Minnetonka Planning Commission
Minutes
October 15, 2015

1. Call to Order

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

2. Roll Call

Commissioners Powers, Calvert, Knight, Magney, O’Connell, and Odland were present. Kirk was absent.

Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda: The agenda was approved as submitted.

4. Approval of Minutes: October 1, 2015

*Magney moved, second by O’Connell, to approve the October 1, 2015 meeting minutes as submitted.*

*Powers, Calvert, Knight, Magney, O’Connell, and Odland voted yes. Kirk was absent. Motion carried.*

5. Report from Staff

Wischnack briefed the commission on land use applications considered by the city council at its meeting of October 12, 2015:

- Adopted a resolution vacating a drainage and utility easement for Lacy Oaks.
- Adopted a resolution approving a conditional use permit for Lions Gate Academy.
- Adopted a resolution approving a conditional use permit amendment for Redstone Grill to change part of the façade.

Wischnack and Odland welcomed John Powers to the planning commission.

6. Report from Planning Commission Members

Calvert attended a road maintenance and salt training meeting. It was fascinating. Quite a bit of salt is used on the roads and can impact the
waterways. She is proud of Minnetonka for limiting the use of salt. NEMO recognized Minnetonka for using best practices. She recommended it for others to attend.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

*Magney moved, second by Knight, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:*

A. Conditional use permit with a locational variance for an accessory apartment at 11816 Karen Lane.

Recommend that the city council adopt the resolution approving a conditional use permit with a locational variance for an existing accessory apartment at 11816 Karen Lane (see pages A13-A17 of the staff report).

*Powers, Calvert, Knight, Magney, O’Connell, and Odland voted yes. Kirk was absent. Motion carried and the item on the consent agenda was approved as submitted.*

8. Public Hearings

A. Items concerning Cherrywood Pointe of Minnetonka at 2004 Plymouth Road.

Acting Chair Odland introduced the proposal and called for the staff report.

Thomas reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Mark Nelson, of United Properties, applicant, introduced others involved in the project.

Susan Farr, of Ebenezer, stated that:

- Ebenezer is part of Fairview Hospitals and the U of M by providing care for seniors and memory care patients. Ebenezer has been the top work place four years in a row and is the top senior housing management company in Minnesota operating 60 properties.
• The site is an A+ location because it would be easy to walk to nearby places, like the library, grocery store, and mall. Seniors need more things to do.
• She is available for questions.

Mr. Nelson stated that:

• The use would create a very low level of traffic and have low impact from an operational-use standpoint.
• United Properties is a local company that has been around for 100 years.
• United Properties developed Centennial Lakes in Edina which helped them be recognized as the National Developer of the Year a few years ago.
• United Properties has focused on senior housing with services for 12 years now. Minnetonka Mills is its 11th cooperative.
• He provided a rendering of the proposed building. It would be a very nice place for visitors. It would have a homey, residential feel. It would not feel institutional at all. There would be a library, parlor, craft area, and family gathering areas.
• The previous proposal was modified to protect the slopes and create a woodland preservation area. It is a complicated puzzle to put together.
• Affordable units were added and some units were eliminated. The number of memory care units decreased to 21.
• The plan is better for the site and the building that the concept plan. The footprint was reduced by 30 percent from 40,000 square feet to 28,000 square feet. The building was shifted to the east.
• Garage access would be located on the main drive on the north side to save trees on the southeast corner.
• The building owner on the north has been accommodating by agreeing to widen the driveway to provide two lanes out and one lane in. It would be regraded to eliminate dips and improve access.
• Rainwater would be captured for a reuse system.
• He pointed out where the trail easement and conservation easement would be located.
• It is a good plan consistent with the land-use designation.
• The traffic study concluded that this use would have the lowest impact of any use.
There would be a buffer of trees on the west before reaching the wetland that would remain substantial and significant. The view from surrounding properties would not change.

He pointed out what trees would be preserved. It is an amazing oasis of a site. The common areas would be oriented to the views. There would be numerous decks and patios.

The site would be very well landscaped.

Evan Jacobson and Matt Arndt, architects for the project, introduced themselves.

Mr. Jacobson stated that:

- He worked on the initial concepts for the project. Mr. Arndt has taken over the work on the exterior.
- He was available to answer questions regarding site, layout, or orientation.

Mr. Arndt stated that:

- He focused on creating a welcoming, home-like setting for seniors.
- The roofs would be gabled.
- The site is natural. Natural materials would be used. Stone would be used at the base of the building.
- The radial design would allow the views to be captured.
- The design would benefit seniors and fit into the natural setting.
- He provided 3-D perspectives.

The public hearing was opened.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- She thanked United Properties for wanting to develop senior housing in the area. It would be great to have senior housing in the neighborhood. It is a great use of the property.
- This is the first proposal.
- She wants to do everything to protect the natural features. The comprehensive guide plan contains a natural resources management plan that tells us that a steep slope with trees next to a wetland is more important than a steep slope.
- The numbers for a PUD are the same as an R5 district.
- Thirty-five percent of the woodland preservation area would be eliminated. Some of this would happen no matter what would be
constructed. Fifteen to 20 percent of the woodland preservation area would be saved if the guidelines were followed.

- The property is supposed to be rezone to PID, Planned I-394 District.
- If citizens would challenge the proposal in court, it would be a long process.
- She preferred following the city code and rezoning the site to PID.
- An R-5 concept plan showed what could be constructed following zoning requirements. The same amount of woodland preservation area would be saved.
- She favored removing the south wing and meeting the floor area ratio (FAR) standard.
- The proposal would not be a “PID-compliant building.” The setbacks would need a variance.
- She favored reducing the wetland preservation area impact by 50 percent and having the ability to negotiate on the setback variances.
- Sherwood Point has 70 units.
- She requested the proposal be denied and the site be rezoned to PID. She supports a proposal that would comply with PID zoning and the FAR standard.

Kay Johnson, 2227 Platwood Road, stated that:

- She supported denial of the proposal.
- The concept plan included 99 units. That density would be too high for the environmentally sensitive site with steep slopes and wetlands.
- Her husband was in a nursing home and it was difficult to find parking spots. Visitors and staff drive. When the staff changes overlap, parking can be difficult.

David Height, 2000 Plymouth Road, stated that:

- He supports what the developer has done over the last year. The proposal has reduced the size and footprint of the building.
- His office building is fully occupied. Employees of tenants in the building live in Regency Woods and other areas of Minnetonka nearby. He cares about how the development would look. The tree removal would impact his property more than the other sides. He made a lot of demands on United Properties concerning what
would have to be done in order to share the driveway including improving and creating a U-shaped drive. United Properties agreed with every demand and improvement requested. The driveway would be graded, widened, and dips would be removed.

- He reviewed the traffic study and plan details. The property will be developed at some point. This proposal is a very good use of the property as it relates to his adjacent property. It would create less traffic than any other high-density residential use. The number of drivers who would share his office building’s drive is very important to him. There would be an increase, but, by widening the driveway, it would alleviate most of that. He was thankful for that.
- He cares about the trees. The proposal would be a major physical change to the east part of the property. He was comfortable with the number of trees that would be saved.
- The applicant is also willing to deal with changing the site lines for signage for both buildings.
- He saw what the city is requiring of the applicant in the developer’s proposal. There would be an easement for a trail. That is a real positive for the entire neighborhood. He has employees and tenants who use the trails to reach Plymouth Road and the Regency Woods area. He would be willing to continue the trail through his property to the Ridge Square area.
- He supports the proposal. He has owned the fully-occupied office building for 15 years.
- He supports the developer who he has seen make major strides to deal with the wetlands and wooded areas.

Bob Bertelsen, 13513 Larkin Drive, stated that:

- He wants to know the age of the oldest tree.
- There is no shortage of retirement homes in the area.
- Removing the south wing would help save trees.
- The vegetation is only there in the spring and fall.

Paulette Shrutt, representing the Carlson family, 2004 Plymouth Road South, stated that:

- The buyer was chosen with great care. The site belonged to her grandparents and her dad planted the trees.
- She respects the guidelines to preserve the woodland and wetland. Cherrywood Pointe of Minnetonka is a great choice. The seniors
and their families would be able to enjoy the woods, wetlands, and animals.

• The residents would be able to value their home just as her grandparents did.

No additional testimony was submitted and the hearing was closed.

Magney asked about the difference between PUD and PID zoning. Thomas explained that a PUD has some flexibility. An 82.5-foot setback would be required for R5 zoning, but not for a PUD. The city attorney has reviewed staff’s recommendation. The city council as the authority to rezone properties.

In response to Powers’ question, Colleran explained that the concept plan that followed R-5 regulations would cause removal of 15 percent to 20 percent of the woodland preservation area. Thomas noted that the R-5 diagram was for a 6-story building with a smaller footprint compared to the current plan for a 4-story building with a slightly larger footprint.

Powers asked why the applicant could not go ahead with the R-5 plan. Thomas stated that the applicant could.

Calvert asked what effect removal of part of the steep slope would have on the wetland. Colleran explained that the building would be 100 feet away from the wetland on the northwest side. The southwest wing would be 60 feet away from the wetland. Excavation for the building would be done at the top of the grade. Erosion control would be required to ensure that sediment would not erode down the hill. There would be construction limits. The remaining trees on the slope would remain. There would be no dirt piled in the area. The root systems and integrity would remain. There would be no wetland fill. Based on the plans, there would be no wetland impact. The foundation wall would act as a retaining wall. There would be impact further away from the building to get the grades to work and provide drainage.

Thomas provided that a steep slope is defined as a slope that rises at least 25 feet, has an average grade higher than 20 percent, and a width wider than 100 feet. Construction practices must be followed to build into a steep slope. There is an ordinance that allows the city to prohibit construction on a slope with a grade higher than 30 percent, but this slope ranges from 21 percent to a small section of 27 percent located near the north end of the property.

Calvert noted that there will be construction going on in the Ridgedale area from the Highland Bank project. She asked if construction times would overlap for the
proposed project. Thomas said that would be looked at during the creation of a construction management plan. County engineers would also provide input since the road is a county road.

Knight asked if a taller building would require more land for the foundation. Thomas estimated that there would be no difference in the grading.

Acting Chair Odland asked what percent of the trees are at the 30-foot line and how many are high-priority trees. Thomas explained that natural resource staff evaluates the trees and makes sure that the tree survey is accurate. The 30-foot line designates the woodland preservation area. The city has specific counts for trees of the 30-foot grading limit, but not specific counts for the woodland preservation area.

Acting Chair Odland asked for the age of the oldest tree. Colleran explained that educated estimates show the oldest tree to be a 44-inch oak on the north side that has a defect. Those oaks are over 200 years old. Oaks trees can live about 300 years. There are many trees that are 24 to 38 inches in diameter. Those are common in remnant oak forests throughout the city. The tree protection ordinance protects remnant ecosystems during subdivision of land. There are many trees across Minnetonka that are just as old. The ash and poplar on the site are 10 to 15 years old. Oaks normally grow slower. A woodland preservation area is looked at as a unit. It is difficult from a forester’s perspective to look at one tree, because it is really about the ecosystem functioning as a whole. Individual, high-priority trees located outside of the woodland preservation area are 15 inches in diameter and 20 feet or taller except for certain species like Norway, maple, and silver maple. Any tree 8 inches in diameter or larger are classified as significant trees. A 10-inch oak would be considered significant if located outside of a woodland preservation area. A 20-inch oak would be considered a high-priority tree if located outside of a woodland preservation area.

Acting Chair Odland asked about the amount of adequate parking. Thomas reviewed the traffic study. Staff is comfortable with the amount of parking and overflow parking.

In response to Acting Chair Odland’s question, Thomas estimated that a 6-story building would be 25 to 30 feet taller than a 4-story building.

Acting Chair Odland asked if the reduction from 129 units to 99 units would be an “overbuild” of the site. Thomas stated that staff recommends approval of the application as presented with the conditions provided.
Powers asked if the height of the building would make a difference for future residents. Ms. Farr stated that there would be elevators. Removal of a wing would impact common areas such as the eating area, craft room, and meeting room. It is nice to provide different views in different areas.

Powers confirmed with Ms. Farr that the setting would be ideal for seniors. Spouses could live in the apartments and walk over to the memory care units. There are a lot of couples whose health do not mirror each other.

Powers asked for the ideal size. Ms. Farr said that the ideal size would be 100 units to 110 units to provide for adequate staffing. There is a labor shortage right now.

Mr. Nelson provided illustrations showing cross sections of the site. During concept review neighbors communicated that four stories would be the desired maximum height to keep the vast majority of the building within the trees. Four stories is the perfect balance between the height and the footprint. He was not in favor of making the building five or six stories. There is an operational reality to the building. One hundred homes is perfect. The market study supports 200 homes at the site. The applicant worked with staff to balance impact to the site with providing affordable units and the design of the building. It would be a nice building. The opportunity to concentrate common areas together diminishes by adding height and reducing the footprint.

Acting Chair Odland confirmed with Mr. Nelson that there would be a tradeoff between the impact to the trees and height of the building.

Mr. Nelson said that the site would have more parking stalls than provided at its other properties that are functioning very well. The office property would not be used on weekends and allow overflow parking if needed. There would be 53 stalls in the underground garage for staff.

O’Connell supports the project. It would be a good use of the site. It fits the comprehensive guide plan by providing density, affordable housing, and a need for an aging population. A benefit is that the developer is local, very well respected, and is partnering with a great manager.

Magney supports staff’s recommendation. Staff did a great job presenting the proposal. That piece of property is ripe for redevelopment. It is sandwiched between commercial and high density residential. It is guided for high-density residential. The developer has done a nice job since the concept plan by reducing the scale of the building.
Calvert was glad the footprint had been reduced significantly. Some of the trees are not terribly healthy. She was bothered by digging into the steep slope that leads into a wetland, but it is a tradeoff between that and reducing the visual impact.

Knight agrees with O’Connell and Magney. The proposed building would be appropriate for the site. The fact that the footprint was reduced is a benefit. It would be a very attractive building. The owner and architect being local is nice. He supports staff’s recommendation.

Calvert appreciated the goal of preserving amenities for the residents. Common areas are very important for making the building like a home for the residents.

Powers supports the proposal. He is distressed by the loss of trees, but he is more concerned with providing opportunities for residents with real needs. He understands that the neighbors do not want the building to be six stories tall. He liked what the developer is thinking and what Ms. Farr said.

Acting Chair Odland noted that the tree loss would be notable to the neighbors. She suggested looking at St. Therese when balancing the visual impact of the building’s height with the removal of a few more trees to expand the footprint. She supports the proposal as currently presented. Staff and the applicant have worked very well together. It is so easy to support staff’s recommendation because it is so well thought out.

Knight stated that he lives two blocks from the St. Therese building. He is not bothered by the size of it. He has friends who live across the street from it and he has never heard them complain about the building. He would prefer the proposed building to be taller. St. Therese is right on the road, but is not that objectionable to him.

**Magney moved, second by O’Connell, to recommend that the city council adopt the ordinance rezoning the property from R-1 to PUD and adopt a master development plan (see pages A88-A91 of the staff report) with modifications provided in the change memo dated October 15, 2015.**

Powers, Calvert, Knight, Magney, O’Connell, and Odland voted yes. Kirk was absent. Motion carried.

**Magney moved, second by O’Connell, to recommend that the city council adopt the resolution approving final site and building plans (see pages**
A92-A101 of the staff report) with a modification provided in the change memo dated October 15, 2015.

Powers, Calvert, Knight, Magney, O’Connell, and Odland voted yes. Kirk was absent. Motion carried.

The city council is tentatively scheduled to review this item at its October 26, 2015 meeting.

9. Adjournment

Knight moved, second by Magney, to adjourn the meeting at 8:36 p.m. Motion carried unanimously.

By: __________________________________________

Lois T. Mason
Planning Secretary