

**MINNETONKA PLANNING COMMISSION
MINUTES**

NOVEMBER 20, 2008

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Lehman, Sjeklocha, Thomas, Walker, Adams, and Cheleen were present. Blatz was absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, and Planning Technician Stephanie Scott-Sims.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with modifications and an additional comment provided in the change memo dated November 20, 2008.

- 4. APPROVAL OF MINUTES:** November 6, 2008

Adams moved, second by Lehman, to approve the November 6, 2008, meeting minutes as submitted.

Lehman, Sjeklocha, A. Thomas, Walker, Adams, and Cheleen voted yes. Blatz 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 November 10, 2008:

- Adopted a resolution approving grants authorizing clean up of the BMW property.
- Adopted a resolution approving items concerning a proposal to demolish the existing vacant building at 10600 Wayzata Boulevard and to construct a new one-story building for Eddie Merlots. The city council approved the façade the applicant originally proposed which will include 61 percent stucco.
- Introduced the ordinance for Fretham Fourth Addition, Phase II.
- Adopted a resolution approving fees related to land use applications for 2009.

Gordon noted that two neighborhood meetings were held last week. One regarding the St. Therese project. Comments were received from 60 neighbors.

The second neighborhood meeting was held for the Baker Road Corridor Study which will analyze what would need to happen to Baker Road if Welsh Companies would go forward with Phase 2 and add a third building.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA: None

8. PUBLIC HEARINGS

A. Shoreland variance for a third stall garage addition at 5801 Lake Rose Circle. (08050.08a)

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

Scott-Sims reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

A. Thomas asked if the impervious surface would impact the runoff into the lake. Colleran explained that a 3 percent increase would have minimal impact. The site is relatively flat. The 30 percent impervious surface coverage maximum requirement would be met.

Lehman asked if the residence met setback requirements at the time it was built. S. Thomas explained that no previous variances were found, so it is assumed that the residence met setback requirements at the time of original construction. The ordinance requirements in 1972 allowed shorter setbacks.

Lehman asked if the accessory structure located in the ordinary high water level area (OHWL) meets ordinance requirements. Colleran responded that the shoreland ordinance was amended in March of 2008. The structure existed well before that. There would be no requirement to move the existing structure. It also meets today's standard because it is smaller than 120 square feet.

Daryl Johnson, from State Ten Construction, representing Glen and Leslie Engle, the applicants, appreciated staff's input and due diligence. He respectfully requested approval of the variance. The proposal would help Glen's quality of life immensely.

The public hearing was opened.

Glen Engle, owner of the property, thanked commissioners and staff for visiting the property and for their due diligence.

No testimony was submitted and the hearing was closed.

Adams moved, second by Sjeklocha, to adopt the resolution on pages A10–A12 of the staff report, which approves the proposed shoreland setback variance from 75 feet to 57 feet at 5801 Lake Rose Circle. Approval is based on the following findings:

- 1) The proposal is reasonable and would meet the required standards for a variance, because:
 - a. **UNDUE HARDSHIP and UNIQUE CIRCUMSTANCE:** The existing conditions of the site present an undue hardship and unique circumstance. Given the location of the house on the site, and because the home is an existing non-conforming use, any addition to the house would not meet the Shoreland district setback requirements.
 - b. **NEIGHBORHOOD CHARACTER:** The third stall addition would not adversely impact the character of the surrounding neighborhood.
 1. The third stall addition would be architecturally compatible with the house, and would maintain building lines in the area.
 2. The adjacent homes are also existing non-conforming uses, where the home located to the east of the subject property is 46 feet from the OHWL, and, the home to the west of the subject property is located 23 feet from the OHWL.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. A copy of this resolution must be recorded with the County and a copy of the recorded document returned to the city.
 - b. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing as required by natural resources staff for inspection and approval. These items must be maintained throughout the course of construction.

- 2) This variance will end on December 31, 2009, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Lehman, Sjeklocha, A. Thomas, Walker, Adams, and Cheleen voted yes. Blatz was absent. Motion carried.

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

B. Items concerning a three-lot subdivision of the existing property at 10001 Minnetonka Boulevard (99011.08a)

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

S. Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Sjeklocha asked if there is one sanitary service. S. Thomas answered in the affirmative. Approval contains a condition requiring services for all three parcels. The applicant is concerned with providing all three services. S. Thomas will be meeting with the city's building official and public works staff to determine the necessary service(s).

Sjeklocha asked if a new owner could remove part of the building. S. Thomas explained that legal documents associated with the building would provide requirements. A proposed reconstruction would have to be reviewed by the planning commission and city council.

Sjeklocha asked if landscaping would be required. S. Thomas answered in the negative. The proposal moves property lines over an existing building.

Sjeklocha asked for the identity of the property owner. S. Thomas replied Mr. Halverson.

A. Thomas asked if the city was comfortable with vertical registered land survey ownership. S. Thomas explained that the technique is used in urban areas frequently. Staff is comfortable that the legal documents would handle issues, but would monitor any problems that arise since it is Minnetonka's first application of this type.

Walker asked if going from a single owner building with one use to a multiple owner building with multiple uses would trigger building modification requirements. S. Thomas answered affirmatively. A condition of approval requires the city's building inspector finding the structure in compliance with building code before the plat would be released for filing.

Adams asked who would own the parking lot for Tracts A and B. S. Thomas explained that Tracts A and B own the surface. It is established by elevation.

Adams noted that the title must be registered with Hennepin County. S. Thomas explained that the applicant has worked closely with an attorney who formerly worked for Hennepin County and the city's attorney, Desyl Peterson. Staff is comfortable that the applicant would meet the county's requirements, if, however, it would not be recorded by Hennepin County, the city's approval would be void.

In response to Chair Cheleen's question, S. Thomas explained that Samaritan Title intends to use the lower level for inventory storage.

Chris Martinson, owner of Samaritan Tire Company, appreciated commissioners reviewing the application. He explained that the lower level is the basement where inventory is stored. The current renter, Great Estates, and his business are doing well in the location and rather than continue to lease the spaces they have purchased the building. Separating the building makes it possible. He was present for questions, requested approval, and thanked everyone for their time.

Adams questioned why the building would be separated into three tracts if there would be two owners. Mr. Martinson explained that the three spaces would be used separately. The third space could be leased or sold separately.

The public hearing was opened.

Henry Nelson, land surveyor for the applicant, stated that he was excited to be working on the vertical registered land survey. This allows the land to be sold with the space. Rick Little, the attorney working with him, is very familiar with registered property and formerly worked for Hennepin County and everything that has to do with vertical registered land surveys. He would be working closely with city staff and Mr. Little.

Adams asked if it was typical that the parking lot would be associated with a different tract than the building. Mr. Nelson explained the limitations with the building.

No additional testimony was submitted and the hearing was closed.

Walker moved, second by Adams, to recommend that the city council approve the following items concerning a three-lot subdivision of the existing property at 1001 Minnetonka Boulevard:

Registered Land Survey

- 1) *Recommend that the city council adopt the resolution on pages A10–A13 of this report which approves the Registered Land Survey, date stamped October 8, 2008. Approval is subject to the following conditions:*
 - a. The following items must be submitted to the city before the city releases the RLS for recording:
 - (1) An electronic CAD file of the final plat in microstation or DXF.
 - (2) The following documents must be prepared by an attorney knowledgeable in the area of real estate and must be submitted for the city attorney’s review and approval:
 - (a) Title evidence that is current within thirty days before release of the final plat.
 - (b) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-ways.
 - (c) Drainage and utility easements over the 100-year storm elevation as determined by the city engineer.
 - (d) Private utility easements over all existing and required utilities.
 - (e) Stormwater pond maintenance agreement outlining the responsibilities of all property owners.
 - (f) A common access easement between the public right-of-way and individual lots. The easement must state the cost and maintenance responsibilities of each property owner.
 - (g) Parking easement. This easement must:

- (i) Include existing parking areas and those proof-of-parking areas noted on the approved proof of parking plan dated June 28, 1999.
- (ii) State the cost and maintenance responsibilities of each property owner.
- (h) Proof-of-Parking Agreement. This agreement must outline the cost responsibilities associated with construction of proof-of-parking of each property owner.
 - (i) Restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat.

These documents must be recorded with the RLS, and a drawing of any easement must be attached to the easement deed.

- (3) Separate water and sanitary sewer services must be installed to each property.
- (4) The city's building official must confirm that the building complies with all building code requirements.
- b. Unless the city council approves a time extension, the RLS must be recorded within one year of council approval.
- c. If the RLS is not accepted and recorded by the county, city approval is rendered null and void.

Variances

- 2) *Recommend that the city council approve the resolution on pages A14–A16 of this report which approves multiple variances associated with the Registered Land Survey, date stamped October 8, 2008 dividing the existing property at 10001 Minnetonka Boulevard into three lots.*

Proposed Tract A:

- Side Yard Setback Variance from 35 feet to 0 feet
- Rear Yard Setback Variance from 35 feet to 0 feet
- Parking Variance from 19 spaces to 8 spaces

Proposed Tract B:

- Side Yard Setback Variance from 35 feet to 0 feet
- Rear Yard Setback Variance from 35 feet to 0 feet
- Impervious Surface Variance from 85% to 100%
- Parking Variance from 33 spaces to 10 spaces

Proposed Tract C:

- Side Yard Setback Variance from 35 feet to 0 feet.

Approval is based on the following findings:

- a. The proposal would meet the required standards for a variance, because:
 - (1) Setback and Impervious Surface: Though technically necessary, the setback and impervious surface variances would not visually alter the existing building or the existing parking lot. Rather, the subdivision would simply allow for separate ownership of these areas.
 - (2) Parking: The existing larger property could accommodate all required parking through a previously approved proof-of-parking plan. A shared parking agreement and easement, together with this proof-of-parking plan, would ensure adequate parking would be provided for all lots in the proposed subdivision.

Approval is subject to the following conditions:

- a. The resolution must be filed in conjunction with the RLS for the property.
- b. If the RLS is not accepted and recorded by the county, city approval is rendered null and void.

Lehman, Sjeklocha, Thomas, Walker, Adams, and Cheleen voted yes. Blatz was absent. Motion carried.

The city council is tentatively scheduled to review this item at its December 8, 2008 meeting.

C. Items concerning a two-lot subdivision of existing properties at 10323 34th Circle West. (08022.08b)

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

S. Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

In response to Adams' question, S. Thomas described the location of the affordable housing unit.

Chair Cheleen estimated the size of the property that was divided into 6 lots to be between 3 acres and 4 acres. S. Thomas calculated that most of the lots ranged from 12,000 square feet up to 17,000 square feet.

Curt Fretham, 15400 Highway 7, applicant, stated that he developed the Fretham Fourth Addition and the development on 34th Circle. He pointed out the proposed residence at the northwest corner. He stated that:

- The right of way changes the size of the lots.
- He provided a sketch plan. He wanted to continue development of the property on the north. It is a tough call from staff's point of view.
- There are several reasons to argue for it and against it.
- He thought staff was neutral.
- The application meets planned unit development criteria.
- There are residences in the area similar to the proposed residence. Even though the residences are not directly adjacent to the site, the spirit of the exemption would be met.
- The site is in between transitional land uses.
- There would be benefit to the public.
- Fifteen mature oak trees that range from 12 inches to 24 inches in size would be put in "a tree preservation."
- The land would be used more efficiently and effectively.
- The existing house would be preserved and provide a mid-ranged home which would be a public benefit.
- One house on the property would allow one large house to be built and would not be what the comprehensive guide plan dictates. It would not be efficient use of the land.

- The city would “get” the right-of-way.
- It is not staff’s responsibility to come up with reasons to support the application.
- He requested the application be approved.
- He was present for questions.

The public hearing was opened.

Kris Nystrom, 10330 34th Circle West, stated that she has resided in her house for 20 years. She stated that:

- The entire area was woodland and used for dumping when construction was done on Interstate 394. The property south of hers was full of concrete block.
- The area has changed dramatically.
- The road’s condition is terrible and unsafe.
- Having grass is the greenest thing to have.
- She saw no reason for affordable housing. Hers was the least expensive house. One just sold for over \$1 million.
- She saw no reason to build a house.
- She lost several thousand square feet that she had to deed to the city for right-of-way.
- She agreed with staff’s recommendation.
- She requested work be done on the street. There would be no access if a vehicle was parked on the side of the street.
- She appreciated the designated wetland.

Chris Novak, 10327 West 34th Circle, resided in the house between the new and old development. He selfishly did not want a new house 10 feet from his house. Mr. Fretham did a good job on the redevelopment of the other lots, but the lots were relatively healthy in size. He questioned why a 10,000 square foot or 11,000 square foot lot would be allowed. It would not be consistent with the neighborhood. His 15,000-square-foot lot is considered 12,000 square feet. Part of the 15,000 square feet is under the paved road. He favored retaining green space to the north of his residence.

Adams asked if he would prefer to allow the proposal or another \$1 million dollar home. Mr. Novak would take his chances with the setback on a new home. A new residence would be further from his.

Lance Cavanaugh, 10413 West 34th Circle, supported the application. It would add value to the neighborhood and clean up the corner. The property on the corner is the gate way to the whole neighborhood. A new house would add additional value. He brought a petition signed by neighbors in support of a new house. Chair Cheleen reviewed the petition that supported the planned unit development application and was signed by six people.

Ms. Nystrom stated that the residents of 10405 West 34th Circle wrote on the internet that the current house on the site does not appeal to the neighborhood. The resident welcomed something to brighten up the block.

Ms. Nystrom noted that the southwest corner is vacant. It has not been approved for any building. There is difficult access to it. No plan has been approved. She counted five neighbors. The owner of the proposed subdivision is also the owner of the vacant lot. Those two properties should not be construed as two separate votes, because they have the same owner.

Sean Orn, 10401 34th Circle West, stated that he had plans approved contingent on restructuring the pond. That is the second property in the area that he owns jointly with his wife. He pays taxes on both of the properties so he assumes he would have two votes. He and his wife signed the petition.

No additional testimony was submitted and the hearing was closed.

Adams said that the lot is on the high end of comparable-sized lots in the area. If divided, it would be on the too small end of comparable-sized lots in the area. It is a problematic lot. Mr. Fretham makes a good point regarding retaining the current residence on the property. He would like to see as much affordable or quasi-affordable housing maintained in the city. Staff makes a good case for why the site does not meet the planned unit development criteria. He was uncomfortable with creating two small lots even in that area. That would not achieve any objective. He opposed the application and supported its denial.

Sjeklocha asked if properties half an acre in size had previously been rezoned as a planned unit development. S. Thomas explained that planned unit developments have been approved that were less than five acres in size, but met specific criteria such as preserving a mature stand of oak trees that are on a slope and providing affordable housing. She recalled no planned unit development as small as half an acre in size.

Sjeklocha concurred with Adams regarding the proposal's lack of public good. The division would make the lots less than median size.

A. Thomas stated that the concern regarding street width and condition will be relayed to engineering staff. The developer made some points on the public benefit with some tree preservation and the more effective use of the land is debatable both ways. Even with the right-of-way land, the lots would be substandard. Allowing a planned unit development that would be half an acre would set a precedent. He owns a half-acre lot. He could not fundamentally support dividing the property to create sub-substandard lots for construction purposes. He supported the recommendation to deny the application.

Lehman found it hard to justify dividing a property to create two lots smaller than the standard size. He did not support the proposal.

Walker, based on staff analysis and feedback from the surveyed property owners in the report, found no compelling reason to approve the application. He supported staff's recommendation.

Chair Cheleen concurred. There are 12 lots from the site going south. Only 1 lot out of the 12 would be smaller than the 2 that would be created. The proposal would create a bigger problem than currently exists.

Lehman moved, second by A. Thomas, to recommend that the city council adopt the resolution on pages A12–A15 of this report, which: (1) denies rezoning the existing property at 10323 –34th Circle West from R-1 to PUD; and (2) denies Fretham Fourth Addition, Phase II date-stamped October 8, 2008. Denial is based on the following findings.

- 1) Rezoning:
 - a) The applicant's proposal does meet the purpose of PUD zoning classification as outlined in City Code Section 300.22. More specifically, PUD zoning is intended to provide for, or preserve, perceived public good, including:
 1. New techniques of building design, construction and land development.
 2. Provision of housing affordable to all income groups.
 3. Energy conservation through the use of more efficient building designs and sitings and the clustering of buildings and land uses.

