Minnetonka Planning Commission
Minutes
January 22, 2015

1. Call to Order

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

2. Roll Call

Commissioners Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Principal Planner Susan Thomas, Planner Jeff Thomson, Water Resources Engineer Liz Stout, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda: The agenda was approved as submitted with modifications and additions provided in the change memo dated January 22, 2015.

4. Approval of Minutes: January 8, 2015

   Odland moved, second by Kirk, to approve the January 8, 2015 meeting minutes as submitted with the following change:

   Page 6, paragraph 6: “Kirk said that it appeared that the building elevation increased in height the elevation decreased, but the height of the roof of the building increased from 980 feet in the previous proposal to 983 feet in the current proposal.”

   Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman 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 January 5, 2015:

   • Introduced and referred items related to Groveland Villas to the planning commission.
   • Vacation and establishment of new utility and drainage easements for 9900 Bren Road.
   • Adopted a resolution approving the conditional use permit for Unleased Dog Care.
The first Ridgedale southwest sector vision meeting was well attended by 100 residents. The next meeting will be in February.

Gordon announced that Chair Lehman has completed serving eight years on the planning commission. Chair Lehman has attended over 200 meetings and reviewed over 1,100 development applications including Opus headquarters, United Health, and tree protection and shoreland ordinances. Gordon appreciated Chair Lehman’s ability to run a meeting and his service over the last eight years on the planning commission and the eight previous years on the park board. Wischnack appreciated how fair Lehman consistently ran each meeting. Chair Lehman appreciated the kind words. For every 1,100 project, he had people at church come up to him and tell him what they thought of the project.

The next planning commission meeting will be February 5, 2015.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

8. Public Hearings

A. Site and building plans for a condominium building in the Legacy Oaks development.

Chair Lehman 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.

Tim Whitten, of Whitten Associates, applicant, was very pleased to be speaking to commissioners. He stated that:

- Development of the southeast quadrant was on hold until the market would be available for this type of product.
- The interest in the project has been extraordinary. He is excited to move forward with this option.
- The project is in the midst of grading. There are curb and gutters in some of the areas. It is advancing quickly.
- He was happy to answer questions.
Rettew asked why condominiums were chosen. Mr. Whitten said that condominiums were always intended for the site. The market was a little unstable for the last few years. The townhomes were the safe position. He is confident enough to move forward with the first building.

Rettew asked how many more units a condominium would have than townhomes. Mr. Whitten recalled 60 units would be the maximum number of condominiums and mid-twenties for townhouses. The site would allow a greater number of condominium units in terms of density.

The public hearing was opened.

Craig Sicard, 408 Parkers Lake Road, stated that:

- He was concerned with the amount of traffic on the proposed accesses to Parkers Lake Road. The accesses would be close together.

No additional testimony was submitted and the hearing was closed.

Thomas explained that a traffic study was done and the plan was evaluated by the city engineer. Engineering staff were concerned with the number of access points on Parkers Lake Road, so one access was eliminated. The driveway access to the north condominium building would be located on Oak Croft Place which would be a private drive on the south side of the building. The site and building plan review being looked at currently is for the proposed building on the north. The two buildings on the south would be reviewed in the future by the commission. Further consideration may be done at that time.

Chair Lehman asked for the location of the accesses on the east side of Parkers Lake Road. Thomas provided an illustration that showed that there would be no access points on the east side of Parkers Lake Road. The Carlson Gates Apartments have access on Carlson Parkway.

Rettew said that the proposed three condominium buildings would more than double the population. He wondered about the environmental impact and traffic. Thomas explained that the master development plan looked at the environment impact and setback from wetlands. The property has been guided for medium density since the mid-1970s. The city council has been very clear during concept plan reviews that medium density is preferred. The condominiums provide more density than townhomes. Townhomes would have been at 4.5 units per acre.
The proposal would be 6.6 units per acre. The increase in density is favored by the city council.

Rettew noted the area’s lack of trees. He was concerned that the proposal would add to the appearance of being nondescript, treeless, and having closed-in lots. Thomas answered that staff recommends approval of the proposal.

Rettew questioned the reasons for supporting medium density. Thomas repeated that the area has been guided for medium density since the first comprehensive guide plan. The site is the city’s best opportunity to provide a good size area of medium density. Colleran added that the site has lost large trees due to Oak wilt. The proposal would restore a woodland area on the west end. The landscape plan would be part of the master development plan. Large parts of the site would be placed in conservation easements where wetland buffers would be restored, a woodland restoration area would be created, and landscape would be planted. It would not be a traditional conservation development. It would be an urban ecology stewardship plan. It would be funded by the homeowner’s association to continue long-term restoration and maintenance. The trees would be relatively small when planted, but would grow in time. The property was previously a sheep farm and it was not a forested area to begin with. There would be rain gardens, infiltration basins, and storm water ponds installed to pretreat runoff and protect the wetlands.

Chair Lehman asked staff to explain the benefits of medium density residential housing. Gordon explained that Interstates 494 and 394 create an area appropriate for density and access. Chair Lehman added that a housing goal set by the Metropolitan Council for the city is to provide a variety of housing types. Gordon agreed.

Kirk found the architecture attractive. He appreciated the fact that the building would be three stories. The gable roofs would make it look residential. The plat of the area kept the large lots near the northwest. He expected to see higher density for this site. The architecture would be appropriate. Oak Croft Place and Parkers Lake Road could be a congested intersection if motorists would use Oak Croft Place to enter into the development. Legacy Oaks Trail is more the main access point for the development. It seems that the drive may block the street if more than two vehicles would be queued to enter the underground garage. He agreed that limiting the number of access points on Parkers Lake Road would make sense, but was concerned with queuing. Thomas explained that the drive leading to the underground garage from Oak Croft Place would be longer to allow more stacking space than a drive directly from Parkers Lake Road. From a grade perspective, the entrance to the underground garage needs to be on the east
side. She agreed that there would be a downside to both locations. From staff’s perspective, the detriment of having direct access to Parkers Lake Road outweighs the detriment to Oak Croft Place.

Kirk reminded staff of the need expressed for improvements to Parkers Lake Road. Thomas answered that an upgrade to Parkers Lake Road and construction of a sidewalk or trail on the west side are tentatively scheduled in the city's capital improvement plan. Gordon said that the improvements are currently scheduled for 2018. The improvements would be done after the construction traffic for redevelopment of the site would be completed and grading for the trail would be done while grading for the redevelopment would occur.

Rettew drives Parkers Lake Road every day. Parkers Lake Road divides the houses on the west and north from the rest of the hustle and bustle. The condominiums on Carlson are on a hill and hard to see from Parkers Lake Road. He could see townhomes and single-family houses, but the proposal feels like too much. It would be too close to the single-family neighborhood to the north and west. He could see townhomes there.

Odland moved, second by Kirk, to adopt the resolution approving final site and building plans for the first of three condominium buildings within Legacy Oaks (see pages A21-A25).

Odland, Kirk, Knight, Magney, O’Connell, and Lehman voted yes. Rettew voted no. Motion carried.

Chair Lehman stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

B. Items concerning Villas at Groveland at 17113 Minnetonka Boulevard.

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

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

Rettew asked if there would be enough room to locate plowed snow in the cul-de-sac. Thomson said that one less driveway and residence would help. Shared driveways are an option. There would be a snow storage easement to provide snow storage.
Kirk wanted to make sure that each driveway would be able to accommodate two parked vehicles. Thomson confirmed that would be the case. The setback was moved back to allow two vehicles to park on each driveway.

O’Connell favored the change. He noticed a traffic increase with the closing of County Road 101 while it is under construction. He asked what could be done to handle the construction traffic, especially at rush hour. Thomson said that the construction management plan would outline the route and hours for construction traffic.

Rettew asked if the proposal would meet ordinance requirements. Thomson explained that the proposal is a planned unit development (PUD) that would meet all medium density ordinance requirements. The proposal was previously approved.

Kirk asked if FAR applies to a PUD. Thomson explained that the units would meet the previous .5 FAR PUD standard.

Kirk confirmed with Thomson that the proposal would contain no housing that would meet affordability standards.

James Mackinnon, applicant, stated that he is working with Gonyea Homes. The number of building pads was reduced from 17 to 14. The beginning price point would be $750,000.

Jeff Martineau, of Coldwell Banker representing Gonyea Homes, stated that he is excited for the project. The housing pads appeared a little tight on the first plan. The proposed sized lots and residences would appeal to the empty-nester market. He illustrated how the houses would fit on the lots. The smaller lots on the west side of the street would have houses around 3,400 square feet finished. The houses on the east side of the street would have houses about 2 feet wider and with 3,600 to 3,700 square feet finished. The houses would all be custom. There would be a variety of different fronts.

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

Kirk appreciated that two lots were removed from the plan. He is not a huge fan of detached townhomes, but appreciates the decrease in density. He supports approval of the proposal. He would like the extra space used to provide more open space.
Odland moved, second by Kirk, to recommend that the city council adopt the ordinance on pages A28-A31 of the staff report which amends the master development plan for Villas at Groveland at 17113 Minnetonka Boulevard and the resolution on pages A32-A44 of the staff report which grants preliminary and final plat approval to Villas at Groveland, a 14 lot subdivision at 17113 Minnetonka Boulevard.

Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman voted yes. Motion carried.

Chair Lehman stated that the item is tentatively scheduled to be reviewed by the city council at its February 9, 2015 meeting.

C. Items concerning At Home Apartments at 5709 Rowland Road.

Chair Lehman 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.

Kirk asked how approval of a PUD stays with a property. Thomas explained that the Glen Lake proposal was on a traditional, R-5 zoned property. When a developer or property owner submits an application that meets all ordinance requirements for that zoning, then the city is obligated to approve the application. Commissioners reviewed an application at the last meeting for a building that included variances to the R-5 ordinance standards. There was no existing PUD or master development plan for the property. That is different than the current proposal. In the case of PUD zoning, the city adopts a custom plan for that property. It serves as the zoning regulations for development. If an applicant would submit an application that would meet the allowances and regulations of a master development plan, then the city would be obligated to approve it. Kirk said that helped. It seems difficult to apply the same rules for a different product line sometimes.

Thomas explained that the current proposal is not exactly the same as what was approved in 2007. Commissioners have the authority to find that the proposal is not the same and recommend denial of the proposal; however, if an applicant came in with the exact same footprint, number of units, and for a senior cooperative, then the city would be obligated to approve the application.

Kirk noted that the PUD is its own zoning district. Thomas agreed.
O'Connell clarified with Thomas that the approval is attached to the property, not the developer, and a “reasonable” standard is used to approve a change. He asked what constitutes “reasonable.” Thomas said that it is a subjective measurement.

In response to Rettew’s question, Colleran explained that the floodplain forest is a strip of land that is defined in the tree ordinance. It is an ecosystem made up of silver maple and cottonwood trees where flooding occurs, recedes, and leaves saturated soils. As part of the grading plan, a small portion of the floodplain forest, 16 percent, would be impacted. Trees within the floodplain forest would be in a woodland preservation area as defined in the tree protection ordinance. Trees outside of the floodplain forest would be significant trees or high-priority trees. There are different categories of trees when evaluating tree loss.

Rettew asked what would happen to the flood water with a 16 percent reduction in floodplain forest. Colleran explained that the floodplain forest is an ecosystem growing in the floodplain. The flood water would be captured in the storm water ponding area. The project would be required to mitigate loss of the floodplain forest within reason. Trees would be planted to replace removed trees where reasonable.

Rettew asked for the parking ratio. Thomas provided a chart that explained that there would be 170 parking stalls on the property which equals 1.6 parking stalls per unit and 1.3 stalls per bedroom. Of the 170 stalls, 116 would be underground. Staff is comfortable with the amount of parking.

Rettew asked if the trail would connect to the city’s trail system. Thomas explained that portion of the project has not yet been determined.

Kirk confirmed with Thomas that the proposal would have eight fewer stalls than the consultant’s recommendation. Staff is comfortable with the ITE rate.

Kirk noted that the previous proposal provided for a larger building on the site without impacting the floodplain. Thomas agreed. The necessary parking area pushed the building back.

Kirk asked if an access agreement would be required for a trail. Thomas responded that a trail easement would be required.

Knight noted that residents support a sidewalk on Rowland Road and Bren Road leading to Shady Oak Road. He asked if the city plans on constructing a sidewalk. Thomas answered that it would not be part of the proposed project, but
the city fills in missing links in the sidewalk system when the opportunities become available.

Mike Cashill and LeAnna Stefaniac of At Home Apartments and Pete Keely with Collage Architects introduced themselves. Mr. Cashill stated that they are excited to work in the community. At Home Apartments currently owns and manages the Chasewood Gates project down the road and 5,000 rental units throughout the twin cities and Kansas City. He looks to put the right product in the right place. He would like to work with staff to make the site pedestrian and cyclist friendly and provide an access to the park.

Mr. Keely presented the site plan. He stated that:

- There were modifications to accommodate the new wetland delineation which has changed since 2007.
- The main mass of the building was diminished by breaking it into parts and moving it further back from Rowland Road. The building was situated to avoid a wetland and provide more room to plant trees.
- The storm water retention would increase the runoff storage.
- There are two access points. There would be underground parking and on-grade parking.
- The number of units has decreased to 106 units and the number of underground parking stalls has increased to a ratio of 1 stall per unit. The number of parking stalls would be 1.3 per bedroom. There would be more 1-bedroom units. The market is calling for more 1-bedroom units.
- The internal courtyard would be developed, landscaped, and made nice.

Kirk relies on an applicant to know how much parking would be necessary. It seems that there would be no way to expand the parking if needed.

Kirk asked if the developments in the company profile are now built. Ms. Stefaniac answered affirmatively. At Home Apartments are currently developing a similar proposal in Eagan which uses the 1.3 parking ratio. Mr. Cashill and Kirk compared the differences between the projects in the company profile and the current proposal. The proposed site has a beautiful area in the back. The community room and decks would be facing the back. Kirk appreciates the gables on the roof. It makes it feel more residential.
Kirk asked if the stormwater retention pond would be used as part of the wetland remediation. Thomas stated that the proposal would not require any fill of wetland area. An area of the floodplain would be filled and mitigated. Stormwater storage would be happening in the floodplain area. Stout explained that the area being excavated for the stormwater pond would be the mitigation for the floodplain. There would be more storage for floodplain water created than existing storage area filled.

Kirk asked if rent restrictions for 20 percent of the units applies to a variety of units. Ms. Stefaniac explained that the affordable units would be 20 percent of the total of each type of unit which results in 14 1-bedroom units, 1 of the 1-plus-den units, and 4 2-bedroom units. The mirror of the building as a whole would match the type of affordable units.

In response to Odland’s question, Ms. Stefaniac answered that Parkway West and East River have 100 percent market-rate units. Parkway West has 48 units and East River has 44 units. Both are roughly 75 percent 1-bedroom units and 25 percent 2-bedroom units.

The public hearing was opened.

Calvin Johnson, 12905 Jorissen Road, stated that:

- He lives in Lake Forest Townhomes which consists of 35 townhomes with 2-car garages for each.
- His concern is the density. The same amount of land would have a lot more units. It would not be appropriate.
- There are parking issues.
- There are floodplain issues. The additional flood waters could affect the townhomes.
- The previous project was for owner-occupied cooperatives. The current proposal would have twice the density.
- The surrounding townhomes are owner occupied.
- The commission should not do harm to existing homeowners.

Bob Stanke, 5833 Rowland Road, stated that:

- He has lived there 36 years. The massive structure would destroy the woodland character of the area.
• He was concerned with traffic. Traffic is already at an unacceptable level. It is impossible to sleep after 6:30 a.m. because of traffic going into the industrial park.
• The speed limit is 30 miles per hour, but vehicles travel at 45 miles per hour.
• The project would be across the street from the fire station. If it is a senior residence, then there would be more emergency calls.
• The size would be too large for the area.

Terry Thomas, 5455 Butternut Circle, stated that:

• His mortgage company required him to have flood insurance when he moved in in 1999. His property is inches above the floodplain.
• Make sure the holding pond is built adequately. His property is in trouble from any type of large rainfall now.
• Several owners of Lake Forest Townhomes have flood insurance.
• Flood insurance costs $1,000 a year, but he does not pay it now.
• He wants the engineers to make sure the developer does what is supposed to be done.

No additional testimony was submitted and the hearing was closed.

Chair Lehman requested staff address concerns expressed by residents. Stout explained that floodplains are based on computer modeling. The computer applies a 100-year storm to a watershed. The assumption fully builds out the site including the maximum amount of impervious surface. The amount of water that would travel off of the surface is calculated and it is determined how the Nine-Mile Creek and its floodplain would be impacted. Engineering staff requires final as-built and record drawings and surveys when a project is completed. That is to ensure that there would be zero net fill of the floodplain. Stout has worked with residents who may choose to get an elevation certificate done by a surveyor. Many owners of a Lake Forest Townhome have proven to FEMA and their mortgage companies that their property is above the floodplain and, therefore, were no longer required to have flood insurance. Stout stated that if she lived next to Nine-Mile Creek, she would consider investing in flood insurance. The Lake Forest Townhomes are upstream of the proposed site and a significant culvert crossing at the railroad tracks. The culvert crossing has more of a significant impact on the flood elevations upstream than any amount of fill proposed for the proposed project.
Chair Lehman asked what the city does to monitor the site for floodplain adequacy. Stout answered that final record drawings and as-built surveys would be required to ensure that there would have been no fill of the floodplain. The floodplain volume would be the same as it was prior to the project. The city holds an escrow or letter of credit until proof has been provided that demonstrates that the requirements have been completed. The city can and has made property owners correct those types of situations.

In response to Chair Lehman’s question, Stout explained that there is no guarantee that the floodplain area would not flood. In 1987, there was a 5,000-year storm in the area that caused flooding. The applicant enters into maintenance agreements with the city to allow city staff to monitor the area and make sure that the pond would be working adequately and the floodplain storage area would be maintained.

Chair Lehman noted that staff supports the proposal as recommended. He asked staff to compare the current proposal with past proposals. Thomas agreed that staff finds the proposal reasonable. The primary change would be the number of units from 61 to 106. Staff found from the results of the traffic study that the area’s infrastructure could accommodate the increase in density. The building mass has not changed.

Kirk lives near the proposed site. The traffic study focuses on the Rowland Road and Baker Road area. There is a curve that makes it difficult to get past. It does seem a little concerning. He recognizes that the majority of traffic would be heading toward Shady Oak Road which has a controlled intersection at Bren Road.

Kirk asked for the city’s position on buying the property and making it a park. Wischnack explained that the city does not have a large enough budget to purchase property to be used as a park every time an application for development has been received. The dollars from the previous park referendum have been used up. Acquisitions made as part of that planning process have been completed. Many of the properties purchased are along Minnehaha Creek. The funds were also used to rehabilitate existing parks.

Kirk found that the proposal fits the site’s guidance by the comprehensive guide plan. It fits the intention of what the 2007 application by Applewood would have brought to the site. He supports the project.

Rettew appreciated the architect chopping up the mass of the building. He also identified with the residents who would be losing a nice wooded area. He was
leaning toward supporting the proposal because it would be consistent with the 2007 proposal.

Magney supported the proposal. There would be more density, but the footprint and mass would be slightly smaller. The way the building would be set back would allow the building to fit in better than Applewood would have. Traffic is a concern, but the traffic engineers did their homework and he accepts their expert opinion that it would be acceptable.

Knight noted that the proposed building would not be close to another building. He commutes on Rowland Road by bicycle and vehicle. He thought the building would be a nice addition to the area. Rowland Road is a fairly quiet street. He did not anticipate a huge change. He supports staff’s recommendation.

Odland moved, second by Kirk, to recommend that the city council adopt the following for the property at 5709 Rowland Road: an ordinance amending the existing master development plan (see page A59–A68 of the staff report); an ordinance approving the floodplain alteration permit (see pages A69–A71 of the staff report); and a resolution approving final site and building plans with floodplain setback variances (see pages A72–A82 of the staff report).

Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman voted yes. Motion carried.

Odland moved, second by Kirk, to adopt the resolution finding that the At Home Apartments Housing Tax Increment Financing District Plan conforms to the general plan for the development and redevelopment of the city (see pages A83–A84 of the staff report).

Kirk appreciated the application providing diversity in housing stock within the development.

Odland, Rettew, Kirk, Knight, Magney, O’Connell, and Lehman voted yes. Motion carried.
9. Adjournment

Odland moved, second by Lehman, to adjourn the meeting at 8:48 p.m. Motion carried unanimously.

By:  ____________________________
     Lois T. Mason
     Planning Secretary