

**MINNETONKA PLANNING COMMISSION
MINUTES**

FEBRUARY 19, 2009

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, Planning Technician Stephanie Scott-Sims, and Natural Resource Manager Jo Colleran.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with additional comments and a modification for Item 8A, St. Therese.

4. APPROVAL OF MINUTES: February 5, 2009

Lehman moved, second by Adams, to approve the February 5, 2009, meeting minutes as submitted.

Adams, Blatz, Lehman, A. Thomas, Walker, and Cheleen voted yes. Sjeklocha 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 February 9, 2009:

- Introduced a major amendment to an existing master development plan for Sears Imported Autos located at 13500/13502 Wayzata Boulevard.
- Introduced items concerning environmental ordinances.
- Introduced a major amendment to an existing master development plan for St. Therese located at the corner of Woodhill Road and Tree Street.
- Adopted a resolution approving a twelve-month extension of final plat approval of Lewis Addition at 15616 Highwood Drive.

6. REPORT FROM PLANNING COMMISSION MEMBERS

Adams announced that Eco-Fair will be held at Minnetonka City Hall on March 14, 2009. He encouraged everyone to attend.

7. PUBLIC HEARINGS: CONSENT AGENDA

The item was not removed from the consent agenda for discussion.

Adams moved, second by Walker, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:

A. Conditional use permit to locate a Jimmy John's Restaurant at Ridgedale Festival at 14100 Wayzata Blvd (88085.09a)

Recommend that the city council adopt the resolution on pages A8-A12 of the staff report. This resolution approves a conditional use permit for a 1,755 square foot fast food restaurant at 14100 Wayzata Boulevard. Approval is based on the finding that the proposal meets the required conditional use permit standards and is subject to the following conditions:

- 1) Prior to issuance of a certificate of occupancy, record this resolution with the county. A copy of the recorded resolution must be returned to the city.
- 2) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 3) Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
- 4) The applicant must agree to the above conditions in writing.

Adams, Blatz, Lehman, A. Thomas, Walker, and Cheleen voted yes. Sjeklocha was absent. Motion carried and the item on the consent agenda was approved as submitted.

8. PUBLIC HEARINGS

A. Items concerning St. Therese, located at the corner of Woodhill Road and Tree Street (05091.08e)

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

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Blatz asked what changes had been made to the proposal since the concept plan meeting held on November 20, 2009. She noted that the roundabout had been removed. Gordon stated that a roundabout could be considered in the future, but was removed from the plan at this time. The parking overflow agreement was added to staff's recommendation. Deliveries and parking for employees would occur on the inside of the east wing of the building.

A. Thomas asked if the canopy extended out from the building. Gordon provided an illustration.

A. Thomas asked how storm water chambers would work. Gordon explained how rain water would collect in the intakes and travel to two underground chambers. The chambers would provide treatment that is not currently being done.

A. Thomas asked if delivery times should be a condition of approval. Gordon stated that the facility would function similar to a commercial property. Deliveries would happen inside the building. Chair Cheleen was concerned for the residents living above where the trucks would idle.

A. Thomas questioned the routes pedestrians would take. Gordon explained that the city requested the Woodhill Road and Excelsior Boulevard intersection be a pedestrian crossing, but that Hennepin County denied the request.

A. Thomas suggested a well-marked pedestrian crossing at Woodhill Road and Tree Street. He was concerned with the traffic level and excess speed on Excelsior Boulevard. He wanted staff to continue pursuing approval for a pedestrian crossing.

Chair Cheleen agreed that something should be done at the Woodhill Road and Excelsior Boulevard intersection to make it beneficial for pedestrians to cross the street there. A flashing yellow or red light with a button to be pushed by pedestrians would be beneficial. Older people do not walk fast and need to be safe.

Chair Cheleen noted a comment from a resident regarding not much parking being available on Tree Street. He suggested no parking on the south side.

Blatz asked for the history behind the affordable housing aspect of the proposal. Wischnack obliged. The previously approved proposal included 18 percent of the units affordable. The Exchange would have included 14 affordable units. The current proposal would have 20 affordable units. That would equal 13 percent of the entire development district. The economic development authority (EDA) was not satisfied with that number and will be discussing it again March 2, 2009. Affordable housing is a separate issue outlined in the redevelopment agreement and handled by the EDA.

Chair Cheleen asked for the number of underground parking stalls. Gordon stated that there would be 72 parking stalls inside the structure.

Chair Cheleen was concerned with the width of the drive from Woodhill Road to the site. Gordon stated that the south access driveway would be two feet narrower than a city street. It anticipates two-way traffic. The trucks would be smaller than those that deliver at grocery stores. The access drive would be separated.

Mike Pagh, CEO of St. Therese Southwest, thanked commissioners for their consideration. The proposal is well conceived and designed. He believed that it offers significant benefits to the community. As seniors begin moving in, they will move out of single-family residences. It will assist freeing up the housing stock in the community. There is a strong demand for the facility. The seniors of Minnetonka need and deserve it. A broad range of housing types would be provided for care-free accommodations for seniors who need opportunities for socialization, access to great meals, and access to health care. There would be housing with services, assisted living, and memory care units. The building would be in keeping with the neighborhood. It would exude quality while being understated. There would be three primary outdoor areas.

John Hamilton, architect, provided that deliveries would back into the loading dock area. Access from behind the grocery store is agreeable for both parties. Chair Cheleen felt that was a good solution. Mr. Hamilton agreed.

Mr. Hamilton commented that water from the roofs would be used for front yard irrigation of the site. Most of the water that would enter the grid chambers would be very clean. It would mostly be roof water. The proposal would address water quality issues.

Mr. Hamilton stated that the exterior materials would look similar to the Exchange with a stucco-like material above a masonry base and lap siding up above. The outside of the building and walkways would meet ordinance lighting standards.

Adams asked if financing had been arranged yet. Mr. Hamilton stated that it had not been secured yet. A HUD, 232 FHA insured loan is being applied for. It is a lengthy application process. That is one of the challenges. He is optimistic that the financing will be approved.

In response to Adams' question, Mr. Hamilton estimated the construction budget at \$25 million.

Chair Cheleen asked if the facility would house residents on Medicare/Medicaid. Mr. Pagh responded that the facility would be primarily private pay. Individuals can still access Medicare/Medicaid and there is an affordable housing component.

Walker asked if Mr. Pagh saw the ratios of types of care changing during the finance process. Mr. Pagh responded affirmatively. Right now, a higher number of assisted living suites would be proposed. Some flexibility is requested to allow for the type of housing most needed. Walker asked Mr. Pagh to estimate the type of housing needed in the facility in 10 years. Mr. Pagh said that facilities usually start out with young seniors who age with the facility. Mr. Pagh stated that the need for housing for an increasing number of frail and memory impaired seniors would increase. The entire facility would be licensed to provide services.

Blatz asked how many employees would work at the facility. Mr. Pagh noted that the facility would operate 24 hours a day, seven days a week. On average, 20 to 30 staff would be present. Total employment would be 50 to 60 staff members.

The public hearing was opened. Chair Cheleen commented that the application was being considered for land use items including rezoning.

Larry Larson, 15225 Wild Wings, Glen Lake resident for 17 years, supported the project. He is 62 years old and in need of a facility like the proposal. He knew numerous others who wished to stay in the Glen Lake, Minnetonka area. He did not want to have to move to Eden Prairie or Bloomington. He loved the area. The facility would assist with keeping the grocery store. Two grocery stores have previously failed. More business is needed to keep it running. He appreciated Mr. Riley and Mr. Wartman working to keep Dragon Jade in Glen Lake. Anyone who would live in the proposal would visit Dragon Jade, Caribou Coffee, and Fresh Seasons.

Barry Bonoff, 5352 Mayview Road, agreed with Mr. Larson whole heartedly. The addition of Fresh Seasons has benefited the area phenomenally. To have St.

Therese in the neighborhood would reinforce the base to keep the stores alive. Leaving the site vacant would be short-sighted and fail. He commended Mr. Wartman for going ahead in the current economic climate. He looked forward to St. Therese being built and having a hamburger at the Golden Nugget. The project would be wonderful. He requested the proposal be approved.

Maurice Ansolabehere, 14908 Glendale Street, stated that he and his wife are very interested in St. Therese. He is 76 years old and his wife is in her seventies and recently had health complications. They both want to stay in Minnetonka and in the Glen Lake area. His sons live in Minnetonka. He shops in each of the stores except the dance studio. He appreciates each merchant and wants to keep them. He knows most of the clerks by their first name. He would not want it to continue as an empty lot. This is a golden opportunity. It would be part of the tax structure that would help our community. A vacant lot would be a disaster.

Carol Ansolabehere, 14908 Glendale Street, anticipated that she would need senior-type housing sooner than she expected. Maybe it would be available in time for her when she would need it. The work done so far is beneficial to the area. She encouraged St. Therese become a reality.

Randall Neal, 14203 Glen Lake Drive, was very much in favor of the project. He spent a lot of time at the St. Therese in Hopkins visiting residents. It is a quality operation. Affordable housing is important. St. Therese would have less traffic than the originally approved condominiums and provide stability of the type of residents. Area residents would be the ones to move out of houses and into the facility. It would serve the dual purpose of opening up single-family residential housing and providing multiple types of housing for seniors.

Mr. Neal was concerned with the Tree Street primary entrance. He felt the traffic traveled more on the south side. Tree Street is not seen. He favored a nice, high profile on the south side. He was disappointed to hear that Hennepin County denied the walkway. He has a handicap daughter and the walkway installed leading to the Golden Nugget is important. He would love to have the marked walkways. He has given up on the stoplight.

Chair Cheleen appreciated his comments and knew staff would keep pushing for improvements to Excelsior Boulevard because it is not as good a situation as it could be.

Mark Matheson, 14017 Branberry Walk, supported the project. He echoed the previous speakers' comments. Glen Lake redevelopment has been a sterling improvement to the community. The fact that the proposal is being presented at

this time is an extremely pleasant surprise. He was impressed with the quality of the project. He encouraged the proposal be recommended for approval.

Lindsay Strand, 4840 Kingsberry Lane, was a resident as well as a realtor who would love to sell condominiums on the property, but knew that that goal needed to change to match the environment. She had spoken to staff from another city which dreamed of attracting a senior facility to replace a lost development. Glen Lake has an outstanding sense of neighborhood. She hoped that would be built upon. Workers at the grocery store know her by name. The investment made so far needs to be supported. She believes that other families would move into the houses in the area as seniors move into the facility. She requested the project be given positive consideration.

Jane Quinn, 4838 Woodridge Court, supported the project. Her mother is 83 years of age. This is the type of place she would love to live in if she chose to move here. She has many children. The facility would provide jobs for the area. She is a nurse herself and could be a potential employee. She requested the project be approved.

Bob Cook, 14810 Pettler Lane, was concerned with the area having enough visitor parking and its ability to handle the traffic. The facility would create more pedestrian traffic and the intersection is already not safe. He understood it is a county street, but pedestrians will continue to cross in the middle of the street. There should be additional visitor parking.

Chair Cheleen commented that Hennepin County has stated that the street currently does not have enough traffic to trigger funding for an improvement. More housing may create more traffic to meet the threshold for an improvement.

Grace Sheely, 14325 Grenier Road, was concerned that each portion of the project was being looked at separately. She stated that:

- The affordable housing would last for 15 years instead of 30 years.
- Home ownership would not be provided.
- She wanted 6 or 7 more years for the tax increment finance (TIF) district.
- While St. Therese is a lovely facility to move into the area, the area has enough senior housing.
- Home ownership and condominiums were originally approved. It is a big change in this component of the project.

- The variances should not be allowed for new urbanism in senior housing. The setbacks previously approved are no longer applicable.
- She questioned the hardship justification. It is a whole, new project.
- It is a nice business and a nice concept.
- She is quite upset the TIF money would be used to bring in something that tax dollars should not be used for. Senior housing will come to the Glen Lake area and Minnetonka in general because there is a need, but a TIF district is not needed. The city has lost a big opportunity and a lot of money.
- The whole city needs senior housing, but she did not think more senior housing is needed in Glen Lake.
- She questioned how long Fresh Seasons will survive. She heard Lunds is not doing well.
- Tree Street residents are concerned with what would happen with the parking lot being located on the other side of the building and the amount of traffic that would travel down Tree Street.

Tom Morin, 15015 Woods Edge, lived in Minnetonka since 1968, felt the proposal would be an opportunity to stem deterioration and carry on what would happen to the larger area of Glen Lake. He supported the project. He is a demographic himself. He has had experience with TIF in the corporate world and TIF districts do change because circumstances change. It is not a mortal sin to change a TIF district. If the project does not go, then the property would be vacant for a long while. He did not understand what would make condominiums more optimal. He had no problem with condominiums, but optimal means the best quality decision to be made for the common good within the context of the events and occurrences that are dictating the decision on top of the table. Leaving a property dormant for an unforeseeable amount of time when a viable opportunity is present would be detrimental. The project would be quality. Expecting condominiums to bring families with children into the community is kind of a stretch.

Kirsten Hanson, 4908 Arlington Drive, spoke on behalf of Royal Oaks residents and herself. They supported the project for several reasons. Three years ago, she was throwing a sad party for a neighbor who had lived in the area for 53 years and had to move to a senior facility in Minneapolis because there was none in the neighborhood. She and her kids bike to Fresh Seasons frequently. She understood that there was a previously approved proposal, but time cannot be turned back. A young family would purchase a house, not a condominium. A large portion of her neighbors are teetering on the edge of moving into a facility similar to St. Therese's. Neighbors moving to St. Therese would make their

houses available. Her neighborhood is very close knit and she would love for the seniors to stay in the community. Her senior neighbors assist her with taking care of her kids. Workers of the grocery store know her name and genuinely care. She requested commissioners support the project. She appreciated the water quality effort. She gave kudos to the developers.

Ann Malm Hossfeld, 14616 Glendale Street, stated that:

- There is now a developer willing to purchase the property and do something to Site A.
- Comments provided by residents were largely in support of senior housing. That information should be considered.
- The comments in support of St. Therese are silent on other aspects of the project.
- The project incorporates more than Site C.
- The owner-occupied affordable housing would be lost. "You can't just brush away and say that, well, times have changed. We aren't going to have that."
- The proposal approves an extension through 2013.
- Residents needed and wanted a 100-unit condominium building with affordable housing to bring in a new and young working class and families that would energize Glen Lake by forming a community to patronize local services and support the retail core. Apparently, folks look at exactly what is placed in front of them and decide that is what they need and want right now. So much for long-term planning goals which are at risk.
- Her mother is elderly and has indicated that she will die in her own house.
- She had a hard time keeping track of the changes to Glen Lake's demographics.
- On a serious note, both scenarios do apply to Glen Lake. There is an aging population that may need more senior housing so that they can remain in the community. She supports that; but, at the same time, "we" want to attract new demographics for affordable housing. Both are legitimate goals. The sudden switch from one goal to the other is probably based on what is needed at the moment and not the most desirable goals for Glen Lake long term.
- Building a condominium on Site A is not economically viable at this time. She appreciated trying to find a good use for the site; however, there needs to be more attention to the entire scope of

the ordinance and all of the changes. Not just those pertaining to St. Therese. She requested reflection on that.

- The revised ordinance, once again, is all or nothing favoring the developer at the expense of Glen Lake and Minnetonka. Site C, Kinsel Point, remains a promised part of the overall redevelopment project even though a multi-year building extension has been proposed.
- The city has received nothing that the developer originally promised.
Concession after concession has been made for the developer while Glen Lake gets nothing in concrete.
- The economy is not the developer's fault. He was responsible for the scope of the project, three separate condominium projects at a time when economists were already predicting a down turn in the market.
- She recalled residents who said it was not the time to be building condominiums.
- Combining senior housing with Site C is the flaw.
- Site C should not be part of an integrated project.
- The current ordinance proposes no changes to Site C. It will keep the R-5 zoning. The idea is for the developer to wait out the economic situation and then come back to the city with whatever changes he wants at that time. She thinks it is a bad deal for Glen Lake.
- She proposed taking Site C out of the proposed ordinance to bring to an end the idea of an integrated project. She did not see Site C being needed for a developer who would develop Site A.
- Retract R-5 zoning for Site C.
- Concessions for variances for Site A should include landscaping and trail access.
- People want something in Site A. Approval can be given for senior housing at the same time R-5 zoning is reconsidered for Site C.

Ivan Fox, 6008 Pinewood Lane, stated that:

- The area is in jeopardy of being redlined as a senior citizen housing district.
- Glen Lake itself is becoming a reincarnation of the old Glen Lake sanitarium facility instead of a community or village of diverse people of all ages and life styles.

- In two weeks, the Hillside Development, another senior citizen housing complex, is coming up for review. It proves that there is a huge demand for senior housing without the need for TIF. St. Therese would be successful with or without it. The demands for TIF would hurt St. Therese's bottom line for a long time by tying up resources that could fetch higher returns.
- A TIF project has lots of restrictions.
- He had nothing against St. Therese, a successful, well-run organization. He had a major problem with the Glen Lake redevelopment project itself and how badly mismanaged and misguided it has been.
- He opposed extending the TIF district 7 years.
- The proposal provides none of the promised affordable owner-occupied housing units for families and young adults which the developer and city council promised in 2006. This is bait and switch and fraud.
- The Minnetonka City Council and staff seem to forget that they work for the residents.
- In 2008, he said that Mr. Wartman was unable to sell a condominium because of the deteriorating economy.
- The belief that area residents would move into St. Therese and make houses available is ridiculous and has no real evidence, just anecdotal belief. People always sell their houses at full market value or more. They are not affordable as defined by the Metropolitan Council.
- The original project promised permanent owner-occupied affordable housing if the entire project was financed with TIF. This is a legal agreement between the city and Mr. Wartman. He requested the city force Mr. Wartman and St. Therese to provide the promised 20 percent of owner-occupied housing that was promised.
- He questioned what benefit the city or Glen Lake would gain for the TIF investment from Medicaid/Medicare defined and controlled affordable housing inside of an assisted-living nursing home in a community that already has an over abundance of senior citizen housing.
- He wanted to know what happened to the shared parking for the Golden Nugget restaurant.
- He wanted to be shown how the proposal would create "needed" housing opportunities for families and young adults.

- There would not be a hardship because the developer agreed to landscape the Glen Lake commercial area.
- He questioned where it is documented that the village concept encourages or demands a variance be given. The concept was used in 2005 to justify a high-density, 6-story high rise on a protected wetland just before the developer destroyed all of the trees on the steep slope environment.
- He wanted the benefits of the TIF trade off quantified. He questioned if the developer would proportionately reduce the variances. He questioned the financial need between having the variances and not having the variances.

Michael Gallow, 16799 Terry Pine Drive, Eden Prairie, owner of Snap Fitness in Glen Lake, supported the project. He stated that:

- Creating 50 or 60 permanent jobs as well as the construction jobs is a good thing.
- He commended Mr. Wartman and St. Therese for thinking of taking on a project like the proposal.
- He commended Dale, owner of Fresh Seasons Market, for the success of his business and his plans to open a second store.
- Consolidating financial assistance for one applicant as opposed to multiple potential condominium owners is a plus.
- He wanted a cross walk on Excelsior Boulevard. He confirmed with staff that since it is a county street, the county must approve installation of a cross walk and stop light.
- When he opened his location, he counted on condominium owners, but St. Therese would be better than nothing. He was looking forward to being a resource for the residents who would live there.
- He believed that people from the area will want to stay in the area and houses would become available for new families and younger people.
- His grandparents are moving to Minnesota from Florida. They are 96 and 93 years of age. They would love to be close to him and his business, but there is nothing available.
- He invited Mr. Ansolabehere and his wife to visit his business.

Dale Robey, co-owner of Fresh Seasons Market, appreciated the support he has received from the residents of Glen Lake. He stated that:

- He appreciated Mr. Wartman co-owning the grocery store.

- The St. Therese project is a \$25 million stimulus package for the community. It is absolutely needed. Continual growth is needed.
- No one could have predicted 3 ½ years ago how the housing market has changed.
- He is grateful for the business the store is doing. Visitors of residents of Presbyterian Homes shop at the store often. They appreciate a bus being sent every Thursday to Presbyterian Homes.
- It is hard to comprehend that due to technicalities, not recognizing the significant changes in the economy, not just in Glen Lake and the city, nation, and world, that a person would not be willing to consider a proposal like this.
- The Golden Nugget is coming back. That is the workings of Mr. Wartman. He could have delivered something far less than what he is delivering in the next month or so, but he is proud of the development and wants to do the right thing for the community and hopes to profit from it.
- Mr. Robey is proud of the redevelopment of the east side of Glen Lake. There is progress being made every meeting.
- He appreciated staff's and the commission's time. The proposal would be a tremendous addition to the community.
- His store has 6,000 customers a week. He talks to many of them. Not many residents are opposed to the project. He respected the vocal minority.

Paul Ansolabehere, 4475 Gaywood Drive, grew up in Minnetonka. He stated that:

- He is proud of how the Glen Lake area looks now.
- It is exciting to consider adding St. Therese.
- He has grey hair now that he could not see without his glasses and he was unable to hear his wife tell him that the phone was ringing. The population is aging and seniors need to be taken care of. He was pleased with them living in his neighborhood. Affordable housing would be an extremely positive bonus.
- Carbon footprint needs to be considered. Glen Lake is an area where a senior could do everything without having to get in a car.
- Everyone who has worked on the project should be commended.
- St. Therese is a great facility.

Tom Wartman, developer, stated that:

- The apartments are currently 83 percent rented. Thirteen affordable units have been occupied since very early on.
- The opening of the Golden Nugget will complete 100 percent of the retail space. The walls are being built currently. The opening is planned for late April. It has been challenging from a financial and personnel stand point. He purchased the original hamburger recipe.
- Kinsel Point still has employees talking to potential buyers. It is slow right now. The problem has been getting enough potential buyers together at one time to get to a financial banking institution that will finance condominiums. It would be hard to get financing with 50 percent of the units sold in the current economic environment. He was optimistic the environment will change and gain stability.
- St. Therese has an awesome design team, quality operation, and quality builder.
- He has paid for the redevelopment and improvements, not TIF funds. He is committed to finishing what was started. No one could have foreseen the state of the economy today in 2005. The redevelopment of Fresh Seasons Market and Glen Lake Center was the first phase.
- He hoped the commission saw the proposal as positive. He applauded them for their efforts.

No additional testimony was submitted and the hearing was closed.

Adams confirmed with Gordon that TIF and financing are not included in the planning commission's recommendation. The EDA will review that portion of the proposal. Wischnack noted that the EDA could change the dates listed in the recommendation.

In response to Walker's question, Mr. Hamilton explained the access of delivery trucks into the site. A vehicle would never need to back into the site off of Woodhill Road.

Walker totally supported the project. He asked staff to think of ways to make the streets safer for pedestrians, including textured pavement and signs. Parking may also be a problem at busy times like Saturday mornings for the park across the street.

Lehman asked how the parking easements and arrangements fit. Wischnack stated that a parking study found 40 excess stalls in the Glen Lake Center

shopping area. Four of those would be required to be shared with the Exchange property. Twenty would be included in the overflow parking area. There would be times of high capacity, but parking requirements for typical use would be met.

Blatz asked if Hennepin County has reviewed the request for a traffic light and crosswalk since the proposal of the St. Therese project. Gordon stated that the letter from Hennepin County received in May was prior to the St. Therese application. Upon the county's receipt of the proposed St. Therese project, no additional comments have been provided. Staff will continue to pursue the issue as development continues. The investment would be made to construct sidewalks and ramps that would provide for a crosswalk.

Adams' concern with the parking prompted him to visit the Hopkins St. Therese facility. The Hopkins facility has 39 percent enclosed parking and 19 percent outdoor parking for its tenants. The proposal would have 48 percent enclosed parking and 25 percent outdoor parking for its tenants. He learned that less than a third of the independent living unit tenants have a vehicle at all. The proposal would be much closer to amenities than the Hopkins facility. He was comfortable with the amount of parking. The Hopkins facility is full, especially in the memory unit. There is a waiting list. Beacon Hill has a waiting list for all of their facilities. There is a demand in this area for senior living. An employee of Beacon Hill said that tenants of the facility typically lived 5 miles from the facility previously. There is validity to the idea that St. Therese would make houses available in the Glen Lake area. It would be a great asset to the community.

A. Thomas had a few concerns with the project that the city council will review. A pedestrian crosswalk is needed in two locations. A condition could be included in the approval to require a crosswalk at the intersection of Woodhill Road and Tree Street. The density does increase from what was approved previously, but the traffic volume would be reduced. There would be excess parking stalls. The building height would be shorter than The Exchange building. There would be a one percent increase in hard cover, but the storm water chambers would make the water cleaner than it is now. The proposed density complies with the comprehensive guide plan. He directed staff to look into providing public transportation on Excelsior Boulevard. The plans for the site show a good project. He supported it.

Lehman lived in Glen Lake for 46.5 years. He has seen a great deal of change. Change can be hard sometimes. The proposal is a very good design for the current situation. Parking will always be an issue as long as the athletic fields are across the street. The rush of after church and getting to the grocery store takes place on Sunday mornings, so there will be peak times. He supported the project.

Blatz concurred. The proposal is quality. The demographics and comprehensive guide plan support the need for senior housing. The landscaping and delivery area has been improved. She supported the proposal, but was concerned with pedestrian safety. The city should be proactive in creating a crosswalk where it is able.

Adams was impressed with the quality of the construction and care shown at the St. Therese in Hopkins. He thanked Mr. Wartman and Mr. Riley who have persevered.

Chair Cheleen agreed that the proposal should be approved. He did not want to mess up the proposal or stop moving forward with St. Therese, but was curious to know what would happen if Site C would be removed from the proposal. Wischnack responded that the EDA meets on March 2, 2009 at 6 p.m. She explained that it would be difficult to remove Site C from the proposal, but not impossible. The TIF component would be more difficult to remove from the proposal. The bulk of the increment comes from Site C. That is what helps pay back the investment to make all of the redevelopment happen.

A. Thomas moved, second by Adams, to recommend that the city council adopt the ordinance (see pages A97–A115 of the staff report) which approves the proposed master development plan amendment with variances and the resolution which approves the preliminary plat (see pages A116–A125 of the staff report) with the modification provided in the change memo dated February 19, 2009. This ordinance is based on the following findings:

- a. The rezoning would provide additional residential opportunities to support the surrounding commercial area.
- b. The residential uses would be consistent with the high density land use to the north, west and south.
- c. The rezoning would be consistent with the public health, safety, and welfare.
- d. The rezoning would be consistent with the proposed guide plan designation.
- e. The proposed development would not have an adverse impact on neighborhood traffic or property values.

- f. The proposed development is consistent with the purposes of the PUD district, particularly the provision of affordable housing, the more efficient and effective use of land and public facilities through mixing land uses and assembly and development of land in larger parcels, and the high quality of design.

- g. The three phases of this development are being developed as one integrated project. The proposed variances in the development are justified by the following:
 - (1) The unique hardship to these properties is the deteriorated nature of the Glen Lake commercial area.
 - (2) An additional hardship is that the zoning code was developed before the village concept became prominent and, therefore, does not accommodate the reduced setbacks and mixed uses inherent in that planning technique. The Glen Lake area has been identified by the Economic Development Authority as an area where more dense development is appropriate to encourage affordable housing. The village planning concept is one way to implement more dense development.
 - (3) Neither of these hardships was created by the landowner.
 - (4) The variances would meet the intent of the ordinance and would not alter the essential character of the neighborhood because they allow reasonable development that is creative and attractive and that is similar to other high density developments in the area.
 - (5) The variances on Site A are further justified by the fact that the west side of the property is adjacent to a parking lot resulting in minimal impact, and the east side of the property is across the street from a park, also resulting in minimal impact.
 - (6) Economic consideration is not the sole basis for the variances. Although the sizes of the buildings are generated by the financial needs of the tax increment district, there are significant public benefits that result from the coordinated development of the three sites and that serve as justification and trade-offs for the variances. These public benefits are discussed in the staff report. The

economic impact on the developer is only one consideration in the analysis.

Approval of the site and building plans is subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
 - Site plan date-stamped January 6, 2009
 - Grading plan date-stamped January 6, 2009
 - Landscaping plan date-stamped January 6, 2009
 - Building elevations date-stamped January 6, 2009
- 2) The following must be submitted prior to release of the final plat.
 - a. Provide documentation of a parking easement or agreement on the adjacent Glen Haven Center property for the joint use of 20 parking spaces in an area in close proximity to the common property boundary.
- 3) A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
 - a. The following must be submitted for the grading permit to be considered complete.
 - (1) Final site, grading, drainage, utility and erosion control plans must be submitted for staff approval.
 - (a) Final site plan must:
 - 1) Proposed sidewalk widths shall be per ADA standards.
 - 2) Traffic control plan shall be provided for all work proposed in city right of way.
 - (b) Final grading plan must:
 - 1) Retaining wall is proposed on the site's west property line. Previous council approvals

require protection of White Pines in the northwest corner of the site per natural resources department. Retaining should be revised to allow adequate protection.

(c) Final utility plan must:

- 1) All existing water services to the site must be removed and disconnected. Record plans illustrating these services are available from the City.
- 2) All proposed hydrant relocations shall provide new hydrant and new valve at relocation.
- 3) Insulate all service connections with less than 6-ft of cover.
- 4) Detail 6/C500 shall provide additional information on how the construction of manhole SSMH 1 over the existing sanitary sewer line will take place.
- 5) Clarify proposed work in plan view of "Keyed Note 12."
- 6) Cleanouts shall be provided for all bends and wyes shown in roof drain storm sewer for future maintenance. Bends may not be installed in trunk storm sewer.

(2) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with grading permit, landscaping requirements, and to restore the site. The developer may submit one itemized letter of credit, if approved by staff. The city will not release or reduce the letters of credit or cash escrow until work has been completed according to the plans approved by the city.

(3) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

b. Prior to issuance of a grading permit:

(1) Submit an electronic PDF copy of the plans and specifications.

- (2) Submit two full size and three 11x17 sets of construction drawings and three sets of project specifications.
 - (3) Submit all required administration and engineering fees.
 - (4) Submit a SWPPP.
 - (5) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for staff inspection. These items must be maintained throughout the course of construction.
 - (6) Permits may be required from other outside agencies including, but not limited to Hennepin County, the Nine Mile Creek Watershed District, and the MPCA. It is the applicant's and/or property owner's responsibility to obtain any necessary permits. Copies of all required permits must be submitted to the city.
- 4) Prior to issuance of a building permit:
- a. Submit the following items for staff review and approval:
 - (1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.
 - (2) A landscaping and tree mitigation plan. The plan must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be decreased based on any of the following: the health of trees removed; the ability to appropriately install trees and other shrubbery given existing vegetation and/or topography. The landscaping plan must include the following:
 - (a) A revised final landscape plan must be submitted for staff approval. The Norway maples proposed to the east along Woodhill Road must be substituted with

another species subject to final approval by city staff. Please include general landscaping requirements regarding value (see original CC conditions).

- (b) No construction activity within 10 feet of the northern 60 feet of the western lot line. This should be shown as a construction limit on any subsequent plan revisions.
 - (1) Move or eliminate the existing retaining wall in this location.
 - (2) Need to relocate/redesign the memory center area to eliminate any encroachments into this area and leave enough space to construct it.
 - (3) Need heavy-duty fencing along the construction limit in this location to prevent encroachments.
- (3) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
 - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
 - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- (4) An electronic CAD file or certified as-built drawings in microstation or DXF and PDF format.
- (5) A letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost of all required landscaping.
- (6) An illumination plan for staff approval.

- b. All required hook-up fees.
- c. The following must be submitted to the city before the city issues a building permit:
 - (1) A copy of the recorded plat and any easement or covenants required to be recorded.
 - (2) Park dedication fee of \$55,550 (park fee less the value of public trails or trail easements and less a credit for affordable housing.)
- 5) The property owner is responsible for replacing any required landscaping that dies.
- 6) All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.
- 7) Construction must begin by June 30, 2010, unless the planning commission grants a time extension.

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

The city council is tentatively scheduled to review the item at its March 23, 2009 meeting.

9. ADJOURNMENT

Lehman moved, second by Adams, to adjourn the meeting at 9:30 p.m. Motion carried unanimously.

By: _____
Lois T. Mason

Planning Secretary