

**MINNETONKA PLANNING COMMISSION  
MINUTES**

**APRIL 21, 2011**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

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

- 3. APPROVAL OF AGENDA:** The agenda was approved with moving Item 9C, a presentation of the city's storm water pollution prevention program, to occur after the consent agenda; removal of Item 8A, preliminary plat for a 2-lot subdivision of existing properties on Rutledge Circle at 12910, 12918 Rutledge Circle; and modifications to staff reports and additional comments provided in the change memo dated April 21, 2011.

- 4. APPROVAL OF MINUTES:** April 7, 2011

*Lehman moved, second by Magney, to approve the April 7, 2011, meeting minutes as submitted.*

*Adams, Daeges, Lehman, Magney, Sjeklocha, A. Thomas, 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 March 28, 2011:

- Adopted a resolution approving a conditional use permit to operate a paintless dent removal business in the existing retail building at 15700 Wayzata Boulevard.
- Adopted the ordinance amending the zoning and subdivision codes regarding financial security.
- Adopted the ordinance amending the zoning code within the planned I-394 district and planned unit development ordinance.

- Approved a time *extension* of a conditional use permit for a medical/dental clinic in the existing building at 5101 County Road 101.
- Introduced and referred to the planning commission an ordinance to adopt a master development plan for the former Market BBQ site at 15320 Wayzata Blvd. The proposal requires a master development plan, site and building plan review, and a conditional use permit for an automobile-related use with service bays.
- Adopted a resolution approving an amendment to the conditions of approval for Portico at 15700 Portico Drive to allow Lot 15 to vary from the design criteria based on a proposed house design.

Gordon noted that the next planning commission meeting is scheduled for May 5, 2011.

**6. REPORT FROM PLANNING COMMISSION MEMBERS:** None

**7. PUBLIC HEARINGS: CONSENT AGENDA:** None

**9C. Presentation of the city's Storm Water Pollution Prevention Program (SWPPP), Low Impact Development (LID), and impaired waters. Staff will answer questions about the status of the city's current programs and future plans for storm water.**

Chair Cheleen introduced Water Resource Engineer Liz Stout. Stout introduced Kevin Bigalke and Claire Bleser with the Nine Mile Creek Stormwater District to make a presentation on water quality, impaired waters, and land use planning.

Mr. Bigalke reported on water quality rules and regulations and explained how they originated, what jurisdictions have authority to enforce the regulations, and how comprehensive land use planning can be used as a tool to address impaired waters and prevent water from becoming impaired. He explained:

- The Clean Water Act was created by the federal government to delegate authority to states.
- The Minnesota Pollution Control Agency (MPCA) is responsible for implementing state standards.
- Local governments have local rules and regulations including the Metropolitan Council and watershed districts which operate permitting programs to provide water-quality protection.
- City and county governments have rules and regulations related to water quality.

- The MPCA determines the quality of every body of water. The ones that do not meet standards are put on an impaired waters list. The Environmental Protection Agency (EPA) is given that list.
- Once a body of water is on the impaired waters list, there is a 10-year to 15-year time frame for a Total Maximum Daily Load (TMDL) plan to be produced. The city must report what activities have been implemented and how it is moving toward achieving that TMDL.

Sjeklocha asked if the federal government has ever not approved a TMDL plan. Mr. Bigalke was not sure in regard to Minnesota. The federal government has been sued by environmental organizations who felt the TMDL plan would not do enough.

Sjeklocha left the meeting.

Mr. Bigalke explained:

- The goal of the MPDS or MS4 Permit program is to restore and maintain integrity of bodies of water.
- Comprehensive Land Use Plans include planning activities from the city and developer's perspectives to make development fit within the resources of the land.
- Traditional land-use planning views water bodies as obstacles. The alternative approach is to look at a landscape and fit a development into the natural features of the land.
- Strategies include utilizing rain gardens, swales, culvert under driveways, porous asphalt, narrower streets, and having boulevards.

Ms. Bleser reported on the education and outreach component. She stated:

- Residents become assets when they understand how storm water functions.
- Watershed district staff work with city staff to provide public participation.
- Nine Mile Creek Watershed District uses printed materials and brochures; green fairs; seminars and workshops with cities; summer education series for the public; displays; and cost-share grants as tools for educating the public.
- A citizen advisory committee provides input. An event or business meeting is held each month. Citizen surveys show that residents

- are interested and want to protect water resources.
- She hosts quarterly meetings with city staff to discuss upcoming programs and new issues to create a unified message.
- Specific topics, such as porous asphalt and salt use, are discussed at seminars.

Adams commended the Nine-Mile Creek Watershed District for being on the leading edge of doing some things to improve the impact of the runoff in his neighborhood including the grant program. Mr. Bigalke said that the grant program began in 2008. This is the fourth round of grants. Typically \$100,000 is granted each year for 15 to 20 projects. Private residential projects, townhome projects, and city or corporate grants are available.

Adams recognized that retrofitting some of the new ideas into redevelopment would be beneficial for Minnetonka. Mr. Bigalke agreed and provided an example of redevelopment of a former automobile sales site.

Chair Cheleen participated in the citizen's academy last year and learned that the city had cut its use of salt.

The public hearing was opened.

Mary Bisek, 4700 Sparrow Road, was present with three neighbors from the cul-de-sac. She stated that she and her neighbors have been working with city staff since 2007 to discuss the potential for rain gardens. Two rain gardens were created the summer of 2008 and one more in 2010. There are still issues with rainwater and she and her neighbors would absolutely contribute to clean the ground water. She requested that real consideration be given to groundwater and runoff in regard to the reconstruction of Sparrow Road in 2013. It is a very hilly neighborhood and water is a huge issue for many residents. She appreciated the opportunity to talk about what the neighborhood is doing.

Chair Cheleen asked how long it took to install the rain gardens and what she found worked best to make them aesthetically pleasing. Ms. Bisek and her neighbors took the Metrowest-Blooms training and spoke to Greg Thompson. She had a contractor help with the planning of the first rain garden. The second two were done on their own. It was a neighborhood effort. Two of the rain gardens are in the shade which made it harder to find showy plants. The vegetation is doing well and maturing. The rain gardens worked during a one-inch rain that fell a few days after installation. She has seen a big impact in the neighborhood.

Craig Berdan, 15835 Randall Lane, representing the Lake Rose Neighborhood Association, stated that the group was founded years ago primarily due to concern over aquatic vegetation. His neighborhood is organized and interested in what the watershed district and city are doing. He appreciates the effort to protect the quality of water in the city.

The public hearing was closed.

**8. PUBLIC HEARINGS**

**A. Preliminary plat for a 2-lot subdivision of existing properties on Rutledge Circle at 12910, 12918 Rutledge Circle and a parcel with an unassigned address. (04005.11a)**

This item was removed from the agenda. Residents will be notified when it is rescheduled.

**B. Items concerning construction of a 64-unit apartment building at 12708 and 12720 Wayzata Blvd. (10042.11a)**

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.

Sjeklocha rejoined the meeting.

Adams asked Scott-Sims to explain the outlot and asked where patrons of Gehrman's Animal Hospital park now. Scott-Sims provided an illustration showing where the outlot would be located and explained the overall parking situation. There would be 5 parking stalls on the outlot and a parking easement for 10 parking stalls on the old Baker Square property now owned by Morris. This would satisfy the parking requirement.

A. Thomas asked if employees would be parking in the outlot stalls. Scott-Sims answered affirmatively.

A. Thomas asked if there would be enough room for staff to park and patrons to visit the site. Scott-Sims responded positively. The peak hour times for the apartment are opposite of the animal hospital. A. Thomas noted that the additional stalls may not be needed. He asked why the stalls would be required. Scott-Sims explained that the city council approved the use with the parking

condition. Chair Cheleen noted that the stipulation for the 15 parking stalls was based on the sizes of the building and lot without knowing what would happen to the adjacent property. A. Thomas understood, but wanted to make sure the requirement would be necessary for this proposal. Chair Cheleen asked if proof of parking would have been sufficient. Gordon reviewed the options.

Daeges asked if there would be a safe route for drivers to walk from the stalls to the building. Scott-Sims explained where sidewalks would be located and connect. There would be a new sidewalk to connect Wayzata Boulevard through the old Baker Square site and up to where the parking lot would be located.

John Duffy, 11900 Wayzata Boulevard, applicant, said that staff presented the proposal adequately. When the site was optioned, he was not aware of the additional parking condition. As he read the minutes, he understood that Gehrman has enough parking for his building. The issue was what if it became another use. The city council asked how future parking could be provided if it became necessary. The applicant's lender did not want a parking easement on the property. Staff suggested making it an outlot which will probably never need to be built. Mr. Gehrman suggested making a row of parking stalls proof of parking or just building his 5 stalls at the same time.

A. Thomas asked if there would be a crosswalk. Gordon provided a sketch of the sidewalks. Staff does not endorse mid-block crosswalks. They are dangerous. The safe place to cross the street would be at the corner.

Adams noted that most of the trees would be removed. Mr. Duffy stated that the trees on the interior of the property, which are most of them, would be removed.

Adams asked if it would be possible to save the mature Elm tree. Colleran stated that the grading may impact the tree's roots. Since it is an Elm it will probably be affected by Dutch Elm disease at some point. She predicted that it does not have a long-life expectancy.

Chair Cheleen felt it would make more sense to either not make a whole row of parking or make all of it.

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

A. Thomas understood the benefit of completing a row, but favored minimizing the amount of impervious surface as much as possible. He preferred proof of parking.

Adams agreed with A. Thomas. Given the nature of the housing, he supported amending the comprehensive guide plan. He favored landscaping where the five stalls would potentially be located. The development is desirable for Minnetonka.

Chair Cheleen concurred. He supported leaving the decision of constructing the 5 stalls or not to staff and the developer. Gordon noted that the outlot location may change prior to the final plat and staff would address it at that time.

***Lehman moved, second by Adams, to recommend that the city council adopt a resolution approving the following items concerning construction of a 64-unit apartment building at 12708 and 12720 Wayzata Boulevard (10042.11a) and a suggestion for the developer and staff to seek the best solution to provide proof of parking concept without actually producing the parking and locating the outlot in the best location:***

#### **COMPREHENSIVE GUIDE PLAN AMENDMENT**

- 1) *Recommend that the city council adopt the resolution on pages A72-A77 of the staff report, which approves the comprehensive guide plan amendment from commercial to high density residential for a 64-unit apartment building at 12708 and 12720 Wayzata Boulevard. Approval is based on the following findings outlined in this report and in the resolution.*

#### **MASTER DEVELOPMENT PLAN WITH SITE AND BUILDING PLAN REVIEW**

- 2) *Recommend that the city council adopt the ordinance on pages A78-A83, which approves the master development plan with site and building plan review for a 64-unit apartment building at 12708 and 12720 Wayzata Boulevard. Approval is based on the finding that the proposal would meet the required standards and ordinances for a site and building plans. Approval is subject to the following conditions:*
  - a. 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 April 1, 2011
    - Grading plan date-stamped February 24, 2011
    - Landscaping plan date-stamped April 13, 2011
    - Building elevations date-stamped February 24, 2011

The above plans are hereby adopted as the master development plan and as final site and building plans.

- b. 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.
- (1) The following must be submitted for the grading permit to be considered complete.
- (a) Final site, grading, drainage, utility and erosion control plans must be submitted for staff approval.
- (i) Final utility plan must:
- Show the storm sewer and associated drainage facilities including how the roof drains connect to the system, specifications and calculations for the design and sizing of the underground facilities, soils report/information on infiltration rates, and where the drainage system is proposed to outlet from the site.
  - Provide details regarding existing sanitary sewer and water main services into the site. One sanitary sewer and water service are allowed into the site. All existing services not utilized for the project will need to be removed in their entirety to their respective mains. This includes removal of tees and wyes associated with the service line at the main, and repairing the main at the disconnection per city standard.
- (b) 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.

- (c) 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.
- (2) Prior to issuance of a grading permit:
- (a) Submit an electronic PDF copy of the plans and specifications.
  - (b) Submit two full size and three 11x17 sets of construction drawings and three sets of project specifications.
  - (c) Submit all required administration and engineering fees.
  - (d) Submit a SWPPP.
  - (e) 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.
  - (f) Permits may be required from other outside agencies including, but not limited to Hennepin County, the Minnehaha 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.
- c. Prior to issuance of a building permit:
- (1) Submit the following items for staff review and approval:
    - (a) 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.

- (b) 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.
  - (c) 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.
  - (d) An electronic CAD file or certified as-built drawings in microstation or DXF and PDF format.
  - (e) A letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost of all required landscaping.
  - (f) An illumination plan for staff approval.
- (2) All required hook-up fees.

- d. The property owner is responsible for replacing any required landscaping that dies.
- e. The property owner is responsible for the maintenance of any bus shelter installed by it, including debris and snow removal.
- f. 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.
- g. Construction must begin by December 31, 2011, unless the planning commission grants a time extension.

**PRELIMINARY PLAT REVIEW**

- 3) *Recommend that the city council adopt the resolution on pages A84-A86 of the staff report which grants preliminary plat approval to the Sunset Hill Apartments subdivision, date stamped April 13, 2011. Approval is based on the findings that the proposal meets the required standards and ordinances for preliminary plat. Approval is based on the following conditions:*
  - a. Prior to final plat approval, complete the following:
    - (1) Show the following on the final plat:
      - (a) 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.
      - (b) Utility easements over existing or proposed public utilities, as determined by the city engineer.
      - (c) Drainage and utility easements over wetlands, floodplains, and stormwater ponds, as determined by the city engineer.

- b. The following items must be submitted to the city before the city releases the final plat:
- (1) An engineering/utility inspection fee.
  - (2) An electronic CAD file of the final plat in microstation or DXF.
  - (3) Payment for traffic signs and installation, as required by the city engineer.
  - (4) 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 approval:
    - (a) Title evidence that is current within thirty days before release of the final plat.
    - (b) 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.
    - (c) These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
  - (5) Any other requirements included with final plat approval.
  - (6) Payment of park dedication fees of \$320,000.00.

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

**C. Items concerning Hillside Memory Care at 5431 and 5439 Williston Road. (04037.11a)**

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.

Adams asked to see a zoning map of the city. Staff provided one.

Lehman asked if staff felt the current use is the appropriate use and if it would be the only use staff would support. S. Thomas explained that the current comprehensive guide plan designation is low-density residential. Staff supports low-density residential for the corridor.

Chair Cheleen noted that the types of uses pattern depends on one's orientation. S. Thomas reviewed the zoning of the city in that area.

Lehman felt the argument could be made that there are four lots out of character with the land use north of Excelsior Boulevard bounded by Williston Road and Beacon Hill Drive. It does depend on the perspective.

Brian Lubben, architect for the applicant, 4501 Hunter's Ridge Road, was excited to discuss the project. He stated that:

- There would be 46 memory-care beds. Memory care is generally for clients with Alzheimers. There would be a fewer number of units. Some units would be doubles. Full capacity would be 46 residents.
- The building would be two stories.
- Twenty percent of the 46 units would be affordable housing.
- He described the need for memory care.
- The project would have high density, but low impact to the neighborhood.
- The site is 1.8 acres in size. The building footprint would be 13,100 square feet. The building would have 26,000 square feet total. There would be 25 residents per acre. There would be 20 parking spaces on site.
- None of the 36 would meet affordable housing guidelines for 30 years. The developer is not receiving a subsidy.
- Parking, hard surface coverage, and setbacks would meet ordinance requirements.
- Eighty-one percent of the trees would be preserved. Single-family lots would save 35 percent of the trees and medium-density would preserve 25 percent.
- No variances would be needed.
- A comprehensive guide plan change would be necessary.
- Seven houses would cover 14,000 square feet; 10 homes would cover 17,000 square feet.
- Trips per day would equal 32. Low-density residential or medium-

- density residential would have many more.
- The building height would be 27 feet.
- Hard surface coverage would equal 28 percent of the site. Low density would cover 50 percent of the site and medium density would cover 61 percent of the site.
- Floor area ratio would be a third of the city standard.
- The proposal could reduce runoff from the site by 88 percent.
- The site plan shows setbacks meeting all requirements.
- There would be a lot of landscaping on the site.
- Parking would access Williston Road.
- He provided a medium-density example of 23 townhomes. It would create additional runoff.
- The proposal meets the goals and objectives of the 2030 comprehensive guide plan. The project must be looked at by its merits.
- Senior living is a very low-impact use. It would be a sensible use of the public infrastructure.
- The residential use is meant to fit into a residential setting. Roof lines are compatible with the neighborhood.
- A transition is necessary between single-family and commercial uses.
- The project would not require a change in city policy.
- There is no error in the original plan.
- There is a need for affordable, senior housing.
- This is not a landmark site.
- The existing buildings on the site are undesirable.
- It would provide a natural transition on the corridor. It would be a unified development.
- The project would provide short-term and long-term economic benefits.
- He requested approval of the proposal.

A. Thomas asked if he meant that three or four percent of seniors have Alzheimers. Mr. Lubben answered in the negative; but, unfortunately, the current need will continue to grow.

A. Thomas asked how many trips by trucks would be made to the site. Mr. Lubben said that a garbage truck would visit the site once or twice a week and food service delivery probably two or three times a week.

A. Thomas suggested moving the garbage away from the garden. Mr. Lubben said that was being worked on.

A. Thomas asked how a truck would maneuver to make a delivery. Mr. Lubben explained the "T" turn to head out onto Williston Road. A. Thomas suggested limiting truck deliveries to travel from the south to prevent sliding down the hill.

A. Thomas questioned how medical personnel would access the site. Mr. Lubben explained that memory care clients stay for longer terms that last a year to five years. It is a slower progression.

A. Thomas asked what would meet affordability guidelines. Mr. Lubben explained that usually it would be 50 to 60 percent of the metropolitan area's median income (MMI).

Adams asked Mr. Lubben if he had been involved in single-family residential developments. He answered positively. Adams asked how desirable the site would be for single-family residential development. Mr. Lubben said that the proposal would have much less impact on the neighbors. There would be fewer trips.

Adams asked Mr. Lubben, hypothetically, what he felt was the likelihood that the site would be developed as single family residential. Mr. Lubben felt the probability was very low. The view to the east is a tall apartment building and the view to the south is a roof of a hardware store.

Magney clarified with Mr. Lubben that the proposal would reduce the site's runoff by 88 percent compared to its current rate.

Chair Cheleen did not see how 7 houses could fit on 1.8 acres. There would be room for 3 or possibly 4 houses at its maximum. Mr. Lubben calculated for low-density residential rather than single-family residential housing.

Chair Cheleen asked if it would be feasible to move the building further to the south. Mr. Lubben said it would not work because of the topography.

Chair Cheleen confirmed with Mr. Lubben that 9 units would be affordable.

The public hearing was opened.

David Peteler, 15124 Peteler Lane, referred to his letter included in the agenda packet. He summarized that he opposed the project. A high-density use would

change the character of the area. He agreed with Lehman that the proposal would provide a natural transition, but he did not support growth of bigger facilities. He supported single-family housing for the area. There is a traffic issue on Williston Road and Excelsior Boulevard now. He was concerned that there would be more traffic than the applicant suggests. There would be employees and staff. Ambulances and metro mobility trucks would visit the site. The south part of the lot could be left vacant to allow room to construct another building of the same size for Phase 2. Having more people travel on Peteler Lane would exacerbate the problem of motorists looking for a through street. He agreed that memory care is needed and it is a wonderful project, but he questioned whether it is needed in Glen Lake. There would be a better place for it somewhere else in Minnetonka.

Jerry Erickson, 14802 Peteler Lane, stated that St. Therese is constructing a fairly large memory care facility on the corner. He works for North Ambulance and is a firefighter for the city. He has seen a large increase in the number of calls to facilities like this to pick patients up off of the floor. He opposed the facility being located across from his residence due to the increase in traffic level. Traveling down the hill, a driver would probably miss the driveway and then need to turn around.

No additional testimony was submitted and the hearing was closed.

Sjeklocha asked if the Metropolitan Council recognizes memory-care units as affordable housing units. S. Thomas said that would be a great question for the economic development staff. It would be more difficult to establish long-term affordability in general. Affordable housing of all types is valuable to the community and provides an asset. The economic development authority could review the application prior to the city council review.

Chair Cheleen asked if Presbyterian Homes owns the lot north of the site. S. Thomas answered affirmatively. Chair Cheleen asked if staff knew the size of the property and what Presbyterian Homes intended to do with it. S. Thomas was not aware of the site's history. She estimated that the property is three quarters of an acre. In terms of its buildability, staff noted that there is a significant slope and is partially located in a 100-year flood plain elevation. Technically, the area is zoned PUD and guided for high density, but she speculated that the actual usability is limited. Chair Cheleen noted that the area is wooded and adds to the residential neighborhood character when traveling on Williston Road.

Chair Cheleen noted that right now there are 20 parking stalls. He asked what amount of parking would be necessary for the proposal. S. Thomas replied that

the proposal would meet parking requirements. Chair Cheleen guessed that one staff person would be needed for every 10 people. That would take one fourth of the amount of parking at all times. Mr. Lubben explained that to calculate the convalescent parking requirement, the number of beds is divided by 4, which would equal 11 stalls. Eleven plus 6 stalls equals the requirement of 17 stalls. The proposal would have 20. There would be plenty of room to add proof of parking.

Mr. Lubben explained that memory care is different than assisted living or skilled nursing. There are usually visitors when the resident moves in initially. Visits decrease as the resident loses mental acuity. There are fewer visits for this type of care because it does not help the resident and it is stressful on family and friends. There are no big gatherings or events that happen at memory-care facilities because the other residents do not benefit from them.

Adams attested to Mr. Lubben's statement that memory care is needed. The PUD was amended for Emerald Point to turn a single room into a double because of the demand. He visited the St. Therese in Hopkins and learned of the waiting list at that site. The need is real and will become more acute over the next few years. The zoning for the parcel sticks out like a sore thumb. Other similar parcels have been rezoned. He recalled Lakewinds and Spasso. The neighborhood went through a lot of agony, but commissioners were looking to create a transition area between commercial and R-1 residential which does not exist at the site. He recalled meetings where tensions were raised because R-1 abutted commercial or high-density residential uses. He provided Sygenta and Goodwill as examples. He did not think someone would purchase the lot for a single-family residence. It makes sense to have transitional development. Ultimately, the property will be rezoned one way or another. It is unrealistic to think that it would be single-family houses. To base denial of a comprehensive guide plan change on the fact that Williston Road is a residential road is stretching it. He was in a convoy the other day on Williston Road from Highway 7. It is not a residential street. It is a conduit between commercial areas in the city that is lined by residential housing. This proposal would have the least amount of impact, address a housing need, and is the most desirable of all of the alternatives. He will vote against the resolution to deny the application. It deserves a look by the city council. This project is equally as desirable as Sunset Hill.

Lehman commended staff for doing a very good job. He looked through the packet. The concept plan was reviewed last year. There was concern expressed to the city council regarding the blight the area currently is experiencing. He

opposed staff's recommendation to deny the proposal. The proposal is worthy of further consideration by the city council.

A. Thomas viewed Williston Road as residential with residents traveling to and from their houses. He was not so concerned with determining if memory care is needed; that is not part of the commission's purview. The city needs all types of housing. He was not sure if 20 stalls would be enough parking. No parking would be possible on Williston. The area is currently blighted and something needs to be done. The shopping mall is losing tenants. Going from R-1 to high-density residential is not appropriate for the site. The 2030 comprehensive guide plan is set up to preserve single-family neighborhoods. He did not feel comfortable with this particular development. Williston Road is a residential road with a lot of traffic. The road is coming from a residential neighborhood. The proposal would not be part of the neighborhood. The sidewalk would not make much of a difference. Delivery trucks trying to make the turn could cause problems. External lighting on the west side has not been addressed. He did not understand the trash being located next to the garden. He supported staff's recommendation.

Magney thought Mr. Lubben did a great job scaling back the project. He sided with Lehman and Adams. It would be a nice transition and would be a hard sell to make it a single-family lot.

Sjeklocha felt that changing the comprehensive guide plan is serious business. The plan says 2030 for a reason. She served on the comprehensive guide plan committee. She did not recall looking at this site like she did at other areas. She stood by the idea that the area is residential and the proposal would dramatically change the surroundings. Most ways she looked she saw it as a residential area. She was concerned with the walk-ability connections, parking, and affordable housing. Receiving more information regarding the affordable housing component could make a difference. She supports staff's recommendation.

Chair Cheleen felt it came down to the issue of land use and density. Forty-six beds in a 2-story building would be a large building. If it could be done in 1 or 2 smaller buildings that would look or fit better, then it would be fine. He is concerned with the empty lot on the south. There are other ways to have a transitional piece between the commercial use and houses to the west and north. This area has a residential feel. The size of the building and increased traffic would not fit the neighborhood. He agreed with staff's recommendation.

***Adams moved, second by Sjeklocha, to recommend the city council adopt the resolution on pages A60–A65 of the staff report, denying the requested rezoning ordinance, the comprehensive guide plan amendment, and the***

***preliminary plat and site and building plans predicated on this amendment.  
Denial is based on the following findings:***

- 1) The proposed rezoning, and resulting development, would not be consistent with the city's current guide plan designation of the site.
- 2) An amendment to the comprehensive guide plan designation from low-density residential to high-density residential is not appropriate as:
  - a. In the 2030 update of the comprehensive guide plan, the city determined that existing guide plan designations in the area should remain. In doing so, the city determined that redevelopment proposal and any necessary Guide Plan amendments should be judged on their own merit.
  - b. The proposal does not meet various criteria for a comprehensive guide plan amendment, specifically:
    - (1) The change would not be consistent with the policies, strategies, or other elements of the 2030 Comprehensive Guide Plan and the city's Strategic Framework, including those for certain long term planning areas.
      - (a) The proposal would provide for memory care units, which may be considered a housing choice not prevalent in the community. However, the proposal is contrary to other policies and strategies of the comprehensive plan that emphasize that land uses must make sense within the context of their surroundings
    - (2) Development resulting from the change would create an undue impact to surrounding properties. The development would not be consistent with the physical character of surrounding neighborhood nor would upgrade and improve its viability.
      - (a) The Williston Road corridor defines the neighborhood in which the applicant's proposed facility would be located. But for Kramer's Hardware immediately south of the subject property, Williston Road is surrounded

by single-family residences, which establish the character of the corridor and the neighborhood.

- (b) The proposed high-density housing development resulting from the land use change would not be consistent with the physical character of the surrounding low-density neighborhood.
- (3) The change would not allow a more viable transition to the planned uses on adjacent properties than the current land use.

As proposed, Hillside Memory Care would stand apart. Integrated neither into the existing high-density neighborhood to the east nor the existing single-family residential neighborhood of the Williston Road corridor, the proposal would represent a fragment redevelopment approach to the Glen Lake area.

***Daeges, Sjeklocha, A. Thomas, and Cheleen voted yes. Adams, Lehman, and Magney voted no. Motion carried.***

Chair Cheleen noted that the city council is tentatively scheduled to review the application at its May 2, 2011 meeting.

## 9. OTHER ITEMS

### A. **Concept plan review for Minnetonka at One Sixty Nine at 9731 Minnetonka Boulevard (09005.11a)**

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

Gordon reported.

Josh Aaron, of Westside Developers, St. Louis Park, applicant, was excited for the opportunity to create a gateway into the city. He stated:

- The proposal is the latest version. He has worked with city staff, watershed district personnel, Hennepin County staff, and neighborhood residents.
- He wants to create as good a project as possible with guidance from the planning commission.
- His architect is present to answer questions. There would be

approximately 80 residential units and 12,000 square feet of retail on the first floor.

- Parking would be adequate; 130-140 parking stalls for the residential use and additional stalls on the west for the retail uses.

A. Thomas asked what the city has planned for the area as a gateway into the city. Gordon stated that a study was done. A number of things were considered, but there has not been a definitive plan created. The proposal would be consistent with ideas discussed. A mixed use would match the comprehensive guide plan designation. Design issues are not that specific yet.

A. Thomas asked what problems occur when developing below the 100-year floodplain elevation. Gordon stated that it is very problematic. Each elevation line represents a type of regulatory item that would need to be addressed during the development process. The area cannot be used for construction or water management.

Adams asked who owns the adjoining land. Gordon responded that the city owns almost all of the adjacent land.

Adams asked what the black line that traveled through the building indicates. Gordon pointed out the 100-year flood elevation line and the maximum extent of the Minnehaha Creek Watershed District's buffer.

Adams asked if the watershed district reviewed the plans. Carl Robertson, architect for the applicant, responded affirmatively. Mr. Robertson said that watershed district personnel discussed extending parking to create better access to the creek and providing guest parking.

Adams' first reaction was that the proposal would appear very tall. Six stories would look like seven or eight stories from the creek side. The scale is a little overwhelming for the site. He wondered about retail making it at that corner. There have been a number of unsuccessful tenants. He was concerned with the eastern-most driveway exit so close to the intersection on Minnetonka Boulevard. Mr. Robertson said that it would be a right-out only and would be restricted for emergency vehicles. Similar thoughts had been expressed.

Lehman thought an inverse of the plan would be more attractive so the building would be seen rather than the parking lot. He asked for the developer's thoughts. Mr. Robertson looked at that. It is easier to cantilever parking than a building. It is more inviting to drive into a parking lot, park, and walk into the retail use. Architecturally, he agreed with Lehman.

A. Thomas asked if including affordable housing units had been considered. Mr. Aaron responded in the negative. A. Thomas asked what the market-rate rent would be for an apartment. Mr. Aaron estimated \$750 to \$800 for a studio apartment and up to \$1,600 to \$1,700 for the largest unit.

Chair Cheleen walked the site and it is beautiful. He was concerned with access in and out because motorists drive fast. He suggested considering creative options to help traffic turn in safely. A median in the middle might be considered.

Chair Cheleen thought of small signs that could be used on the corner to identify the buildings.

Chair Cheleen was concerned with the size and mass of six stories. It is an interesting corner.

Chair Cheleen suggested finding ways to access the creek corridor.

Chair Cheleen asked if anyone present wished to comment. No one responded.

**B. Concept plan review for Toll Brothers at 100, 116, 118, 200, 220, 302 Parkers Lake Rd. and 15545 Ranchview Court.**

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

Gordon reported.

Sjeklocha asked staff to comment on cul-de-sacs. Gordon noted that the proposal includes through streets that would connect to Ranchview Lane. Minnetonka's cul-de-sac maximum is 500 feet. There have been occasions that warranted length extensions for different reasons. Staff favored connecting neighborhoods and providing better neighborhood integration.

Sjeklocha asked if Minnetonka would want to connect the street to the north. Gordon explained the connection on Parkers Lake Road.

Sjeklocha questioned if Minnetonka staff has discussed the situation with Plymouth staff. Gordon answered affirmatively. He had spoken to Plymouth staff that day to flush out what would be mutually beneficial for each city and impediments that need to be worked through.

Sjeklocha asked how close parks and trails are located to the proposed project. He estimated that the closest trail connection in the area would be located on Carlson Parkway.

Adams asked if there are plans to add public access to how wet or marshy the area is. Alex Martin, division vice president for Toll Brothers, applicant, was open to that. He envisioned the wetland on the north side being a park for the community. Mr. Martin stated that he prefers to build communities, not homes. He was absolutely open to what would be best. Toll Brothers is a national, development resident and home builder. He typically caters to first time home buyers. He looks at land from the approach of the most appealing product for the market.

Mr. Martin explained that the genesis of the proposed plan began with a completely residential, single-family project which conformed to R-1 zoning regulations. As a builder and developer, he and his firm believe less is more and favor green space. Next, the zoning and guiding was checked and it was discovered that the site is zoned for medium density. Unfortunately, a 5-unit per acre plan took away the best characteristics of the site. A medium-density plan would require the site to be leveled and all of the trees and 2 wetlands destroyed. He did not feel that a 5-unit or 12-unit building would benefit the site. The proposal is a hybrid which would meet the minimum density requirements, bring to the market a functional and logical use of the property, and fill a market void of senior living. The proposal would create a campus setting with existing condominium buildings on the south. The building design would nearly mirror the existing condominiums. The goal of the neighborhood meeting held the previous evening was to gain information. He requested feedback from staff and commissioners. He was available to answer questions.

Adams asked for the typical price point for the proposed housing. Mr. Martin estimated the sizes of units would range from 2,800 square feet to 3,400 or 3,500 square feet and be priced to start at the upper \$400,000. The units would be high quality and allow the buyers to raise the price as they deem necessary.

Sjeklocha asked if he has considered affordable housing. Mr. Martin discussed it with staff. Toll Brothers is not built for that, unfortunately. This site would not be designated for affordable housing based on prices in the new construction market. Average price for new construction in this area located in the Wayzata School District is around \$700,000. Unfortunately, based on land purchase price, affordable housing would not be possible.

Sjeklocha asked Mr. Martin to explain what a “breaker” plan means. Mr. Martin clarified he was referring to 5 units “per acre” plan.

Lehman asked if Mr. Martin was comfortable with the bulk of the property not meeting the comprehensive guide plan guidance for how the property should be used and meeting it only by throwing in a higher density use. Gordon explained that considering what could be realistically built on the property today has been taken into consideration. Staff meets regularly with developers who usually tell staff that attached housing would not work right now. Very few developers are doing attached housing right now. Staff is trying to get in tune with what housing type is needed by this part of the community. Gordon has reservations with moving into a medium-density product and thinking that would work at any time in the near future. There is a timing issue.

Lehman would have expected a large parcel like this one to have a blend of different uses and not just one tract of residential-type layout. He asked if there is room for any combination of the different products. Mr. Martin said there is no reasonable level of absorption for an entry-level town home. That coupled with the cost of land and cost to improve land in the west and southwest metro makes that difficult to do. The project must be viable. All single-family residences would probably be the best use of the property, but he was being mindful of the comprehensive guide plan. Senior living is viable. He wants to create a finished community with as little disruption to the neighbors as possible. It would not be viable for him to do a mid-range product mostly because of the size, topography, and existing trees on the site. Unfortunately, 17.5 acres is not a lot of room for a housing development.

Chair Cheleen asked if moving the streets around was considered to create more green space and slightly smaller lots. Mr. Martin said that was looked at initially. One of the constraints on the site is the desire to connect Ranchview Court with the proposed community. The other constraint is a significant slope going downhill into the wetland with a cluster of trees in the middle. He appreciated the city’s appreciation for the natural features. The proposal takes those natural features into account. Conforming setbacks would dictate the size of the lots.

The public hearing was opened.

Paul Engelman, 15575 Ranchview Court, has lived in the area since 1961. He stated that he is not negative regarding development of the property. His concern is the traffic impact onto Ranchview Court. Gleason Lake Road is a very busy road. The corner of Niagara and Gleason Lake Road is one of the worst intersections in the area. It is never plowed, is full of ruts, has no shoulders, and

is a dangerous area. He would estimate the amount of traffic would increase by 20 percent. The area services all of Carlson Parkway, shoppers test-driving BMWs, and Vicksburg Lane. Ranchview Court is half the width of Gleason Lake Road. It is difficult to exit from his community onto Gleason Lake Road because it is not a controlled intersection. There is a crosswalk there, but motorists disregard the crosswalk all day long. Unless the proposal would be coordinated with the City of Plymouth, it would be a terrible design. He favors the plan that would include a cul-de-sac. He understood it would be easier for maintenance crews to access and plow the street with a through street, but it would ruin the aesthetics of the neighborhood, create many traffic concerns, and diminish the value of the homes to assist the city with creating a new development. Most residents do not study the comprehensive guide plan until it affects them. Medium density is the wrong designation. The site is on the edge of a swamp. It is gorgeous. He strongly disagrees with the concept of a through street, the designation is wrong, and the plan is messed up as it sits right now.

Richard Weber, 10 Ranchview Lane, Plymouth, has lived there 35 years and has seen what the Carlson Center traffic has done to Gleason Lake Road, Parkers Lake Road, Ranchview Lane, and Vicksburg Lane. The proposal would severely impact those intersections. The connection with Ranchview Court would really give a raceway traffic pattern to Wayzata from Carlson Companies and the proposed development. There needs to be a lot of thought and work done with the City of Plymouth to address the traffic issues.

Ken Anderson, 100 Ranchview Lane, lives on the corner of Ranchview Court. Motorists slide into his yard and his neighbor's yard all of the time in the winter. Traffic safety for the area is a very dangerous issue.

Bob Puls, 15572 Ranchview Court, agreed with the traffic concerns. The issue not shown on the map is that Interstates 394 and 494 come together and back up traffic every night. Drivers heading up north through Plymouth exit Interstate 494 at the Carlson Parkway exit and look for a shortcut off of the freeway. That is another reason Gleason and Parkers Lake Road are so busy. The lots seem very small compared to what is currently in the neighborhood. He supports rezoning the site for larger lots. Larger lots would fit in better with the neighborhood and decrease traffic. He did not oppose development, but wants to see it done right.

Pete Silba, 15553 Ranchview Court, abuts the proposed site. One of the reasons he purchased his lot is because he was told by Minnetonka staff that the outlots behind his property would not get developed until the road connected his cul-de-sac with Parkers Lake Road. It has already been approved to have the cul-de-sac turn to the south as an elbow and go back to his backyard and be located 20

feet from his picture window. He was concerned with that. He was confused with what would happen with the Baxter property. He requested clarification of how that would be developed. He is happy the proposal would be for single-family houses. His lot is a quarter acre and he is concerned smaller lots would not fit in with the neighborhood. The biggest concern is the traffic that would be brought into the cul-de-sac.

Gordon explained that the Evergreen project has two lots platted. It would have a public street called Ranchview Circle. It would need to be constructed before development of the houses would occur. There is no requirement to extend a road through the Jondahl property and connect to Parkers Lake Road for Ranchview Circle Road and homes to be built. That is not part of the conditions of approval. It would be expected that a road could connect to it in the future, but there is no requirement.

Chair Cheleen asked if the road Mr. Silba is referring to could be located within 20 feet of his property. S. Thomas clarified that the road shown west of the Jondahl property has been approved as part of the Evergreen Development. That plat has been approved by the city council. The property owners have the right to construct those homes when the road is constructed. The city cannot take away the approval that has already been given. The property owners may request a change of the already-approved plat, but that cul-de-sac has been approved and can be constructed independent of what may or may not happen on the Jondahl farm.

Peggy Oppenheimer, 15 Orchid, requested part of the property be made into a park with walkways. She suggested the developer take advantage of the beauty and develop it right. The property is beautiful. The lots would be too small to fit with Minnetonka's lot sizes.

A resident suggested a cul-de-sac off the corner, accessing the Weber's home off of Gleason Lake Road, to prevent access to the entire community up to the north. That would resolve the issue of having all of the cut-through traffic. It is a great inconvenience for those who live there and want to drive to Wayzata, but there are lots of alternatives to the current proposal.

Chair Cheleen noted that this is a concept plan and encouraged residents to keep an eye on the project at [eminnetonka.com](http://eminnetonka.com) for further developments.

Sjeklocha asked if property owners within other cities would receive public hearing notifications. Gordon stated that properties within 400 feet of the site

would receive legal notification of public hearings regardless of what city one is located in.

A. Thomas asked if a decision had been made regarding making the proposed site into a park by the city. Gordon answered that it is not on the city's map right now for a park site. Lehman recalled from his time on the park board that the site was not on the park renewal itinerary. New park locations are considered as they are made available. This property owner did not request consideration from the city to develop a park.

**10. ADJOURNMENT**

***Adams moved, second by A. Thomas, to adjourn the meeting at 10:28 p.m. Motion carried unanimously.***

By: \_\_\_\_\_  
Lois T. Mason  
Planning Secretary