to ensure that the property could be subdivided and meet all ordinance requirements.

Knight confirmed with Ingvalson that nothing would prevent the homeowner from tearing down the barn.

Luke understood that the property owner could subdivide the property into two parcels and create a lot with an unusual shape. She would like the mcmansion policy applied to help a potential future house fit in the neighborhood.

Knight noted that enforcing the mcmansion policy could prompt the homeowner to create the subdivision with irregular shaped lots that would not be restricted by the mcmansion policy.

Sewall felt that in order to preserve the neighborhood feel as much as possible and create standard property lines, he supports waiving the mcmansion policy.

Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving the preliminary plat with variance for Dorn Estates.

Knight, Luke, Powers, Sewall, and Kirk voted yes. Henry and Hanson were absent. Motion carried.

B. Resolution approving a comprehensive guide plan amendment from commercial to mixed use at 14317 Excelsior Blvd.

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.

The public hearing was opened.

Anne Hossfeld, 14616 Glendale Street, stated that:

- She found an error in the staff report that refers to the site being surrounded by Office Warehouse.
- The letters in the change memo object to a development the size of the expected application.
- She questioned what would happen if the expected application would not be approved and if a mixed use designation would prevent houses or townhouses from being built. She questioned if approving a comprehensive guide plan amendment signals that the city would approve an anticipated proposal.
- She was concerned with a big development.

Thomas apologized for the reference to Office Warehouse. She explained that a mixed use designation is the most flexible of land use designations. It would not restrict the site to a multiple-unit building. The land could be used for single-family houses, townhouses, commercial, and high-density and medium-density residential uses. Mixed use allows for a variety of uses whether the variety is within the same building or area. The current guide plan designation is straight commercial which would allow for retail, restaurant, and coffee shop uses. The mixed use designation does not have a density requirement.

No additional testimony was submitted and the hearing was closed.

Powers moved, second by Luke, to recommend that the city council adopt the resolution approving a comprehensive guide plan amendment from commercial to mixed use at 14317 Excelsior Blvd.

Knight, Luke, Powers, Sewall, and Kirk voted yes. Henry and Hanson were absent. Motion carried.

Chair Kirk stated that this item is scheduled to be reviewed by the city council on Dec. 17, 2018.

C. Items concerning Marsh Run redevelopment at 11706 Wayzata Blvd.: comprehensive guide plan amendment, rezoning, master development plan, final site and building plans, easement vacation, and preliminary and final plats.

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.

Ann Barens, Chief Operating Officer of Doran Companies, applicant, stated that:

- The proposal would have 175 units. Parking would be contained within the building with two levels of parking. It would be a luxury apartment building. Eighty percent of the proposal would be market-rate units and 20 percent affordable units with the income level set at 50 percent of area median income.
- The site has three different uses for neighbors. The challenge was designing a project to meet the goals of the city, fit contextually, be responsive to existing uses, and addresses the expected growth in the city.
- The building was redesigned to better fit the neighborhood architecturally. Warm wood features and stone, brick, and plank siding were added. The balconies were made to look more residential. The natural berm helped blend the elements of a lot of different styles that exist near the building. It would provide a cohesive, classic look.

- The entrance for residents on Fairfield was eliminated, so all traffic would access the site from Wayzata Blvd. The circle drive feature would provide a natural feature with birch and evergreen trees and an area for deliveries and short-term parking.
- The pedestrian environment has been enhanced along Fairfield Road. The design would provide a buffer for the sidewalk.
- There would be a number of green features used. There is currently no stormwater management system. The proposal would add a stormwater management system including an underground containment system that would filtrate rainwater and discharge it into the stormwater system. It would provide a significant improvement to water quality.
- The proposal would participate in a community solar garden program.
- There would be electric car charging stations.
- There would be sensor lights, individually programmable thermostats, energy-efficient appliances, full insulation, and be located on a transit corridor.
- The building would not have an impact on any potential road expansion project.
- She provided an illustration with a photo of the existing building imposed with a rendering of the proposed building.
- The site is designated as a regional area in the comprehensive guide plan which supports mixed uses and high-density residential communities. The proposal fits the comprehensive guide plan.
- The proposal would be a Class A building with an affordable component which would make it the only one in Minnetonka. The Island, The Luxe, and the 1700 building at the Highland Bank site are all Class A buildings, but none have an affordable component.

Tony Kuechle, with Doran Companies, stated that:

- Cauley did a great job of summarizing his presentation.
- The site needs to be redeveloped and high-density residential is an appropriate use.
- The survey shows the site to be 2.67 acres in size. Further research shows that a portion of the site is owned by the city. He anticipated the applicant purchasing the .17 acres as outlined in the staff report. Using the site size of 2.5 acres, the density would be 70 units per acre and FAR 1.6. Using 2.67 acres as the size of the site, the density would be 66 units per acre and an FAR of 1.49.
- He reviewed the proposed landscape plan. There are now 77 trees on the site. Twenty two along the berm would be preserved. Six trees would be mitigated. An additional 88 trees would be added to the site for a total of 94 trees.
- He reviewed the site plan. Parking on the north was eliminated. Trees were added to screen the building all year. The setback was increased

from 44 feet to 54 feet. The west setback was increased from 10 feet to 43 feet. The east setback was increased from 10 feet to 20 feet.

- The outdoor amenity area was reduced in size to address noise concerns.
- A “move in” area, tree grove, and circular access drive were added.
- The townhomes were reduced from six stories to three stories.
- The number of decks were reduced from 45 to 17.
- Reducing the height and increasing the setback would mitigate the view from the neighbors on the north.
- The traffic study found that there would be no significant increase to the traffic volume.
- Stormwater management features would be added to a site that currently has none.

Powers asked where visitors would park. Mr. Kuechle stated that there would be six visitor stalls in the front and an additional 35 stalls in the building with an access system that would allow the resident to let the visitor into the interior parking area.

Knight asked if the affordable units would have the same amenities as the market rate. Mr. Kuechle answered that there would be no difference.

Ms. Barens explained that there would be a fenced-in dog run and pet spa area in the building. Every dog would provide a DNA sample and rules would be strictly enforced.

Powers confirmed with Ms. Barens that there would not be a solar garden on the proposal site, but it would purchase power from a solar source.

Ms. Barens stated that a neighbor offered their parking lot for special events that would require additional parking stalls.

The public hearing was opened.

John Ferrier, with CSM Corporation, stated that:

- CSM Corporation supports the proposal and a walkable, livable, accessible community within walking distance of groceries, restaurants, and transit. The proposed apartment building would fit the vision.
- Higher density housing would benefit the West Ridge Market area. It is a walkable community with an extensive trail system. An agreement has been agreed upon to allow Marsh Run residents to utilize the trails as well.
- Existing tenants of the center have expressed support of the project including Shane, Co. and Schmidt Music.
- There is no better team than the Doran team to develop, design, and construct the project. CSM Corporation is currently partnering with Doran

Co. on two multi-family, residential projects.

Andrew Jackson, 1012 Fairfield Spur, stated that:

- He represented the board of directors for the Gables of West Ridge Townhome Association.
- The project would be too big and dense for the site. It would be too close to a residential neighborhood.
- It would not mesh with the neighborhood. It would stand out.
- He was concerned with traffic and dogs.
- He provided examples of other sites with similar density and surrounding uses.
- He was not pleased with the aesthetics of the building compared to the townhouses. The design would not be cohesive.
- The proposed building would make the Staples building appear small.
- He disagreed that the traffic would be accommodated. The Hopkins Crossroads and Wayzata Boulevard intersection during peak hours is rated a "C" and the proposal would make it a "D" which would be one step away from an intersection that exceeds capacity. It is already difficult to make a left turn, so he turns right and takes a left on Fairfield Road.
- He was concerned with parking. He just learned that the building across the street would share its parking. Fairfield Road has no room for parking. He wants the parking ordinance to be followed.
- The dog run is a concern. It would only be 10-feet wide. Dogs would walk on the sidewalks and onto the property. He did not want to deal with what the dogs could leave behind.

Bob Uhlhorn, 907 Fairfield Way, stated that:

- People cross Wayzata Blvd. to catch the bus across from the proposal's entrance. There is a bus stop around the corner on Fairfield Road. The bus occupies a lane of traffic.
- There are no sidewalks or bike lanes.
- The road cannot handle that much traffic.
- He would see a lot of dogs.

Pam Lewis, 980 Fairfield Court, stated that:

- She invited commissioners to drive around the site. She did not have faith in the traffic report. It did not include the private roads.
- She showed photos of Fairfield Court that looks narrow and curvy. There is no way to widen the side streets.
- She likes the turnaround included in the revised proposal.
- She was concerned with safety for children playing in the street.
- She did not think there would be sufficient parking. Thirty-five guest spots

- would be absurd. Six stalls would not be enough for deliveries.
- She is overwhelmed by the size of the proposal. There would not be room to add more parking.
- She was concerned with losing mature trees.
- This is the wrong developer for the location.
- The use would be inappropriate and impact her safety and quality of life.

Louann Carpenter, St. Louis Park resident, stated that:

- She described her neighborhood in St. Louis Park. A developer proposed building a five-story, 198-unit apartment building on the corner of France Ave. and Excelsior Blvd. The neighborhood was opposed and she had many concerns at the time.
- Many of the neighbors' views regarding renters turned out to be wrong. The renters are made up of every age. Property values have increased. Local business are thriving and new ones have been added. She has made friends with residents of the building. The neighborhood has become stronger and more vibrant because of the apartment building. It feels safer in the park and on the trails around the neighborhood because there is more activity.
- She requested good ideas and good development be dismissed by fear of what might happen. A proposal such as this enhances neighbors. She has lived through it.

Ann Kay, 5120 Lee Way resident and co-owner of the proposed site, stated that:

- She loves Minnetonka and has benefitted from its excellent leadership and management.
- This site is tired and needs to be redeveloped.
- Residential would be the best use of the property. It would complete a residential corridor.
- Doran builders have an excellent reputation, build beautiful buildings, and would own and operate the building. The drawing is beautiful. She was really pleased. The neighbors were taken seriously. The number of units was reduced from 235 to 175. The building was modified, landscaping was added, and tons of trees would be added to the site.
- She was really pleased with the 20 percent affordable housing units. She looks forward to living in a building similar to the one proposed in the future.
- The proposed project would enhance the city and neighborhood.

Pat Martin, co-owner of the building on the north, stated that:

- The existing building is the type that is no longer in demand. A third of the building has been vacant for 12 years.

- He was stunned that Doran would commit to an affordable housing component. It would provide 35 families with a stable environment.

Greg Brink, 982 Fairfield Court, stated that:

- He thought the noise would distract the wildlife and the people in the community.
- He did not think the proposal was reduced significantly enough.

No additional testimony was submitted and the hearing was closed.

Cauley explained that an intersection rating changing from a “C” to a “D” equals an increase in the delay time of three seconds. That is still considered an acceptable level. Realignment of the Hopkins Crossroads and Wayzata Blvd. intersection is being considered. Wischnack noted that the city is aware of the traffic congestion in the area and, at some point, it will be included in the capital improvement plan for improvements.

Chair Kirk noted that the proposal would have many one-bedroom apartments and asked about parking. Cauley explained how insufficient parking would be handled. West Ridge Market has unused parking space and Doran stated that one of the adjacent property owners has expressed a parking opportunity there as well.

Powers asked the applicant where additional parking would be available on the site if it would become apparent that there was insufficient parking. Mr. Kuechle stated that Doran has 2,000 apartment units within its portfolio and another 1,400 under construction. Doran studies parking needs a lot. There is a margin of error built into the indoor garage. No stalls would be compact. Additional stalls could be added by restriping for compact stalls. A unit would not be rentable if it did not have parking available, so the developer would not risk not having enough parking. It is not uncommon for residents of affordable units to not have the expenditure of having a vehicle. The location of the bus stop and transit center make the site ideal. He would be willing to work with MTC to make accessing the bus stop as safe as possible.

Mr. Kuechle stated that:

- Onsite management would be onsite from 7 a.m. to 1 a.m.
- He assumed that a few stalls would be signed for 15, 30, and 60 minute parking.
- Renters are allowed to have one dog weighing up to 80 pounds or two dogs weighing a total of 80 pounds. The exact dog run operates successfully at a building in Hopkins with 239 units.
- New residents receive information from management on the best ways to access the site.
- Renters of affordable units would be restricted to an annual income of \$48,000 for a one-person household to meet affordable housing

guidelines.

- The parking calculation is one parking stall per bedroom, plus additional visitor parking stalls. This proposal would be a little over parked. Typically there would be 20 interior visitor parking stalls. This proposal would have 35. Compact stalls could be added. He has been doing this for 22 years and every year the need for parking decreases. Sometimes single people rent a two-bedroom apartment, some renters do not own a car, and some couples rent a one-bedroom unit. A second parking stall would be an additional charge.

Colleran reviewed the trees that would be removed. Grading would not impact the trees on the Fairfield Spur property and the trees on the north property line on the site property would also be saved. The evergreens on the Staples property would remain. Six trees on the southeast corner of the Staples property may be impacted. Trees within the main part of the site would be removed.

Luke was impressed with the outreach Doran has done and the beneficial input that the neighbors have had. The property is unique in its placement of being surrounded by commercial and residential uses. She would have loved to live in an apartment like the proposal 20 years ago. Apartment dwellers would become accustomed to the best way to navigate traffic. The area is an important one to the city. High density makes people nervous, but it would add a lot of value to the city and the area.

Knight thought the Doran Company has done a nice job of scaling the proposal back. The apartment buildings on the north side of Interstate 394 in St. Louis Park are very large. This proposal is not very large. The traffic issues are problems now and residents would become familiar with the area and how to navigate. More high-density residential is needed in Minnetonka and he liked the location. If this building had been built first, then it would have been accepted. He supports staff's recommendation.

Powers did not think the development in St. Louis Park is a fair comparison. He likes Doran Company. He was concerned with the density not providing a margin for error. He did not want to be influenced too much by the benefit of affordable housing. He did not support the project yet, but Doran is going in the right direction. It would possibly be the first of its kind continuing west along the corridor.

Sewall likes the design. The building is very attractive. He loved the changes from the first concept plan. That was quite unrealistic with the shadows extending over units for months of the time. He felt a lot of attention was paid to the neighbors on Fairfield Spur. Removing the parking lot and sidewalk and increasing the setbacks were meaningful changes. Traffic would be inconvenienced, but that intersection is terrible now. He hoped improvements would be done to that intersection soon. There is no doubt that the proposal would be dense, but he was not sure of the perfect number.

Chair Kirk noted that affordable housing comes at a cost. Doran pushed the density from the north to the south and east. He questioned at what point the trip counts per unit

would impact traffic. Wayzata Blvd. needs to be realigned with the exit to Interstate 394. That is a problem that is bigger than this proposal. The entrance and move-in area was moved to Wayzata Blvd. The dog run was moved to the east side. He is leaning toward supporting staff's recommendation. The city council is scheduled to review this item Dec. 17, 2018. The design standards are in character with what he would expect a new building in Minnetonka to look like.

Knight moved, second by Luke, to recommend that the city council adopt the following items related to the Marsh Run redevelopment at 11650 and 11706 Wayzata Blvd.:

- 1) ***Ordinance rezoning the property from PID, planned I-394 district, to PUD, planned unit development, and adopting a master development plan.***
- 2) ***Resolution approving the comprehensive guide plan amendment from service commercial to mixed use.***
- 3) ***Resolution approving the site and building plans.***
- 4) ***Resolution approving preliminary and final plats.***

Knight, Luke, Sewall, and Kirk voted yes. Powers voted no. Henry and Hanson were absent. Motion carried.

9. Adjournment

Powers moved, second by Sewall, to adjourn the meeting at 10:50 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary