

**MINNETONKA PLANNING COMMISSION
MINUTES**

SEPTEMBER 17, 2009

1. CALL TO ORDER

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

2. ROLL CALL

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

Staff members present: City Planner Loren Gordon and Principal Planner Susan Thomas.

3. APPROVAL OF AGENDA: The agenda was approved as submitted with additional comments provided in the change memo dated September 17, 2009.

4. APPROVAL OF MINUTES: September 3, 2009

Walker moved, second by Adams, to approve the September 3, 2009 meeting minutes as submitted with the following change:

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Lehman moved, second by ~~Walker~~ Adams, to . . .

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

5. REPORT FROM STAFF

Gordon briefed the commission on land use applications considered by the city council at its meeting of September 14, 2009:

- Adopted a resolution approving a conditional use permit, with variance, for a detached garage located at 14218 Quigley Road.
- Adopted a resolution approving a conditional use permit for an outdoor seating area for Panera Bread located at 12967 Ridgedale Drive.
- Adopted a resolution approving a conditional use permit to locate an automotive accessories business within the existing commercial building at 15700 Wayzata Boulevard.

- Approved an ordinance amending non-conforming uses in the shoreland district.
- Approved an ordinance amending the zoning regulations regarding retail sales in residential districts.
- Approved an ordinance amending Section 300.34 regarding telecommunications facilities with a modification to allow an administrative permit when there is an antenna already at a location.
- Approved an update to Intercongregation Communities Association (ICA) Operation Management Plan.

Gordon announced that a public hearing on the routes for the southwest transitway is being held tonight. The Hennepin County Regional Rail Authority public hearing will meet October 20, 2009 at the government center in downtown Minneapolis.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA: None

8. PUBLIC HEARINGS

A. Items concerning Premier Place. A re-plat of three existing residential properties located at 16229 Temple Drive South & 16103 and 16115 Temple Lane. (09021.09a)

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.

Adams noticed that the east property line would be close to the house. He asked if it would meet the setback requirement. S. Thomas answered affirmatively. The required setback is 10 feet. The setback would be 21.8 feet.

Lehman asked if the property had been one combined parcel, then would staff have recommended approval of the application. S. Thomas agreed that staff usually advocates for more of an intuitive lot-line pattern. She recalled an application for a lot division on Old Excelsior Boulevard which needed a variance. The variance gave the city more leverage. The current application's lot lines would be perpendicular to the road and front property line. There is no reason in code to deny the application. Lehman noted that the current proposal would

solve a problem rather than create a cross property line. S. Thomas added that another striking difference is that the current proposal starts with three lots and ends with three lots. The Old Excelsior Boulevard application started with one lot and would result in two lots.

Chair Cheleen confirmed with S. Thomas that no ordinance allows the city to require moving the property line, but staff recommends the property line be delineated more specifically.

Mike and Sandra Branvold, 16115 Temple Lane, applicants, stated that the lot-line adjustment is the finalization of an agreement between the three property owners. They agreed with staff's report and were present to answer questions.

Chair Cheleen suggested creating a lot-line buffer to delineate the properties. Mr. Branvold was not opposed to doing so. Planting vegetation in a triangular pattern would be easy.

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

Lehman wanted to provide context for the previous decision and identify the differences in the applications. He supported the proposal. Chair Cheleen concurred.

Lehman moved, second by Walker, to recommend that the city council adopt the resolution on pages A7–A9 of the staff report which grants preliminary and final plat approval to Premier Place, date-stamped August 10, 2009. Approval is based on the finding that the plat meets all required standards and ordinances. Approval is subject to the following conditions:

- 1) Prior to release of the final plat, complete the following:
 - a. Submit a revised final plat drawing. The final plat must include:
 - (1) A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - (2) Utility easements over existing or proposed public utilities, as determined by the city engineer.

- b. Submit the following documents for the city attorney's approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
 - (1) Title evidence that is current within thirty days before release of the final plat.
 - (2) 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 final plat, and a drawing of any easement must be attached to the easement deed.

- c. Submit an electronic CAD file of the final plat in microstation or DXF.
- 2) Notwithstanding the requirements outlined above, all lots, land uses, and any future structures within the development are subject to all R-1 zoning standards.
 - 3) Unless the city council approves a time extension, the final plat must be recorded within one year of council approval of the final plat.
 - 4) A recorded copy of this resolution, the final plat, and required restrictive covenants must be returned to the city.

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

9. OTHER BUSINESS

A. Concept plan review of 5110 Baker Road for LakeWest Development (99057.09a)

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

Gordon reported. He requested the planning commission provide comments and feedback to assist the development team with preparation of more detailed development plans.

Adams asked if the Metropolitan Council approved the comprehensive guide plan yet. Gordon responded that it is still being reviewed and should be approved in about a month. Adams noted that the intersection of Baker Road and Excelsior Boulevard was identified as a village center. He asked if changes had been made to the comprehensive guide plan to reflect that. Gordon believed everything in the previous comprehensive guide plan that was guided commercial at that intersection stayed commercial. The land uses along Baker Road stayed low-density residential. There were no changes from the 2000 to the 2010 comprehensive guide plan. Adams asked if a concentric ring of commercial medium or high density extending out to R-1 was proposed or suggested for the area. Gordon answered in the negative.

Chair Cheleen confirmed with Gordon that low density residential would allow up to four units per acre as defined by the comprehensive guide plan. The property is currently zoned R-1, which would allow up to two units per acre. The minimum lot size is 22,000 square feet. The zoning could be changed without changing the comprehensive guide plan. Gordon explained that zoning could be changed to R-2 to allow an attached duplex-type-housing project or a 4-unit building.

John Hamilton, Urban Works Architecture, Minneapolis, representing Curt Fretham, applicant, stated that:

- There are several issues that could be looked at regarding the house.
- The site has many benefits. It has almost 200 trees over 6 inches in diameter. It has a great elementary school. It is adjacent to the pedestrian bridge and walkway.
- The site has several significant drawbacks. It sits between Baker Road and the freeway. The house was built in the 1930s. The way it was platted left a parcel of land that was turned over to the Minnesota Department of Transportation. The land was meant to provide a lot for a backyard neighbor, but now there is a sound wall with high-tension power lines on 120-foot towers.
- It seems that the Interstate 494 side of Baker Road is entirely different.
- The house needs to either have a significant investment put into it or it needs to be replaced. It has not been a single-family site since 1969 because it has wires over it and backs into a freeway wall.
- Change is inevitable. Progress is optional.
- He provided renderings of townhouses located on the site; described the benefits of the trees blocking the view; and described creating a townhouse neighborhood with a gazebo and rock

garden. Each townhouse would have a two-car garage. There would be decks and kitchens in the front to allow dining in the yard. Guest parking would be located in the back.

- There is a substation located underneath the north transformer. The power company requires access to the substation. There has to be a way for the utility trucks to get to it. Garages located underneath the units would provide a few more options.
- The dimension across the front would be the same as a single-family residence.
- There would be an opportunity for paths that would connect with the bike path going over Interstate 494 and landscape gardens.

Curt Fretham, applicant, stated that:

- He considered building a single-family residence, but the market would not support one on the proposed site.
- The comprehensive guide plan supports diversity of housing and affordable housing which the project would be able to provide.
- He has seen the petition and understood the concerns. Some of the concerns are legitimate, but some are caused by misunderstanding. He hoped that tonight's meeting and going through the process would make neighbors feel better about it. He was trying to do the right thing and follow what the city supports.

Lehman asked for the minimum number of units that would make the project viable and the estimated market price of the units. Mr. Fretham looked at a variety of types of units. Viability was considered. The townhomes would be built higher, but have less of a footprint. The underground garages would cost more and require a higher density to offset the cost. Pricing of the units would be in the \$300,000 range. The style of the units and density need to be determined before a price can be estimated.

Lehman noted that one structure built on the property would cost in the multi-millions of dollars. Twenty units would be down to \$100,000 a piece. He was trying to get the perspective. Mr. Fretham agreed that normal logic would be that more units, to a certain degree, would lower the price of each unit. He was not trying to put together a high-density proposal that would drive the prices to that extreme. It was too early in the process to give numbers that he would be held to at a later date.

Walker wanted him to consider making 20 percent of the units affordable. Mr. Fretham was not certain of the percentage. He has also heard 10, 15, and 20 percent.

Adams felt the proposed housing is needed in Minnetonka. More affordable homes are needed. City employees cannot find affordable housing in the city. It has some benefit. The location of affordable housing was not covered in the comprehensive guide plan. That may be problematic for the parcel. As he walked the property he saw that it is connected to a beautiful piece of property by a bike trail. In general, the proposal has some real benefits and challenges due to the location. He agreed with Walker to try to reach the 20 percent affordable housing goal.

Mr. Fretham agreed that the comprehensive guide plan does call for affordable housing, but the challenge is finding a location that neighbors would be excited about. Because of the transmission lines and Interstate 494 being in the back yard, it would be a good location.

Blatz likes the proposal's position of garages and driveways along the freeway and keeping the tree wall in place. A lot of thought has been put into the plan. Despite the freeway and transmission line, Baker Road has a residential feel because of the trees. Going through obtaining an amendment to the comprehensive guide plan would be a challenge. She asked what number of units could be done to make the project viable. The 12-unit plan looks mammoth. She encouraged modifying the plan. It seemed close to the south property line. The 18-unit plan is laid out well, but it would definitely require an amendment to the comprehensive guide plan.

Chair Cheleen knows neighbors are concerned with high density and a different type of housing rather than single-family housing. R-2 zoning would allow 8 units for the site. Chair Cheleen lives in a development that has affordable housing for first time homebuyers and the houses look exactly like the others. Eight units would fit the neighborhood and would not be such an abrupt difference from the single-family residences. The units are hidden by trees in summer, but would be easier to see in the winter. He suggested lowering the number of units and making them look like single-family residences.

Lehman provided a picture of a multiple-unit dwelling located adjacent to single-family residential housing.

Mr. Fretham stated that the more a unit looks like residential housing, the higher the price and further away from the comprehensive guide plan the proposal gets.

He has done duplex concepts, four-unit concepts, and a detached, eight-unit, single-family house project. The cost goes up to produce them that way. The test marketing shows that there would be no market at that location for that price. He will take the suggestions under advisement. He struggled with taking the units to the market place.

The public hearing was opened.

John Lee, 5022 Baker Road, asked what is considered affordable, low-income housing. He was surprised to hear \$300,000 is considered affordable housing. Gordon responded that affordable housing is set by the Metropolitan Council is currently in the +/- \$210,000 range. Mr. Lee confirmed with Gordon that if there would be 16 units, then the city would want 3 or 4 to be priced at or below \$210,000. Gordon explained that the goal is to have 20 percent of the housing units in a development meet affordability goals.

Mr. Lee asked if this proposal would be approved, then would the rest of the property owners along Baker Road receive approval for similar proposals. Gordon stated that issue will be discussed as the proposal goes through the review process.

Patrice Wehner, 5030 Maker Road, stated that:

- The residence was never put on the market. The house was sold well under market value. The \$300,000 price is kind of crazy.
- She did not like the idea of having multiple-unit housing next door to her.
- Baker Road is a very busy road. She stands for 5 minutes waiting to cross the street to get her mail.
- She was concerned because the Glen Lake area "was a big fiasco." Lots on Roland Road remain vacant.
- She did not understand where people would come from to pay \$250,000 to \$300,000 to live on a tiny piece of land with wires, a bike path, Sprint employees visiting the tower a couple times a week, and most of the tree coverage is buckthorn.
- She asked Mr. Fretham how far the property line extends and who owns the bike path.

Mr. Fretham stated that he did not have the survey with him. He could let her know. If the path is part of the property, there would be an easement. Chair Cheleen suggested he answer the question at the next meeting. Mr. Fretham agreed.

Charles Hawkins, 5113 Baker Road, reiterated that the trees are lilac bushes and there is a fence along Baker Road. He vehemently opposed the proposal. The area is single-family residential housing. Everything is about economic feasibility right now. North of the Lees there is a duplex. Those units have not had consistent occupancy since the time they were bought. Every lot on the west side of Baker Road is exactly the same as this lot. They back up to Interstate 494, have Baker Road on the front, and every single lot will say it is a multiple-unit density area. Go to the intersection of Excelsior Boulevard and Baker Road. There is a private house, 2 gas stations, and a convenience store. Locate high-density housing there. No commissioner who lives adjacent to the units would vote to approve it, so it should not be done to those who live in the neighborhood.

Neal Pursley, 5300 Rogers Drive, was concerned because he utilizes Baker Road as his main thoroughfare. Putting that high of density is out of place with R-1, single-family residences. The area is comprised of single-family houses, duplexes, and twin homes. The proposal would not fit at all with the neighborhood. It would increase traffic and put a lot more vehicles on Baker Road which is already difficult for pedestrians. Lake Minnetoga receives runoff from Interstate 494 and Baker Road. The surface area drainage of a development of that nature would impact the water shed of Nine Mile Creek and Lake Minnetoga.

A Baker Road resident stated that the north end of a gully, an open swale area, is the natural runoff for the water that runs across, down, and then empties into catch basins. He and others have done a lot to bring that lake back. Removing the trees would take away the filtering system for the lake. The proposal would create more problems with the pollution that he and others have been fighting to get out of there.

S. Thomas noted that Gordon will post the comments provided at the public hearing on *eminnetonka.com*.

Ed Dee, 5101 Baker Road, agreed with the concerns regarding density and traffic. He stated that the current owners of the property have not owned it for more than two years. The owners knew what they were buying. The power line easement cannot be built on and pushes everything to the front on Baker Road. One map shows a garage in the easement area, but that has been there for years. He would be able to see the duplexes or townhouses when he sits on his patio. The fence was built for a purpose.

Ms. Wehner did not understand the pricing. She did not believe it feasible to have two single-family houses because single-family buyers would not want a property like this. She asked why a townhome buyer would want a property like this. The stretch along Baker Road is not a stretch most people would want to live on unless there is a big yard.

Janet Labrecque, 5247 Rogers Drive, reminded everyone that trees are in bloom for only a few months each year.

Maressia Twele, 5121 Baker Road, stated that when viewing Hennepin County's website, it appears that LakeWest Development owns a parcel of land north of the proposed site. She was curious if a similar plan would be happening for that parcel.

Mr. Hamilton explained that 4930 Baker Road was developed a few years ago. The property was rezoned R-2 and a twin house was built. He has since sold the two units. He went through the process of how difficult it is to sell a single-family residential, nice, mid-ranged twin house on that strip. The challenge becomes more difficult and the buyers more fussy the higher the price. That is reality.

Phil Greenberg, 5129 Baker Road, was concerned that the neighborhood has long-established beauty and high integrity. He has lived in his residence 10 years and has seen a tremendous amount of neighborhood involvement in all sorts of projects. The houses range in price from moderate to very expensive. The houses are well maintained and there is pride in where they live. He has occasion to see where commercialization lives in residential areas. With few exceptions, there is a diminishment of value when multiple housing becomes intrusive in a single-family residential neighborhood. The whole quality of life goes away. He was not in favor of the project.

Peter Dubois, 12809 Jane Lane, just had his house appraised. It was valued slightly higher than what the developer would be asking for the proposed units. He did not see the developer getting that much money. He saw them turning into rental properties. That is his greatest fear. That and additional properties along the road doing the same thing. He moved into the neighborhood because it is so well kept. People do take care of their property. He would be extremely disappointed if the proposal would happen. It would affect his quality of life. He was concerned rental-occupied units would not be cared for as well as owner-occupied houses. \$300,000 is not a realistic price.

Steve Melrose, Maywood Lane, has mixed emotions. He opposed rental units. It would diminish the whole, overall feel. Eighteen units would be too dense. He opposed the proposal.

Roger Meyer, Maywood Lane, wanted to know where 18 families would walk their dogs. It is a pretty tight neighborhood. His kids and grandchildren have played down there. He did not need 20, 30, 40 kids and dogs running around.

No additional testimony was submitted and the hearing was closed.

Mr. Fretham stated that the proposal includes the affordable housing component. He would need to include enough units to support the units that money would be lost on. Some help is needed with density to make that work. He did not know what the magic number is, but it would be in the 12 arena to make it a viable project. The Baker Road corridor right now includes numerous rentals. He identified several rental properties. Those residences are being cared for as well as the others.

Chair Cheleen felt a pretty good job has been done providing suggestions. He asked when the next meeting would be held regarding the item. Gordon posted the comments received on the screen and will post them on eminnetonka.com under "projects" and "Fretham Baker Road." The next step will be to have a similar meeting where public comments will be received by the city council October 5, 2009. At that time, the developer will review the comments and decide what to do with the project. The concept review process is to inform the applicant of what issues the planning commissioners, city councilmembers, and public have for the project to help shape it. It is a different process than the formal review process. It helps shape a neighborhood's expectations for what may or may not happen in a way that is not as controversial as getting a formal application where the city is required to act on it within a certain time period.

Chair Cheleen thanked everyone for their comments.

10. ADJOURNMENT

***Lehman moved, second by Adams, to adjourn the meeting at 7:59 p.m.
Motion carried unanimously.***

By: _____

Lois T. Mason
Planning Secretary