4. Preservation of desirable site characteristics and open space and protection of sensitive environmental features, including steep slopes, poor soils and trees.
5. More efficient and effective use of land, open space and public facilities through mixing of land uses and assembly and development of land in larger parcels.
6. High quality of design and design compatible with surrounding land uses, including both existing and planned.
7. sensitive development in transitional areas located between different land uses and along significant corridors within the city.
8. Development which is consistent with the comprehensive plan.

The applicant's proposal does not provide for any of these. Rather, it merely divides an existing property, creating substandard lots, for construction purposes.

- b) The applicant's proposal does not meet the minimum PUD standards as outlined in City Code Section 300.22. More specifically, the proposal does not meet the five-acre minimum area standard. Neither does the proposal meet criteria for waiving this standard:
 1. There are no unusual physical features of the property itself or of the surrounding neighborhood such that development as a P.U.D. would conserve a physical or topographic feature of importance to the neighborhood or community.
 2. The property is not directly adjacent to or across a right-of-way from property which has been developed previously as a P.U.D. or planned unit residential development, such that it would be perceived as and would function as an extension of that previously approved development.

3. The property is not located in a transitional area between different land use categories or on an intermediate or principal arterial as defined in the comprehensive plan.
 4. The property is not proposed to be developed with single family dwelling lots having a minimum area of 15,000 square feet.
 5. The property does not contain steep slopes, wetlands, public waters or a substantial number of significant trees that could be preserved through the clustering of buildings or other design techniques not generally allowed by the existing zoning district.
- 2) Plat:
- a) Based on information provided by the applicant, the subject property has a total area of 23,201 square feet, which includes area already encumbered by a public street. Without the requested rezoning, the property could not be divided without variance.
 - b) The median lot size for area properties is 15,000 square-feet. The applicant's proposal would result in lots of less than this median size.
 - c) The existence of area properties less than 15,000 square feet in size does not warrant the creation of additional lots of less than 15,000 square feet.
- 3) The property is zoned and guided for single-family use and is currently improved with a single-family home. This constitutes reasonable use of the site. As such, denial of the applicant's requested rezoning and proposed plat would not deny a property owner reasonable use of the property.

Lehman, Sjeklocha, A. Thomas, Walker, Adams, and Cheleen voted yes. Blatz was absent. Motion carried.

The city council is tentatively scheduled to review the application at its December 8, 2008 meeting.

9. OTHER ITEMS: CONCEPT PLAN

A. St. Therese concept plan discussion.

Gordon explained the format for the concept plan discussion. Talking points and a cheat sheet were provided.

Gordon provided the review process.

Wischnack updated commissioners on public projects related to Glen Lake redevelopment. A new fence has been installed around the Excel substation to help beautify the area. The streetscape project has almost been completed. The plaza will not be discussed at the November 24, 2008 city council meeting. It has been postponed.

Mike Pagh, CEO of St. Therese Southwest, was present with John Hamilton, of Urban Works. Mr. Pagh thanked staff for the opportunity to gain feedback from commissioners.

Mr. Pagh stated that St. Therese is a 20 year old, faith based, non-profit organization that has its campus in Hopkins. That facility consists of a 227-independent-senior-living complex with an attached 86-unit-assisted-living facility. Within the 86 units is a 24-unit-memory-care facility. The current facility is 99 percent leased. The proposal would be an expansion of the mission and vision of the organization to continue to serve seniors in the southwest communities.

Mr. Hamilton pointed out Site A. The illustration provided the general concept and layout. The current concept plan included a roundabout. The site provides a quiet side and a commercial side. A bus loading area would be provided. A plaza would be located on the south side. He pointed out areas designated for staff parking, underground parking access, an amenity piece, memory care, active senior living, and courtyards. He described the floor plan for each story. There is space for a chapel. The site would be intensely landscaped. Storm water management would be handled with an underground chamber and rain gardens. The water would need some pretreatment prior to traveling to the stormwater pond. Most of the seniors do not drive or do not drive frequently. The amount of parking is highly appropriate for the use.

Adams asked how it would compare in height to the Exchange Building. Mr. Hamilton stated that it would be seven feet, six inches shorter on both sides. A total of 150 units would be included.

In response to Adams' question, Mr. Pagh stated that approximately 80 of those units would not have vehicles at all. The independent units total 70. Some of those residents would have a vehicle. Even then, many of them would not be utilized. Scheduled transportation is provided for activities. Adams mentioned a senior housing facility in the city that has parking issues created by visitors and staff. Mr. Pagh stated that the proposal includes 20 guest parking stalls. The peak period of visitation tends to be during off-peak traffic flow times. Traffic control and parking on the site have been done based on the current facility in Hopkins and a recommendation from Urban Works.

Lehman asked Mr. Pagh's thoughts on how his proposal compares to Presbyterian Homes. Mr. Pagh stated that there are some similarities. The proposal's buildings would be attached and dinner would be served to independent seniors. He was unaware of how many units make up Presbyterian Homes.

Lehman asked his assessment of the market for assisted living in the area. Mr. Pagh had nothing but respect for the owners/operators of Presbyterian Homes. They are one of the best operators in the twin cities. He hoped to be able to compare their facility to them in terms of the care and quality of the services given to the seniors. That is a little older facility, so, in terms of design, the proposal may utilize updated layouts.

Mr. Pagh stated that a preliminary market study has been completed. The numbers indicate a clear demand for this type of facility. Demographics clearly will demand additional senior housing. The Hopkins facility is quite full. The memory care facility always has a waiting list.

Lehman asked how he saw the facility fitting in the area. Mr. Pagh liked the neighborhood. It would be exceptional for the development. The proposal would be contiguous to the grocery store and coffee shop and other retailers in the area. It feels like a neighborhood. It would provide a unique fit.

Sjeklocha asked how far away the neighbors would be on the north side. Mr. Pagh estimated 100 feet to 150 feet. The units would be rented. The independent units would be between 800 square feet and 1,200 square feet. The assisted and memory care units range from 450 square feet to 700 square feet. The amenities are significant and include activity areas, cinema, beauty salon, chapel, and gathering spaces at the end of hallways. The amenities are significantly more part of the rent than the unit.

Sjeklocha asked if units would be available for visitors to rent to stay overnight. Mr. Pagh said it was being considered. The Hopkins facility has provided a guest suite that may be rented for a nominal fee.

Sjeklocha asked if any sustainable concepts would be utilized for the facility. Mr. Hamilton stated that he would certainly like to do that. He is LEED certified. It would be a well-insulated building and the windows would be high quality. The most efficient heating system would heat a large area, so it is not as efficient for each unit to control their own heat, but that is what would be necessary for this type of facility. The plan would utilize natural light and ventilation. Fresh air and air quality would be a factor. Continuous ventilation in all of the units would occur all of the time and would be a challenge when trying to save energy. Indoor air quality is a very big issue for seniors. Very low VOC paints, adhesives, and carpets would be used.

Adams suggested the number of parking spaces be looked at. He asked for the size of the proposed building and the previously approved building. Mr. Hamilton responded that the gross building area would be 227,000 square feet, excluding parking it would be 186,000 square feet. The footprint would be slightly larger than the previous building because of the amenity package, but the other building was a 4-story building and the proposal would predominantly be a 3-story building. The footprint got bigger because most of the amenities are on the first floor, but the gross square footage did not increase.

Adams asked if the hard surface coverage is more, less, or about the same. Mr. Hamilton stated that it would be a little increase. Runoff would be treated before it would leave the site. Raingardens and water features would be included in the plan.

Mr. Pagh commented that the maximum potential of number of resident vehicles would be 70. Even out of those 70, most utilize the provided transportation or a family member would drive them.

Adams asked where deliveries would be made. Mr. Pagh pointed out the delivery area and traffic pattern. Delivery trucks would not drive on Tree Street.

In response to Walker's question, Mr. Pagh stated that roughly 69 units would be independent, 60 units assisted living, and 21 units for memory impaired residents. The original plan included 100 condominium units. Walker asked if a study was going to be done or had been done to determine the possible impact to the surrounding retail. Wischnack said that was discussed at the neighborhood

meeting. Some neighbors felt that the proposed use would bring as much business as the previous plan.

Walker confirmed the traffic pattern for deliveries with Mr. Hamilton. A parking space would be used during a delivery.

Walker asked how an emergency would be handled. Mr. Hamilton showed how emergency personnel would enter the building.

Walker was 100 percent behind senior care. It would be the best neighbor. He wondered if the facility needs to have a use in the future and if the number of parking spaces would limit the potential use. Mr. Pagh stated that flexibility is built into the plan between the assisted living and memory care. It would be designed so that the memory care units could be converted to general occupancy assisted living. The average age in assisted living is 80 years and mid 70s for the independent resident. The building would be specialized for seniors. As much flexibility, as possible, would be created to allow for changes between the types of care.

Walker questioned what the intent is for the entries off of Tree Street. Mr. Hamilton stated that the entrance would be level.

Walker said that the curb cut to Woodhill Road seemed close. Mr. Hamilton stated that it would be 100 feet away. Walker suggested driving the area with the curve to get a feel for its hazards.

Walker felt the roundabout seemed a little unfamiliar. Mr. Hamilton stated it was not his idea.

Walker felt the landscape should be significant to soften the building's appearance and make it useful. Mr. Hamilton agreed.

Walker suggested the aesthetic reality of the facility match its value. It would have an economic impact on the area of Glen Lake and the city of Minnetonka. Mr. Hamilton reviewed that the three-story-rental-unit building previously discussed was too powerful.

Adams asked what was planned for outdoor activity areas and if they would be available to local residents. Mr. Hamilton stated that the memory care area would be a gated, locked area. Seniors like to be outside and that will be reviewed. Three primary green spaces would be provided and need to be accessed from

the building. Mr. Hamilton stated that seniors from the community would be welcome to attend activities at the facility.

Chair Cheleen asked how far the independent senior units are located from Woodhill Road. Mr. Hamilton responded 23 feet from the property line which is in conformance with the variance that was granted for the previous building. Chair Cheleen suggested that planning be done to provide safe pedestrian access from the facility to the ball fields across the street. Chair Cheleen supported the roundabout.

Chair Cheleen suggested taking advantage of the south-facing view and have trucks approach the site from Fresh Seasons. It appeared that one or two parking spaces would be lost.

Chair Cheleen felt it would be wise to compare the proposal with the previous plan regarding how each would impact the grocery store.

Chair Cheleen asked if the facility would accept Medicare. Mr. Pagh stated that it would be a private-pay facility. The staff works closely with seniors to find programs that are out there. He currently works with the elderly waiver program. It is not a Section 8 or Section 42 facility.

Walker asked what Mr. Hamilton felt were the challenges for the site. Mr. Hamilton responded the financial market. He remained excited about the market for the future. Currently, there are less good financing options available. The hurdles are more difficult that way.

Chair Cheleen asked if the commissioners had done a sufficient job with the discussion. Gordon answered affirmatively. He had created a list of issues to be addressed.

Chair Cheleen invited Mr. Pagh and Mr. Hamilton to answer questions for residents in the audience.

Ivan Fox, 6008 Pinewood Lane, stated that:

- He feels much better about this proposal than the Glen Lake redevelopment project as a whole. He did not understand “new urbanism, beautify, or beautification.”
- He felt a parking study is warranted. The site already has parking pressure.

- St. Therese should not assume it gets a variance previously approved for another project.
- The lake side of the Exchange Building is monolithic and intimidating right up to the side walk. It is harsh and does not fit the Glen Haven Center site. There are ways it can be corrected. The building width could be decreased and the depth could be increased on the Excelsior Boulevard side. Leave less open space on the front.
- He asked what would become of the affordable housing component that was promised for Site A. Kinsel Point's affordable housing element was suppose to appear in Glen Haven Site A. He questioned where that went.
- He questioned if the Glen Lake redevelopment project would be done December 31, 2008 and if TIF funds would discontinue. He questioned if new TIF funds would be provided for the nursing home site. Keep in mind that the whole TIF financing was to allow for the affordable housing aspect.
- A stoplight is needed at the Excelsior Boulevard and Woodhill Road intersection. He hoped that city staff could work with the county staff.
- Signage should be consistent with what the neighborhood looks like.
- He requested Kinsel Point Site C be rezoned to an R-3, medium density, district. Townhomes would provide housing consistent with the protected wetlands environment.
- He would like to see Site C become a park.

Chair Cheleen thanked Mr. Fox for his comments. No response will be provided until a formal application has been submitted.

Vince Vangasser, 5330 Beaconhill Road, Presbyterian Homes, stated that when he moved in there was a long waiting list. A friend of his waited 10 years to get in. The facility is 100 percent occupied. The assisted living facility next door is full and is turning people away. There is a market for senior housing.

Janice Winstead, 15113 Williston Lane, provided a petition in support of the concept plan. She did not allow signatures from non residents of Minnetonka, although numerous non residents wanted to sign the petition. She received calls from people saying that Glen Lake use to be the slum area of Minnetonka and this development has improved the area 100 percent.

John Goodman, 13832 Kinsel Point Road, has been a part of the St. Therese organization as a minister. He was excited to have the facility in the area and knew of a number of families who have members wanting to move into the proposal. He supported the project.

Jean Maurice Ansolabehere, 14908 Glendale Street, walks his dog around the area all the time. He is amazed at all of the improvement. The buildings use to be decayed and broken into. He was impressed with the development and appreciated it. He is 76 years old and will be looking for a place soon.

Mary Jeub, 4864 Gaywood Drive, stated that Presbyterian Homes was full when she was looking for a home for her father and she had a hard time finding assisted living for him. She believed that there really will be a need for the facility. Her aunt currently lives in St. Therese and said that it is a top-drawer organization. Her aunt has a beautiful unit overlooking a courtyard. The facility has a lot of nice space where seniors may visit. She understood that the site was zoned for condominiums, but she truly believed that the senior complex would bring a lot to the retail businesses. When she visits her aunt, she brings her to the close retail restaurants and coffee shops. The community is developing in a very nice way. St. Therese would be a great asset. The grounds are always well maintained.

Michael Gallow, Snap Fitness owner, stated that the demographic change is not the most desirable for his business. It will allow people in the area to stay in the area. That opens up houses for others to move into the area and revitalize and bring younger people into the area. He agreed with doing something to make the intersection safer. A stop light or pedestrian overpass would be great. This is an opportunity for the space to be utilized. Who knows when that could happen again in the current economic climate.

Dale Riley, owner Fresh Seasons Market, appreciated people's concern for his business. He welcomed the proposal. He has no concerns what so ever about the senior development. Seniors are wonderful customers. Beacon Hill supports the business tremendously. A lot of people visit the residents. Beacon Hill staff support the grocery store. He agreed with Mr. Gallow. He appreciated the willingness of the developer to develop on the property. It fills a need in the community. It will keep the seniors within the community.

Ann Malm Hossfeld, 14616 Glendale Street, has not come to a conclusion on whether this is a good or bad project. She stated that:

- It seems like a reversal of the previously approved proposal. Because of the affordable housing component and the goal of bringing in a younger demographic into Glen Lake, it may not be the right thing for Glen Lake.
- She questioned why senior housing was not approved within a quarter mile on Williston Road for a different project.
- Her request is that it be considered as it would have been considered three years ago instead of just accepting any type of development.
- She did not support the roundabout because of the potential of backup traffic.
- Many people want the stop sign on Woodhill Road and Excelsior Boulevard. She does not support one. She spoke with Hennepin County Public Works staff who told her that a stop light would not be installed there because it would not be in line with goals for traffic. It would be too close to the traffic signal at Excelsior Boulevard and Eden Prairie Road.
- Senior housing would impact the retail businesses without a traffic signal. It would be a different support base.

Mr. Fox thanked staff for the change in the review procedure. He felt part of the process this time. Previously, the decisions were made long before an application was presented to the public. He wanted the change to continue.

Chair Cheleen felt those present had a chance to provide comments.

Gordon stated that Mr. Pagh invited everyone to tour St. Therese Southwest. Gordon encouraged those present to do so. He had collected comments, ideas, discussion points, and questions to use to develop the plans for the formal application. A second neighborhood meeting will be held and review of the application is estimated to occur in February. He suggested everyone create a MyMinnetonka account to receive notifications regarding projects of interest.

In response to Lehman's question, Wischnack stated that the neighborhood meeting will be posted as a public meeting so that all commissioners may attend.

10. ADJOURNMENT

***A. Thomas moved, second by Adams, to adjourn the meeting at 9:18 p.m.
Motion carried unanimously.***

By: 

Lois T. Mason, Planning Secretary