Minutes
Minnetonka City Council
Regular Meeting, Monday, March 2, 2015

1. Call to Order

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

2. Pledge of Allegiance

All joined in the Pledge of Allegiance.

3. Roll Call

Council members Patty Acomb, Brad Wiersum, Tim Bergstedt, Tony Wagner, Bob Ellingson, Dick Allendorf, and Terry Schneider were present.

4. Approval of Agenda

Wiersum moved, Bergstedt seconded a motion to accept the agenda with an addendum to item 14B. All voted “yes.” Motion carried.

5. Approval of Minutes: January 26, 2015 regular meeting

Acomb moved, Wiersum seconded a motion to approve the January 26, 2015 regular meeting minutes. All voted “yes.” Motion carried.

6. Special Matters:

A. Presentation of 2015 Reflections Award

Schneider read the recognition and presented a plaque to Brian Kuhnly. Kuhnly said residents were fortunate to live in such a great community. He said he was blessed to work and live in the community.

B. Proclamation for Empty Bowls event

Acomb read the proclamation.

Barb Westmoreland, the volunteer coordinator for the Hopkins School District provided information about the event. Woody Love, the 2015 Community Chair, said Empty Bowls was one of the most egalitarian community based events he had ever witnessed.

7. Reports from City Manager & Council Members
Assistant City Manager Perry Vetter reported on the schedule for upcoming council meetings.

Schneider provided an update on the SWLRT.

8. Citizens Wishing to Discuss Matters not on the Agenda

Recreation Services Director Dave Johnson introduced Doobie Kurus, the creator of the Hopkins Royal Triathlon. Kurus had pledged any profits from the event back to the community. One of the benefactors was the city's recreation scholarship fund that provides financial assistance to families. Johnson said it was the largest donation the city had received to the fund during his 30 years with the city.

Kurus provided information about the triathlon. A $3,500 check was deposited in the scholarship fund.

9. Bids and Purchases: None

10. Consent Agenda - Items Requiring a Majority Vote:

A. Resolution supporting dedicated state funding for city streets

Allendorf moved, Bergstedt seconded a motion to adopt Resolution No. 2015-016 supporting dedicated state funding for city streets. All voted “yes.” Motion carried.

B. Ordinances amending various sections of city code

Allendorf moved, Bergstedt seconded a motion to adopt the following:
1) Ordinance No 2015-04 amending Minnetonka City Code §§300.23 concerning the wetland overlay district.
2) Ordinance No 2015-05 amending Minnetonka City Code §§300.28 Subd.19 regulating tree protection.
3) Ordinance No 2015-06 amending Minnetonka City Code §§300.28 Subd. 16, 17 and 18 regulating grading and erosion control.
4) Ordinance No 2015-07 amending Minnetonka City Code §§1205 and 300.28 regulating discharges into the municipal storm sewer system.

All voted “yes.” Motion carried.

11. Consent Agenda - Items requiring Five Votes: None
12. Introduction of Ordinances: None

13. Public Hearings:

A. 2015 Community Development Block Grant funds

Community Development Supervisor Elise Durbin gave the staff report.

Schneider noted that for the Small Projects Program after the 10 year period is over, the person remains in the home. He asked in general how many people do that versus leaving the house before the 10 years so some of the money returns to the city. If the city does get part of the payment back, could it be used again? Durbin said typically the city gets two or three repayments a year. On average the city files around 30 repayments per year. The money is considered program income and is put back into the rehab program.

Schneider opened the public hearing at 7:04 p.m.

Jessica Mikkelson, a staff attorney with Homeline, thanked the council for its ongoing support. The past year the organization assisted 148 Minnetonka residents helping save and recoup over $19,000.

Deb Taylor, CEO of Senior Community Services, said the organization’s strategic vision was to mobilize the community to reimagine aging. The city’s sixty years and older population is 24 percent of the overall population. She thanked the council for partnering with her organization to serve those people.

Schneider closed the public hearing at 7:07 p.m.

Wiersum moved, Acomb seconded a motion to adopt Resolution No. 2015-017 allocating the CDBG funds, and funding HOME Line $2,000 from the Development Account. All voted “yes.” Motion carried.

14. Other Business:

A. Ordinance rezoning portions of properties generally located at the southeast corner of the County Road 101/Excelsior Boulevard intersection from R-1 to R-1A

City Planner Loren Gordon gave the staff report.

Schneider said he thought the provision making the rezoning conditional on the final plat being recorded was a good provision. He could however
envision a situation where a developer goes to a bank to get the financing in order to file the plat but the bank requiring the rezoning be in place before providing financing. This could possibly be addressed by the city having a standard letter in place outlining the process. Gordon said it was not unusual for staff to receive a call from a bank asking for certification. Typically a letter is put together describing the circumstances.

Wagner said when the ordinance was discussed he never anticipated having 27,000 and 25,000 square foot lots in an R1A zoning district. He said in this situation it looked like none of the area was buildable because it was situated in a wetland. He asked what would happen if a development came in where the area was buildable. Gordon said it was possible an area could be split into another lot if all the standards were met. The subdivision process would have to take place in that situation. Community Development Director Julie Wischnack noted that an opposite situation could occur where lots are combined.

Wiersum asked if theoretically given the lot sizes of lots six and seven if the zoning could have remained R1 and still have an R1A subdivision with five lots, the new street only without the bulb at the end of the cul-de-sac. Was there an upper end to the size of an R1A lot? He said while there could be a future lot split if there was an opportunity to split the lots profitably while meeting the R1 designation, the developer would do that now. Any future lot split would likely occur a long time into the future. A developer would be unlikely to reduce potential profits by having fewer lots. Gordon said the ordinance does not prescribe that all of the lots need to be rezoned. The presumption was they would in order to get an entire neighborhood of R1A lots. If lots six and seven were left out the council would have to make the decision to rezone the properties to exclude the lots. If the decision was made to leave the two lots out then they would be governed by R1 standards and would not have to meet the R1A criteria. Wiersum said the city would see more R1A proposals come forward. The ordinance was good but it may not be perfect. As the city gets more experience with the ordinance, tweaks may be needed to deal with unanticipated situations. Wischnack said this proposal could be easily modified to make the two lots fit in with R1A zoning. What was proposed probably made the most sense in terms of housing orientation and the backyards.

Schneider said to a certain extent the city had to rely on the planner, the consultant and the market to determine what they wanted to have the neighborhood look like. He said his perception was part of the reasoning behind the R1A zoning was to create neighborhoods as opposed to a lot or two here and there. For him questions might arise in a situation where someone buys six acres of lots that eventually are to be recombined but
only plats half of the lots now. He hoped the same types of analysis that
go into an R1 development would eventually be applied and acted
upon.

Reid Schulz, Landform Professional Services, said he was speaking on
behalf of the applicant, Lakewest Development. Last year the applicant
came forward with a 22 lot proposal for the same seven parcels. The
revised 12 lot proposal addressed some of the concerns that were raised.
He said at the December neighborhood meeting the neighbors were
generally very supportive of the plan based primarily on the reduction of
the number of lots.

Bergstedt said the proposal was in his ward and when the concept plan
was discussed last year, he thought it was way too dense for the property.
He commended the applicant for revising the proposal and listening to
comments that were made. He said this was a big step because it was the
first time the city used the R1A zoning. He agreed the ordinance may
need to be tweaked in the future as necessary but he thought this was a
very good first project.

Bergstedt moved, Wiersum seconded a motion to adopt Ordinance No.
2015-08 rezoning portions of the properties at 5290 and 5300 Spring
Lane, 5325 Co Rd 101, 5301 and 5311 Tracy Lynn Terrace, and two
properties with unassigned addresses from R-1 to R-1A. All voted “yes.”
Motion carried.

B. Concept Plan for Cherrywood Pointe Senior Cooperative at 2004
Plymouth Road

Gordon gave the staff report.

Brian Carey, United Properties, said there was a tremendous growth in the
senior population. The city’s seniors are very committed to the city and
want to remain living in Minnetonka. By moving into the cooperative, it
would free up housing for younger families. The younger families are more
apt to invest long term in the homes. By allowing the seniors to turn over
their homes the city would be fostering a lot of families with younger kids
coming into the city. This would increase the number of school aged
children. He showed photos of other Applewood Pointe facilities. Although
the facility was not in the Ridgedale visioning area, he said his company
very much embraces that vision.

Susan Farr with Ebenezer said the company loved the location and when
seniors give up their homes they want to move to a location close to their
church and their bank. The proximity of retail and restaurants in the area
makes the location attractive for the cooperative. Seniors want to remain active and give back to the community. The children visiting their parents would also benefit from the businesses in the area.

Carey showed slides indicating the proposed building’s proximity to neighboring properties. There would be shared access with the drive to the north to address traffic issues on Plymouth Road. A right turn exit only lane would be added. The building footprint would be 40,500 square feet. There would be a 5,750 square foot courtyard in the center and green space around the building. Neighbors expressed preference for a classical design to the building. He said there were concerns about the natural landscape, the quality of the wetlands and the runoff. Complete below grade stormwater retention would be included. Peak runoff rates would be controlled and sediment and phosphorus removal would be provided. The 25 foot buffer area on the west side of the property would be filled with wetland buffer material.

Wagner said the comments he received indicated an understanding the area was zoned R5 but there also was a woodland preservation area. He asked how that impacted staff’s opinion about the project. This would be an issue that would have to be dealt with during the planning commission and council process. Gordon said consideration of any of the site’s features would be part of any zoning review. There appeared to be some steep slopes on the property. There was a number of layers of environmental information. There was a tree inventory completed, but city staff had not confirmed all of the trees, the species and the health to be fully informed about a woodland preservation area. All this would have an influence on where the building was sited and how much of the slopes and trees would be impacted. Wagner noted the level of detail would be provided if an application comes forward. Gordon said that was correct.

Wagner said the staff report indicated the zoning would probably be PUD. The city did not have a lot of R5 guided properties that had not been developed. He asked staff what some of the considerations were related to R5 zoning versus a PUD. Gordon said although there was not an application the assumption was the zoning would not be R5 because the building would not fit where the R5 envelope would be on the property. If an application came in, it would be reviewed under R5 zoning. Even with R5 zoning all the environmental factors have to be considered in siting the building. Last year the city adopted a new PUD ordinance that included a public benefits provision that was required to qualify for a PUD. The applicant would have to demonstrate that there was something publically valuable to qualify for a PUD. This had not been defined. Wischnack said a PUD proposal might help protect more of the trees and the wetlands on the site. She said it was sometimes misunderstood that a PUD was used
to help avoid something like setbacks. Typically staff applies a PUD to do as much preservation as possible. This was why staff indicated in its report that a PUD might be possible. Wagner said his biggest concern was the number of steep slopes on the property and how the woodland preservation area would be considered with the R5 zoning.

Wiersum said if the process proceeds he would like some guidance about density in this type of development. There were 39 memory care rooms with a size of 490 square feet including the bathroom. One bedroom units average about 750 square feet. Two bedroom units average about 1,000 square feet. If this was an apartment or condominium proposal the building would likely be twice as big because the square footage for each unit would be much greater. He said he would like to better understand the impact of this type of facility. The number of parking stalls wasn’t very many compared to the number of units. A lot of the residents would not be driving or driving daily. He would like some context when considering the proposal. He believed this type of housing was needed in the city but he wanted to understand the impacts.

Schneider said the idea of having an assisted living facility in the Ridgedale area made good sense. Traffic issues on Plymouth Road are sensitive and he couldn’t think of a lower traffic generator than an assisted living facility. For other senior facilities adequate surface level guest parking was a concern. Having a management plan if the surface level parking wasn’t adequate was important. He said the use was not a big concern for him but the more significant issue was how the building’s footprint would fit into the topography. A much more detailed analysis of the grading, buffer zones, etc. was needed. More time would need to be spent on site impacts, grading, tree preservation and steep slopes. Understanding the tradeoffs would probably be a major focus of the discussion as the plan goes through the planning process.

Allendorf said if the site issues could be addressed he thought the location was a good one for the facility. He agreed with the comments about the benefits of the residents getting out to the nearby amenities. He compared this to the Rowland Road proposal that wasn’t near anything.

Annette Bertelsen, 13513 Larkin Drive, said there was not a lot of discussion at the planning commission meeting about the unique natural features of the property. In addition to the wetlands, there is native oak woodland brushwood on an area of the property. The tree ordinance indicates if the continuous area outside of the subject property is at least two acres it is a woodland preservation area. One and a half acres of the subject property is a woodland preservation area. This is a key thing to consider. The quality of the woodlands should also be considered. There
are at least five different species of trees including two different types of oak. There is a fairly dense understory throughout. Another thing to consider is the slope. The southern part definitely is a steep slope and the western side may qualify under the ordinance. She said it was better to clarify this sooner rather than later. The combination of the oak preservation area adjacent to wetlands and on a steep slope is important to note because there is a lot of references to the interplay in the city's ordinances. The ordinances also provide a lot of subjectivity for the council to make its decision. She noted the difference between natural and native vegetation. A smaller scale development concentrated on the north and east parts of the property might be more in the city's best interests.

Kay Johnson, 2227 Platwood Road, said she was very concerned about the natural resources of the site and the density of the plan. The area to the south has about 15 units per acre and this plan would have around 45 units per acre. She questioned what would happen if the assisted living units were not built but became apartments instead. The property is sandwiched between two properties with three story buildings. She would like to see this building be three stories high as well. Wischnack said staff runs the numbers if the building were converted to an apartment building at some point. The reason this is done is to ensure there is enough site area and to consider either parking or amenities if the building transforms someday.

Wagner noted he received a number of letters and a few calls indicating a strong passion about the natural resources.

15. Appointments and Reappointments:

A. Appointment of advisors for the 2015 Local Board of Appeal and Equalization

Schneider moved, Bergstedt seconded a motion to appoint Mr. Powers, Mr. Johnson, Mr. Kriedberg and Ms. Miller as advisors for the 2015 Minnetonka Local Board of Appeal and Equalization. All voted "yes." Motion carried.

16. Adjournment

Wiersum moved, Wagner seconded a motion to adjourn the meeting at 8:13 p.m. All voted "yes." Motion carried.

Respectfully submitted,