

**Minnetonka
Planning Commission
Virtual Meeting
Minutes**

April 22, 2021

1. Call to Order

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

2. Roll Call

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

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

3. Approval of Agenda: The agenda was approved as submitted.

Hanson moved, second by Waterman, to approve the agenda as submitted with the changes from the change memo dated April 22, 2021.

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

4. Approval of Minutes: March 18, 2021

Maxwell moved, second by Banks, to approve the March 18, 2021 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on the city council's approval of a conditional use permit for a dog-friendly restaurant, Duke's, to be located on Hwy 7 at its meeting of April 12, 2021.

Gordon reported that safety measures are being put into place to make in-person meetings possible in the future.

The Minnetonka Sustainability Commission will have its first meeting on May 11, 2021. Henry will serve as the planning commission liaison to the sustainability commission.

The next planning commission meeting is scheduled to be held on May 6, 2021.

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

7. **Public Hearings: Consent Agenda**

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

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

A. Resolution amending the existing conditional use permit for a microbrewery and taproom at 5959 Baker Road.

Recommend that the city council adopt the resolution amending the conditional use permit for a microbrewery and taproom at 5959 Baker Road.

Henry, Maxwell, Waterman, Banks, Hanson, and Sewall voted yes. Powers was absent. Motion carried and the item on the consent agenda was approved as submitted.

8. **Public Hearings**

A. Resolution denying a front yard setback variance for a shed at 16920 Excelsior Blvd.

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

Ingvalson reported. He recommended denial of the application based on the findings listed in the staff report. The shed is currently located six inches into the utility easement. If the commission chooses to approve the front yard setback variance, then staff recommends that the commission require the shed to be removed from the utility easement.

Maxwell asked if the slope prevents the shed from being located on the side, behind the front setback. Ingvalson felt that location would be a possibility.

Maxwell asked if the trailer is allowed to be located where it is shown in the photo. Ingvalson answered that trailers are allowed in the front yard of a single-family residence on an improved surface. A nuisance ordinance prohibits more than four vehicles from being parked in the front at the same time.

Banks asked if the shed is used by both occupants of the townhouses. Ingvalson referred the question to the applicant.

Chair Sewall noted that the applicant provided examples of other properties with sheds located in the front yard. He drove around the area and did not see any others. He asked if there are others in the area. Ingvalson found that three of the five properties identified by the applicant conform to ordinance requirements and meet the front yard setback. Of

the remaining two, one appeared to possibly meet ordinance requirements, but exact measurements have not yet been taken. The fifth example does appear to violate ordinance requirements.

In response to Waterman's question, Ingvalson explained that many people call city hall to find out where a shed may be located. There is no building permit required for a shed under a certain size. The city is made aware of a shed location violation when a complaint is made to staff.

Banks noticed a trailer and a boat located in the front of the property. Ingvalson explained that up to four licensed trailers, boats, or vehicles are allowed to be kept on an improved surface in the front yard of a single-family residential property.

Lara and Jhony Villavicencio, applicants, introduced themselves. Ms. Villavicencio stated that her neighbor was concerned with the trailer and not the shed. The shed matched the surrounding area and is a high-quality shed. The topography is steep on either side of the house, so it would be challenging to locate the shed on the side and it would block access to the backyard and the house's windows. The shed does not block driving sightlines for motorists, blends into the surrounding shrubs, and looks attractive. Two years ago, she saw a property on Excelsior Boulevard with a shed and another one on Excelsior Boulevard which she identified in the application. A precedent has been set to have these types of structures in the front yard. She requested the shed be allowed unless the ordinance would consistently enforce the ordinance for all properties in the city. Her neighbors are not concerned with the shed, but are concerned with other large objects parked in the front. The renter parked a trailer, four-wheeler, and boat in the front.

Mr. Villavicencio stated that he intends to keep the property for many years. He will make the property nice and beautiful. The shed looks nice. The shed is not visible when driving by from one direction.

Ms. Villavicencio stated that one of the two sheds in the rear of the house is rotten and needs to be torn down. A tenant uses the other shed. There is not a lot of space in the garage.

Ms. Villavicencio confirmed with Chair Sewall and Ingvalson that a letter recently submitted by a neighbor was provided to commissioners and is included in the change memo dated April 22, 2021.

Maxwell asked what the shed is used for and if it could be located in the rear yard. Ms. Villavicencio answered that it is used for snowblowers, lawnmowers, and other maintenance equipment.

Mr. Villavicencio said that a forklift would have to move the shed or the shed would have to be torn down.

Waterman asked if the applicant asked city staff where a shed is allowed to be located. Mr. Villavicencio said that he found out that a building permit was not required for the proposed-sized shed. He was unaware of the location restriction.

Ms. Villavicencio stated that she saw sheds located in other front yards. They chose to locate the shed where it is because it provides the best access to the shed.

Mr. Villavicencio stated that trees surround the shed.

Banks asked if the shed was custom built and if the applicant considered replacing the old shed located in the rear of the property. Mr. Villavicencio stated that the shed was custom built to match the house. Ms. Villavicencio said that they plan to tear down the old shed in the backyard. Mr. Villavicencio said that it is hard to move the snowblower to the driveway in the front of the house from the backyard.

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

Waterman stated that the shed is attractive and he understands the property owner wanting to locate it where it would be the easiest to utilize. He found nothing unique about the property to warrant a variance to the ordinance requirement. The shed could be located in the backyard. He saw one or two sheds visible from Excelsior Blvd. Each property is considered individually. He agreed with staff's recommendation to deny the variance.

In response to Chair Sewall's question, Ingvalson explained that city staff enforce ordinance violations on a complaint-based basis. Staff will be following up on the properties identified by the applicant to determine if the sites violate ordinance requirements. Wischnack added that the city council sets the city's policy regarding enforcement of ordinance violations and nuisance complaints. The policy directs the inspection of a site when a complaint is received by city staff which triggers enforcement of ordinance requirements if the property is in violation.

Maxwell found that the shed provides a reasonable use, but it cannot stay where it is due to the sewer line. She proposed the applicant consider applying for a variance to allow the front yard setback of the shed to be 35 feet which would still be in front of the house, but it would be more in line with houses that have a 35-foot-front-yard setback. She thought that would be a reasonable compromise. Locating the shed on the side of the house would block windows and access to the rear yard which are unique features of this property. She supports a variance to allow a 35-foot-front-yard setback. If the shed could not be moved to meet a 35-foot-front-yard setback, then the variance application should be denied.

Henry felt for the applicants since they did look into getting a building permit and the current location is a good location to put a snowblower. The ordinance requirement is in place for a reason. The property has alternative locations to place a shed. He suggested putting the snowblower in the garage during the winter months. A shed could be located

in the backyard. He understood the reasoning for applying for a variance, but he agrees with staff that it makes the most sense to deny the request for a variance.

Hanson thanked the applicants for speaking with commissioners. He sympathized with the situation. He agrees with the staff's recommendation.

Banks agreed with commissioners. The applicant made a custom shed to match the house and look good. Unfortunately, the shed is located in the utility easement. Because it is located in the utility easement, he will support the staff's recommendation to deny the variance. He thought he would be more likely to support a variance application to allow a 35-foot-front-yard setback.

Chair Sewall noted that it appears that the geography of the site may not support a shed with a 35-foot-front-yard setback. He likes the look of the shed. The shed's appearance does not bother him. He was surprised that someone complained about it. The city's ordinance is pretty reasonable. He agrees with staff's recommendation because it probably is the right thing to do, but unfortunate.

Waterman moved, second by Banks, to adopt the resolution denying a variance request for a shed within the front yard setback at 16920 Excelsior Blvd.

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

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

B. Resolution approving preliminary and final plats for a two-lot subdivision 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.

Barry Stock, applicant, stated that he was available for questions. He agrees with the conditions listed in the resolution approving the preliminary and final plats. More was shown on the site plan than what is required in an effort to be transparent.

In response to Henry's question, Mr. Stock explained that the proposed building pad would be smaller than the one proposed last fall, but, instead of one building on the entire property for 12 residents, the applicant now plans to construct a building for six residents on each proposed lot as is allowed by state law. The two buildings would have a shared driveway to limit the access points onto Lakes Street Extension to one access point rather than two. Some of the concerns expressed by neighbors, including an increase in traffic, would be the same for two six-resident buildings as one 12-resident

building on the site. The neighbors within 400 feet were notified of tonight's public hearing.

Henry asked if running two six-resident buildings would be as efficient as operating one 12-resident building. Mr. Stock answered in the negative. Operating two buildings would be less efficient, cost more, and create more tree loss. The applicant would have preferred to be allowed to have one 12-resident building.

Waterman questioned where the driveway would be located for Lot One if a second driveway would be added. Mr. Stock felt the west side would make the most sense. Parking would be in the rear.

Banks asked if changes could have been made to increase the chances of the city council approving an application for a 12-unit building. Mr. Stock answered that reducing the size of the building or the number of residents would not allow for a viable project. The applicant could not incur further costs to submit a new application or lose more time. Time is very important in projects like this. Construction costs have risen drastically since last November. That is a concern.

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

In response to Henry's question, Thomas explained that approval of a driveway location is reviewed during the building permit review process.

In response to Maxwell's question, Thomas explained that the parking requirement states that no more than four vehicles may be parked outside for an extended period of time without moving. More than four vehicles are allowed to come and go. A six-vehicle parking surface is allowed on a residential, single-family lot, since there is no maximum paved surface restriction for a single-family, residential lot unless it is adjacent to a lake.

Hanson agrees with staff's recommendation. The proposed subdivision meets all ordinance requirements.

Waterman concurs with Hanson. The proposal meets the standards. The same subdivision was already previously approved.

Henry supports staff's recommendation.

Maxwell and Banks agree with staff's recommendation. The proposal meets subdivision requirements.

Chair Sewall appreciated the applicant's transparency and making the best of the situation. The application meets all requirements.

Maxwell moved, second by Hanson, to recommend that the city council adopt the resolution approving the preliminary and final plats for a two-lot subdivision at 12701 Lake Street Extension.

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

9. Other Business

A. Concept plan for Bren Road Development at 10701 Bren Road East.

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

Gordon reported. Staff recommends that 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.

Burt Coffin, of ESG Architects, introduced Teresa Forsberg, Lucas Van Sistine, and David Graham also of ESG Architects; Leslie Roering of Aeon; Ryan Herm of Urban Ecosystems, Inc.; and Mark McLane of Kraus Anderson representing the applicant's development team.

Mr. McLane stated that:

- He appreciated the opportunity to gather feedback.
- Kraus Anderson is an integrated construction and property management firm which has been operating for 100 years. Kraus Anderson likes to be involved in the community.

Ms. Roering stated that:

- She appreciates the opportunity to talk about the project.
- Aeon is a nonprofit affordable housing developer, owner, and manager. Since 1986, Aeon has developed or purchased 5,600 units in the twin cities metro and is committed to long-term affordability for long-term owners.
- The proposal envisions a mixed-income community that serves residents of all incomes.
- The project looks forward to utilizing the transit in Opus and the network of trails.

Mr. McLane stated that:

- The partnership of Kraus Anderson and Aeon will provide a more inclusive-type community.

- A major guiding principle is to design the project to reflect the complexion of the fabric of Opus.
- The proposal would provide diversity in housing and bring an urban feel into the Opus area.

Mr. Coffin stated that:

- ESG has been working in the area for 35 years and has been doing multi-family housing for a long time.
- The location would be perfect for transit-oriented housing.
- The proposal would enhance and support the district's natural features and support existing businesses.
- He provided a presentation illustrating the existing conditions in the area and on the site.
- The north building would be higher to provide a parking facility that would allow the ground to support a rich environment of landscaping.

Mr. Herm stated that:

- He presented the landscape design visioning and site plan.
- Innovative methods would be used to handle rainwater.
- There would be amenities including fire pits, pollinator-friendly landscapes, informal seating and play areas, connections to the main trail system, a pool, and grilling spaces.

Mr. VanSistine stated that:

- He provided a presentation on the design of the buildings and showing perspective views.
- The buildings would be contextual with coloring and play of material.

Mr. Coffin stated that:

- There is a green space north of the site that the project hopes to relate to by having a two-story lobby facing the green space to appreciate and view the area with a pedestrian connection.

Mr. VanSistine stated that:

- He agreed with Mr. Coffin and provided another view of that area.
- Creating place-making and community-making areas would be a priority.
- He compared the proposed building with existing ones including Avador.

Mr. Coffin stated that:

- Sustainable site design strategies are being considered.

- It would be a bike-friendly area and connect to the trail system.
- Many sustainable design features would be utilized for the buildings above building code requirements.
- There would be electric-vehicle-charging stations.
- There would be several health and wellness features.

Maxwell asked how 14 stories were decided upon. Mr. McLane stated that the proposal is preliminary. The team felt that 14 floors feels like an appropriate density with the natural site constraints. The footprint would be kept as tight as possible while keeping appropriate density. The proposal would have enough parking area, create a central courtyard and outdoor amenities, and fit into the fabric of the Opus campus. Thirteen floors would accomplish these goals. Fourteen floors would allow for larger units with two bedrooms. The unit count went down, but a floor was added to allow a larger mix of larger units. A lot of refinement was done to settle on 14 floors.

Hanson appreciated the presentation. He asked if there would be a difference in the amenities provided in the six-story building and the 14-story building. Ms. Roering stated that the amenities in the courtyard would be used by residents of both buildings. The pool had to be offset and used only by the market-rate tenants for liability issues. The six-story building would have computer labs, bike storage, fitness areas, and community areas.

Hanson confirmed with Ms. Roering that one building would have market-rate units and the other building would have affordable-housing units. Tax-credit financing requires the separation. The design of the buildings and courtyard would not create a distinction between the two.

Hanson asked if a coffee shop that would be open to the public is included in the concept plan. Mr. Coffin answered in the negative.

Banks appreciated the well-put-together presentation. He asked how residents would be notified which residents would be authorized to use the pool and if the six-story building would have any market-rate units. Ms. Roering answered that 100 percent of the units in the six-story building would meet affordability guidelines with 30 percent AMI to 80 percent AMI. The initial thought was to locate the pool on the Kraus Anderson side due to insurance purposes and the use of the pool would be limited to only residents of the market-rate units. The design would offset the pool from the courtyard. Everyone would have access to the courtyard, but not the swimming pool area. A visual separation would be provided with landscaping.

Henry appreciated the amount of affordable housing included in the concept plan.

Henry asked if the pool would be in the shade since it would be located near the parking structure. Mr. Coffin stated that the parking ramp is six stories. From June to September, the pool area would be sunny for most of the afternoon. A sun study would be completed.

In response to Henry's question, Mr. VanSistine stated that the concept plan includes a rooftop sky deck on the roof of the building with 14 floors. A unit or two would create a nice indoor amenity that would continue outside. It would be a resident amenity. Mr. Coffin explained that the outdoor area would be approximately 750 square feet to 850 square feet in size with a view of Opus and the Minneapolis skyline. There would be a view of the skyline from the inside as well.

Henry asked if opening the property to the west had been considered. Mr. Coffin answered that creating trail connections to the adjacent property on the north had been discussed with staff. A connection could be made on Red Circle Drive and one to the north. The trail system there is outstanding. Making a connection to the bigger context is important.

Waterman asked if the parking structure would look the same as it does in the concept plan. Mr. Coffin was open to suggestions. The concept plan shows that the parking structure would maintain a straightforward, concrete appearance.

Hanson confirmed with Mr. Coffin that the parking structure would be shared by both buildings' residents.

Henry suggested including a solar garden. Mr. Coffin appreciated the suggestion. The possible options will be considered.

Maxwell stated that:

- She would like to see an integration of the market-rate and affordable units within the same floor of a building.
- Fourteen stories would be reasonable, but she would prefer a building that size being located further from the street. She suggested moving the taller part of the 14-story building further into the site by switching the location from the northeast corner to the northwest corner or by turning the site plan 90 degrees counter-clockwise on the property. She would prefer the taller part of the building being located further into the site rather than on the outside. It would appear less intimidating from the street. That might also help with the shading of the pool area.
- She did not like the appearance of the white, six-story building with flush windows. It would look almost the same as the parking structure. There could be more design to make it match and integrate more with the 14-story building.
- Maxwell appreciates the proposal.

Waterman stated that:

- The project looks good overall. It fits with the comprehensive guide plan and the city's goal to increase density. The site plan looks good. He did

not think many other sites would support the size of the buildings in the concept plan, but this site would. He was o.k. with the site plan as it is.

- He likes the emphasis on landscaping and integration of the trail system.
- He was curious if there would be a retail opportunity.
- He would like the parking structure to be more integrated and made more pedestrian friendly on the south side.
- The materials of the building look good. He was not an expert on building materials.
- He was interested to see what happens when the concept plan goes to the EDAC and city council with the market rate and affordable units being housed in separate buildings.
- He appreciates the number of affordable units.

Banks stated that:

- He likes the look of the buildings. He would like some color and materials added to the six-story building to give it more character.
- He suggested adding a second access to the parking garage in case an accident would block the only one.

Hanson stated that:

- He appreciates the presentation.
- He appreciates the design. There is a lot of intention and carrying forward of themes in the neighboring buildings. He is not a good judge of materials.
- He likes the mass.
- He understood the tax-credit component of the financing, but was disappointed to see the two segregated buildings. He would hate to live there and see another resident park his car and he and the other resident make a determination regarding each other's finances by seeing which building each would enter. He understood that the segregation of market-rate units and affordable-units is not the applicant's fault. He found it disappointing.
- He suggested adding something to distinguish this development from others being done in Opus.
- He appreciated the time and effort put into the concept plan and presentation.

Maxwell suggested looking into if the property adjacent on the north would be developable.

Henry stated that:

- He appreciates all of the applicant representatives being present, the presentation, and the applicant being open to feedback.

- He recommends adding balconies and a rooftop deck to the six-story building.
- He suggested adding a skyway connecting the buildings on the sixth floor. He would like more connections between the two buildings.
- The play forest is a great feature and he likes the large trees, but residents on the first floor may not like seeing people through their windows.
- He would like to see integration of the parking ramp into the 14-story building and opening the proposed parking ramp space on the west side.
- He likes 14 floors. This is a spot that needs density. He suggested having 16 to 17 floors with a restaurant on one floor and a pool on the roof.
- He would like something added to make the development special.
- He would like to know what energy-efficiency standards would be utilized.

Chair Sewall stated that:

- He felt that the use would be appropriate for the space. He would like some mixed-type use to provide a community-centered amenity like a coffee or bike shop. The proposed use makes sense.
- He supports larger setbacks to allow more green space on the edges of the site and moving the buildings further in. It may provide a more open feel instead of a closed-off feel. The small setbacks make the density feel denser than it needs to feel. If the building could not be setback more, then he thought that the 14-story building could be reduced to 11 or 12 floors.
- He agreed with Maxwell regarding the design. The brick part of the six-story building looks o.k., but the all-white, flush area looks like a box and the design is uninspiring.
- He encouraged trying to integrate the proposal more with the community.
- He felt that segregating the market-rate units and affordable units in separate buildings would be worse than reducing the number of affordable units. He felt strongly that they must be integrated. Segregating the market-rate units and affordable units in separate buildings would harm the community more than decreasing the number of affordable housing units.
- He likes the landscaping and the greenness shown in the concept plan.

10. Adjournment

Banks moved, second by Waterman, to adjourn the meeting at 9:15 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary