

**Minnetonka Planning Commission
Virtual Meeting
Minutes**

Feb. 18, 2021

1. Call to Order

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

2. Roll Call

Commissioners Waterman, Banks, Hanson, Henry, Maxwell, and Sewall were present. Powers was absent.

Staff members present: City Planner Loren Gordon, Assistant City Planner Susan Thomas, Planner Drew Ingvalson, and IT Assistants Joonas Sundstrom and Gary Wicks.

3. Approval of Agenda

Maxwell moved, second by Henry to approve the agenda as submitted with modifications provided in the change memo dated Feb. 18, 2021.

Waterman, Banks, Hanson, Henry, Maxwell, and Sewall voted yes. Powers was absent. Motion carried.

4. Approval of Minutes: Feb. 4, 2021

Waterman moved, second by Banks, to approve the Feb. 4, 2021 meeting minutes as submitted.

Waterman, Banks, Hanson, Henry, Maxwell, and Sewall voted yes. Powers was absent. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of Feb. 8, 2021:

- Adopted a resolution approving a conditional use permit for an accessory apartment on Oakwood Road Extension.
- Adopted a resolution approving a conditional use permit and parking variance to expand Mercy Hill Church, a religious institution, at 15408 and 15414 Minnetonka Industrial Road.
- Adopted an ordinance and resolution approving items related to Dick's Sporting Goods at 12437 Wayzata Blvd.
- Adopted a resolution adopting the Opus Alternative Urban Areawide Review and Mitigation Plan.

The next planning commission meeting is scheduled to be held March 4, 2021. An election of planning commission officers and appointment of the planning commission liaison to the sustainability commission will take place at that meeting.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Resolution approving preliminary and final plats for EverGreen Orchard Estates, a two-lot subdivision at 3811 Baker Road.

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.

In response to Chair Sewall's question, Ingvalson acknowledged that neighbors have expressed concern for standing water that already occurs in the area now. Natural resources and engineering staff reviewed the application and found that it would not increase the volume or rate of water drainage and would meet all water drainage requirements.

Banks asked if the detached garage structure would remain. Ingvalson answered that the detached structure could remain as long as the lot has a principle structure. The applicant has indicated future plans to remove the structure.

Andrew Gillum, applicant, stated that:

- He appreciates Ingvalson's great presentation and laying out the proposal so nicely. The plan is to build two single-family houses on the property to increase the beauty and quality of the neighborhood.
- Berms would be added to provide stormwater management and privacy along Baker Road. The excavated footprint of the two houses and a little extra soil would be used to create the berms.
- The proposal would greatly improve the look of the neighborhood and eliminate the entrance from Baker Road which is now a traffic snarl.
- Nearly every existing tree would be preserved plus additional trees would be added to the site.
- The detached garage would be torn down after completion of the first house on the west lot. It does not look very nice and would be removed before the site would be put on the market.
- Stormwater management would be improved for the site.
- He was available for questions.

- He appreciates the commission's time.

Maxwell asked how recycling of building materials would work. Mr. Gillum explained that the structures would be selectively demolished. Habitat for Humanity would be given the opportunity to use doors and windows. Unfortunately, the two houses do not have much for useful structural materials, but what could be reused would be given that opportunity.

Banks asked if the proposed houses would be similar to those in the area. Mr. Gillum answered affirmatively. The lots would have large, mature trees and the houses would be between 3,400 and 3,900 square feet in size with an attached two to three car garage. No variances would be needed. The houses would be beautiful, made with nice materials and priced between \$850,000 and \$950,000.

In response to Henry's question, Mr. Gillum answered that the large, silver maple tree would be preserved.

The public hearing was opened.

Beth Dierker, 13009 Orchard Road, stated that the neighborhood has stormwater drainage issues. Her property receives drainage from the properties south of her property. The area has no storm sewers. She was concerned that water would travel from the south side of the property onto the south side of her property and flood Orchard Road potentially all the way down to Plymouth Road which it has done three to four times in the spring each year in the past. She has worked with city engineers who suggested that all of the properties in the area create rain gardens. She requested the applicant add a rain garden to both lots.

No additional testimony was submitted and the hearing was closed.

Ingvalson identified the drainage pattern for the proposed lots. There are specific conditions for when stormwater management requirements are applied. The proposal would not be allowed to increase the amount of water that would travel to surrounding properties. Engineering staff found that the proposal would meet all stormwater management requirements.

Mr. Gillum believes in each property being responsible for stormwater management. The current property has three structures with no rain gutters. The proposal would have two structures with rain gutters and spouts directed toward the driveway. There is a large amount of green space that the landscape specialist could check to see if it would be feasible to be used for a rain garden. The idea is to utilize the flat, gently sloping lot by routing all drainage from both lots to Baker Road into a catch basin that exists near the intersection of Baker Road and Orchard Road. If the city would like to beautify the area and construct a nice rain garden, then that would be a nice touch.

Waterman confirmed with Ingvalson that compliance with stormwater mitigation requirements would be reviewed during the building permit process.

Henry thought the applicant put a lot of thought into the proposal. The proposed houses would look nice and be a good addition to the neighborhood. He supports the project.

Waterman agreed with Henry. The proposal meets all standards and tree ordinance requirements. It looks like a great project. He appreciates the stormwater management practices already included in the proposal.

Maxwell concurred with commissioners. She supports staff's recommendation. The proposal would meet lot size and tree ordinance requirements and would replace two older houses with two new houses, so there would be no significant increase in impervious surface coverage. It would be an improvement to the neighborhood. She appreciates the effort by the applicant to preserve the existing trees and consider stormwater drainage issues for the site.

Banks concurred with commissioners. The proposal would be nice. He lives south of the property and frequently passes the site. It would be nice to see new, beautiful houses. The addition of gutters on the houses to direct the drainage may improve the existing drainage issues. City engineering staff would review the plans to prevent any adverse stormwater drainage impact.

Hanson felt that the proposal would provide an aesthetic benefit to the neighborhood. He looks forward to supporting it.

Chair Sewall agreed. The property seems like the perfect one to subdivide and support a single-family house on each lot. He hopes all subdivision applications could be this easy. The property is flat and most of the trees would be preserved. He supports staff's recommendation.

Hanson moved, second by Henry, to recommend that the city council adopt the resolution approving the preliminary and final plat for Evergreen Orchard Estates.

Waterman, Banks, Hanson, Henry, Maxwell, and Sewall voted yes. Powers was absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council on March 8, 2021.

B. Items concerning Minnetonka Station at 10400, 10500, and 10550 Bren Road East.

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.

Hanson likes the affordable housing and market rate units being mixed together rather than in separate buildings.

Hanson asked if the city has considered requiring multi-family residential developments to have charging stations for electric vehicles. Thomas noted that the city's new sustainability commission will consider creating a policy regarding charging stations and invited Hanson to ask the applicant if charging stations would be included in the project.

Henry confirmed with Thomas that the mass of the building on the trail side has been broken up since the commission last reviewed the proposal.

Mike Krych, partner with BKV Group, applicant, stated that:

- He thanked Thomas for working through some tough areas of the proposal. He appreciated her patience.
- He shared a presentation. The project goals include fitting the project in with the overall Opus plan.
- The building's east façade was pulled back 20 feet to widen the access point and allows room for additional landscaping. The proposal would provide a bike trail system, natural habitat and vegetation, and additional trees beyond ordinance requirements.
- There would be a unique, stormwater-management feature on the west side visible as an architectural-feature element.
- There would be a raised, outdoor courtyard; pool; quiet courtyard; large plaza spaces; guest parking; public art features; pet spa; and dwelling units with walkouts to yards and bike access.
- The overall design concept uses defined exterior materials. He provided additional renderings.
- He would continue to work with staff to decide on the type of public art to be incorporated.
- The building design would be screened by landscaping as the plantings mature.
- Corners of the building have been tiered to provide roof terraces to create variation and variety.
- There would be room for boulevard trees and landscaping near the café not shown in the current illustration.
- Visitor parking would be located on the outside and ten visitor stalls would also be located on the inside.

Hanson appreciated the presentation. He asked for the feasibility of increasing the number of stories. Mr. Krych explained that due to the building code requirements and ground water issues, the structure could have two levels of parking within the concrete structure and five stories above that.

Maxwell asked why it would not be feasible to lower the structure. Mr. Krych answered that the soil and water table prevents going lower, but two level units on the north and west side would screen the parking levels and the corners of the building would be stepped down to six stories to prevent the appearance of one, long façade. Material and color changes would create further interest and screen the parking area. There are plenty of buildings well over seven stories in the area, so the proposal would fit well in the overall Opus development.

Waterman asked what was traded to move the building back 20 feet. Mr. Krych answered that the size of some parking stalls and apartments were decreased.

In response to Henry's question, Jeff McMann, of Linden Street Investments and one of the partners of the proposal, stated that he is working with staff to determine the appropriate affordable housing component for the project. The Minnetonka Economic Development Authority Commission (EDAC) will review the applicant's proposal of 10 percent of the units being affordable with 50 percent AML. That would exceed Minnetonka's policy regarding affordable housing. He is excited to make affordable housing part of the project.

Scott Richardson, of Linden Street Investments, stated that the discussion of affordable housing and TIF has fluctuated the last few months. None of the numbers in the report have been updated, but the current proposal would be reviewed by the EDAC on Feb. 25, 2021. Thomas confirmed that changes and the current proposal related to TIF and affordable housing would be reviewed by the EDAC and city council.

Chair Sewall supports integrating the affordable units with market-rate units rather than segregating them. Mr. Richardson confirmed that the affordable units would be disbursed throughout the market-rate units.

Henry asked if the city's pollinator-vegetation requirements would be met. Mr. Krych answered affirmatively. Thomas confirmed that compliance with the pollinator-vegetation ordinance would be a condition of approval. She explained that the Opus place-making document provides a specific list of the species of vegetation that are required to be planted for each property in Opus. The pollinator-vegetation ordinance and Opus place-making document would both apply to the proposal.

Henry liked the use of solar panels on the roof. He asked what renewable energy resources would be utilized. He suggested using soundproof insulation to provide privacy for residents. Mr. Krych stated that the proposal would be of high quality built for the long term. The proposal would meet building code requirements. A standard wall or floor would minimize sound. Doors, windows and corridors allow sound to travel further. The goal is to provide capture of solar power if feasible. The overall project design incorporates sustainable features including utilizing low VOC paints, capturing rain water, and utilizing permeable surfaces when possible. These improvements would improve upon the current conditions. Mr. Richardson emphasized that noise mitigation and sustainability are important to multi-family dwelling units. The building code

requirements are more stringent now than in previous years. One of the lead investors for the project runs a solar-energy company and is an expert.

Banks appreciated the applicant's presentation. He asked for the amount of rent that would be charged. Mr. Richardson answered \$2.17 per square foot which is in line with the market. A studio unit would be approximately 600 square feet in size; one-bedroom unit 750 square feet in size; and a two-bedroom 1,000 square feet in size. One-bedroom units would charge approximately \$1,600 a month for rent.

Chair Sewall asked if there would be a dog walk or play area. Mr. Krych pointed out a pet spa and dog relief area on the northeast corner of the site plan.

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

Henry asked how a visitor would access the indoor visitor-parking stalls. Mr. Krych explained that those stalls would be accessible to anyone. There would be a secure gate separating the visitor parking stalls from the resident parking stalls. Eighteen visitor stalls would be sufficient.

Waterman thanked the applicant and staff for a great presentation. The concept plan was well developed in October and makes this review very easy. The modification to the master development plan is reasonable. The site was previously approved to be developed with a multi-family residential use. The affordable-housing units would provide a public benefit and justify the PUD zoning. The proposed building and site design are appropriate for the area. The detail provided in the application makes it easy to review. He supports the proposal.

Hanson concurs with Waterman. He thanked the applicant for one of the best presented projects that he has seen in his three years on the commission. The plans and renderings make it clear to see what would happen. The proposal would be a great use of the site. For a large multi-family, residential project, this is the most unique building he has seen with the utilization of public art and glass on the ground floor. He is excited for the proposal to be built.

Banks agrees. He supports the proposal. The project would benefit the area. He hopes that at least ten percent of the units would be able to meet affordability requirements.

Maxwell concurs. She appreciates the detail that went into the concept plan review and made this review much easier. The master development plan amendment is reasonable contingent on the affordable housing component being finalized. The building and site designs are well done. She appreciates the effort made to turn functionally-necessary elements into aesthetically-designed elements that elevate the proposal including the visible stormwater management area and landscaping. She agrees that this proposal could be a marquee, flagship-style building for Minnetonka and BKV. It could be a real leader in sustainability. She supports the proposal. It is very well done and thought out.

Henry likes the changes to the proposal including the addition of solar panels, the reduction in visual mass of the corners of the building on the north side and the addition of rooftop trellises. The proposal is well done, detailed, and thoughtful. He looks forward to the proposal being built and taking a tour when completed.

Hanson requested city staff promote a bike café as a potential amenity for the Opus area and improve the maintenance, signage, and connectivity of the biking and walking paths in the area. Gordon provided that the Opus trail system is on a schedule to be upgraded. He agreed that the trails need to be improved to current standards.

Chair Sewall concurs with commissioners. The proposal is an important, corner-stone project. This is probably the best project he has seen proposed for Opus. The EDAC will work through the affordable housing component. He is a strong proponent for the integration of affordable units with market-rate units and opposes segregation of affordable units. He supports staff's recommendation.

Banks moved, second by Maxwell, to recommend that the city council adopt the following items related to the properties at 10400, 10500, and 10500 Bren Road East: an ordinance approving a major amendment to the existing master development plan; a resolution approving final site and building plans; and a resolution approving preliminary and final plats.

Waterman, Banks, Hanson, Henry, Maxwell, and Sewall voted yes. Powers was absent. Motion carried.

The city council is tentatively scheduled to review this item at its meeting on March 8, 2021.

9. Adjournment

Hanson moved, second by Maxwell, to adjourn the meeting at 8:45 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary