

**Minnetonka Planning Commission  
Minutes**

**May 2, 2019**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Senior Planner Ashley Cauley, and Planner Drew Ingvalson.

**3. Approval of Agenda**

*Henry moved, second by Powers, to approve the agenda as submitted with changes listed in the change memo dated May 5, 2019.*

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

**4. Approval of Minutes: None**

**5. Report from Staff**

The third Opus Launch meeting is scheduled to be held May 14, 2019 at 5:30 p.m.

The next planning commission meeting will be May 16, 2019.

**6. Report from Planning Commission Members: None**

**7. Public Hearings: Consent Agenda: None**

**8. Public Hearings**

**A. Resolution approving a conditional use permit for an accessory apartment at 5000 Acorn Ridge Rd.**

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 another curb cut would be allowed. Ingvalson answered in the affirmative.

Knight confirmed with Ingvalson that the easements do not line up, the retaining wall is located in the city right of way, and a condition of approval would require the grade to be no more than 10 percent.

Luke asked for the difference between an accessory apartment and a duplex. Ingvalson explained that accessory apartments are required to be homesteaded. The property owner must live on the property. A duplex may be rented out to people who do not own the property.

In response to Chair Kirk's question, Ingvalson explained that a proposed change to the retaining wall would be reviewed by staff during the building permit review process. The residence's address would stay the same.

Henry confirmed with Ingvalson that a future owner of the property would have to adhere to all of the same conditions including having to live on the property.

Amy Schneider, daughter of John and Carol Schneider, applicants, stated that she would live in the accessory apartment to assist her parents. They were available for questions.

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

Henry thought it would be a great addition to the neighborhood.

Chair Kirk supports staff's recommendation.

Powers supports the proposal. It is a reasonable request. Staff and the property owners provided a great presentation.

Chair Kirk noted that the porch shown in some drawings is not part of the current application.

***Powers moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit with a front yard setback variance for an accessory apartment at 5000 Acorn Ridge Road.***

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

**B. Resolution approving the preliminary plat of Patriot Estates at 3515 Park Valley Road.**

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.

In response to Henry's question, Cauley explained that, in order to create the small piece of property that the applicant is intending to purchase to create two conforming lots, the piece must be subdivided from the large parcel. Cauley pointed out the turn-back parcel. The outlot area and Park Valley Road parcel are not included in the 22,000-square-foot calculation. The two conforming lots would have residential houses. The two remnant pieces would continue to be owned by the city.

Powers asked if the goal is to create two conforming, single-family residential lots. Cauley answered affirmatively.

Knight asked if any portion of the turn-back parcel would be buildable. Cauley explained that a drainage and utility easement covers the parcel being purchased by the applicant, the paved road would not be buildable, and outlets are considered unbuildable unless the council approves the ability for permits to be granted.

Andrew Freeland, 3426 Robinwood Terrace, applicant, stated that the goal would be to build a house on the lot for him and his wife.

The public hearing was opened.

Ms. Stelmachers, 13808 Inverness Road, asked for the address of the second lot, where the land would come from for the "back up" since the road is narrow and what type of building would be planned.

No additional testimony was submitted and the hearing was closed.

Cauley explained that engineering staff would assign an address for the property after the subdivision would be approved by the city council. That would happen in a month or two. She provided an aerial map and pointed out the paved portion of Park Valley Road, the turn-back piece, and additional area that would be sold to 3515 Park Valley Road. A single-family house that would meet R-1 requirements would be allowed to be constructed on the site.

Chair Kirk explained that the road would maintain the same typical setback that any other road in Minnetonka would have. Cauley agreed. She added that there would still be right of way covering the outside of the paved portion of the street.

In response to Chair Kirk's question, Cauley explained that the applicant is proposing to purchase what would be needed to create two conforming lots. The city's land committee reviewed the request and found it reasonable.

Powers asked if the size of the paved portion of Park Valley Road would be changed. Cauley answered in the negative.

In response to Henry's question, Cauley estimated the distance between the paved intersection to the proposed new property line to be 15 feet to 30 feet on the south end of the right of way.

***Luke moved, second by Powers, to recommend that the city council adopt the resolution approving the preliminary plat of Patriot Estates, a two-lot subdivision at 3515 Park Valley Road.***

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

**9. Other Business**

**A. Concept plan review for amendments to Shady Oak Crossing at 4312 Shady Oak Road.**

Chair Kirk introduced the concept plan and called for the staff report.

Gordon reported. Staff recommends that planning commissioners provide comments and feedback on the identified key issues and other issues commissioners deem appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Luke asked if the setbacks on the north side would meet ordinance requirements. Gordon explained that the property is zoned as a planned unit development (PUD). The current north setback is approximately 37.5 feet. The proposal would reduce the north setback.

Chair Kirk noted that the houses in the area were built before setback ordinances were adopted. Gordon stated that the standard front setback for houses in the area is 35 feet.

In response to Henry's question, Wischnack explained that the city of Hopkins has not provided comments on the concept plan and would do so when a formal application would be submitted.

In response to Henry's question, Wischnack explained tax-increment financing.

Powers asked who would pay for the annexation and detachment. Wischnack answered that the developer would be required to provide all necessary documents.

Gordon reviewed the four areas staff would appreciate comments regarding: density, building design, site design, and traffic and circulation.

Mike Waldo, of Ron Clark Construction, applicant, reviewed the concept plan and stated that:

- He still likes the original project proposal.

- Comments were received regarding the traffic on Oak Drive Lane.
- He spent time with the land owner on the south and purchased part of the property. The property owner lost a lot of parking space from the street improvement project. The current purchase agreement is for 17,000 square feet.
- The proposal should reduce the traffic on Oak Drive Lane by 80 percent to 90 percent. There would be 90 stalls down below.
- The current proposal is a better project for the applicant, the neighbors, the city, and would provide 18 workforce-housing residences.
- There is no way to have no parking off of Oak Drive Lane. There is an elevation change of 11 feet and would not work for trucks to access and exit the site.
- The entrance to the parking lot was moved farther west to provide more room for stacking on Oak Drive Lane.
- He spoke with adjacent neighbors about providing landscaping for screening.
- There would be more area for the tot lot and play area.
- The applicant would agree to reduce the parking area if staff would be comfortable with that.
- The 37-foot setback was reduced to a 20-foot setback.
- The applicant thought that a soft-pitch roof would look more residential than a flat roof. He requested commissioners provide their comments.

Tim Whitten, architect with Whitten and Associates, on behalf of the applicant, gave a presentation on the concept plan:

- He described the drive area and traffic flow.
- He provided slides of the concept plan with and without landscaping.
- He described the roof provided in the concept plan.
- The building would be closer to the sidewalk than the previous proposal to allow for the turning radius of trucks.
- Grading could occur up to the first floor and would be able to have landscaping.
- On the northwest corner, there would be a two-story component that would move into the tot lot area and main entrance for visitors.
- The southwest corner would preserve a lot of trees.
- The exterior materials would be brick and made up of a cement board panel system. He explained the horizontal and vertical components.
- The elevation on the north end is one of his favorites. There would be a flat, bungalow-like feel.
- He is proud of how all of the pieces have been brought together and is excited about the opportunity.

In response to Henry's question, Mr. Whitten explained the evolution of the changes to the roof.

Luke thought the traffic pattern would be better with a signaled intersection for the entrance. She asked about walkability and where sidewalks and entrances to the building would be located. Mr. Waldo stated that there would be a sidewalk around the entire building. Mr. Whitten pointed out the patio area and entrances.

Henry asked if having the lot closer to the building had been discussed. Mr. Waldo said that it was determined that having the connection to the main access on Shady Oak Road was more of a priority. The play area would be fenced in. He could see positives and negatives with both scenarios.

Powers applauded the concept. It is an improvement from the 49-unit apartment building. He was amazed how the applicant tried to please everyone by making the south end look more urban and the north end residential. He asked if he understood correctly that there would be more room for buffering on the Oak Drive Lane side. Mr. Waldo answered affirmatively. He would work with staff. The applicant is committed to doing better projects. The applicant knew that was an important factor.

Knight stated that he likes the balconies. Mr. Whitten stated that the balconies would be solid aluminum and last as long as the apartment building.

Henry discussed buffering options for neighbors on Oak Drive Lane with Mr. Waldo. Mr. Waldo stated that the applicant would be happy to meet with the neighbor to see what the neighbor would prefer for buffering.

Chair Kirk invited those present to provide comments.

Chris Aanestad, 4255 Oak Drive Lane, stated that:

- He questioned how long the project would take.
- He appreciated the proposal moving the access off of Oak Drive Lane.
- The building would be too large. He did not understand how the building was shown on the plan.

Cynthia Jung, 18505 Spring Crest Drive, stated that:

- She represented the Minnetonka Housing Team. The Minnetonka Housing Team supports adding more units of affordable housing.
- They support the proposal.

Chair Kirk concluded receiving public comments.

Chair Kirk discussed with Mr. Waldo and Mr. Whitten how it is difficult to show the different elevations and scale of the building on a screen.

Chair Kirk stated that the building is too long to keep it to scale on the screen and it is difficult to represent a building that has an elevation change because it is distorted.

Wischnack explained that the city has a contract with the applicant. If tax credits would be awarded this year, then construction would begin in 2020. Relocation of businesses could occur in 2019.

Gordon provided that the 2017 plan proposed 31 units per acre and this concept plan has 33 units per acre.

Knight likes the concept plan. The building looks nice. He likes the change in the roofline. That improves the look significantly. He remembered residents on the south concerned with motorists cutting through their neighborhood. He asked if the proposal would create a cut through. Gordon recalled that a resident was concerned with motorists using Bradford Street to cross southbound traffic to make a left-hand turn onto Excelsior Blvd. to travel east or north on Shady Oak Road. Gordon did not see the concept plan creating that type of circumstance. Mr. Waldo described the traffic pattern for semis with trailers.

Powers liked everything about the new concept plan. He liked the roof lines. He liked how the developer worked so diligently to make this work. Work force housing is needed now. The sooner this is approved and started the happier he will be. The area would be wonderful for kids. He liked the architect thinking of the change in exterior colors and materials.

Luke liked the concept plan more than the previous proposal. The building would be attractive. She liked how traffic would be managed on the south side of the building instead of accessing Oak Drive Lane. She thought the 31 parking stalls looked like a lot of parking.

Henry felt that the type of housing is needed in the city. He liked how there would be more of a buffer between the proposed apartment building and residence on the west side. The building would be massive. Lowering the building to two levels sooner on the south side like it is on the north would make it more visually appealing. He would like to see how much sun would be blocked by the building.

Chair Kirk supports affordable housing. He voted no for the previous proposal because he wanted to see it improved. Moving the access to the south was key. He was happy to see that happen. He suggested aligning the road to prevent headlight wash. Mr. Waldo explained that the parking lot would be sloped down so a vehicle would travel with headlights pointed down.

Chair Kirk asked if a playground could be located over a sewer pipe. Gordon stated that would be looked at. The concept plan provides more flexibility to move the playground around. Chair Kirk suggested moving the playground further south and aligned with the backyard of 4292 Oak Drive Lane. He would like proof of parking. He looks forward to seeing a clear landscaping plan with trees, sidewalks, and snow storage. The building is still too close to the road. He was fine with the roofline. He hoped the number of units could be condensed a little to help condense the setback from Oak Drive Lane.

Powers stated that he visited residents of Oak Drive Lane and most of them did not care about the size of the building, except for the closest neighbors. It is 2020 and density is going to increase. He sees buildings in suburbs twice this size. The density is appropriate. The building is appropriately sized and takes into account that the city needs affordable housing now. This type of opportunity for this type of parcel, along a major street, that has already been developed is rare. The site's proximity to amenities makes it even rarer. He favored keeping the density as it is.

Luke felt that it would be nice to have an apartment building near single-family houses instead of an industrial area. That would make the apartments more attractive and keep the workforce housing near other workforce housing. The site would be accessible to amenities including the grocery store. It would be a very good location.

Chair Kirk noted that the owners of surrounding businesses would welcome the residents. The site is ready for redevelopment.

Henry would like the playground area moved closer to the main entrance if it could be done without ending up in a completely shaded area.

**10. Adjournment**

***Knight moved, second by Luke, to adjourn the meeting at 9 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary