

**MINNETONKA PLANNING COMMISSION
MINUTES**

JUNE 17, 2010

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Lehman, Magney, Sjeklocha, A. Thomas, Adams, Daeges, and Cheleen were present.

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

Chair Cheleen welcomed Amanda Daeges and Mark Magney to the planning commission.

- 3. APPROVAL OF AGENDA:** The agenda was approved as submitted with removal of item 8C, Ridgedale Festival Shopping Center, and additional comments received from a neighborhood meeting for item 9A, the Bren Road Highlands Concept plan, as listed in the change memo dated June 17, 2010.

- 4. APPROVAL OF MINUTES:** June 3, 2010

Adams moved, second by Lehman, to approve the June 3, 2010, meeting minutes as submitted.

Lehman, Magney, Sjeklocha, A. Thomas, Adams, Daeges, and Cheleen voted yes. Motion carried.

5. REPORT FROM STAFF

Gordon briefed the commission on land use applications considered by the city council at its meeting of June 7, 2010:

- Adopted a resolution approving a conditional use permit for a medical or dental clinic at Minnetonka Crossings, 6001 Shady Oak Road.
- Adopted a resolution approving items concerning a 2-lot subdivision of existing properties at 14802 and 14814 Timberhill Road.
- Adopted a resolution approving items concerning a new restaurant at West Ridge Market at 11544 Wayzata Boulevard.

- Adopted a resolution approving a conditional use permit and site and building plans for Minnetonka High School located at 18301 Highway 7. A condition requiring a new street light at the corner of the art center was added and the audio system will be revisited at the next city council meeting.

Gordon announced that the planning commission's next meeting will be July 1, 2010.

6. REPORT FROM PLANNING COMMISSION MEMBERS: None

7. PUBLIC HEARINGS: CONSENT AGENDA: None

8. PUBLIC HEARINGS

A. A side yard setback variance for a master bedroom suite addition at 11918 Hilloway Road West. (97025.10a)

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.

In response to Lehman's question, Scott-Sims confirmed that the requested setback would maintain the current nonconforming setback without increasing its nonconformance.

A. Thomas reaffirmed with Scott-Sims that the nonconformance of the setback would not be increased by the proposal.

Dave Wiemer, 11918 Hilloway Road West, applicant, stated that the project would benefit from shifting one foot to the right to be square with the residence, but he understood the challenges the commission faces and the explanation was helpful for him regarding increasing the nonconforming setback. A resolution has been reached to not increase the nonconformance and still do the project. He thanked the commission. Chair Cheleen agreed.

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

A. Thomas moved, second by Adams, to adopt the resolution on pages A7–A8 of the staff report, which approves the proposed side yard setback

variance from 10 to 8 feet at 11918 Hilloway Road West. 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 house was built in 1947 and has legal, non-conforming side yard setbacks at both the north and south property lines. Any addition on the north side of the house would also have non-conforming setbacks to the north property line.
 - b. **INTENT OF THE ORDINANCE:** The proposed bedroom addition is consistent with the low-density residential provisions of the city ordinance.
 - c. **NEIGHBORHOOD CHARACTER:** The proposed bedroom addition would not alter the character of the surrounding residential properties.

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.
 - c. Submit proof that the proposed grading is consistent with the existing drainage patterns.
- 2) This variance will end on December 31, 2011, unless the city has issued a building permit for the project covered by this variance or approved a time extension.

Lehman, Magney, Sjeklocha, A. Thomas, Adams, Daeges, and Cheleen voted yes. 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. Conditional use permit for a detached garage at 2720 Olde Wood Court. (10018.10a)

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.

A. Thomas asked how many trees would be removed. Colleran estimated three to five evergreens in the area near the shed.

A. Thomas asked what would be the length of a "temporary" amount of time, referencing a "temporary rock construction drive." Colleran explained that the "temporary" refers to the time during construction. After construction would be complete, the term would no longer apply. Temporary rock construction drives are a standard for most planning staff reports dealing with earth-moving activity in an effort to prevent the tracking of sediment caught on tires being deposited on the street. It is a best management practice for erosion control. These driveways are required on a case-by-case basis.

Sjeklocha noted that an application for a detached two-car garage was denied two weeks ago. She asked S. Thomas to explain how the applications are different. S. Thomas explained that the current proposal is for a conditional use permit to allow the garage to be 13 feet tall. The application proposed two weeks ago requested a variance because the garage would not meet a setback requirement. A conditional use is a use allowed if ordinance standards for a conditional use permit are met. A setback variance is a request for something not allowed by the city's ordinance.

Lehman noted that the height of the proposed garage is what requires the conditional use permit. The application reviewed at the last meeting requested a garage that would bring the residence's number of garage stalls to four and the proposal could be located elsewhere on the site without a variance. S. Thomas added that the planning commission adopted a policy that sets the standard garage size at 24 feet by 24 feet. Staff looks to that policy for guidance when evaluating a variance request.

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

Sjeklocha moved, second by Adams, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report. This resolution approves a conditional use permit for a detached garage, over 12 feet in height, at 2720 Olde Wood Court. Approval is based on the finding that the proposal meets all required conditional use permit standards as outlined in City Code 300.16. Subd.2 and Subd.3.

Approval is subject to the following conditions:

- 1) Prior to issuance of a building permit:
 - a. Record this resolution with the county. A copy of the recorded resolution must be returned to the city.
 - b. Locate surveying pins defining rear and side property lines for staff inspection or submit an updated survey defining the location of the garage.
 - c. Install tree protection/erosion control fencings for staff inspection. This fencing must be maintained throughout the course of construction.
- 2) The garage must be located and constructed in substantial compliance with site plans and building elevations date-stamped May 14, 2010.
- 3) No additional curb cuts are permitted to access the garage.
- 4) The garage may not be used for commercial activities.
- 5) The city council may reasonably add or revise conditions to address any future unforeseen problems.
- 6) 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.
- 7) The applicant must agree to the above conditions in writing.

Lehman, Magney, Sjeklocha, A. Thomas, Adams, Daeges, and Cheleen voted yes. Motion carried.

- C. Ridgedale Festival Shopping Center, located at 14100 Wayzata Boulevard, is proposing to amend the section of its sign covenants pertaining to anchor tenants. (88085.10a)**

This item was removed from the agenda as requested by the applicant.

9. OTHER BUSINESS

- A. Concept Plan for Bren Road Highlands, located at 11809 Bren Road (10021.10a)**

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

Gordon provided the staff report.

Adams asked how comprehensive guide plan changes are implemented. Gordon responded that rezoning a property to match the comprehensive guide plan usually happens when a development request is received or in advance of an application. The city has the ability to change the zoning of a property to make it consistent with the comprehensive guide plan.

Adams questioned if the city has rezoned a parcel without an application that requested it to be done. S. Thomas answered that the city has not proactively rezoned a property to comply with the comprehensive guide plan during the nearly ten years she has been with the city. It has not been the practice.

Adams asked if the metropolitan council gets involved in rezoning a high density property to a lower density. Gordon explained that the city has obligations during the comprehensive guide plan process and state law that require the city to handle a portion of the metropolitan area's growth. That is implemented at a land use level. Properties are guided at certain densities with assumptions of how much area would be needed to accommodate the population growth for the next 20 years. Decreasing the density of one zoning district does not initiate increasing the density of another zoning district. That means that the city is monitored as a whole. If this project would be approved, then the city would need to reguide the property from medium to low density. That would require the city sending notice to the metropolitan council and adjacent communities. The metropolitan council would have to approve the rezoning for the city to approve the change.

Lehman asked if the planned unit development would be a more appropriate approach. In response to Lehman's question, Gordon explained the tools of the

zoning ordinance. A planned unit development can be used to plan and approve a subdivision based on a certain type of housing project and landscape.

Chair Cheleen asked for the number of units allowed in low and medium density residential zonings. Gordon responded that low density allows up to 4 units per acre, medium density allows 4 to 12 units per acre, and high density allows more than 12 units per acre.

Tom Gonyea, representing Estate Development Corporation, Golden Valley, applicant, stated that Gordon did a great job explaining the project. He was looking for feedback. He described the properties adjacent to the site. The proposal would be a good fit for the area. The site has a fair amount of topography. Right now the market is for single-family, detached housing. This would be a pretty affordable level. The builder is located down the street. It would give young families a chance to live in Minnetonka. The concept plan shows 19 units. He was inclined not to push more units in just to meet the guide plan. The plan is good. Chasewood Gates has a fair number of vacant units. The proposal would not compete with Chasewood Gates. It is a nice site, but something will be developed inevitably. This proposal would be less evasive than attached product that would compete with existing vacant units.

Ian Peterson, vice president of land for Pulte Homes, provided the history of Pulte Homes. The company is busy in this market. The townhome market is currently soft. The price separation between townhomes and single-family homes is diminishing rapidly. Financing for townhomes has changed significantly. Consumers are currently looking for single-family residences with three to four bedrooms, three-stall garage, and 2,400 to 2,900 square feet. His business has done similar developments in Shakopee, Maple Grove, and Plymouth and they have done well. The plan preserves open area on the northeast and trees on the northwest corner by keeping the number of units to 19.

Adams asked what would happen with the existing structures. Mr. Peterson said that has not been determined yet. Moving the structures is being considered. Adams said that the barn is an icon on Bren Road. It looked like the proposed road would travel through it. Mr. Peterson said the road would be east of the barn. The issue would be upkeep and liability if it remained.

Kelly Wentz, in charge of product for the Minnesota Division of Pulte Homes, stated that young families are buying into neighborhoods similar to the proposal. The architecture would be true to what was seen years ago. She wants to make a community. The residences would have welcoming, large front porches. She

provided examples and described the floor plans. Multigenerational families are living together more and more. One floor plan would allow for a suite with a bath.

Adams asked if specific market research was done. Ms. Wentz responded affirmatively. Local and national market research has been and continues to be done.

Adams questioned if three-car garages are the standard. She answered positively. She would not build an inventory home without a third stall. It is an option on every plan and is taken 99 percent to 100 percent of the time.

Sjeklocha asked what an "inventory home" is. Ms. Wentz explained that an inventory home is a spec home.

Sjeklocha questioned what income a buyer would need to purchase a residence priced between \$350,000 to \$500,000. Ms. Wentz could not answer that question. Chair Cheleen agreed it would depend on many other variables.

Sjeklocha asked if the proposal would accommodate affordable housing. Mr. Gonyea said the price would not meet the affordable housing guidelines set by the metropolitan council. The development would be closer to the cost of a new house in a new development at least 10 years ago. Adding a multiple unit would not fit the site.

Sjeklocha wanted to know why a multiple unit would not be a good fit. Mr. Gonyea explained that when the price of land is added to the price of improvements it would need to be sold for \$350,000 to \$400,000 to make a profit with 60-foot lots. There is too much attached product available to compete with and the vacant inventory in the whole area will last a while.

Adams noted that there are a lot of single-family residences available for purchase. Mr. Gonyea stated that, historically, buyers want new houses. If the option exists for a new home at \$400,000 versus an existing house that may need updates, then, as a rule, buyers choose new. Once and a while a neighborhood may be the defining factor. The development would be successful.

Mr. Peterson did the market research. The average resale price for existing homes in the area is around \$379,000. He has found that most consumers want new construction with the third garage stall rather than updating a kitchen and 2-stall garage. He predicted it would take 18 months to 24 months to build out the project. Two of his coworkers want to live in the proposed development. There

are more buyers who desire living in Minnetonka and appreciate the school district. He predicted 1.5 to 2 sales a month after the model is constructed.

Adams asked about Pulte's financial position. Mr. Peterson said that information is available on the company's website. Financing for the project would not be a problem.

Thomas asked how much grading is anticipated. Mr. Peterson said that soil borings have been completed, but the grading plan has not been done yet.

In response to A. Thomas' questions, Mr. Peterson stated that the development would have an association and the street would be public.

Chair Cheleen asked if some of the house plans do not have basements. Mr. Peterson stated that all of the plans have full basements.

Chair Cheleen questioned if all of the lots would have irrigation. Mr. Peterson stated that all of the lots get a sod and irrigation package. The homeowner may upgrade. Chair Cheleen wanted to know if the lots would remain vacant for a few years, then would the lots be maintained. Mr. Peterson said that vacant, developable lots are mowed in the front. Each property owner would own and maintain his or her lot. The association covers the common entrance area and enforces the covenants placed on the lots.

Chair Cheleen noted that the houses would not look the same and provide variety. Mr. Peterson agreed. There is a non-monotony clause so the same house could not be next to the same house with the same color. He welcomed everyone to participate in a market research study the company will conduct in two weeks.

Mr. Gonyea pointed out a similar neighborhood in Plymouth across from Wayzata High School. He reassured that Pulte Homes is in a good financial position. Pulte Homes is a good company that follows through with providing silt fencing, etcetera.

Chair Cheleen asked if there is a way for the city, in conjunction with the project, to do something to allow some of the units to be affordable. Gordon agreed that the city has a track record in either working to get affordability through ownership or partnership of property with West Hennepin Affordable Housing Land Trust (WHAHLT) or some other means. It is a good idea to be thinking about.

The public hearing was opened.

Ann Davies, 5948 Bren Circle, asked what would be the impact on property values. Chair Cheleen has learned through the years that a new development would not impact property values. Gordon expected some type of residential development to happen on the property now or in the future. The impact of development on land use around it would maintain or increase property values. An industrial use that is an eye sore might decrease surrounding property values. A. Thomas agreed.

Ms. Davies asked how water from Lots 7 and 8 would feed into the drainage ponds on the northwest corner and southeast corner. Gordon explained the guidelines for storm water management of new developments and the drainage pattern.

Ms. Davies questioned if the Nine-Mile Creek Watershed District is taken into consideration. Gordon responded positively. The Nine-Mile Creek Watershed District staff would review the plans. S. Thomas stated that specific grading and erosion control plans would be submitted for staff approval. Anyone is welcome to review the plans once submitted and meet with a city engineer.

Ms. Davies was concerned with the rear of vacant lots. Mr. Gonyea said that city ordinances cover some of that. Weeds and grass must be weeded at a certain level and if not done, the city could have it done and assess the cost to the property owner.

The public hearing was closed. Chair Cheleen thanked everyone for their discussion.

Gordon said that the proposal will go to the city council for concept review June 28, 2010. Once a formal application is received, the city will hold a public hearing.

10. ADJOURNMENT

Thomas moved, second by Adams, to adjourn the meeting at 8:10 p.m. Motion carried unanimously.

By: _____
Lois T. Mason
Planning Secretary