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, Acomb seconded a motion to accept the agenda with addenda to items 13D and 14B. All voted “yes.” Motion carried.

5. Approval of Minutes: August 31, 2015 meeting

Bergstedt moved, Allendorf seconded a motion to approve the August 31, 2015 minutes. All voted “yes.” Motion carried.

6. Special Matters: None

7. Reports from City Manager & Council Members

City Manager Geralyn Barone reported on the schedule for upcoming council meetings.

Schneider noted he and Allendorf attended the Legacy Oaks ribbon cutting ceremony.

8. Citizens Wishing to Discuss Matters not on the Agenda

9. Bids and Purchases: None

10. Consent Agenda – Items Requiring a Majority Vote:

A. Resolution approving the preliminary and final plat of MEETING RIDGE, a two-lot subdivision at 2360 Meeting Street
Allendorf moved, Acomb seconded a motion to adopt resolution 2015-076 approving the preliminary and final plat of MEETING RIDGE, a two-lot subdivision at 2360 Meeting Street. All voted "yes." Motion carried.

B. Resolution approving the final plat of BUCKMAN ADDITION at 15700 Highwood Drive

Allendorf moved, Acomb seconded a motion to adopt resolution 2015-077 approving the final plat of BUCKMAN ADDITION at 15700 Highwood Drive. All voted "yes." Motion carried.

11. Consent Agenda – Items requiring Five Votes: None

12. Introduction of Ordinances:

A. Items concerning Williston Woods West, at 5431 and 5439 Williston Road:
   1) Ordinance rezoning properties from R-1 to PUD;
   2) Master development plan;
   3) Site and building plan review;
   4) Preliminary plat

Acting City Planner Susan Thomas gave the staff report.

Jon Fletcher, Lake West Development, 14730 Highway 7, said the request was for a planned unit development (PUD) to create six detached homes served by a private drive off Williston Road. The site was an important transitional link to the neighborhood, community shopping center, grocery store and restaurant. The proposal was for a higher density use that still was appropriate with a single family feel. A number of concepts were considered for the site. He said the project met five of the public benefits listed in the PUD ordinance. In particular, there was a greater preservation of natural resources, specifically tree preservation. The site lays out well from a topographical standpoint. The proposal would bring a mix of housing types desirable to the city. The PUD requirement for a mix of land use types was also being met and the development was compatible with existing and surrounding development types. Several other benefits recognized in the comprehensive plan were also being met including adding stability in existing areas; increasing vitality; adding connectivity to improve mobility; and the incorporation of sidewalk and trail improvements. He noted parking was brought up as a concern for the site. The current design allows for 33 parking spaces or 5.5 stalls per house.

Allendorf asked how the topographical differences on the site were being handled. Fletcher said there would be grading improvements done to the
Improved home pads would be developed to support the homes. Schneider said his major concern had been the topography and he took a detailed look at the grading plan. He was impressed by the plan.

Bergstedt said the plan for detached villa homes was very appropriate as a transition between the commercial and single family homes. He had concerns with the proposed density. Until the final plan was submitted the impacts would not be known. He said a PUD simply for tree preservation seemed to be a bit of a stretch. He thought the best way to preserve trees was to have lower density. The berm on the east side was protecting the view of the parking lot and the post office. If there was not adequate parking once the development was built, there weren’t many good options to resolve issues. He said he would take a close look at the proposed parking when the final plans are submitted. The access points on to Williston Road were also very important.

Wiersum said Bergstedt had identified the key issues for the planning commission to look at. The primary issues were density and parking. If the public good for a PUD was tree preservation he thought a critical look at a less dense plan was something the planning commission should look at.

Acomb asked the planning commission to evaluate if a PUD was the appropriate zoning.

Wagner noted the site was challenging and the council had looked at a number of proposals. He said the reality was this proposal was one of the better ones he had seen. He asked staff and the planning commission to look at the proposed public benefit.

Acomb asked if an area could be zoned R1-A with a private street. Thomas said the ordinance requires a public street.

Schneider said many people are looking for a detached townhome. The question was if the overall look, feel, and impact work right. If it did he didn’t think the council should get too hung up on if the zoning was R1-A, PUD or R-2. Solving the problem of the transitional use was a pretty good public benefit. The bottom line was determining if the proposal fit the site and if the density was reasonable.

Wiersum agreed but said the issue was making sure there was adequate parking. Density and parking went hand in hand.

Allendorf asked the planning commission and staff to look at an objective engineering criteria for the number of parking spaces per unit.
Wagner moved, Wiersum seconded a motion to introduce the ordinance and refer it to the planning commission. All voted “yes.” Motion carried.

13. Public Hearings:

A. Resolution approving a vacation of right-of-way easements and final plat for SAVILLE WEST, a 12-lot subdivision at 5290 and 5300 Spring Lane, 5325 County Road 101, 53101 and 5311 Tracy Lynn Terrace, and an unassigned address

Thomas gave the staff report.

Schneider opened the public hearing at 7:00 p.m. No one spoke. He closed the public hearing at 7:00 p.m.

Bergstedt moved, Allendorf seconded a motion to adopt resolution 2015-078 approving the vacations of right-of-way and easements and resolution 2015-079 approving the final plat of SAVILLE WEST. All voted “yes.” Motion carried.

B. On-sale wine and on-sale 3.2 percent malt beverage liquor licenses for Cheers Pablo Twenty Three Holdings LLC (Cheers Pablo), 13207 Ridgedale Drive

Barone gave the staff report.

Rich Bedard from Cheers Pablo said this would be the sixth store, four in the metro area. The business hosts a lot of bachelorette and corporate parties. There was good music and food. There are a lot of kids’ parties during the day.

Schneider closed the public hearing at 7:02 p.m.

Wiersum moved, Wagner seconded a motion to grant the license. All voted “yes.” Motion carried.

C. On-sale liquor licenses for Three Amigos Minnetonka, LLC (Salsa A La Salsa)

Barone gave the staff report.

Wiersum asked the when the restaurant would open.

Keyven Talebi, one of the owners, said the plan was to open the early part of December.
Schneider closed the public hearing at 7:04 p.m.

Wagner moved, Acomb seconded a motion to grant the license. All voted “yes.” Motion carried.

D. Southwest Light Rail Transit (Green Line Extension) Revised Preliminary Design Plans

Community Development Director Julie Wischnack gave the staff report.

Jim Alexander from the Southwest Project Office gave a presentation about the changes.

Schneider noted the plans did not show the locally requested alternative of extending 17th Street. He asked if the alternative was still in the mix but was not shown because it was outside the scope of the municipal consent. Alexander indicated that was correct.

Wagner said some of the cost cutting related to the landscaping around the stations. There were ideas presented to the project office at the community works meeting about not sacrificing too much and looking for potential partnerships with the University of Minnesota and the Arboretum to leverage opportunities for landscaping. Alexander said there was potential for those opportunities. The project office would continue to work with the cities. The other aspect is public art. The office is working with the county to identify potential outside funding for public art.

Schneider asked what the ongoing process was for the detailed engineering for the noise and vibration mitigation that might be required by the environmental impact statement for the Claremont Apartments area. Alexander said in the environmental process what follows the environmental impact statement is the final environmental impact statement. The final environmental impact statement would identify the impacts and potential mitigation features. He said when 90 percent of the plans were out, likely by next January, there would be a pretty good idea for what mitigation would be needed for the area. Schneider asked what the process was to keep city staff and residents informed. Alexander said the project office would continue to work with city staff as things are understood better. Discussions with property owners would also continue as impacts and mitigations are identified.

Allendorf said when he hears there were funding cuts for landscaping and arts, what that meant was the Met Council was cutting funding in those areas. If the landscaping and art were really wanted for the two stations he
was concerned the costs would become the responsibility of city residents. Wischnack said staff had been considering that the landscaping and art might become a city cost. She said there would be details about the Shady Oak station looked at during the upcoming joint meeting with Hopkins. For the Opus station there would be more of a struggle because of the size of the open area by the station. The underpass issue was also being worked on.

Wagner noted before the community works discussion it was clear the issue had never really come up before. If the city or concerned residents wanted landscaping around the station the question was who would be responsible for maintaining it since it would be in the Met Council right of way. The Met Council was working on this. Schneider said the decision was made to cut the nice things and do just the needed things in order for the line to go to the Southwest station. The connectivity with the bus system was a critical priority. He thought the most likely scenario for landscaping for the Shady Oak station was it would be part of the redevelopment of the area. It would be in the best interest of the developers to make sure the station was inviting, attractive and well maintained. Allendorf said his concern was by cutting the Met Council's price, the costs would be the responsibility of Minnetonka residents.

Schneider opened the public hearing at 7:34 p.m.

Lori Harman, a new resident of the Claremont Apartments, said she was enjoying her view of the trees in the area where the train was supposed to go. She was sad about losing the trees and wildlife in the area. She said she drove a school bus for 27 years and anytime she was near the Hiawatha light rail line the radio would become full of static and noise. She questioned if this would happen to the radios and TVs in the homes in the area.

Bob Carney Jr., 4232 Colfax Ave S, Minneapolis, said he was a registered lobbyist who lobbied for We the People. He was active at legislative hearings where he promoted the idea of taking back the $30 million appropriation for the Southwest Light Rail capital costs. The appropriation was canceled and repurposed for operating costs for the Met Council and Metro Transit. He said the legislature had appropriated $15 million and the budget called for 10 percent or $165 million funding coming from the state. House Speaker Kurt Daudt told him there was no more funding coming next year. Carney said he doubted the votes exist to approve the funding. He said the difference between Wily Coyote and the Met Council was that Wily Coyote knew when he went over the cliff and the Met Council and a lot of the supporters of the Southwest Light Rail were still in denial. He attended the May 6 Met Council committee of the whole meeting. He said
the Met Council was really concerned about getting kicked out of the federal New Starts program if the route was changed in any way. The real issue was scoping. The heart of the Lakes and Parks Alliance lawsuit was the project was being steamrolled through and reasonable alternatives were being eliminated. Carney said he had a modified version that would go to Uptown and would go down I35W. A transit hub would be built linking up the Nicollet Avenue and Lake Street buses with the light rail. The line would go to the Minneapolis Convention Center. He questioned what service would benefit Minnetonka residents more, going through the wilderness or having access to all the venues. He said there was incredible danger with the co-location and the plan that involves mile long chemical trains going over a half a mile tunnel with light rail trains.

Stuart Nolan, from StuartCo, said the potential station at Smetana Road was incredibly important for the 6,000 residents of that area. He said new information had recently come to his attention. Two years ago the cost of the route from the Shady Oak station to the Smetana area was estimated at $74 million because of all the difficult conditions of the area. The engineers he hired found that a route going down 11th Street would save $50 million using current costs. He said this was too much money to be neglected. He asked for reconsideration of the route. There would be less environmental impact, would save time on the route because it would be almost a mile shorter than the 17th Street route, and with the Smetana station would better serve the 6,000 residents.

Rob Stefonowicz, from Larkin Hoffman, said he was representing the SFI Partnership 54, the owner of the Claremont Apartments. His client had been before the council with a proposed alternative route that would avoid the wooded Opus hill area and substantially reduce the impacts to the apartments. They continue to advocate for that alignment. There is a pending lawsuit involving the failure to include the Opus hill area in the Section 4(f) analysis. It was not included in either the draft EIS or supplemental draft EIS. There were a couple of other issues primarily related to noise and vibration. The details were provided to the council through correspondence. He requested the city council withhold its municipal consent until all the information and the environmental analysis was available.

Joseph Weier, 4703 Karen Circle, said he supported the SWLRT. He said the area of Shady Oak Road and Excelsior Boulevard needed something to drive development. There needed to be more businesses and housing to draw people to the area. He hoped the light rail would spur growth.

Schneider closed the public hearing at 7:57 p.m.
Schneider asked Alexander to respond to the question about the trains interfering with TV and radios in the area. Alexander said there was an electromagnetic interference issue with the Central Corridor line particularly around the University of Minnesota's East Bank campus where there is very sensitive nuclear magnetic resonating equipment. The machines divide things by the molecule and are very touchy. As the train passes by it emits electromagnetic forces that affect the workings of the machine. The Met Council took a look at the Minnesota Public Radio concerns about noise and vibration and found no evidence of EMF disturbance.

Wagner asked Alexander to address issues raised in correspondence from Lisa Moe from StuartCo. Alexander said he met with Nolan's group earlier in the day. Alexander received the information about a potential alignment going down 11th Street. The alignment had previously been looked at back in 2004. At this juncture it still is a proposed alignment while the process proceeds. To consider the alignment again would take some time. Any time more time is required there are added project costs. Delaying the project for a year could mean an additional $50 million cost. Wagner asked for more information about the Claremont Apartment issue. Alexander said because there is a lawsuit in process, he couldn't talk much about it. Alternative alignments were looked at a year ago. There are around two acres of wetland going along the east side. This was presented to the city council and the council decided to approve the current alignment.

Wiersum said he realized that at this stage in the process, changing the alignment was problematic. He wanted to be sensitive to the Claremont concerns but having ridden the Hiawatha line that goes very close to apartment and condo buildings, he thought there might be some learning that has been done to address the nature of the Claremont concerns. There clearly would be change but he thought there was now a body of knowledge based on the experience of the Hiawatha line. Schneider added the Central Corridor line also passes by apartment buildings. Alexander said there was a learning curve as the Hiawatha and Central Corridor lines were developed. He was in Portland recently and noted that parts of their light rail system have required sound walls. He said FTA guidelines are followed that include criteria to assess the sound and vibration levels. This defines what type of mitigation is needed.

Wagner moved, Acomb seconded a motion to adopt resolution 2015-080 approving the revised preliminary design plans.

Wagner said the project office and the corridor management committee had done a lot of work on the alignment. It was not an easy task with no
easy choices. As the council had previously discussed, this was a 100 year project. The alternatives that were talked about had previously been looked at and considered. He thought the light rail would make this area of the city a better place.

Schneider said the biggest benefit would be the health and vitality of the entire region. People want to live in the city and part of this was having a decent transit system. He said Carney’s ideas were unique but they were not out of line. Every project this complex, with the amount of federal dollars and amount of issues, had multiple points that could stop the project entirely. Neither of the other two lines had a smooth process. The question was after weighing all the issues, was the region supportive enough with the long term health and vitality vision, to figure out a way to make the line happen. This would be a test. He was still optimistic.

All voted “yes.” Motion carried.

E. Items concerning Marshes of Meadowwoods:
1) Preliminary and final plat for Marshes of Meadowwoods 2nd Addition
2) Vacation of Easements
3) Amendment of stewardship fund contribution

Thomas gave the staff report.

Schneider opened the public hearing at 8:04 p.m. No one spoke.

Schneider closed the public hearing at 8:04 p.m.

Wagner moved, Wiersum seconded a motion to
1) Adopt resolution 2015-081 approving the preliminary and final plat of Marshes of Meadowwoods 2nd Addition, as recommended by the planning commission.
2) Adopt resolution 2015-086 vacating existing drainage and utility easements for Marshes of Meadowwoods
3) Approve a funding change to the stewardship fund for the Meadowwoods development in a form acceptable to the city attorney. This would reduce the annual contributions to the stewardship fund from 15 lots to 14 lots.

All voted “yes.” Motion carried.
14. Other Business:

A. Items concerning a licensed daycare facility at 14730 Excelsior Boulevard:
   1) A conditional use permit; and
   2) Final site and building plans

Thomas gave the staff report.

Jon Fletcher from Lake West Development said they were currently in discussions with Prestige Child Care Centers, an upscale child care provider based in California. The proposed plan was for a complete redevelopment of the building. There were some constraints to what could be done with the exterior of the building based on the economics. The licensing would allow for up to 240 students. There would be 40 parking stalls. The child care provider was estimating in the range of 180 to 200 students. There would be up to 16 to 18 employees spread out throughout the day. He said this proposal would work well with the proposal for the site to the north discussed earlier in the meeting.

Allendorf asked for more information about the outdoor play area. Fletcher said there would be a tetherball area along with two playgrounds, one for tots and the other for older kids. On the south side of the building there would be an infinity loop for kids to ride their tricycles. The idea was to allow one of the twelve classrooms out at any one time. Allendorf asked what type of fencing there would be. Fletcher said the fence would be a see through metal fence with some screening to meet city requirements. Allendorf said he had heard concerns from residents about having the play area next to Williston Road. He asked how tall the fence would be. Fletcher said it would be five feet high. Schneider noted there was a similar playground next to the industrial park on Baker Road.

Bergstedt said the council had seen a number of proposals for the site. Residents have had many ideas with what to do for site but the council only could deal with what comes before them. He said the proposal was an improved use that addresses a number of things. The whole area was fairly complicated as far as traffic patterns and parking. He was glad to see the stipulation that if parking issues arise, the city would have the ability to limit the number of students. He asked if there were any staff safety concerns with cars turning off Excelsior Boulevard on to Williston Road with the new access location further to the south. Thomas said there were not concerns but staff still had questions. As a condition for approval there was a requirement that a drawing be submitted showing the larger area along with some turning templates to help understand how much area was needed to make the turn safely into and out of the site.
Wiersum said the building was a big building and he agreed the proposed use was appropriate although it might not be the use the council would choose if it was picking uses. He said the design held true to the hardware store roots and it would be more desirable to make the building look more like a school. He thought there could be greater creativity with the design.

Schneider said when he first heard about the proposal he questioned if the site was appropriate for a daycare center. The more he thought about it he realized the city needed something to attract younger families with younger kids. The use was adequate although it may not be the ideal solution. He agreed that the applicant could be more creative with the design. Another thing to consider was although there would be a new roof and a new facelift for the building, the investment was not so major that 10 to 20 years from now the area could not still be redeveloped as the city would like to see done. It may postpone redevelopment but it was not a deal breaker for a major future redevelopment of the area. He said having young families with kids coming in may help the grocery store.

Allendorf said of all the recent developments in the Glen Lake area, this proposal generated the most phone calls to him and they all were positive.

Allendorf moved, Bergstedt seconded a motion to adopt resolution 2015-082 approving the conditional use permit and plans.

Bergstedt said all the businesses in the area, in addition to the grocery store, may benefit with young families coming in. The Glen Lake area needed a shot in the arm and the proposal would go a long ways to provide that. The council had heard comments about all the senior housing in the area. He thought the senior housing was appropriate and good but it also felt good to have something for the opposite demographic.

Barone asked Wischnack if she thought the language in the resolution was adequate to address the council’s comments on the building exterior. Wischnack said she thought it was as long as the council was comfortable having staff making the decision. Schneider said the council’s comments were to encourage the developer to look at a slightly revised concept to make the building look more charming. Staff would work with the developer to find a better look. Wischnack suggested strengthening the language in the resolution to provide more power for staff to help find a better look for the building. Schneider said he wanted to give staff some discretion to encourage the developer to find a better building look.

Fletcher said he agreed with staff on the condition to work on the color palette. He noted within the ordinance architectural detail design was not a
condition of use. He wanted to be careful not to put an unenforceable or unnecessary condition on the project. He cited the parking as an example. Either the parking was sufficient under the existing code or it was not.

Schneider said he was encouraging a cooperative arrangement where Fletcher would work with staff to look at design alternatives to make the building look more charming and residential but not have staff dictate the final design. Fletcher said that was something he could commit to.

Bergstedt asked if approved, when the child care center might open. Fletcher said ideally child care centers like to line up with school years so the center would open mid to late summer in 2016 or possibly in December 2016 depending on the construction and redevelopment timeline.

Wiersum asked if the roof shape design was part of Prestige's look and was the way it looked at other locations. Fletcher said it was. Wiersum questioned why Prestige wanted to look like a home improvement store rather than more like a school but said if it was the corporate approach it was what it was. Fletcher said typically Prestige does ground up developments where there is a scraped site with a pitched roof. The economics for this site don't allow for a demolition. Schneider said to get something a little more attractive within a reasonable budget would benefit Prestige as well. Fletcher said there was every desire to make it something the market wanted from an economic standpoint.

Allendorf encouraged Fletcher to talk to whoever was currently managing the site to see if the current site could be improved immediately. He didn't want to wait until next year before something was done to the existing property to make it look palatable to the neighbors. Fletcher said he would pass that on to the owner.

Schneider said as he was looking at the grade issue of item 12A he noticed a small split between the two lots that likely was owned by the dance studio. He asked staff to make sure that was looked at. Fletcher said there was a lot gap between parcel A and B on the Williston Woods application. There was a legal process to close the gap.

All voted “yes.” Motion carried.

B. Preliminary plat of RIDGEMOUNT GROVE, with lot width at setback variances, at 12601 Ridgemount Avenue

Thomas gave the staff report.
Samantha Grose, JP & Co., said the proposal was for two modest sized homes, with each lot being over a half acre maintaining the large lot character of the neighborhood. The proposed homes were consistent with the city’s 2030 Comprehensive Plan and the 2030 Land Use Plan. Four out of the five requirements for a subdivision would be met. A width at setback variance was being requested. If a large home were built on the site it would continue the trend of redevelopment that devalues the neighboring homes. At the July meeting the council asked the applicant to look at four adjustments to the plan: to max FAR at 3,200 square feet; committing to a building pad; eliminating the turnaround shared driveway; and juxtaposing the front setbacks. The revised plan includes all these adjustments. She said the recommendations from the last meeting improved the project. Staff requested nine adjustments to the proposal. All the requirements have been added.

Ashish Aggarwal, 16135 55th Avenue North, Plymouth, noted the city received an email from a resident about a house on a property about a mile from this site. The house going on the acre lot is around 6,000 square feet. He pointed out this was an example of what is happening on big lots in the city.

Wagner said at the last meeting he asked staff about the idea of instead of basing the approval on the FAR, conditioning the actual splitting of the lot to building plans meeting the city’s specifications. He asked if staff discussed the idea. Thomas said because a variance was being requested, the condition could be added as part of the council’s approval. Wagner said there was discussion at the last meeting about projects where the council approved the idea of smaller homes and then the applicant coming back indicating they could not sell the building plan so a bigger house was needed.

Thomas indicated that the 3,200 square feet includes everything above ground. It was presumed there would be a full basement.

Schneider asked hypothetically if it would work if the council approved the split conditioned on an approved submission of a formal plan, and then staff determined if the intent was met. Thomas said the condition would be associated not with the plat, but with the building permit. The plat could be filed and staff would review the building permit. Wischnack said in the past the split and subdivision were still allowed to happen. Wagner said he did not want that done in this situation. Schneider said the struggle was trying to do the right thing for the right reason, getting a modest sized home that would actually improve the lot maintaining more of the character of the neighborhood, while trying to tie down the specifics so the council got what it was expecting. If the council was going to provide more flexibility
with how it granted variances after determining there was a public benefit, trying a different approach where the plat could be approved but not released until the floor plans were submitted. City Attorney Corrine Heine said the issue that could come up was one lot being sold to a buyer who wants to build so that there were only building plans for one lot. Schneider clarified that there would be a building plan for each lot that would be sold with each lot.

Allendorf said it was his understanding that the developer was going to pre-build both homes and not wait for buyers. This would mean the developer would submit building plans for both homes at the same time. Aggarwal indicated that was correct. The construction of the homes would be staggered. He said he was comfortable with the council putting a permit restriction that set a limit on the square footage. This would provide some flexibility of the buyer wanted to have three bedrooms or bathrooms on the top floor versus four.

Schneider said the council was not looking to prescribe the number of bedrooms or bathrooms, but it was important that the final plat could not be released until a final plan was approved. Aggarwal said both plans could be submitted at the same time committing to the square footage. Grose said both homes would be custom built. She asked what would happen if the first lot was sold and somebody wanted to purchase the second lot but wanted a different look and feel to the house. Schneider said the council was not determining exterior design or the number of bedrooms, but instead was specifying the basic concept. If the second buyer wanted to make changes from the first home, the staff would review to determine if the second home was consistent with the concept.

Wischnack said she wanted to be clear about the process. The city would get a final plat drawing and would not release it until both building drawings were submitted. The plat would then be released. If the building permits did not match what was originally submitted, meaning the proposed home was larger or was a walk out instead of a full basement, it would be grounds for denying the permit.

Wagner said the intent was once there was the building permit that the applicant wanted to request, then the final plat would be issued. Wischnack said the issue would be there would have to be two permits at one time before the final plat could be issued. Schneider said the permit could not be issued until there was a formal legal lot. Instead, once the applicant requested the final plat, there would be two plans that would be recorded. The homes could be built at any time. How it would impact the look of the neighborhood was something to be considered.
Wiersum said what was being discussed felt a bit Pandora’s box-ish. He said the side yard setback variance was not insignificant. It was 20.45 percent below standard. He preferred two small houses as opposed to one big house but didn’t want to be held hostage to that notion. A house could be built on the conforming lot that would not be out of character with the neighborhood. If he felt 100 percent confident that the council was getting what it was seeking he would be convinced to vote for approval. He said the staff may have to work legally to nail down what was being sought. He was inclined to support the staff recommendation for denial unless he was convinced that the smaller homes being sought would actually get built.

Schneider clarified that the side yard setback being required was the full 30 foot setback. This meant the home had to be 20 feet narrower. He viewed this as a test case to see if this type of technique and legal approach to tie down the end result, worked.

Wagner noted the neighborhood was in absolute transition. There were homes built in the 1940’s and lots behind lots. He said two homes on the property would look just as normal as it does today because the area was so wooded. He thought the neighborhood could use some vibrancy.

Schneider said sometimes one had to be careful about what it wished for because if it decided not to try to be creative and a McMansion was built it might be more impactful than expected. Wiersum agreed but he said he wanted to feel certain the council got what it was asking for.

Acomb said she shared Wiersum’s concern but with the location of the property near two schools, it was the perfect place for two young families to live. She liked the idea of two smaller homes but wanted the assurance that was what would be built. She was willing to take the chance given some of the restrictions that were discussed.

Schneider said another option would be to continue the item to allow staff to work out the details. Heine said she already had drafted some proposed language that she shared with the rest of the staff.

Allendorf said he didn’t think the council was taking a chance because he was confident staff could work things out.

Ellingson said he agreed with Schneider’s comments about the side lot setback requirements that would limit how big the house could get.

Heine provided the language she had drafted.
Aggarwal said he would not be back before the council asking for another variance. He asked if it mattered to the council if the homes had a full basement or a lookout. Schneider said it did matter. The way the 3,200 square foot was calculated was on all exposed levels. Wischnack said that would be included in the resolution.

Allendorf moved, Wiersum seconded a motion to adopt Res. 2015-083 approving the preliminary plat including the condition that:

- Plat won’t be released until the building plans are submitted that meet the specified criteria – Square foot above ground of 3200 or less; FAR of 0.14
- Building permits won’t be approved unless the plans submitted with the building permit application substantially conform to the plans approved prior to release of the final plat

All voted “yes.” Motion carried.

Schneider said if the provision worked there may be other opportunities to do the right thing without making things so complicated.

C. Concept plan review for Villa West

Thomas gave the staff report.

Bob Schmidt, president of RTS Development, said the villa concept was designed for Minnetonka residents looking to downsize or not wanting to do yardwork.

Scott Dahike, civil engineer of site design, said the biggest challenge was the access. He met with MnDOT staff who provided a recommendation about how to maintain access to the properties. The recommendation was to continue down to the east to the most easterly boundary, come off of Highway 7 and circle back through the site with an exit at the west end. This would provide two exit maneuvers that were in close proximity on to Highway 7. He said all of the properties except the most westerly property were on well and septic. The project would extend sewer and water to all the lots. A survey has been completed and wetland delineation has been done. There is a creek that runs through the center of the site. The development plan would take that into consideration.

Rob Eldrich, of Ridge Creek Custom Homes, said one issue that came up during the neighborhood meeting and the planning commission meeting was the tree canopy and the privacy of the neighboring properties. He said he, Schmidt, and Dahike went out to the property and were confident that the major woods along the south property line would maintain the privacy.
The goal was to maintain a buffer from between the proposed houses and the existing houses so the woodsy feel remains. He said it was likely that none of the homes would be priced above $750,000. Looking at new construction in the city built during the last two years, there were six homes available under $750,000, five were two stories, one was split level. The median age in the city was 60 years old. He was excited to bring this product to the market.

Schneider asked if the homes would be detached or attached. Eldrich said they would be detached with a rambler style. There were some alternative two story styles for young families looking for new construction.

Schneider asked if there was any effort to cooperatively work with the property to the west of the western exit to have the entrance be combined between the two. The tradeoff would be more setback behind the home. Dahike said that had been discussed with MnDot and the recommendation was for the exit to be independent.

Allendorf asked for more information about how the circuitous route exiting on the east side would work. Dahike said traffic coming from the west would go along the entire frontage of the project with a turn lane on Highway 7 coming into the easterly point. Traffic would come back through to the west on the one way private drive that would exit on to Highway 7 continuing to the east. Allendorf asked if there had been any consideration of an internal two way circulation system that would allow entering and exiting on the east to avoid the proximity of the two exits to the west. Dahike said the limited property boundaries led to the narrower one way configuration. There just wasn’t enough space to have a full two way road. Allendorf said that meant no street parking on the property. Dahike confirmed that was correct. He said more work would be done to look at how to handle the parking.

Schneider said this was less of a concept review and more a reaffirmation of the density of housing. There wasn’t enough information to evaluate the pros and cons of the concept.

Wiersum agreed. His natural inclination was to wonder what the houses would look like and that information was not yet available. He recommended that the applicant not come back with an application before doing a more detailed concept review.

Schmidt said the plan began with a single parcel and then the neighbors expressed interest in selling. He said there was a lot of demand and interest for this type of housing. The density would be about half of the density of the neighboring townhouses.
Bergstedt said he attended a neighborhood meeting at the beginning of the process. There were a lot of questions about the concept review process. He noted staff had not seen any type of detailed plans. The area had been planned for medium density since the 1970's so he didn't think anyone should be concerned with a medium density proposal. He said some of the neighbors inquired about the city purchasing the property for park land or open space. This would not happen and he thought the property should be developed but developed sensibly. Along with the existing Carlyle Place townhouses there were six single family parcels, four were under control. Whatever plan that comes forward involving the four parcels should be looked at more broadly to determine how the final two parcels would be integrated in an orderly way. He thought the detached villa townhomes would be very popular but looking at the plan it seemed to be very dense.

Pam Scherling, 4925 West End Lane, said the townhomes were not double the density of the proposed new development. The proposal was for six per acre and the townhomes were nine per acre. She said the proposal had one street while the townhomes had four. The four streets were curved so the townhomes looked like a neighborhood. Because of the amount of open space between the buildings there were mature trees that were able to thrive. This was also where guests parked. One of the association's challenges was the guest parking because many of the residents own boats and sometimes the boat takes up the entire garage space. She said the trees would have to be clear cut in order to get to the proposed density. She questioned who would move into the proposed houses given the pricing.

David Devins, 17100 Sandy Lane, said when he exits his driveway and enters Highway 7, traffic does not yield and he was concerned about an exit on the neighboring property with traffic going out at the same time. He said the density was way out of line. He noted there were serious water and drainage issues when Carlyle Place was built.

D. Concept plan review for redevelopment of the property located at 10101 Bren Road E

Thomas gave the staff report.

Wagner said as the council had discussed the area, the discussion was that it was going to change to a higher density. He thought there was agreement it would be a combination of businesses and residential. It was more logical that the Merchandise Mart area might have more residential, and he had argued for residential on the Datacard site as well but the
council decided otherwise. He said he was fine with the concept but it lacked pizzazz at this point. As the council discussed other recent developments it was clear that one big, long, five story, and unattractive apartment building was not something the council would look favorably upon. Some character was important. He noted that for the second phase with the hotel site, the area starved for more higher end hotels. With the area being a jobs center and only the Marriott in the area, he guaranteed every business would starve for the competition.

Acomb said the plan didn’t have much of a neighborhood feel. She felt residential was appropriate but wanted it to feel at least a little welcoming. Earlier in the day she asked for information about where the parks and trails were within Opus. The map she was sent was helpful because it showed trails going right through this property.

Wagner said he thought about the multiple proposals that were looked for what now is Tonka on the Creek/Overlook. He said you can tell that development will have a good feel and vibe with the rooftop patio and green features. He encouraged the developers to be as creative with this development.

Schneider said a residential use within walking distance of the proposed light rail station made good sense. The challenge was the look was more what one would expect with a traditional sprawled out rental apartment building. If there was any place in the city that would allow a taller building this was the space. He would be a lot more excited with a plan for two six to eight story buildings with a lot of surrounding green space. He said it was a good use but wasn’t very imaginative.

Wiersum said the term “vibe” sounded right. There were two very interesting apartment buildings being built in the city right now – the Overlook and the island property being done by Carlson. He wanted to approve something in Opus that would bring some excitement and drive further development of the sort that would take advantage of the existing amenities as well as light rail. An apartment building that looks like it belongs along I494 was not it. He thought there was an opportunity for mixed use residential with other components. Schneider said the caveat to getting that type of development was it usually required greater density.

Allendorf noted he worked in the Opus area for three years and he was having a difficult time envisioning what type of apartment building this would be in terms of who it might attract. On one side of Opus was the Marriott and on the other side was the budget hotel. He didn’t know what type of hotel might fit on this property. It might be something in between a
budget hotel and an upper scale hotel, similar to a Hampton Inn. He was not adverse to residential but he wasn’t sure how it would fit in the area.

Schneider said a portion of the 6,000-8,000 United Health employees might be a built in audience for the apartments.

Wagner said there were a lot of non-full service types of hotels with a bar and limited food service all in the lobby area, which have a good vibe. This might fit in the area. Allendorf said the Garden Inn in Eden Prairie was that type of hotel and it had a good feel to it. He said perhaps that was the type of hotel that could go on the site.

Wiersum said the challenge was the desire to build a building that is not for what’s there now but what will be there in the future. This required envisioning what the future of the Opus area was and what would be appropriate on this site. There was the potential for millennials who wanted to live in the suburbs and could take the light rail to downtown for a ballgame without having to use a car.

Schneider said although he didn’t think Minnetonka would ever do it, Bloomington had many areas that have a minimum density requirement. He said the council could encourage this for developments in certain areas.

E. Items related to the 2016 preliminary tax levy:
   1) Resolution setting a preliminary tax levy, collectible in 2016, and preliminary 2016 budget
   2) Resolution setting a preliminary tax levy, collectible in 2016, for the Bassett Creek Watershed Management Tax District

Barone gave the presentation.

Wagner moved, Wiersum seconded a motion to:
1) adopt resolution 2015-084 setting a preliminary tax levy, collectible in 2016, and preliminary 2016 budget
2) adopt resolution 2015-085 setting a preliminary tax levy, collectible in 2016, for the Bassett Creek Watershed Management Tax District.

All voted “yes.” Motion carried.

15. Appointments and Reappointments: None

16. Adjournment
Bergstedt moved, Wiersum seconded a motion to adjourn the meeting at 9:53 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk