

**Minnetonka Planning Commission
Virtual Meeting
Minutes**

Oct. 22, 2020

1. Call to Order

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

2. Roll Call

Commissioners Powers, Waterman, Hanson, Henry, Luke, Maxwell and Sewall 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 Resources Manager Leslie Yetka, Park and Trail Planner Carol HejlStone, Network Administrator Jeff Dulac, and IT Assistant Gary Wicks.

3. Approval of Agenda

Henry moved, second by Powers, to approve the agenda as submitted with additional comments and modifications provided in the change memo dated Oct. 22, 2020.

Powers, Waterman, Hanson, Henry, Luke, Maxwell and Sewall voted yes. Motion carried.

4. Approval of Minutes: Oct. 8, 2020

Maxwell moved, second by Powers, to approve the Oct. 8, 2020 meeting minutes as submitted.

Powers, Waterman, Hanson, Henry, Luke, Maxwell and Sewall voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Oct. 12, 2020:

- Adopted a resolution approving vacation of drainage and utility easements within Legacy Oaks Fourth Addition.
- Tabled action on an ordinance to approve rezoning of 4144 Shady Oak Road from R-1 to R-2 to allow time to gather more information.
- Adopted an ordinance establishing a sustainability commission.
- Conducted an Opus open house briefing that reviewed the number of residential units that are being proposed.

- Adopted a resolution ordering an Alternative Urban Areawide Analysis be completed for Opus.

The next planning commission meeting is scheduled to be held Nov. 19, 2020.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Conditional use permits and final site and building plans for structures at Crane Lake Preserve located at 11905 Ridgedale Drive and the new Park at Ridgedale at 12590 Ridgedale Drive.

Chair Sewall 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 questions, Cauley explained that the amount of tree canopy would be increased with the redesign of Ridgedale Drive into a parkway and a restroom is included in the plans for the Park at Ridgedale. HejIStone explained that there would be a substantial increase in the number of trees in the Park at Ridgedale. Plans for Crane Lake Preserve include removing buckthorn, retaining large tree species, strategic pruning of trees, and planting new trees. Unfortunately, Crane Lake is too shallow to provide a boardwalk feature. Retaining large mature trees and the addition of a shelter would frame beautiful views of the water. There would be a trail along the south side of Ridgedale Drive that would connect the new trail along Plymouth Road and sidewalk on Wayzata Blvd. The Crane Lake Preserve would not have a restroom. There are a number of public restrooms in the area. If it would become an issue, then action could be taken at that time.

In response to Maxwell's question, HejIStone explained that the pointed area of the shelter in Crane Lake Preserve would have an impervious roof. The pergola structures would have a light and airy feel. It would be visible from Ridgedale Drive. Its purpose would be to invite people into the space. The surface leading up to the structure would be compliant with the Americans with Disabilities Act (ADA) requirements. It would be made of cast-in-place concrete pavers which would serve as a visual cue to transition from the larger trail area to the casual park environment.

The public hearing was opened. Dulac indicated that there were no callers waiting to speak. No testimony was submitted and the hearing was closed.

Hanson asked when the parks would be available to the public and if special considerations for Covid-19 would be taken. Cauley answered that Covid-19 regulations would be followed. HejlStone stated that construction should begin in April of 2021 and substantial completion for both sites should be done in November of 2021.

Powers looks forward to the parks with great anticipation. The Ridgedale area is begging for some foliage. It is currently a giant, concrete area. The Park at Ridgedale would be a welcome addition to the area.

Waterman agreed that the projects would be beautiful. The Crane Lake Preserve project would bring access to the lake closer and get a lot of use. He looks forward to seeing it completed. It meets all conditional use permit requirements. He supports the application.

Chair Sewall received unanimous confirmation of support of the proposal from commissioners.

In response to Henry's question regarding sustainability practices, HejlStone noted that the proposal for Crane Lake Preserve would include removing invasive species and replacing them with natural plantings; introducing an underground stormwater tank; and introducing raingarden plantings at the surface to improve the quality of the water entering Crane Lake. The applicant is looking at ways to capture and reuse stormwater, increasing the number of pollinator plantings, and using lighting tubes in the restrooms at the new Park at Ridgedale.

Luke moved, second by Hanson, to recommend that the city council adopt the resolutions approving conditional use permits and final site and building plans for park structures at Crane Lake Preserve located at 11905 Ridgedale Drive and the new Park at Ridgedale at 12590 Ridgedale Drive.

Powers, Waterman, Hanson, Henry, Luke, Maxwell and Sewall voted yes. Motion carried.

B. Preliminary plat with lot width at setback variances for Tonkawood Farms Third Addition, a three-lot subdivision at 15014 Highwood Drive.

Chair Sewall 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.

Chair Sewall confirmed with Cauley that the current application is the same plan that was approved in 2016, but that approval expired before it was filed with the county.

Bob Rehberg, applicant, explained that getting the mylars signed for the plat took a long time since there are five property owners. The proposal has been covered thoroughly. He was available for questions.

The public hearing was opened. Dulac indicated that no one was waiting to comment on this item. The public hearing was closed.

Powers recalled voting to approve the project in 2016. He looks forward to the proposal being completed. He supports staff's recommendation.

In response to Henry's question, Cauley stated that no concerns were expressed to staff from neighbors regarding water runoff at this time. In the 2016 staff report, it was noted that the site had drainage issues and that the proposal would improve those conditions by treating the stormwater on site and with grading improvements. Staff agrees with that finding at this time.

Waterman moved, second by Henry, to recommend that the city council adopt the preliminary plat with lot width at setback variances for Tonkawood Farms Third Addition, a three-lot subdivision at 15014 Highwood Drive.

Powers, Waterman, Hanson, Henry, Luke, Maxwell and Sewall voted yes. Motion carried.

C. Items concerning construction of a house at 3274 Fairchild Ave.

Chair Sewall 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 Sewall noted that the first determination to be made by commissioners is whether the lot is developable or not. If the lot is deemed developable, then the next determination to be made is whether the front-yard setback variance is reasonable.

Luke asked for the definition of a principle structure. Ingvalson answered that a principle structure on a residential lot is a single-family house. The proposal would meet minimum principle structure size requirements.

Waterman asked what area is considered part of the neighborhood. Ingvalson answered all properties within 400 feet of the subject property.

Henry asked if a garage could be built on the property. Ingvalson stated that a structure up to 120 square feet would be allowed to be built on the stand-alone, residential lot.

In response to Maxwell's questions, Ingvalson stated that city engineers review each application to determine if the grading and amount of fill would allow proper drainage. The city requires an applicant to provide a survey done by a licensed land surveyor.

In response to Luke's question, Ingvalson explained that there are vacant lots within 400 feet of the site that are smaller than the application's lot, but those lots are located in the floodplain, sit below the ordinary high water level, or are covered by wetland enough to have no buildable area. There are several houses in the area that have a similar front yard setback as the proposal is requesting with the variance to allow a front setback of 20.5 feet.

In response to Powers' question, Ingvalson answered that the lot met all R-1 district zoning requirements when it was created, but ordinances have changed since then. Staff has found unique characteristics with the lot which meet the practical difficulty standard.

Hanson asked why the site would still be undevelopable if the property adjacent to it would be added. Ingvalson explained that the vacant property on the east is located entirely in the floodplain. The two properties combined would not meet minimum standards.

Chair Sewall asked if the property owners' two lots would be combined, then could a second house be built on the site. Ingvalson answered that ordinances prohibit two single-family residences from being built on one single-family lot. If the properties would be combined, then the maximum 120-square-foot structure size requirement would not be enforced. The size of a structure on a parcel made from combining the two properties owned by the same owner would only be restricted by setbacks.

Ingvalson explained that the city requires a survey to show the floodplain location. The level of detail on the applicant's survey is significantly higher than typically provided. The previously denied application proposed a much larger house that extended into floodplain and shoreland setbacks. The amount of square footage that is buildable on the site has changed based on this increased information. The proposal shows that a house could fit on the buildable area and meet minimum size requirements.

Chair Sewall confirmed with Ingvalson that the garage doors would allow entry into the front of the house and there would be a door on the rear of the house. The first level has no livable space. The upstairs would have all of the livable area.

Eric Hastreiter, of City Homes, the builder representing the applicant, stated that he worked diligently to create architectural plans and a survey for the site. He invited Nick to speak.

Nick Culotti, resident of 3305 Fairchild Ave. and owner of 3274 Fairchild Ave., applicant, thanked commissioners for their time. He stated that:

- The proposal for 3274 Fairchild Ave. would be a reasonable and permitted use of the property which would allow a place for his parents to stay when they visit from New York.
- In 2018, he met with staff. He had a detailed topography survey and wetland delineation completed. Natural resources staff visited the site to validate the wetland delineation. An application was submitted and approved by city staff and the Department of Army Corps of Engineers in Oct. of 2018 which is valid for five years.
- He worked with city staff to propose a modest structure that would meet all city standards except for the front yard setback. The proposed front yard setback is consistent with others in the neighborhood including the immediate neighbors on the north and south of the property.
- He has had plans prepared by a licensed architect, licensed civil engineer, and licensed geo-technical engineer.
- The application does not request anything other than what would be necessary for a reasonable, permitted use of the property while respecting the environment by following practices imposed by state and local regulations.
- He thanked commissioners for their time.

Chair Sewall asked if another door would be added to provide another access. Mr. Culotti would like to add one. Options are being considered. He looked into combining the parcels, but then a living space would not be allowed.

Henry asked if adding onto the existing house had been considered. Mr. Culotti answered affirmatively. It was considered, but a newly installed wrap-around deck would have to be destroyed and makes the proposal the best economic and common-sense solution.

Powers asked Mr. Culotti if he knew the lot was considered unbuildable when he purchased it. Mr. Culotti answered in the negative. He and his wife purchased the lot in 2014. The seller said that there is buildable land on the lot and a variance would probably be needed to build something. He contacted the city in 2015 and Cauley sent him a staff report that detailed a previous land use application for the site. That application requested approval of multiple variances including ones to build in the wetland setback and floodplain. At that meeting, the site was deemed unbuildable.

Powers asked Mr. Culotti what plans he would have for the proposal if his parents no longer needed it. Mr. Culotti answered that he and his wife would move into it when they are ready to downsize.

Waterman asked what discussions he has had with neighbors. Mr. Culotti said that he reached out to neighbors. Some neighbors were o.k. with the proposal, some neighbors

were concerned with privacy, and some neighbors encouraged other neighbors to oppose the proposal.

The public hearing was opened.

Steve Dunlop, 3250 Fairchild Ave., stated that:

- He values the applicants. He wants what is best for their family and the surrounding neighborhood as a whole.
- He does not support the project.
- The site has always been deemed unbuildable. The design for the remodel of his house was based on the proposed site being unbuildable and his property value is based on the proposed site being unbuildable.
- Previous attempts to build on the lot have been denied.
- He spoke to Ingvalson who went over the staff report with him and headed off a lot of the concerns he has brought forth.
- The proposed structure would be taller than his house.
- His deck and three bathroom windows would have a view of the proposed house.
- He provided slides of his house adjacent to the proposal.
- He highlighted parts of a staff report from 2013 regarding a previous application that states that staff would not support the proposal because it would be “more than what properties in the neighborhood have been or are allowed.” It also states that staff believes the property is unbuildable and it has been valued as such by the city assessor for many years.
- The floodplain has moved since 2013. The FEMA insurance map shows half of the site is still being treated as a floodplain.
- The proposal requires a front setback variance.
- He did not think it fair to include the properties within 400 feet of the site to compare lot sizes, house size, and floor area ratio (FAR) calculations.
- The proposed site would have by far the smallest lot compared to 14 properties on Fairchild Ave.
- The volume of fill should be taken into account. The footprint would be no different than before.
- The property is in common ownership and, therefore, no hardship exists.
- The hardship is created by the property owner.
- The property is unique because it is unbuildable because the lot is too small and the proposal would need 25,000-cubic feet of fill added in order to put a 1,000-square-foot living structure on the property.
- The site had 700-square feet of buildable area in 2013 and now has 900-square feet of buildable area.
- The proposed house would not fit in with the characteristics of the houses on Fairchild Ave.
- The circumstances have been created by the land owner.

- The proposal would be a deviation from the city's policies.
- The 2013 staff report noted that the site has a significant amount of high priority and significant trees.
- The lot does not maintain the half-acre-minimum lot size.
- The proposal's dimensional standards are not consistent with the neighborhood.
- Buying additional property would not make this buildable.
- The house would not fit the constraints of the lot.
- The property has reasonable use and has not been taxed as a buildable lot.
- The property was purchased after the zoning ordinance was created, therefore the hardship was created by the owner.
- He agrees with staff's opinion in 2013 and it should apply to this application.
- He requested the application be denied.

Lisa Crump, 3300 Fairchild Ave., stated that:

- She appreciates the opportunity to express her concerns.
- She disagrees with the variance application.
- She thought the property is unbuildable.
- Seventeen years ago she met with city staff who determined that the property has a reasonable use as lake access and that it would be improbable to be able to build a house on the site given the sheer number and size of variances that would be required.
- In 2013, the previous owner's application was denied. At that time, staff determined the lot was unbuildable.
- The lot was taxed as an unbuildable lot.
- The applicants purchased the property in common ownership with 3305 Fairchild Ave. The property at 3305 Fairchild Ave. could easily accommodate an expansion of the existing house on its 2.8 acres.
- The proposal would not fit the character of the neighborhood.
- The neighborhood has a precedent of allowing a flag lot.
- She spoke to city staff regarding adding on to her garage. Staff said that it would not meet setback requirements and would require a front-yard setback variance. She chose not to apply for the variance.
- The proposal would cause privacy issues for her.
- The houses within 400 feet of the site do not accurately reflect the neighborhood. The proposal would not fit in with the character of the neighborhood.
- She did not support the application.

Scott Crump, 3300 Fairchild Ave., stated that:

- The house would not be in character with the Fairchild neighborhood.
- The proposal would lower property values.
- The house would be too small for a family. It could be rented to a business and he did not want to live next to it.
- The planning commission is not obligated to approve the variance.
- The floodplain has changed since 2013. He did not “buy that at all.”
- The property owner created the situation.
- Fairchild Ave. and Lakeshore Blvd. have distinctively different neighborhoods.
- The property has a lawful and permitted use serving as lake access.
- The application should not be approved.
- The lot is unbuildable.

Marcia Aamodt, 3224 Fairchild Ave., stated that:

- The area has attractive houses.
- The proposed site has been classified as unbuildable for many years.
- The city’s philosophy is to support park-like areas. She did not agree with adding fill. She questioned if the city council’s philosophy has changed or if the application would be approved to generate more revenue.
- The lot’s small size has not changed.
- The variance would allow the structure to be located closer to the street. Her property created a berm to help block the driveway.
- The structure would not fit in the neighborhood. To fit in better, the structure could be cantilevered; have a long deck on the south side; have bowed windows to soften the appearance of the proposed flat-sided building; and add a stylistic roof and gabled windows above the garage.
- Trees would be removed and dump trucks would dump fill on the site. The surrounding area would be decimated.
- The structure would not be beneficial to the neighborhood.
- The lot is just as unbuildable now as it was previously.
- The planning commission and city council should deny the proposal.

No additional testimony was submitted and the hearing was closed.

In response to Hanson’s question, Ingvalson answered that the structure would be setback 10 feet on the north side property line. There is no minimum square footage requirement.

The public hearing was reopened.

Peter Coyle, attorney with Larkin Hoffman, representing the applicant, stated that:

- There are two questions that need to be answered: Can the application satisfy the standards of a variance for the nonconformity? Can the application satisfy the city's standards relevant for a front yard setback? Staff's report confirms that the application has done so and recommends approval of the application on that basis.
- He respects the objections and concerns raised by the residents. The objections boil down to either a visual issue, the fact that a previous application had been denied, and that the property has been subject to regulatory changes that make it a legal, nonconforming lot. The lot started out as a legal, conforming lot which has certain rights. The proposed variance would protect those rights to ensure that the lot is buildable.
- He respected that the neighbors would rather not have a structure on the lot that someone else owns, but the proposal would meet side yard setback requirements, stay below the height ceiling limit, and the house would meet building code requirements. The neighbors' concerns are not legally relevant.
- The proposal satisfies the city's land use plan, zoning requirements and the restrictions on the property were not caused by the owner. The restrictions that made the property unbuildable were initiated by a public entity that imposed restrictions on what was a legal, conforming piece of property. It is a platted lot of record subject to property tax.
- The denial of a previous application is not relevant.
- The property is zoned correctly.
- The use of a single-family house is reasonable.
- The property is big enough to accommodate the dwelling.
- The proposal satisfies the requirements of the city.
- He requests approval of the application.
- The lot is buildable within the city's standards.
- The city has granted the same front-yard setback variance to similar properties.
- This application should be approved.
- He was available to answer questions.

No additional testimony was submitted and the hearing was closed.

Maxwell asked if the Dunlop house meets side-yard setback requirements. Gordon answered that the Dunlop house is 9.2 feet from the side property line adjacent to the proposed site.

In response to Maxwell's question, Ingvalson explained that changes in surveys may be made after adding spot elevations which can allow for a more accurate survey to be completed. Yetka agreed that changing the landscape can change the floodplain location as well as having more spot elevations that allow the location of the floodplain to be identified more accurately on a survey.

Chair Sewall clarified with Ingvalson that since the lot conformed to ordinance requirements at the time it was platted that gives the property owner the right to build a single-family residence. Since the current property owner owns another parcel across the street, the proposed site is considered in common ownership which results in the two properties only being allowed to have one single-family house. The proposed site is allowed to have a garage with no size restriction except for meeting setback requirements. If the proposed site had never been in common ownership, then the property owner would have had the right to construct a single-family residence on the proposed site.

Waterman stated that:

- He appreciates all of the time, work and energy put into the proposal by the applicant, city staff, and neighbors.
- He spent a lot of time looking at the details. He would like to do what he would like to do to his property, but he also understands that there are codes to prevent an adverse impact on neighbors. The code states that the site should not have a principle structure because the lot is undersized and in common ownership.
- He might feel differently if the site was still owned by the original owner or if there was already a house on the site, but since the purchase is more recent, he felt the current ordinance should be followed.
- Unfairly burdening a homeowner should be considered.
- He agreed that the proposed house would not fit with the neighborhood character.
- The proposal would cause environmental changes by adding fill and removing trees.
- He did not support the application.

Luke stated that:

- She agrees with Waterman.
- She thanked the homeowner and neighbors for their diligence.
- Regardless of the decision, she encouraged the neighbors to continue a harmonious relationship.
- She saw no change since the site was considered unbuildable.
- The site is in common ownership and undersized.
- She was concerned with the environmental impact from fill and removal of trees.
- She is in favor of smaller structures and accessory dwelling units in Minnetonka.
- She did not see a reason to change the site's unbuildable status.
- She did not support the application.

Henry concurred with Luke and Waterman. The issue is that the site does not meet the buildable area requirements now and was previously found to be an unbuildable lot. He did not support the proposal.

Maxwell concurs with commissioners. The lot does not meet the buildable area requirement, is in common ownership with another property, and the fill could cause an environmental issue located so close to the lake. She made it clear that the planning commission considers land use issues and not tax revenue.

Hanson agreed with commissioners. He had issues with the lot area, fill, and changes since the last denial of an application.

Powers thanked the neighbors, staff, and commissioners. He stated that:

- He was ambivalent towards the proposal. On the one hand, the hardship is self created. On the other hand, the house would fit in with the neighborhood. It would be a single-family house. He did not particularly like the look of the house, but it would be in character with the neighborhood.
- If this would be the first house built, then the argument could be made that large houses would not fit with the existing small house.
- He is going to support staff's recommendation and changing the status to make it a buildable lot.
- He wishes the house would be smaller and prettier.
- He supports staff's recommendation.

Chair Sewall stated that:

- He visited the site a few times because he could not decide.
- It would be a hard lot to build on and the house would be located close to the neighbors' house. It does not make a lot of sense, but he felt that it would meet those thresholds.
- The front yard setback is not an issue. There are similar front yard setbacks in the area.
- The fact that the lot is held in common ownership does not seem like a big issue.
- The proposal fits within the parameters.
- He agreed that it would not be an ideal house or spot to put a house, but he feels the property owner has the right to do that.
- The proposal would not negatively impact property values.
- He supports staff's recommendation.
- He hopes the neighbors can get past the disagreement and remain neighborly.

Waterman moved, second by Luke, to deny the application to declare the property at 3274 Fairchild Ave. developable for a principle structure and a front yard setback variance due to findings that include that the lot is undevelopable, undersized for a principle structure and in common ownership.

Waterman, Hanson, Henry, Luke, and Maxwell voted yes. Powers and Sewall voted no. Motion carried.

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

Chair Sewall thanked everyone for their time.

D. Conditional use permit and final site and building plans for a licensed residential care facility at 12701 Lake Street Extension.

Chair Sewall 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.

Powers asked if buffering would be required on the east side. Thomas answered that a condition of approval would require vegetation to be planted to provide screening. The applicant has provided a landscape plan. Natural resources staff reviewed the plan, made some suggestions and will work with the applicant and neighbor on the east to finalize the landscape plan. Most of the woods area on the west is part of the site and has a large drainage way. The property has 250 feet of frontage on Lake Street Extension. The proposed structure would sit on the east side of the property. This is a redevelopment, so the tree protection ordinance removal threshold requirement does not apply.

Henry confirmed with Thomas that the 17 stalls south of the building would be paved, but the stalls on the north side would serve as proof-of-parking and remain green space unless needed in the future for parking. City engineering and public works staff reviewed the plans and found no issues atypical of streets in the community.

Barry Stock, representing the applicant Plateau Healthcare as a project manager, stated that commissioners deserve a raise. He stated that:

- The site is well suited for the proposal for many reasons including its location near Hwy. 7 and Interstate 394; site characteristics of being 1.6 acres in size and having ample screening from the west and south sides; and the property previously being approved for a lot split. He considered moving forward with the lot split and creating two, six-person care

facilities which would only require a building permit and no conditional use permit. Splitting the property would result in major grading of the site and significant tree loss. The applicant determined that option would be more upsetting to the neighbors than the proposal of one building on the entire property option.

- Constructing a new building would allow the facility to fully meet the needs of the clients.
- Each client would have a private room and care plan to meet individual needs. There would be no memory or Alzheimer care. Services would be provided in a home-based setting.
- There would be no age restriction.
- The proposal was designed to minimize site disturbance and tree loss.
- The design of the building would be architecturally pleasing to the area.
- The application is supportive of staff's recommendation to locate all of the parking in the rear of the facility and adding vegetative screening, particularly on the east side of the property.

Faisale Boukari, president of Plateau Health Care, applicant, stated that:

- He received his nursing degree in 2008 and worked at the Hennepin County Medical Center (HCMC) intensive care unit and emergency room. He noticed a lot of patients getting stuck in the hospital because there were not enough homecare options available. He also worked at a group home where he gained experience with that setting. The owner of the group home was not a nurse and the care was not very well done.
- He and his wife, Alicia, now own and operate three group homes.

Alicia Boukari, of Plateau Health Care, applicant, stated that:

- She appreciated the time commissioners spent reviewing the proposal.
- She grew up in a small city on a small farm. She enjoys taking care of animals and people. She became a registered nurse in 2001 and worked at HCMC on the oncology, pediatric, and ICU floors.
- She saw many critical-care patients calling HCMC home because there was nowhere else for them to go.
- She has the compassion and dedication to help vulnerable adults and the disabled community have the highest quality of home for them.

The public hearing was opened.

Brad Wistrom, 12618 Lake Street Extension, stated that:

- He appreciated Thomas guiding him through the process.

- Staff was given a list of objections to the proposal from a few neighbors that was provided to commissioners.
- The property is a good size. It has a farm house that has been for sale for some time.
- He only had a week to respond to the notice in September. He would have liked a neighborhood meeting.
- The area has single-family houses. His house did not show up on the picture of the site.
- He was concerned with a 24-hour facility and people coming and going across the street.
- Lake Street Extension is not very wide.
- He was concerned with delivery vans and metro mobility vehicles.
- The driveway to the site is narrow and close to his house.
- He is concerned with hearing doors close and lights shining on his house.
- There is a steep hill that delivery vans have trouble going up. Two buses have gotten stuck on winter days.
- He was o.k. with Plateau's proposal, but he was concerned what the house could be used for a few years down the road. He has no objection with what Plateau is trying to do here.
- This type of facility does not belong in the area.
- He considered the proposal a commercial development that would be too large for the area.

Tom Suerth, 4125 Windridge Circle, stated that:

- He believes Plateau Health Care's intentions are sincere and that care homes provide a necessary service to the community.
- The spirit of the zoning code would not be followed if the 12-person facility would be approved. He could see how a six-person care facility could be justified and fit in with residential houses.
- Most of the houses in the area are half of the size of the proposal.
- The 17 parking stalls and 31 vehicle trips per day make it seem more like a commercially zoned area of the city.
- The proposal would alter the essential character of the neighborhood.
- He opposed the proposal.
- He was concerned with traffic in the winter hitting the guard rail and causing pedestrian safety issues.
- He was concerned with the noises an ambulance would make.
- There are two other residential care facilities within 500 yards of the site. The city should limit the number of facilities within a certain radius.
- He was concerned with the removal of trees and its impact on wildlife.
- He opposed the project.

Jeffrey Louwagie, 12600 Lake Street Extension, stated that:

- He thanked commissioners for their time.
- The concept is not a problem.
- The size of the facility would be too big.
- Every winter a vehicle gets stuck on the guard rail coming down the hill at Miriam Road and Lake Street Extension. The road is a problem.
- He was concerned with storm water running in the easement on the site.
- He thought there are enough care facilities in the area already.
- He was concerned with lights in front of his house.
- The proposal would not be compatible with the neighborhood.

No additional testimony was submitted and the hearing was closed.

In response to Luke's question, Thomas explained that the state allows care facilities with six or fewer residents in R-1 zoning districts, so the city cannot restrict the number of these facilities within a given area.

In response to Hanson's question, Wischnack provided that the comprehensive guide plan identifies a need for housing for people with disabilities in the city.

Powers noted that the applicant could build two, six-person residential care facilities with only a building permit approval. That would cause a lot more tree removal than the proposal. The real issue is whether to have two structures with the property divided into two separate lots or one structure on the entire property.

Hanson supports the proposal. The application meets all requirements for a conditional use permit. He sympathized with the neighbors for the size of the building, but it meets all of the requirements.

Luke agrees with Hanson. The conditional use permit requirements have been met. He encouraged the applicant to work with the neighbors. She supports the proposal.

Waterman concurred. He supports the proposal.

Henry was concerned with the density of the number of care facilities in the area, but state law prohibits the city from making a restriction. There could be more noise and light. He supports using vegetation to create a buffer. The proposal is attractive. He encouraged the applicants to work with the neighbors. He prefers the one-building option on the property rather than two buildings which would cause more grading and tree removal.

Luke moved, second by Hanson, to continue the meeting after 11 p.m. Motion carried unanimously.

Maxwell would prefer a smaller structure, but the land use is appropriate, traffic and parking conditions are adequate and the conditional use permit standards would be met, so she supports the proposal. She encourages the owners to work with the neighbors to address as many concerns as possible.

Powers thought the building would be too big and increase traffic on Lake Street Extension. He did not support approval of the proposal. He would rather have two facilities that would cause more tree removal because it would create a more intimate setting for the residents living there. He would prefer two, six-person care facilities rather than one large one. He wants the facility well integrated into the neighborhood. He loves what the owners of the facility are doing, but he felt it would create an unsafe condition for the neighbors.

Chair Sewall would prefer a slightly-less intense building and reduced number of residents to help minimize the disruption for the neighbors and improve safety. Additional vegetative plantings and the driveway location could be worked through by staff. He is not going to support the proposal.

Hanson moved, second by Luke, to recommend that the city council approve a conditional use permit for a licensed, residential-care facility at 12701 Lake Street Extension.

Waterman, Hanson, Henry, Luke, and Maxwell voted yes. Powers and Sewall voted no. Motion carried.

9. Other Business

A. Concept plan for Doran at 5959 Shady Oak Road.

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

Cauley reported. Staff is requesting commissioners provide feedback on the key topics identified by staff and any other land-use related items that the commission deems appropriate. This discussion is intended to assist the applicant in the preparation of more detailed development plans.

Thomas apologized that resident Derek Deidrick of 4213 Miriam Road was not called upon to speak at the public hearing regarding the previous item for a residential-care facility at 12701 Lake Street Extension. Mr. Deidrick's written comments were provided in the staff report and will be included in information the city council reviews.

Tony Kuechle, representing the applicant, stated that:

- The comprehensive staff report and letter from the neighbors adequately addresses both the development and concerns from the neighborhood.

- The proposal would have 375 units. Ten percent of the units would be affordable with 80 percent area median income (AMI).
- The concept plan shows 15,000 square feet of amenity space.
- The concept plan's priorities were to preserve the ponding and forest between Shady Oak and the building and keep the existing tree buffer on the north side between the proposed building and the townhomes.
- In response to neighbors' concerns, the amenity deck on the south side was removed to shield views and reduce noise and the trail was rerouted away from Shady Oak Road to the south and would still connect on the north side of the property line and continue to the SWLRT station.
- Neighbors requested a privacy fence and landscaping which could be done.
- Exterior lights would not be allowed on balconies. Eliminating balconies on the north side is being considered.
- He has been unable to find a grocer interested in the site.
- He would appreciate feedback as it relates to the site plan.

Henry stated that he would like more information on trails crossing Shady Oak Road.

In response to Henry's questions, Mr. Kuechle stated that there would be no shading of the adjacent neighbors. The tree line would shade the townhomes more than the building would.

Mr. Kuechle explained that prior to Covid, the apartment vacancy rate was at 3.2 percent which means 9,000 new units could be added before the market reaches equilibrium with no new growth. Two thirds of the jobs in the metro area are on the west side of the twin cities.

Henry asked why the entrance was moved to the east side. Mr. Kuechle explained the site's traffic pattern and accesses to at-grade parking and a lower-level parking garage. The green area would be used for recreational activities. There would be a separate area for dogs.

Chair Sewall invited anyone from the public to provide comments.

Maria Cisneros, president of the ISLA Affiliated Building Company, 5959 Shady Oak Road, which currently owns the property stated that:

- She supports the proposal.
- There is a lot of interest in the site.
- The existing building is an old industrial building. The school is not able to make the improvements to the site that it needs to continue.
- The owner chose Doran to be the buyer because Doran would be a good developer and has been very thoughtful, responsible, and honest to work

with. Doran has already been working with neighbors on the concept plan and have a firm reputation for delivering their proposed projects.

- She appreciates the city's support.
- She supports approval of Doran's proposal.

No one else was waiting to speak.

Luke noted that the Opus area has a lot of new apartment units being proposed. She loves the affordable units. She would like to see the units dispersed throughout the city. She likes Doran. The building is not as impressive as some of Doran's other buildings. She would like to see more detail.

Powers felt it would be an appropriate land use. He was disappointed in the uninspired building rendering. He wants Opus to be more of a part of Minnetonka. He would appreciate more details. He wished Doran good luck with the proposal.

Hanson agreed with Powers and Luke. He would like more detail on the buildings. He liked that there would be units with three bedrooms. That is not very common. The affordability housing component could be a little more. The land use would fit. He encouraged staff to consider other uses for the Opus area to complement the apartments.

Waterman concurred with commissioners. It would be an appropriate land use. The EDAC and city council will review the affordable component of the proposal. He would like a small retail or coffee shop in the area. He requested more detail be added to the buildings before the city council reviews the concept plan. He appreciated the applicant working with the neighbors and addressing their concerns. He liked that the existing woods and tree line would be saved.

Henry suggested privately-owned condominiums be considered to add some diversity in the housing supply. Something like a coffee shop could go a long way. He noted that the competition has raised the bar for apartments in Opus.

Maxwell likes that the building would be set on the east side of the lot so it would not increase the amount of impervious surface already on the site and the proposal would preserve the pond and existing trees.

Chair Sewall asked staff how close the Opus area is to becoming saturated with apartment units. Gordon provided a couple reports that show expected projections. Another report will be reviewed in January.

Chair Sewall liked bringing the number of stories down from six to three or four on the north side of the building. He would rather have greenery used for screening than a fence. The land use would be appropriate. A restaurant or small grocery store and green space between Opus and Shady Oak Road would benefit the area. He was worried 20

years from now that large pockets of intense, dense buildings of the same type would not age well.

10. Adjournment

Luke moved, second by Henry, to adjourn the meeting at 12 a.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary