

**Minnetonka Planning Commission  
Minutes**

**June 13, 2019**

**1. Call to Order**

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

**2. Roll Call**

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

Staff members present: City Planner Loren Gordon, Planner Drew Ingvalson, and Natural Resources Manager Leslie Yetka.

**3. Approval of Agenda**

***Powers moved, second by Sewall, to approve the agenda as submitted with additional comments provided in a change memo dated June 13, 2019.***

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

**4. Approval of Minutes: May 16, 2019**

***Luke moved, second by Powers, to approve the May 16, 2019 meeting minutes as submitted.***

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

**5. Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its May 20, 2019 and June 3, 2019 meetings:

- Adopted a resolution approving an accessory apartment on Acorn Ridge.
- Introduced an ordinance regarding pollinators.
- Adopted a resolution approving a two-lot plat on Park Valley Road.
- Reviewed a concept plan for Shady Oak Crossings.
- Referred an application from Walser Nissan back to the planning commission.
- Adopted a resolution approving a master development plan amendment for Solbekken Villas.

The next planning commission meetings are scheduled for June 27, 2019, July 11, 2019 and July 18, 2019.

The annual boards and commissions training and dinner will be held at city hall starting at 5:30 p.m. with dinner at 6:30 p.m. on July 15, 2019.

**6. Report from Planning Commission Members**

Chair Kirk attended the ribbon-cutting ceremony to open pickle ball courts. It was very nice.

**7. Public Hearings: Consent Agenda**

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

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

**A. Resolution approving an expansion permit for a detached garage at 13436 Orchard Road.**

Adopt the resolution approving a side yard setback expansion permit to construct a detached garage addition at 13436 Orchard Road.

**B. Resolution approving a variance and expansion permit for an existing house and greenhouse addition at 4811 Highland Road.**

Adopt the resolution approving a property line setback variance for a greenhouse and acknowledging a property line setback variance for the existing house and deck at 4811 Highland Road.

**C. Resolution approving an amendment to the existing sign plan at 12700 Whitewater Drive.**

Adopt the resolution amending the Minnetonka Corporate Center sign plan as it pertains to the building at 12700 Whitewater Drive.

***Sewall, Knight, Luke, Powers, and Kirk voted yes. Hanson and Henry were absent. Motion carried and the items on the consent agenda were 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 preliminary and final plats of Rutzick Ridge, a two-lot subdivision at 3564 Shady Oak Road.**

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.

Ryan Rutzick, 3564 Shady Oak Road, applicant, stated that he was available for questions.

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

Sewall felt that the proposal is reasonable. He liked that the property owner would continue to live on the property.

Powers liked that there would not be a lot of tree removal.

***Powers moved, second by Sewall, to recommend that the city council adopt the resolution approving the preliminary and final plats of Rutzick Ridge, a two-lot subdivision at 3564 Shady Oak Road.***

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

**B. Items concerning Walser Nissan at 15906 Wayzata 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.

In response to Luke's request, Ingvalson pointed out trees that would be removed.

Powers asked what part of the berm would be removed. Ingvalson identified the area.

Knight asked if the back lot would be a vehicle storage area or if customers would be coming and going. Ingvalson explained that it would be used more as a vehicle storage area.

Powers asked if there would be an increase in noise. Ingvalson expected the noise level to remain the same as it is now. The noise ordinance would apply.

Jack Grotkin, representing Walser Automotive, applicant, stated that:

- He has assisted Walser Automotive with building dealerships for 20 years.
- The proposal would save the berm. The elevation of the building would be lowered three feet which would eliminate the retaining wall on the north side of the property.

- The neighbors requested an eight-foot fence. The applicant would like to fill in the area with plants, trees, and shrubbery.
- He would continue to work with neighbors and welcome input from neighbors and city staff.
- The back lot would be used primarily for storage of vehicles. The retail side of the business would continue to occur in front of the building.

Knight asked if the vehicles in the back lot would be backed into stalls. Mr. Grotkin answered affirmatively. Knight noted that would decrease the occurrence of headlights facing toward adjacent properties.

Sewall asked if the dealerships hours would change. Mr. Grotkin stated that the site would remain open Monday through Thursday until 8 p.m.; Friday and Saturday until 6 p.m.; and closed on Sundays.

In response to Chair Kirk's question, Chad Ayers, civil engineer for the project, stated that one tree would be impacted. The critical root zones of the rest of the trees would not be impacted. A small retaining wall would be created in an effort to save a significant tree just to the south. The grading is necessary to clean up the storm water pond and create slopes to meet the requirements of the city and watershed district.

The public hearing was opened.

Bradley Schaeppi, 315 Townes Lane, stated that:

- The proposal has improved. He was optimistic.
- He appreciated commissioners asking detailed questions.
- He met with the applicant.
- He wants the berm and trees to stay the same as today.
- More headlights would be seen in the winter.
- He would like a condition to address what would happen if a tree on the berm would die.

Jeff Koblick, 351 Townes Road, stated that:

- The berm was created to screen retail activity at the mid elevation.
- The original grading plan had the elevation meeting the berm height at 12-feet tall. The elevation would now be 10-feet tall.
- Retail activity would be seen 8 months a year.
- He would like a condition requiring an eight-foot tall fence to block retail activity.

Gervaise Peterson, 212 Townes Lane, stated that:

- She would like the lights to point down instead of out.

Tim Engel, 350 Townes Road, stated that:

- The vehicle headlights would travel over the berm toward the houses.
- The amount of traffic is the concern.
- The berm is pretty transparent six months of the year.
- He thought an eight-foot fence would be a more cost-effective alternative than raising the berm and replacing the trees.
- He wanted to preserve the privacy.
- The difference in the change in the elevation should be matched with a fence.

No additional testimony was submitted and the hearing was closed.

Ingvalson reviewed the elevations, berm height, and buffer requirements.

Mr. Grotkin pointed out the service entrance, exit locations and traffic pattern.

In response to Knight's question, Mr. Grotkin explained how an automobile transport truck would stay on the north side of the building. That would be true with tow trucks and delivery trucks. Trucks would enter on the east side and exit on the west side.

Sewall asked if a lighting plan would be reviewed. Ingvalson answered affirmatively. A condition of approval would require a plan that would prohibit light to spill onto another property.

Powers asked what would happen if trees that were expected to live would die in the future. Gordon explained that the landscaping plan would be enforced.

Chair Kirk did not want to treat Walser Nissan unfairly compared to the other automobile dealerships. It would be reasonable to suggest requiring additional plantings in the recommendation to city council. It appears that the berm on the east side is more robust and may do a better job of screening the traffic occurring around the building. He suggested adding evergreens to fill in the top of the berm. He would not want to see a fence constructed on a berm. Adding trees would do a better job of screening the neighbors.

Sewall agreed. He liked adding more plantings rather than a fence. He requested staff make that a condition of approval.

Chair Kirk noted that the applicant is trying to move the dealership back from the road to be aligned with surrounding dealerships.

Powers applauded the applicant for listening to commissioners and neighbors. It sounded like the city helped alleviate problems neighbors had with the Mitsubishi dealership. He likes the changes to the proposal. He did not care if the buffer would be a fence or plantings.

Ingvalson pointed out the plantings that would be added on the landscape plan.

Powers expected the applicant to work with the neighbors.

Chair Kirk noted that what he was describing for screening is already covered by a condition of approval.

Luke thought the proposed landscape plan would provide more long-term, permanent, better-looking screening than a fence.

Chair Kirk appreciated the neighbors providing comments and the effort provided by both sides. The applicant has compromised quite a bit and reduced the amount of parking.

Sewall stated that he agrees with staff's recommendation in regard to signs. Four signs would be appropriate in this case, but they should be restricted to the size requirement.

Chair Kirk agreed with staff's recommendation regarding the parking ratio.

***Powers moved, second by Knight, to recommend that the city council adopt the ordinance approving a master development plan and final site and building plans with a parking setback variance and a resolution approving a conditional use permit with a building-to-parking variance and sign plan.***

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

## **9. Other Business**

### **A. Concept plan for The Mariner at 10400, 10500, and 10550 Bren Road East.**

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

Becky Landon, president of Newport Midwest, applicant, stated that:

- She provided the background on the project.
- The proposed site-plan change would preserve the funding for the affordable component.
- There would be 55 affordable units. Affordable housing income guidelines equal up to 50 percent of area-median income.
- There would be four supportive units designated for veterans experiencing homelessness.

- There would be one, two, and three-bedroom apartments.
- She provided a presentation.
- The buildings would be separately financed, but look and operate as one complex. The buildings would be constructed at the same time.
- The financing for the affordable-housing building is at risk if the project does not move forward and start construction this fall. The affordable building was awarded nine percent affordable-income-housing-tax credits in 2018. According to federal regulations, the building must obtain a certificate of occupancy by the end of 2020 or the tax credits would be lost. There is no wiggle room.

Pete Keely, architect for the proposal, stated that:

- The applicant has received more information from SWLRT.
- The best location for the affordable building would be along the SWLRT line. It would provide additional flexibility.
- The number of parking stalls would be increased to 1.5 stalls per unit.
- The sidewalk on the south end would no longer need a tunnel.
- The common spaces and amenities would be the same as the other building.
- There would be a better and safer play area in the northwest corner.
- There would be a two-story space inside the building connecting to the play area.
- The site would have access to SWLRT.
- The building would be fairly dense.
- The watershed district changed some requirements. An underground storage tank is being considered on this portion of the site which has good soils for infiltration.
- He provided renderings of the proposal.
- The exteriors would still be brick and metal.

Ms. Landon stated that:

- The watershed district is fine with the proposed site change.
- She requested that planning commissioners, councilmembers, and staff work with the applicant to modify the typical process so that construction of the affordable building would be able to begin this fall to protect the tax-credit award.
- The applicant is prepared to submit updated land use submittals shortly after the June 24<sup>th</sup> city council meeting.
- The applicant requests formal approvals of action requests in August. The applicant will be as collaborative as possible to meet that time schedule as well.
- The TIF agreement modifications would also need to be done in a timely manner. She will request that an EDAC meeting be held in August.

- The internal placement of amenity spaces have changed, but the number of units and unit mix are still the same.
- She requested concurrent review of the land use and building permit applications. This is not starting over. A lot of progress has been made.
- She was happy to answer questions and receive feedback.

Chair Kirk noted that there was no one in the audience.

Sewall confirmed with Ms. Landon that construction of the affordable building would move forward regardless if financing would be secured for the market-rate building. Ms. Landon stated that the effort to secure financing for the market-rate building would continue in the meantime.

Chair Kirk appreciated the project including the affordable housing units and supportive units for veterans. The density and proximity to SWLRT seem appropriate standing on its own.

In response to Chair Kirk's question, Ms. Landon explained that the property would be subdivided because each building has to have its own legal parcel for financing. Chair Kirk would like the buildings to visually appear closer together. Affordable housing is needed in Minnetonka.

Ms. Landon stated that the buildings would have the same exteriors, look like one complex and operate as one complex. Chair Kirk suggested having the property line in the parking lot. Ms. Landon said that could be considered. She did not know if that would work from a building permit perspective.

Powers liked the idea that the applicant is willing to propose a project that would include 50 percent affordable units.

Sewall suggested that the sidewalks and landscaping be done deliberately to make the buildings feel like one apartment complex. He thought the building looked smaller. He asked for the number of units. Ms. Landon said that the number of units would be impacted by the financial structure and combination of the type of studio, one-bedroom, and two-bedroom units.

Mr. Keely explained that the previous proposal had two levels of underground parking. The opportunity is still there. The current building does have a smaller footprint than the previous proposal. The mix of units is still yet to be determined.

Sewall has no problem with the land use. It makes sense.

Luke asked what would be done with the lot after the affordable building would be constructed to make people want to live there. Ms. Landon answered that the existing building and parking lot could be demolished and replaced with green space.



Knight asked when she predicts the market-rate building would begin construction. Ms. Landon expected in the next 18 months. One positive is that now it has been confirmed that the SWLRT is going to proceed with construction. There are proposed developments for the Opus area that are very encouraging. There are potential investors who have been waiting to see how the RiZe will do. As the RiZe keeps moving forward, that will show that the area is able to support market-rate units.

Powers fully supports the proposal.

Knight asked if an area for teenagers would be available in the area, such as a basketball court or area to play catch. Gordon stated that Opus has a trail system. The closest park is Lone Lake Park.

Sewall suggested including bike storage and maintenance areas. Ms. Landon stated that there would be a bike storage facility and fix-it station available for anyone to use.

Gordon stated that the city council will review the item June 24, 2019.

**10. Adjournment**

***Powers moved, second by Luke, to adjourn the meeting at 9:05 p.m. Motion carried unanimously.***

By: \_\_\_\_\_

Lois T. Mason  
Planning Secretary