Planning Commission Agenda

January 8, 2015—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes: December 11, 2014
5. Report from Staff
6. Report from Planning Commission Members
7. Public Hearings: Consent Agenda
8. Public Hearings: Non-Consent Agenda Items
   A. Amendment to the sign plan for Westwind Plaza.
      Recommendation: Adopt the resolution denying the request. (5 votes)
      - Final Decision Subject to Appeal
      - Project Planner: Ashley Cauley
   B. Items concerning One Two One Development located at 14217 Stewart Lane.
      Recommendation: Adopt the resolution approving the request. (4 votes)
      - Recommendation to City Council (Tentative Date: January 26, 2015)
      - Project Planner: Loren Gordon
9. Adjournment
Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.

2. Applications scheduled for the January 22, 2015 Planning Commission meeting:

   Project Description: The property owner is requesting an amendment to the previous plans for the Groveland Pond development at 17113 Minnetonka Boulevard. The project would still be a medium density residential development consisting of detached townhomes. The project would include construction of a new public street from Minnetonka Boulevard. The proposed amendment would reduce the number of townhouse units from 17 to 14. The proposal requires an amendment to the master development plan, and preliminary and final plat review.
   Project No.: 93020.13b       Staff: Jeff Thomson
   Ward/Council Member: 3—Brad Wiersum       Section: 17

   Project Description: Ron Clark Construction is requesting site and building plan review for a portion of the southeast quadrant of the LEGACY OAKS development. Consistent with the approved master development plan, the applicant is proposing a 21-unit condominium building. The building would be first of three such buildings.
   Project No.: 11003.14a       Staff: Susan Thomas
   Ward/Council Member: 3—Brad Wiersum       Section: 4
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

This outline has been prepared to help you understand the public meeting process. The review of an item usually takes the following form:

1. The chairperson of the meeting will announce the item to be reviewed and ask for the staff report on the subject.

2. Staff presents their report on the item.

3. The Commission will then ask City staff questions about the proposal.

4. The chairperson will then ask if the applicant wishes to comment.

5. The chairperson will open the public hearing to give an opportunity to anyone present to comment on the proposal.

6. This is the time for the public to make comments or ask questions about the proposal. Please step up to the podium, speak clearly, first giving your name (spelling your last name) and address and then your comments.

7. At larger public hearings, the chair will encourage speakers, including the applicant, to limit their time at the podium to about 8 minutes so everyone has time to speak at least once. Neighborhood representatives will be given more time. Once everyone has spoken, the chair may allow speakers to return for additional comments.

8. After everyone in the audience wishing to speak has given his or her comments, the chairperson will close the public hearing portion of the meeting.

9. The Commission will then discuss the proposal. No further public comments are allowed.

10. The Commission will then make its recommendation or decision.

11. Final decisions by the Planning Commission may be appealed to the City Council. Appeals must be written and filed with the Planning Department within 10 days of the Planning Commission meeting.

It is possible that a quorum of members of the City Council may be present. However, no meeting of the City Council will be convened and no action will be taken by the City Council.
1. **Call to Order**

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

2. **Roll Call**

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

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

3. **Approval of Agenda:** The agenda was approved as submitted with additional comments and modifications provided in a change memo dated December 11, 2014.

4. **Approval of Minutes:** November 20, 2014

   *Odland moved, second by Magney, to approve the November 20, 2014 meeting minutes as submitted.*

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

5. **Report from Staff**

   Gordon briefed the commission on land use applications considered by the city council at its meeting of December 1, 2014:

   - Adopted a resolution approving items for the Play and Learn Café.
   - Adopted a resolution approving items for Bethlehem Lutheran Church.
   - Adopted a resolution approving items for the Westburg Subdivision on Excelsior Boulevard.
   - Adopted a resolution approving items for Shriner’s on Blue Circle Drive.
   - Reviewed a parking lot expansion application which was withdrawn by Tonkadale Nursery.
• Denied an application to locate a telecommunications tower on the property belonging to the Adath Jeshurun Congregation.
• Denied an application for a variance to expand the capacity of a group home on Glen Avenue.

The third Glen Lake preparation meeting had good attendance. The next stage of the study will begin in February.

The visioning process for the southwest area of Ridgedale will begin January 21, 2015 to take a close look at redevelopment.

The next planning commission meeting will be held January 8, 2015.

6. Report from Planning Commission Members

Kirk commended staff for doing a great job at the December 1, 2014 city council meeting and for preparing planning commissioners to review the application regarding the telecommunications tower application.

7. Public Hearings: Consent Agenda

Item 7D, a resolution approving an amendment to the sign plan for Minnehaven Square, was removed from the consent agenda for discussion and separate action.

Odland moved, second by Magney, to approve Items A-C listed on the consent agenda as recommended in the respective staff reports as follows:

A. Twelve month extension of previously approved expansion permit and wetland setback variance for construction of a new home at 20 Westwood Circle.

Approve the 12-month time extension by motion.

B. Twelve month extension of previously approved variance for construction of an addition to Lakewinds Food Cooperative at 17501 Minnetonka Boulevard.

Approve the 12-month time extension by motion.

C. Amendment to the sign plan for Minnetonka Corporate Center.
Adopt the resolution on pages A20-A23 of the staff report which approves an amendment to the Minnetonka Corporate Center sign plan for wall signs at 12800 and 12900 Whitewater Drive.

*Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried and the items on the consent agenda were approved as submitted.*

D. Resolution approving an amendment to the sign plan for Minnehaven Square.

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

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

Kirk said that it appeared that the applicant’s store front would be the only one that would fall under the conditions described. The other stores face Minnetonka Boulevard or County Road 101. Thomas agreed, but noted that the current configuration of tenant spaces could be changed in the future.

In regard to Kirk’s question, Thomas confirmed that the sign would have to be located within the building tenant lines.

Kirk asked if the commission had any control over the hodge-podge of signs. There is no consistency. Thomas explained how the signs meet code requirements and the sign plan. The city cannot control the design of a sign if the proposal meets code requirements.

Kirk noted that there are two monument signs. The one on Minnetonka Boulevard has blank spots. Thomas noted that signage on monument signs is likely tied to a lease and tenant agreement.

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

*Kirk moved, second by Odland, to adopt the amendment to the Minnehaven Square sign plan on pages A7-A10 of the staff report.*

*Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried and the items on the consent agenda were approved as submitted.*
Chair Lehman stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

8. Public Hearings

A. Front yard setback variance for a new house at 1503 Linner Road.

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

Thomson reported. He recommended denial of the application based on the findings listed in the staff report.

In response to Chair Lehman’s question, Thomson explained the similarities and differences between variances, expansion permits, and conditional use permits.

Chair Lehman clarified that distinguishing the buildable area for a principle structure does not guarantee anything.

Kirk asked if the mcmansion policy would apply in this case. Thomson answered affirmatively. It would apply because the application would require a variance. If the house would be constructed within the buildable area, then the mcmansion policy would not apply.

Rettew noted that the applicant states that the driveway would need a variance for the other three sides and there may be drainage issues if the house would be moved back. Thomson explained that there is no setback requirement from driveways to property lines. Any house built on the lot would require stormwater management. The side yards and rear yard would have ample room to direct drainage to the stormwater treatment facility.

Rettew asked if the steep topography would be considered an extenuating circumstance. Thomson said that the proposed plan would require a substantial amount of fill. The elevation of the proposed house could be lowered.

Viktor Shimilevich, 14214 Trace Ridge Road, the builder representing the applicant, stated that:

- There are several houses on Linner Road that do not meet current front-yard setback requirements. There is a variance at 1715 Linner Road that has a setback of 16 feet instead of 35 feet. The house at 1898 Linner Road has a 26-foot front yard setback.
• In 1992, the garage was positioned to provide easy access to the front yard.
• He requested the site be grandfathered because people are used to seeing the garage where it is now.
• The front of the house would be set 90 feet away from the street. There is a long driveway to the house behind the property.
• There is no other house setback as far as the ordinance would require the proposed house.
• Water damage can be caused by water draining towards a house due to a long driveway.
• The less fill used would decrease the chance of the house settling incorrectly. Compacting land would be risky.
• The walkout grade level would be higher than the neighboring property.
• The property is at the end of a cul-de-sac. The house and garage would not block anything.
• The neighbor's garage is 16 feet from the property line. The setback for that is 25 feet. It is nonconforming. The proposed house would have lots of windows. The neighbors do not want to look at each other.
• The variance is being requested to make the neighborhood beautiful. The proposed house would not be the largest one in the neighborhood. There is one house that is 7,500 square feet in area. He wants the house to match the neighborhood.
• He wants to build a beautiful piece of art.

Rettew noted that the proposal’s floor area ratio (FAR) would be double the area’s FAR. He asked the applicant why he would not build a smaller house. Mr. Shimilevich stated that the FAR was based on a 10,000 square-foot house which is slightly larger than the proposal. The lot is a little smaller. The proposal would fit into the neighborhood. Right now, the existing house is the ugliest one in the neighborhood. He wants to build something that would match everyone else in the neighborhood. The neighbor has a 9,500 square-foot house. The neighborhood would not be adversely impacted.

Chair Lehman asked the applicant if building within the slope and buildable area to match the topography had been looked at. Mr. Shimilevich answered that a four-level split home or something with a lot of ceiling height in the basement would work. The proposal would have a curved stair case. It would be difficult to build the house that the buyer desires with the required setback.
The public hearing was opened.

Carey Smallwood, 1509 Linner Road, stated that he built his house in 1992. He is concerned that the house would have to be pushed back toward his house if the variance would be denied. It would diminish the curb appeal of his house.

Pat Wenning spoke on behalf of the applicant, Vadim Nevelskiy. Mr. Wenning pointed out that the existing house is on the end of a cul-de-sac near Interstate 394 and Carlson Parkway. The proposed house would come to the tip of the existing garage. There is one driveway located passed the site. He read from the staff report which states that the city is allowed to waive or modify the mcmansion policy if the house would be relatively isolated from the rest of the neighborhood. This is a neighborhood of mansions and extremely nice houses. He did not see a lot of harm. Nobody would drive by and see the house.

Mr. Nevelskiy said that he loves the area.

Mr. Wenning added that the surrounding lots are larger, but most are part wetland. The proposed lot is square with no wetland. The FAR of buildable area comparison of the surrounding lots would not be too much out of character with the proposal.

No additional testimony was submitted and the hearing was closed.

Chair Lehman confirmed with Thomson that the footprint of the proposed house within the setback would be smaller than the footprint of the existing garage.

Chair Lehman listed the issues brought up during the public hearing. Thomson explained that the city uses floor area ratio because it is related to lot area. House size alone is not an equal comparison. The ratio of the house to the lot itself is taken into consideration. It would be difficult to determine buildable area for every property. The city council approved the variance for the existing garage based on topography and tree preservation of two trees. The proposal would remove those two trees.

Odland confirmed with staff that neighbors do not have a legal right to a view over someone else’s property.

Kirk read the packet and visited the site. The area has a lot of large houses on large lots. Even though the proposed house would be larger than some of the houses in the area, the proposed house would probably fit in with the character of the neighborhood. He struggled with approving the variance because the
mcmansion policy seems to work and he did not see this case having a compelling enough reason. The small lot in the area is unique.

Rettew felt that the setback is not as big of a deal as the FAR. The FAR is disturbing. It would be way beyond what has been allowed previously. The FAR is too big.

Kirk noted that there are houses located on the lake with floor area ratios of .45. In those areas, the .45 FAR is large for the property, but not the neighborhood. Chair Lehman liked that observation. The FAR should be considered a tool.

Magney walked the site. If the proposed house would be moved 15 feet to the east, then a lot of grading would have to be done. The house is big. The fourth garage stall could be removed and the house moved 5 feet to meet setback requirements. He leaned toward waiving the FAR requirement.

Chair Lehman stated that the property has a large buildable area. The design of the house does not rise to the level of hardship necessary to allow an exception from the city’s standards. Commissioners have seen sites with steeper grades in the front and back than the proposed site. Property owners have found a way to work within the topography. Without the need for the variance, he would be comfortable with the FAR because of the surrounding properties. The only reason for the variance is because the applicant has chosen to design a house that would not fit completely within the buildable area.

Kirk moved, second by Odland, to adopt the resolution on pages A15-A17 of the staff report which denies a front yard setback variance from 35 feet to 20 feet for a new house at 1503 Linner Road.

Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. 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. Conditional use permit to operate a dog daycare and boarding facility at 14901 Minnetonka Industrial 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.
In response to Chair Lehman’s question, Thomas explained that property owners may place covenants to restrict what a lease holder would be able to do at the site. The city enforces the zoning ordinance, but not covenants between a property owner and lease holder.

Kirk asked how many dog boarding businesses exist in the city. Thomas is aware of three. Auntie Ruth’s preexists the establishment of an ordinance regulating that type of business. Another one occupies an entire building in an industrial area on Highway 62 and Baker Road.

Kirk asked if the nuisance ordinance would apply to this application. Thomas answered affirmatively. The resolution would also outline the regulations related to noise, odors, and animal control.

Knight read that overnight boarding would be allowed for up to 180 dogs. He asked how many dogs would be allowed during the day. Thomas answered that the maximum number of dogs allowed at any time would be 180. The applicant may provide an estimate of the average ratio of daycare dogs to overnight dogs. Knight was concerned with the site having enough parking for daily drop off and pick up times and the noise.

Chad Miller, Darren Alick, and Haley Alick, applicants, introduced themselves and were available for questions. Ms. Alick has been dealing with dogs professionally for over seven years. She worked at Auntie Ruth’s for five years. She is a certified dog trainer. She works with several rescues. Mr. Alick provided his dog-training background. Mr. Miller has adopted two dogs. Ms. Alick stated that there are ways to reduce the noise including body blocking and squirting the dogs with water to distract them and change their behavior. There would be plenty of indoor space. There would be quiet rooms that a “barker” could spend some time in for a time out.

Mr. Miller provided plans showing the indoor and outdoor play areas, quiet rooms, and waste management areas. The outdoor play area would be made up of canine-approved Astroturf with a drainage membrane below it and a base of limestone. Equalizer would be used to neutralize acidic areas and odor.

Mr. Alick stated that there would be 66 kennels. The maximum number for overnight would be about 120 dogs if one owner would be boarding 2 dogs. On top of that, the high-end expectation would be 40 to 50 dogs for daycare. There would usually be 20 to 30 dogs for daycare. He can drop off his dogs at 6:30 a.m. He beats the traffic in the morning and afternoon. It is now the norm to expand
the hours before and after rush hour. The hours would be done to alleviate traffic issues. He provided an aerial view of the site that illustrates ample parking. The dog yards would be located to allow for ample parking. Allowing space between dogs is necessary.

Knight asked if dogs can learn not to bark. Mr. Alick answered affirmatively. The dog can be distracted and removed from the situation or calmed down. The facility would have quiet rooms and indoor play yards. A time out works the same as it does for kids. Eventually, the dog will learn not to bark.

Mr. Miller added that the outdoor play area would be divided. The fence would be a privacy fence to eliminate “fence fighting.” The dogs would not be able to see vehicles or pedestrians going by.

Knight asked how many dogs at a time would be outside. Mr. Alick said that each play area could accommodate 25 to 35 dogs.

Magney asked what type of privacy fence would be used. Mr. Alick answered a 6’ vinyl fence with an opening at the top for staff members to see between the enclosures.

The public hearing was opened.

Rob Stanek, owner of 3800 Williston Road and 14900 Industrial Boulevard, stated that:

- He objects to the conditional use permit.
- The industrial park is home to highly technical tenants. St. Jude Medical has engineers, office workers, and light manufacturing that enjoy the quiet of the space.
- The applicant does not have to locate the business in this location. The applicant wants to be in this location because of the prestige of the office park.
- Adding a dog daycare would change the integrity of the office park and change the types of users he would target.
- The use would not be similar to what is in the industrial park. The tenants pay a good amount in rent.
- The tenants would probably move and rents and property taxes would be reduced.
- Keep the industrial park attractive for high-quality jobs and deny the conditional use permit.
Kristin Meyer, representing two of Mr. Stanek’s buildings, stated that:

- She is not opposed to dog daycares.
- She is concerned with the noise. Dogs would be going in and out of the outdoor areas.
- There would be 18 time-out rooms for 180 dogs. That is only 10 percent of the dogs.
- St. Jude operates on a shift base. The first shift starts at 6:30 a.m.
- The parking is already dense. Additional motorists would aggravate a challenging situation.
- The rental rate for an office use is $9.50; technical use rate around $6.50; and the warehouse rate is $4.50.
- The central location in the industrial park would not be a benefit to the surrounding uses.
- It does have close proximity to residential uses.
- Her business receives complaints about parking lots being swept at night.
- The proposal would not be consistent with the “I-2” zoning.

Joe Smith, resident of 16521 Elm Circle and representing 15300 Minnetonka Industrial Road and 15400 Minnetonka Industrial Road, stated that his property manager provided an e-mail that is included in the agenda packet. He stated that:

- He has been a leasing agent for 27 years. Having a dog daycare would adversely affect leasing. Dogs barking in the background of negotiating a deal would not fly.
- His son worked at Adogo for 2 years. He has heard stories of noise.
- Baker Technology Park is now sitting at 30 percent vacancy.
- He developed a business park in Chanhassen. A berm had to be constructed between the business park and a dog facility.
- His company opposes the proposal.

Jeff Schultenover, 13424 Maywood Curve, stated that:

- Office spaces would be insulated and have soundproof windows and things to block out traffic noise and auto repair businesses. The noise level from those would be about the same as a dog.
- He heard some concerns to the extreme regarding 180 dogs barking. Kids probably make just as much noise when playing outside.
• He has a dog who barks. He travels a lot and would find the proposal a great benefit.
• He supports the proposal.

No additional testimony was submitted and the hearing was closed.

Chair Lehman asked if the site would have appropriate parking for the use. Thomas referred to the staff report calculation that determined the proposed use would be required to have 58 parking stalls. The site would have 61 fully functional parking stalls. If the site would house a manufacturing use, 91 parking stalls would be required. The proposal would cause less trips than an office or manufacturing use.

Chair Lehman reviewed the concerns. Thomas clarified that code does not compare a proposed use with existing uses in an I-1, Industrial Zoning District. A proposed use is compared to what is allowed by the code in an I-1 Industrial Zoning District. As a permitted use, the proposed building could be used for warehouse storage, manufacturing, processing, wholesale, research, or office space. Conditional uses permitted in an I-1 District include heliports, retail, cemeteries, arenas, public buildings, vehicle-towing businesses, auto-body repair, telecommunication facilities, waste transfer facilities, microbreweries, and other uses similar to those permitted. The city has allowed a variety of uses in industrial parks including schools, churches, daycare facilities, dance studios, and dog daycare facilities with a conditional use permit.

Chair Lehman confirmed with Thomas that the city’s nuisance ordinance would apply to the proposed use and any use in an industrial park. Wischnack added that city tax assessors look at surrounding properties when determining land value, but land use planners do not when applying ordinance requirements to a use within a zoning district. Zoning regulates land use.

Odland had a hard time supporting the businesses at the proposed location. Her dogs bark loudly. St. Jude’s Medical Center technicians may be disturbed by the dogs barking.

Rettew saw the commission’s purview deciding whether the use fits in a light industrial district and it does. If the zoning district allows heliports, then loud noises are allowed. The use is acceptable in an industrial area.

Kirk had trouble supporting the application because of the comments heard from the neighbors. When he looked at the packet, it looked like a dog kennel in an industrial area would be no problem. He knows the area and did not think
anything of it. He confirmed with staff that Adogo is located in an industrial area and the city has not received any noise complaints. Staff provided conditions of approval for a commercial kennel in a residential district because there are no standards for a commercial kennel in an industrial district. The setback condition is geared to prevent possible perceived nuisance issues. The commission may add additional conditions. The city would investigate a complaint and follow up with the property owner. The city council has the right to revoke a conditional use permit if conditions of approval are not met.

Kirk noted that commissioners are allowed to look at whether the use would fit in an industrial district. He supports the application with staff’s recommendation and the understanding that the owners know that if the situation does not meet conditional use permit or nuisance ordinance standards, then there would be repercussions. The city expects that the noise ordinance would be followed. The applicants know their business. Chair Lehman concurred.

In response to Odland’s question, Thomas provided the ordinance that defines “excessive barking” as repeated noise over at least a five minute period with a one minute or less lapse of time between each animal noise during that five minute period. Chair Lehman suspected anyone with experience in the dog boarding business is well aware of that ordinance and knows if the business would have the ability to adhere to the ordinance. He believes the applicants understand their obligations.

Chair Lehman supports staff’s recommendation of approval on the basis that the conditional use permit ordinance criteria has been met.

Kirk noted that a condition does not allow barking to last longer than 10 minutes. Thomas suggested commissioners change that condition to reference the nuisance ordinance.

*Kirk moved, second by Magney, to recommend that the city council adopt the resolution approving a conditional use permit to operate a dog daycare and boarding facility at 14901 Minnetonka Industrial Road (see pages A14–A17) with the correction of condition number eight to match the city’s ordinance regarding dog barking.*

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

This item is tentatively scheduled to be reviewed by the city council January 5, 2015.
There was a ten-minute break.

C.  **Ridgedale area comprehensive plan minor text amendment.**

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 for the history behind the existing comprehensive guide plan for the area. Wischnack noted that the area is congested. That is the reason the language was chosen. The current traffic study provides new, detailed information. The difference is that more is known now. There has been better capital improvement planning since the comprehensive guide plan was updated.

The public hearing was opened.

Patrick Magnusson, 13505 Larkin Drive, provided slides. He stated that:

- The comprehensive plan is the most authoritative framework guiding all other development regulation. He found it concerning that people seemed willing to change the plan in a hasty manner.
- He did not agree with the amendment being considered minor.
- There are known access and circulation issues in the area. The authors of the comprehensive plan felt these issues would be exacerbated by putting residential houses in the area.
- There would be adjacent jurisdiction impact.
- The area is used by motorists to get on Interstate 394.
- Plymouth Road is a county road. Both of the properties abut Plymouth Road.
- There is a proposed development that would potentially benefit from the amendment that would have more than 100 housing units.
- The site is near Ridgedale Shopping Center.
- The Metropolitan Council’s Comprehensive Plan Submittal Guide dated May 2011 lists a set of criteria. Anything with an excess of 100 housing units or that impacts other jurisdictions cannot be classified as a minor amendment. That is enough reason to send the application back.
- He read staff’s findings from the report.
- The comprehensive guide plan definitions must indicate that
residential is allowed in all properties guided for mixed use for the finding to be true.

- The amendment language must be consistent with the traffic study's assumptions.
- The amendment language must require full compliance with PID zoning if it would be used as a justification for passing the amendment.
- The burden of proof for passing the amendment is demonstrating that the access and circulation problems have been addressed.
- Mixed use is not a land designation. It is a grouping. It is a section of the comprehensive plan which contains three land use designations.
- By saying that all mixed uses are the same, then that would be saying that all of the property types are the same.
- If all mixed uses are the same, then why are the adjacent properties guided residential.
- Residential is not considered appropriate.
- Residential uses may be permitted in the adjacent parcels. This is a different land use designation.
- The 2035 plan does not identify the site as residential.
- The traffic analysis makes assumptions.
- The properties must comply with PID standards.
- There are three options. Postpone the vote until an amendment specific traffic analysis has been completed and wait for the public input process beginning next month. Rewrite the amendment assuming the PID zoning adequately addresses access and circulation and meet all standards of PID zoning. Rewrite the amendment assuming that the traffic analysis addresses access and circulation issues. Language would need to be added that says that residential uses are allowable on the west side of Plymouth Road if the current Ridge Square and the proposed site does not have retail uses.
- He asked why the city is so intent on pursuing housing density and mixed use development. The safety and quality of life of current residents would be impacted.
- The comprehensive plan took the best resources of the city years to produce and determined that residential would not be appropriate for the site.

Grace Sheely, 14325 Grenier Road, stated that:
• She found it offensive that the city would change what was worked so hard on and it causes citizens to want to disengage from the process.
• The proposed project was shot down by the city council.
• The city should move cautiously to allow enough community input on this measure.

Annette Bertelsen, 13513 Larkin Drive, stated that:

• The experts felt that residential uses would have a different impact on access and circulation than other uses.
• She questioned if there is any reason to believe that residential uses no longer have a different impact on the access and circulation. If it would have a different impact, then it should be stricken from consideration.
• The county road has a lot of accesses.
• It is close to Interstate 394.
• A city councilmember she talked to was not aware that the amendment would affect the east side of Plymouth Road.
• The access guidelines of Hennepin County and MNDOT should be consulted.

Audra Johnson, 13419 Larkin Drive, stated that:

• It is a “red herring” to describe the amendment as an ambiguity that needs to be changed.
• It does not say what “they” want it to say, so “they” are just going to change it because if “they” do that then “they” can get their way with other development plans down the line.
• She finds it hard to believe that city staff is combing through the comprehensive guide plan looking for mistakes and things that need to be corrected.
• Changing this would be like pulling the rug from under the neighborhood’s feet.
• She would think twice about framing this as an ambiguity that needs to be cleared up.

Derek Diesen, 13525 Larkin Drive, stated that:

• The decision does affect Highland Bank and development going forward in the area.
The economic development authority wrote a chapter that did not name in the conclusion of the 2030 plan that the number one priority of the city is providing different housing. Transportation is the number one issue on the list.

No additional testimony was submitted and the hearing was closed.

Chair Leman reviewed the issues. Thomson stated that:

- Staff is not trying to misrepresent the comprehensive guide plan. The comprehensive guide plan is a policy document that can be interpreted and applied in certain circumstances. It is not always black and white. The properties are guided for mixed use. Existing land use and planned land use cannot be separated. The Carlson Center site is guided for mixed use today. The Ridgedale area’s land use consists of commercial, retail, and hospitality on the east side. The proposed comprehensive plan minor text amendment represents a future use that would happen when redevelopment occurs. In a mixed use designation, a residential use is allowed. Mixed use includes all uses.
- All of the properties in the Ridgedale area and along the Interstate 394 corridor were included in the traffic study. The numbers come from the village center study and were used for the west side of Plymouth Road.

Odland asked if the engineer was reporting from the 2013 traffic study when he reported at a planning commission meeting. Thomson confirmed that what was presented was the individual traffic study for the Highland Bank proposed project. The same consultant did both studies and shared some of the report for the entire area as well as the Highland Bank site.

Rettew heard from the comments that the traffic study may not have incorporated six accesses to Plymouth Road. He asked if it did. Thomson did not recall. The traffic study looked at traffic counts based on the current condition as it exists today.

Rettew thought the public testimony said that there was one access point on Ridgedale Road and none on Plymouth Road. Thomson was not familiar enough with the traffic study.

Rettew was confused by different colors on the map. Thomson explained that development program sectors provide specific numbers for certain uses in those
areas. It provides a conceptual plan of a potential land use layout of the area. It does not restrict specific uses to the specific properties and building locations. That was not the intent of the plan. The plan shows a conceptual layout of possible units within the area. Further implementation would be determined during the actual development process.

Rettew stated that the map shows a horizontal mixed use. He asked if there are other areas of the language that need to be cleaned up. Thomson answered in the negative.

Rettew asked if it is misleading to designate items by color and use when it is being considered to be changed. Thomson clarified that the map currently displayed is not the comprehensive guide plan. It is a map from the village center study.

Kirk said that the difference between the comprehensive guide plan and a concept plan had now been figured out. The focus is now on the comprehensive guide plan. Within the comprehensive guide plan, there are a number of definitions for mixed use. The proposed amendment does not have so much to do with the comprehensive guide plan or the mixed use designation. The proposed amendment has to do with the exclusion that exists on the proposed parcels regarding housing. Thomson agreed.

Kirk clarified that what is being disputed is the exclusion that was made when the comprehensive guide plan was created regarding specific parcels. The language was not ambiguous. It was very specific.

Kirk looked at what has changed since the comprehensive guide plan was written and today that would justify making the amendment. Chair Lehman agreed.

Kirk stated that it breaks down to whether or not a residential use would be appropriate for the site. Thomson agreed.

Kirk said that a lot of information needs to be objectively reviewed to decide whether or not it would be appropriate to put residential housing as a mixed use on the proposed parcels. There is a large amount of the Ridgedale area designated as a mixed use that includes residential housing. He did not know if all of the reasons had been uncovered to explain the reason for excluding residential in the first place. He did not know if he needed to know that to make the decision on the proposal. There is a certain area of Ridgedale on the east that, if housing went in, would not use Cartway to access the highway. There is a large area that is already designated as mixed use with housing that would likely
use Cartway or Plymouth Road to get to Interstate 394.

Kirk looked at the FAR and whether the metropolitan council has changed the city’s density goals since the comprehensive guide plan was written. Gordon stated that the metropolitan council has released the projections for housing and employment data. Those numbers are higher than they were for the last cycle and would be used for the next comprehensive guide plan update.

Kirk reflected on what the city council said during review of the Highland Bank proposal. The issue was the mass of the building and how much activity would occur on the site. He was trying to determine if commissioners have enough information to make a decision. Gordon explained that traffic patterns were not conducive for a residential use for the area when the comprehensive guide plan was created. The Duffy project north of Interstate 394, and associated signal optimization, had not been completed yet. The traffic report for the current area shows that residential would work. The Ridgedale vision states that over time removing commercial from the area would help traffic on the west side of Ridgedale and the ramp for westbound Interstate 394 would reduce the number of trips for the area. There is a lot of information available now that was not available in 2008.

Wischnack was here in 2006 when Nordstrom first met with the city and traffic management for the area was seriously looked at. In 2007, traffic became more complicated. A study was done after the comprehensive guide plan was adopted. City councilmembers knew more work had to be done. That is why the village center planning process was created to provide more detail. This is not new information for staff. The westbound ramp to Interstate 394 has now been built. That will help relieve traffic on Plymouth Road. Things are different from when the comprehensive guide plan was adopted. These change and evolve over time.

Kirk asked if the application should be delayed two years when the comprehensive guide plan would be updated. Wischnack stated that the city council directed staff to submit an amendment of the comprehensive guide plan to the planning commission for review and a recommendation.

Kirk did not think the speakers were against housing, but were against traffic congestion. He did not think making the amendment would have an effect. Stacking retail and housing together has an effect. That can be discussed when a plan has been submitted by the next developer. Including residential into the mixed use guidance of the proposed site would mirror much of the surrounding area. He did not think it would have a big impact on the overall comprehensive guide plan. That kind of density in Ridgedale Square or where Target is located
would not matter. It would add residents to the area. He suggested supporting the proposal based on that.

Odland confirmed with Thomson that the comprehensive plan is an evolving document not set in stone.

Chair Lehman felt that there was no conflict between the language in the comprehensive guide plan and the proposal. The traffic congestion in the area has been improved since the comprehensive guide plan was written. A new application would still have to solve the problems listed in the comprehensive guide plan. It would be appropriate to take action as recommended by staff and the city attorney.

**Odland moved, second by Kirk, to recommend that the city council adopt the resolution on pages A17-A19 which approve a minor text amendment to the 2030 comprehensive plan.**

Kirk appreciated the residents providing professional and articulate presentations. Fixing Cartway needs to be a high priority to pave the way for redevelopment of the area.

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

Chair Lehman stated that the city council is tentatively scheduled to review the item at its December 15, 2014 meeting.

Chair Lehman thanked those present for providing comments.

**D. Items concerning One Two One Development located at 14217 Stewart Lane.**

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

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

Chair Lehman and Gordon reviewed an addendum to the resolution.

In response to Kirk’s question, Gordon identified the current elevations.
Julie Murray, vice president of sales, marketing, and business development for Ecumen and co-chief manager of One Two One Development stated that One Two One Development is a joint venture between Ecumen and Lifestyle Communities. Tim Nichols is the other co-chief manager from Lifestyle Communities. Ms. Murray stated that:

- One Two One Development was formed to develop high quality, cooperative housing for people 55 years of age and older.
- The site offers amenities that are desirable.
- The site has a lot of history. She is listening to what is being said by staff and at meetings. The applicant wants to be a good neighbor and create a feasible project.

Mr. Nichols stated that:

- The concept is to fulfill a need in the market in the area.
- Staff have been remarkable to work with.
- He has had direct involvement with some of the most vocal opponents and produced a more sensitive and better result than the previous plan.
- He listened to the comments provided by neighbors at two neighborhood meetings.
- He wants to build what people want.
- The proposal went from 60 units in the same footprint as previously approved to 58 units. The latest proposal has diminished the size of the building footprint, moved it away from the neighbors to the north, and decreased the number of units to 54 with 4 units considered affordable by the metropolitan council’s guidelines.
- He is requesting approval of the proposal.
- A litany of options were considered.
- The site plan shows a trail that would travel north from the property. He made a commitment to the neighborhood to consider the alternative. The city has guidelines that require the trail to be accessible. The terrain difference would require steps that would not allow the trail to be accessible. He wants to be a good neighbor.
- He and Ms. Murray are available for questions.

Rettew moved, second by Knight, to continue the meeting until 11:30 p.m. Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried.
The public hearing was opened.

Randall Neal, 14203 Glen Lake Drive, stated that:

- He is the president of the townhome association.
- He requested that the walking path not go by bedroom windows. The path is a big deal because it would eliminate personal privacy. The trail ties in with the accessibility of the community as a whole. The trail would be more convenient on the north, but it would cause the townhome residents to give up their view of the lake and their safety caused by pedestrians walking by on the proposed trail.
- He commends the applicant on the reconfiguration. The building was decreased 22 to 24 feet and it was moved further south. That looks nice and doable.
- High-end townhomes would be ideal. He accepted that would not happen. If there has to be something built, then what the applicant is proposing would be nice.
- Glen Lake is becoming too much of a senior population and could do more to welcome families and children.

Chair Lehman asked if screening would help reduce the impact of the trail. Mr. Neal answered in the negative. He stated that there is a steep slope on the southwest side, but a path could be done with steps.

Jim Zachman, 14194 Glen Lake Drive, stated that:

- This project goes back 10 years. The townhomes were more successful than he expected. The units on the lake side and park side sold well.
- In order to get TIF, a site has to have the ability to produce the type of taxes that a property owner hopes to get to build 150 to 200 low-cost housing units. The townhomes do have an affordable unit. Wonderful people live there.
- He was planning on building townhouses on Kinsel Point. Bob Mason had plans for condominiums with a 2-story building.
- This was a hot property and the price was high in 2006.
- The townhome owners want the path moved. The building would block the view. Saving the view has been given up.
- There have been 3 extensions of the developer’s agreement. The 2010 developer’s agreement spelled out what had to be built on the site. It requires market-rate condominiums, not cooperatives.
Cooperatives are the low end of senior housing. Condominiums are the high end of senior housing. The applicant has $505,000 as the average price in the developer’s agreement to attract buyers who could support local businesses. Seniors live on meals on wheels.

- A condominium has excellent financing for seniors. Better than what a cooperative would provide. The life of an apartment project for seniors is 20 years. There would be complete turnover in 20 years. It would have one mortgage and one legal description.
- High-rise condominium buildings on Lake Calhoun sell out all the time, but one would not on Glen Lake. Townhouses do sell.
- TIF money for this proposal is no longer necessary. The TIF district has been extended 7 years. If the developer would take the top 2 stories off the building, then it would be a pleasant development. A townhouse or two-story is the same thing. That would produce far more revenue than a coop project would. Ground could be broken in a couple of weeks because that plan is already approved.
- Councilmembers and EDAC commissioners promised that a high-end condominium project would be built on the site.

Jeff Schultenover, 13424 Maywood Curve, stated that:

- He works as an environmental consultant for the energy industry. He applauds the proposal’s emphasis on the environmental standards. The storm water management and erosion controls, wetland ordinances, and shore land ordinances are fantastic.
- He would like to see something more in character with the existing setbacks and multi-dwelling buildings in terms of size, scale, and fit within the property. The building would be a little too big. Three above-ground stories would be better.
- He assumed the economic feasibility would work itself out.
- In lieu of a 3-story building, he would like to see townhomes or an expansion of Kinsel Park.

Ann Malm-Hossfeld, 14616 Glendale Street, stated that:

- From attending the entire meeting she has learned that variances can be denied. The intent of language matters. She was impressed by the thoughtfulness of commissioners.
- The plan does diverge from the intent of Site C. It was supposed to have 45 market-rate condominiums in 2006. The proposal now would have 54 units and be age restricted. Site C did have property
condemnation. That is very serious. The intent needs to be taken into consideration. Condemnation was contingent on the right kind of building being built. Senior housing was not the intent of the master plan.

- Commissioners need to take into consideration the wetland and building appearance.
- There is a demand for senior housing. Out of 12 senior housing complexes in Minnetonka, 6 are located in Glen Lake. That may change the character of Glen Lake. She does not want more senior housing in Glen Lake. The area needs to be more diverse and provide a variety of services.
- She disagreed that the same variances previously approved for a 45-unit building have to be approved for the proposed 54-unit building.

_Rettew moved, second by Kirk, to continue the meeting until 12 p.m. Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O'Connell was absent. Motion carried._

Ms. Malm-Hossfeld continued:

- Variances are often requested to provide density to bring in revenue to sell units at a certain price to make a project feasible to build.
- This is not an economic necessity for high-density development to continue funding TIF. This plan should be considered on its own merits.
- Setback variances are serious and contentious. Density to fill an economic need does not justify a variance.
- It is a concern to think about the future of this kind of unit. There is a risk that the housing would be hard to fill in 20 to 30 years. It may not be viable once a volume of seniors have moved through.
- More parking would be needed for a different use.
- She wants the proposal considered separately from the economic feasibility.

_Jim Stroebel, 14319 Stewart Lane, stated that:_

- He appreciated the increase in the number of underground parking spaces.
- He was concerned there would not be enough surface parking.
• He was concerned with the ability of Stewart Lane to handle the additional load. There are grade problems. There is a right angle. He requested that the city traffic engineer look at that.

Mark Buller, 5524 Mayview Road, stated that:
• He did not get a notification about the meeting.
• Commissioners have the opportunity to change the setback.
• The condemned property taken before was done to make the trail system. The property was on the west side of the proposal. He proposed keeping the trail where it is and making the size of the project smaller.

Grace Sheely, 14325 Grenier Road, stated that:
• She requested commissioners review the variances and size of the proposed project.
• Tonight’s proposal seems to be dictated by the city attorney’s determination that commissioners should consider the number of units and variances for the proposal in accordance with city ordinances.
• She requested that the maximum number of units be limited to 45.
• The variances are not appropriate.
• It is not reasonable to allow an R-5 building to exceed 50 percent of its setback variances.
• None of the 2006 setback reasoning would be applicable today.
• She questioned why the variances would be reasonable. The unique character of the lot is not a hardship. She provided slides showing a plan with a buildable pad and 100-foot setback.
• No variances were needed for Glen Lake Shores.
• The current proposal is different than what was approved in 2006. The 2006 proposal was for high-end condominiums. The current proposal is for a mid-range cooperative with an average value of $250,000 per unit. The city council reduced the number of units proposed in 2006 from 50 to 45. The current proposal is for 54 units.
• She quoted John Gonyou and Geoff Olson.
• The city no longer needs to consider the economic considerations. The package has changed. Stop ignoring the planning-related criteria.
• She questioned the justification for each setback. The justifications
for the variance approvals in 2006 no longer apply. She read the hardship findings listed in the 2006 approval.

• The variances were applied to 45 high-end condominiums. Many changes occurred in the TIF district.
• She represents the community of Glen Lake.
• The language for “new urbanism” is not included in the city code anymore and cannot be used as a setback justification.
• Denying variances is the best way to make neighbors happy. A 2-foot variance to build a garage was denied. Developers need to be held to the same standard as homeowners.
• She cares deeply about a setback variance to the park land. It would reduce her sense of open space. The picnic table in the park would be very close to a very tall building.
• If the trail would not be located there, there should still be 65 feet of green space.
• Glen Lake Shores is 50 feet back from the property line.
• Allowing a variance would locate impervious surface closer to Glen Lake.
• There is a reasonable use for the property without variances. Townhouses would work here.
• The site does not have to be overbuilt.
• She requested the variances be denied.
• The property taken with eminent domain for a trail should be used to provide a buffer. The trail width should be large enough for bicyclists.
• The community has not been given what it was told to expect.
• TIF is not needed anymore.

_Lehman moved, second by Kirk, to continue the meeting until 12:30 p.m._
_Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O'Connell was absent. Motion carried._

Keith Weigel, 14209 Glen Lake Drive, stated that:

• The building is too big. In 2006, commissioners and councilmembers said that the proposed building at that time would be too large.
• The site is being considered individually. The approval of Site C in 2006 was needed to drive the entire project. The TIF would pay for itself. It is a new plan and concept.
• Commissioners should compare the proposal to city ordinances.
• This would be the first R-5 lakeside property in Minnetonka.
• The mass would be too big.
• All 3 sites were supposed to have condominiums. One site is apartments, one is assisted living, and the other is the proposed site.
• He has been concerned for 9 years.
• In 2002, an application was received that proposed a 47-unit condominium building. Today, that site is Lakeside Estates. Neighbors got together for 6 months and provided an opinion of what to develop in Glen Lake. He would support a condominium building the same size and mass as Glen Lake Shores.
• In 2005, he moved into a 13-unit townhome development on Excelsior Boulevard.
• In 2005, he attended a study session to discuss the Glen Lake area. He found out there would be development when he read the paper in September.

Chair Lehman thanked Mr. Weigel for his comments and stated that he has lived in the Glen Lake area for 50 years. Commissioners have a good understanding of the history of the site. He requested Mr. Weigel focus his comments on the current application. He understood that Mr. Weigel feels the proposed building would be too big.

Mr. Weigel stated that:

• The proposal would be too big.
• It does not warrant variances.
• It would create R-5 zoning on lake property.

Melissa Pilney, 5524 Mayview Road, stated that:

• Her residence would have a direct line of sight of the proposed project.
• She never understood why the site would be zoned R-5.
• The proposed building would be too tall.
• The wildlife would be a source of contention.
• She was involved in the meetings in 2006. A lot of the neighbors felt burned.
• It would be too big. The usable land is “hard space.”
• She would rather see something on the site that would benefit the community. There was a more viable community before the
redevelopment occurred.
• It would be difficult to cross Excelsior Boulevard with a walker, cane, or wheelchair.
• Glen Lake has enough senior housing.

Richard Nichols, 14325 Brunsvold Road, stated that:
• He appreciated the efforts of his neighbors.
• No decision should be made at this hour without taking the comment’s received into consideration.
• The site is a key piece of property in Glen Lake.
• The best use would be to extend the size of the park.

No additional testimony was submitted and the hearing was closed.

Chair Lehman suggested allowing staff time to research information brought up by the comments and continue review of the item until the next planning commission meeting. He suggested the city attorney may want to attend the meeting next reviewing the item. Gordon stated that staff has most of the answers for the questions, but left the decision up to commissioners.

Odland suggested tabling the item to a meeting with a lighter agenda to provide more time to be spent on the item. Chair Lehman agreed. He apologized for asking a speaker to summarize his comments.

Rettew asked if there would be another public hearing for the application.
Wischnack recommended continuing the item. Rettew supported continuing the item.

Odland moved, second by Kirk, to continue review of the items for One Two One Development at 14217 and 14301 Stewart Lane until the January 8, 2014 planning commission meeting. Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried.

Wischnack noted that the staff report for the January 8, 2014 meeting would address comments received at the public hearing.

9. Adjournment
Odland moved, second by Magney, to adjourn the meeting at 12:30 p.m. 
Motion carried unanimously.

By: ______________________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting

January 8, 2015

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)
Minnetonka Planning Commission Meeting
January 8, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
**Brief Description**  
Amendment to the sign plan for Westwind Plaza

**Recommendation**  
Adopt the resolution denying the request

**Project No.**  
88030.14a

**Property**  
4723 County Road 101

**Applicant**  
Sign Source, on behalf of Chuck and Don’s Pet Food Warehouse

**Proposal**  
Chuck and Don’s is requesting to amend the existing sign plan for Westwind Plaza to allow an increased sign height for a tenant of less than 12,000 square feet.

**Approving Body**  
The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4)

**Background**  
Westwind Plaza was originally constructed in 1984 as a neighborhood shopping center. The center has individual exterior access to each tenant space with a shared parking lot. Today, the shopping center is 89,000 square feet in size and contains a variety of general retail, medical, and restaurant uses.

**Existing Sign Plan**  
The city approved the sign plan for Westwind Plaza in 1984. (See pages A6-A8.) The sign plan provides varying sign requirements based on the size of the tenant space. But for an increased signage allowance for anchor tenants, the Westwind Plaza sign plan is generally consistent with the city’s sign ordinance for multi-tenant shopping centers. Anchor tenants, with more than 12,000 square feet of tenant space are allowed larger tenant signs.

<table>
<thead>
<tr>
<th></th>
<th>Anchor tenants (greater than 12,000 sq.ft.)</th>
<th>Other tenants (less than 12,000 sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tenant identification signs</strong></td>
<td>30 inches</td>
<td>24 inches</td>
</tr>
<tr>
<td><strong>Logos</strong></td>
<td>36 inches</td>
<td>36 inches</td>
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</tbody>
</table>
Subject: Chuck and Don’s Pet Food Warehouse, Westwind Plaza

Proposed sign

Chuck and Don’s occupies a tenant space of approximately 6,000 square feet. As such, the tenant is allowed a tenant identification sign with a vertical dimension of 24 inches. The proposed sign consists of stacked letters resulting in a vertical dimension of 57 inches.

Staff Analysis

Staff finds that the proposed amendment is not reasonable for the following reasons:

- **Intent of the sign ordinance**
  A sign plan establishes the sign requirements for a specific development, and may vary from the requirements outlined in the city’s general sign ordinance. The purpose of the sign plan is to adapt the sign standards for a development based on its unique characteristics and visibility needs, while remaining generally consistent with the intent of the sign ordinance. The city has approved numerous sign plans throughout the community to address the individual visibility needs of that particular development or shopping center. Examples of unique characteristics and visibility needs include developments with a mix of uses, substantial site area, multiple site area, multiple buildings or sites that contain large buildings or tenants.

  The city approved the sign plan for Westwind Plaza based on its unique characteristics and its adjacency to County Road 101. Currently, only one tenant has a sign that exceeds a 24 inch vertical dimension. Based on square footage this tenant, Bethesda Thrift Shop, is considered an anchor tenant by the sign plan and is allowed the larger sign.

  Staff finds that the existing tenant signs are reasonably visible from the adjacent roadway system. Staff is concerned that allowing a tenant of less than 12,000 square feet an increased sign height would lead to many similar requests at the shopping center.

- **Circumstance unique to the property**
  Staff does not find that the request is the result of a circumstance unique to the property or tenant space, but rather the result of the length of the tenant’s name.

- **Existing signage**
  The tenant has already installed a wall sign. While the city does not have record of an approved permit for this sign, the existing sign provides reasonable visibility from the adjacent
roadway. Based on approved permits of surrounding tenants, the existing sign is less than the allowed 24 inches. It is likely the reduced vertical dimension is the result of the length of the tenant’s and the sign plan’s requirement restricting the horizontal extension of a tenant’s identification. Through design, the applicant could have a sign larger than the existing sign that would also comply with the approved sign plan.

**Staff Recommendation**

Adopt the resolution on pages A9-A13, which denies an amendment to the WESTWIND PLAZA SIGN PLAN for a wall sign for Chuck and Don’s Pet Food Warehouse exceeding 24 inches based on the following findings:

1. The proposed amendment is not consistent with the intent of the sign plan. The intent of the sign plan is to adapt the standards of the sign ordinance to the unique characteristics and visibility needs of a development.

2. There are no circumstances unique to the tenant space which warrant providing an increased wall sign for a tenant of less than 12,000 square feet.

3. The existing illuminated tenant sign provides the tenant adequate visibility from the adjacent roadway. The proposed sign would more than double the height of the existing sign.

Originator: Ashley Cauley, Planning Technician
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: wetland complex and office property beyond
- Easterly: wetland complex
- Southerly: commercial property; zoned B-2
- Westerly: County Road 101 and commercial property beyond

**Planning**
- Guide Plan designation: Commercial
- Zoning: B-2, Limited business district

**Sign Height**
Sign height, or the vertical dimension of a sign, is measured from the bottom of the sign to the top of the sign. In the case of stacked signs, the vertical dimension includes the space between the two rows of text, as shown below.

Sign plans
By City Code §300.30, Subd. 5(h), the planning commission may recognize separate sign plans for multi-tenant buildings which will supersede the ordinance. The sign plans which have been approved by the planning commission will have the effect of a sign ordinance for the specific property.

**Variance Standard**
A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

**Appeals**
Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.
<table>
<thead>
<tr>
<th><strong>Neighborhood Comments</strong></th>
<th>The city sent notices to 39 area property owners and received no comments to date.</th>
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<tbody>
<tr>
<td><strong>Deadline for Decision</strong></td>
<td>April 7, 2015</td>
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</table>
Location Map

Project: Chuck & Don's Pet Food and Supplies
Applicant: Greg Rendall
Address: 4723 County Rd 101
(88030.14a)
October 9, 2014

Ashley Mellgren
Planning Technician
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345

RE: Chuck & Don’s Pet Food Warehouse
Westwind Plaza, 4703-4795 County Road 101

Dear Ms. Mellgren:

This letter shall serve as a formal request to amend the Signage Covenants currently in place for the Westwind Plaza shopping center to accommodate the parapet wall signage as proposed by Sign Source, the Chuck & Don’s signage vendor.

1) Current covenants for the signage on spaces of less than 12,000 square feet are 24 inches in height.
2) Current anchor tenant space of 12,000 square feet are not to exceed 30 inches in height.

Since the currently proposed signage for Chuck and Don’s is two lines of copy, the first row is 36” in height and the second row is 13.35” in height, we are asking for a variance to the covenants to amend the height for this tenant so signage may be manufactured as proposed. There isn’t direct vision site line to the signage from 101 as in the west facing tenant spaces, and the visibility is more limited with the smaller signage. This would be a one time variance request from the covenants. I have attached a copy of the signage as proposed to this letter.

Please call me at 612-798-7963 with questions. Thank you for your consideration.

Sincerely,

Pamela K. Barney
Senior Property Manager

Attachment
Materials & Substrates:

- Interior: Raceway Mounted Channel Letters
- Exterior: Trans Red Plex & White Plex Faces
  - Black Trim Caps & Returns
  - Black Inset Vinyl Border _PET FOOD OUI_
Approved Westwind Plaza Sign Plan
C. Signage

The following criteria shall govern all sign work furnished and installed by Tenant for the exterior of the Premises or at the Mall:

1. Design, content, and details of signs must be approved by Landlord and Landlord's architect prior to previous signing practices of Tenant will be considered, they will not necessarily govern the signing to be installed in this shopping center.

2. All sign design, detail, content and locations must be per governmental code and receive required sign permit from the City prior to fabrication.

3. There shall be no rooftop signs.

4. Signage shall be permitted on the rear of the building in the instances where the singular access to the tenant bay is from the north.

5. There shall be not signs painted on the exterior surface of any building.

6. The following types of signs or sign components shall be prohibited:
   a. Signs employing rotating, moving or flashing lights.
   b. Signs employing exposed raceways, ballast boxes, or transformers.
   c. Signs employing painted non-illuminated letters.
   d. Signs employing luminous-vacuum formed type plastic letters.
   e. Signs of box or cabinet type.
   f. Signs employing unedged or uncapped plastic letters or letters with no returns and exposed fastenings.
   g. Paper or cardboard signs, stickers, or decals hung around, on, or behind store front (including glass doors and/or windows).
   h. Signs placed at right angles to any front.
Westwind Plaza Tenant Sign Covenants
Amended - Staff proposal
Page 2

i. Exposed neon symbols or decorative elements.

j. Signs utilizing changeable copy.

7. Temporary Signs. Tenant shall install temporary store name signs in the event Tenant does not have permanent, approved signs installed at the time Tenant commences business provided; however, all such signs shall be of material and color harmonious with store front and shall be approved by Landlord in writing in advance. Paper signs and signs painted directly on store front or show windows are not permitted.

After commencement of business operations, temporary signs shall be limited to the use of banners, pennants, and holiday signs in Tenant's interior window area for use not more than sixty (60) days per calendar year. These window signs shall not exceed fifteen (15) percent of Tenant's window area or 25 square feet, whichever is greater.

8. All Tenant identification signage must be illuminated; however, minor areas of unlit lettering, logo, etc., will be allowed.

9. Design Requirements

a. Signs shall be permitted only within the sign areas of the facade as designed by the architect, and as shown on the site plan.

b. The vertical dimension of signs shall not exceed 24" in height. Logos not to exceed 36" in height may be utilized provided the logo does not exceed 36" in height.

c. Signs shall consist of individually illuminated letters of a color harmonious with the exterior building materials.

d. Wording of signs shall be tenant identification not including product advertising, except as part of the tenant's trade name or insignia.

e. Each tenant sign shall not extend closer than two feet from the tenant's lease line except for corner tenant when both B-1 and B-2 are leased by a common tenant.

f. Each tenant's identification logo must be affixed to a uniform background consisting of the building facade.

* the use of raceways are ok if blend with sides and are uniform to rest of sign band. 6-20-00
g. Exceptions. Plitt Theater signage shall consist of a circular 24 square foot Plitt logo and 190 square foot identification sign with three screen changeable copy mounted on the south building wall as depicted in the site plan approved by the Planning Commission on December 6, 1984.

h. Exceptions. An anchor tenant of 12,000 square feet or greater and located within the center corner tenant space may have lettering 30" in height. Logos shall not exceed 36" in height or width.

i. No tenant identification shall appear on the freestanding sign used for shopping center identification. No other ground-mounted signs are permitted.

10. In the event a brick facade is extended from building B to building A, only directional signage shall be permitted. No tenant identification shall be permitted.
Resolution No. 2015-

Resolution denying an amendment to the Westwind Plaza Sign Plan
to allow a wall sign exceeding 24 inches in height for a tenant
of less than 12,000 square feet

Be it resolved by the Planning Commission of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Sign Source, on behalf of Chuck and Don’s Pet Food Warehouse, has requested an amendment to the sign plan for Westwind Plaza to allow a wall sign exceeding 24 inches for a tenant less than 12,000 square feet. (Project 88030.14a)

1.02 The property is located at 4723 County Road 101. It is legally described on Exhibit A.

1.03 Westwind Plaza is governed by a sign plan that was approved by the city in 1984. The sign plan establishes the sign regulations for the shopping center.

Section 2. Standards

2.01 City Code Section 300.30, Subd. 9(h) provides the factors which are used in determining if an individual sign plan will be considered. The factors include the following:

1. The development includes a high rise (greater than a three story) structure;

2. The development includes multiple structures and/or substantial site area;
3. The development includes mixed uses;

4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and

5. The sign plan includes permanent sign covenants which can be enforced by the city.

Section 3. Findings

3.01 The proposed amendment is not reasonable for several reasons:

1. The proposed amendment is not consistent with the sign ordinance.

2. The proposed amendment is not consistent with the intent of the sign plan. The intent of the sign plan is to adapt the standards of the sign ordinance to the unique characteristics and visibility needs of the development.

3. There are no circumstances unique to the tenant space which warrant a larger sign for a tenant of less than 12,000 square feet. Rather the request is the result of the length of the tenant’s name.

4. The existing illuminated tenant sign provides the tenant adequate visibility from the adjacent roadway. The proposed sign would more than double the height of the existing sign.

Section 4. Planning Commission Action.

4.01 The Planning Commission denies the amendment request based on the findings outline in section 3 of this resolution.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on January 8, 2015.

_________________________________
Paul Lehman, Chairperson

Attest:

_________________________________
Kathy Leervig, Deputy City Clerk

**Action on this resolution:**

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 8, 2015.

Kathy Leervig, Deputy City Clerk
Exhibit A

Westwind Plaza Shopping Center

LEGAL DESCRIPTION

Parcel 1:

The South 385 feet of the West 447 feet of the South Half of the Northwest Quarter of the Northwest Quarter, except the East 182 feet of the West 247 feet of the North 240 feet of the South 335 feet thereof, Section 29, Township 117, Range 22, according to the Government Survey thereof; and situate in Hennepin County, Minnesota.

Together with a perpetual easement for driveway purposes over and across that part of the following described land:

Tract A, Registered Land Survey No. 89, Files of the Registrar of Titles, Hennepin County, Minnesota.

Said easement lies Northerly, Northwesterly and Westerly of the following described line:

Beginning at a point on the North line of said Tract A distant 248.0 feet West of the Northeast corner of said Tract A; thence South on a line parallel to the East line of said Tract A, a distance of 60.00 feet; thence West deflecting to the right 90 degrees 00 minutes 00 seconds a distance of 250 feet; thence Southwesterly deflecting to the left 47 degrees 00 minutes 00 seconds to the West line of said Tract A and said line there terminating, as granted in Agreement Document No. 1537653;

And together with a perpetual easement to discharge and store upon Outlot A, Willow Wood, according to the recorded plat thereof, .35 acre feet of storm, flood, and snow melt water, as granted in Deed Document No. 1537655.

Being registered land as in evidenced by Certificate of Title No. 679362.

Parcel 2:

The West 247 feet of the South 335 feet of the South ½ of the Northwest ¼ of the Northwest ¼ of Section 29, Township 117, Range 22, except the South 95 feet thereof and except the West 95 feet thereof, according to the Government Survey thereof; and situate in Hennepin County, Minnesota.

Together with an easement to be used as and for a service road and for means of ingress and egress over and across the North 30 of said excepted South 95 feet and
over and across the East 30 feet of said excepted West 95 feet as granted in Deed Document No. 793787.

Being registered land as evidenced by Certificate of Title No. 679362.
MINNETONKA PLANNING COMMISSION
January 8, 2015

Brief Description
Items concerning One Two One Development located at 14217 Stewart Lane

Recommendation
Recommend the city council approve the request

Background

This item was tabled at the December 11, 2014 Planning Commission meeting due to the lateness of the hour. The commission asked staff to provide additional information and responses to comments and questions raised during the public hearing.

1. Trail – The location of the trail along the north property line was questioned as the 2006 proposal and current temporary trail are located along the west property line.

   Response - Given the slope of the site and need to have an accessible public trail, the northern property line location was demonstrated by the applicant to be a better location than the current location.

2. Development Agreement – Questions were raised about the city’s ability to approve a 54-unit senior cooperative project when the Redevelopment Contract states “…45 for-sale condominium housing units….”

   Response – The city could only approve a 54-unit senior cooperative with a change to the Redevelopment Contract. The city and EDA would need to approve that change. For purposes of the Planning Commission deliberations, the proposal should be reviewed on the merits of site and building plan review as recommendations on the Redevelopment Contract is not in the purview of the planning commission.

3. Variances – Previous variance approvals do not apply to this proposal.

   Response – The 2006 proposal required variances for building and parking lot setbacks. Although the previous approvals lapsed, the circumstances and conditions of the property are the same. The requested variances need to be approved based on the current conditions. The resolution provides findings to support those variances.
4. Parking – There would not be enough parking if the building were converted in the future to an apartment building.

Response – The staff report identifies the provision in the ordinance that contemplates the accommodation of parking should a conversion occur. A conversion from a senior to apartment building would leave the parking could 5 stalls short of meeting code minimums. This does not take into account a reality based parking study of an apartment building that may suggest 1 stall per unit may be appropriate for adaptations such as single bedroom units or transit considerations that would reduce parking.

5. Stewart Lane – Stewart Lane is not able to accommodate traffic generated by the proposal.

Response – As noted in the staff report, Stewart Lane can accommodate traffic generated by proposal. The roadway is 26 feet in width which meets the required engineering standard for a street that is designed for residential traffic.

Since Planning Commission Meeting

One comment was received since the meeting. (See page A96).

Staff Recommendation

Adopt the resolution on pages A74–A86 which approves final site and building plans and associated variances for One Two One Development at 14217 and 14301 Stewart Lane.

Originator: Loren Gordon, AICP, City Planner
MINNETONKA PLANNING COMMISSION
December 11, 2014

Brief Description
Items concerning One Two One Development located at 14217 Stewart Lane

Recommendation
Recommend the city council approve the request

Project No. 14028.14a
Property 14217 and 14301 Stewart Lane
Applicant One Two One Development

Proposal
One Two One Development has submitted plans to develop the property at 14217 and 14301 Stewart Lane, commonly known as the Kinsel site. The proposed project would consist of constructing a four-story, residential senior cooperative building with 54 dwelling units. The building would have common community space for activities and outdoor amenities including a public trail connection to Kinsel Park. Parking is accommodated with 76 underground and 27 surface parking spaces. The proposal requires site and building plan review and building and parking lot setback variances. (See pages A1-A27).

The Planning Commission and City Council have held three concept plan review meetings on the proposed development. In addition to the city review meetings, the developer has held at two neighborhood meetings to receive input. These meetings have helped shape the project causing a reduction in units from 58 to 54 and increased building setbacks from the north property line and Kinsel Park. (See pages A28-A62).

The proposal for the site has a history dating back to approvals for a similar four-story high density residential building. (See pages A63-A73 for a history.)

Proposal Requirements
The proposal requires:

- Site and Building Plan review
- Variances for building and parking lot setbacks
Approving Body
The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. This action is not customary but is required for this project as other city council actions related to the development agreement for the property are needed. (City Code §300.06 Subd. 4)

Site Features
The site is comprised of two parcels, one privately owned and one owned by the city of Minnetonka. It is irregularly shaped, with a narrower frontage on Stewart Lane and much wider south and easterly width at Kinsel Park and Glen Lake. The site is vacant except for a trail connection which connects Stewart Lane to Kinsel Park.

- **Topography**
The portion of the site near Stewart Lane is generally flat as it provided home sites for two residential homes prior to 2006. From that area it slopes southeasterly toward Kinsel Park and Glen Lake. The change of elevation is 40 feet.

- **Trees**
The site is generally open field except for trees along the lower portions of the slope adjacent to Glen Lake.

- **Other Natural Features**
Wetland, floodplain and Glen Lake are natural features of the property.

Building Use
The proposed residential building includes four levels of residential units and lower level parking garage. Included on the lower and main/first levels are common spaces and amenities for residents.

Building Architecture
Building architecture more traditional in nature with strong shape geometric shapes and lines. The building is designed with a flat roof and parapets walls with varied heights and details. Building height at the Stewart Lane elevation is 45 feet. On the rear or Glen Lake elevation, the height is 56 feet 1 inch.

Building Location
The building is generally situated in the center of the site on the southeasterly sloping area. Proposed setbacks are as follows:
Proposed Parking

Parking is accommodated on site to include a total of 103 stalls of which 76 are in the lower building level and 27 in the front surface parking area. The parking ratio of stall per residential unit is 1.9 which exceeds the required 1 space per unit for senior housing developments. The code also contemplates the need for additional parking if a conversion of occupancy would occur. If the development were to convert to a more typical multi-family apartment in the future, the project would be 5 stalls under the code minimum of 2 per unit. The proposal would exceed the Institute of Traffic Engineers (ITE) study average of 1.46 stalls per unit for a residential condominium.

The surface parking lot is primarily for visitor parking. The design allows for a small but organized area for deliveries and emergency vehicle access. Setback variances would be required for the parking stalls from the north and west setbacks of 8 and 12 feet respectively and 10 feet from Stewart Lane.

Traffic

The site includes one access driveway at Stewart Lane. Stewart Lane provides direct access to the two main arterial roadways in the Glen Lake village center - Excelsior Boulevard to the north and Eden Prairie Road to the west. Based on similar residential cooperative uses, the Institute of Traffic Engineers (ITE) manual eighth edition, the proposal would generate approximately 378 trips per day. This is consistent with trip generation rates for other adjacent residential developments and would not overburden the vehicle capacity of Stewart Lane.

Staff Analysis

Staff finds that the applicant’s proposal is reasonable.

- The proposed development is consistent with the city’s comprehensive plan guidance and master plan.
• The proposal reflects a smaller building than originally approved by the 2006 master plan for the property.

• The proposal meets the city’s ordinances

Staff Recommendation

Adopt the resolution on pages A74–A83 which approves final site and building plans and associated variances for One Two One Development at 14217 and 14301 Stewart Lane.

Originator: Loren Gordon, AICP, City Planner
### Supporting Information

#### Surrounding Land Uses
- **Northerly:** Townhomes zoned R-3
- **Easterly:** Kinsel Park zoned R-1
- **Southerly:** Condominium zoned R-4
- **Westerly:** Condominium zoned R-4

#### Planning
- Guide Plan designation: High Density Residential (12+ units/acre)
- Zoning: R-5 High Density Residential

#### Grading/Drainage
The proposal would use existing site typography. Existing drainage patterns would remain generally intact with a number of stormwater management improvements to meet city and watershed district rules. Primary grading impacts would be for building construction and stormwater pond improvements.

#### Stormwater
The proposal includes stormwater system plan designed to meet city and Nine Mile Creek Watershed District requirements. The system improvements include stormwater pond facilities located between the wetland/lake edge and the rear of the buildings.

#### SBP Standards
The proposed building would comply with site and building standards as outlined in city code.

1. **Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;**

   **Finding:** The proposal is consistent with the city’s comprehensive plan guidance of high density residential and the master plan for Glen Lake adopted in 2006.

2. **Consistency with the ordinance;**

   **Finding:** The proposal meets the standards of the R-5 zoning district and applicable performance standards.

3. **Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;**
Finding: The proposal will maintain the natural state significant natural features adjacent to the wetland edge of Glen Lake. A city order required the current property owner to replant vegetation at the foot of the slope adjacent to Glen Lake. These plantings were the result of unauthorized site clearing in 2006. This area is a preservation area on the plans. Additional site landscaping will improve the natural amenities and connection to the natural environment surrounding Glen Lake.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

Finding: The building is situated on the property to allow residents to enjoy site amenities and views of the natural environment surrounding Glen Lake.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

Finding: The site and building are well organized to provide a desirable place to live. The building is a high quality design which adds value to the living experience for residents. Indoor and outdoor site amenities create an enjoyable environment.

b) the amount and location of open space and landscaping;

Finding: The site contains an adequate amount of open space and landscaping. The building footprint impacts 25 percent of the site area allowing a rich landscaping and site amenities.

c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
Finding: Building materials are comprised of high quality brick, stone and engineered materials. Colors and textures are compatibly designed with adjacent development in the surrounding environment. The building design is similar to the adjacent multi-story condominium buildings.

d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: A public trail system will connect the site to Kinsel Park providing opportunities for residents to connect to the natural environment. Stewart Lane provides vehicular and pedestrian connections to the surrounding area.

6. promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

Finding: The building is designed and situated appropriately on the property to take advantage of southern exposure for added winter energy considerations. As site landscaping matures, summer heat gain will be reduced over time.

7. protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The building is sited with the consideration of setbacks and views. Proposed landscaping will buffer adjacent properties while allowing views, light and movement of air. Surface water management systems will improve the surface water runoff quality which benefits the natural environment.
VARIANCE STANDARDS

The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The proposal would be consistent with the zoning ordinance.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposal would be consistent with the comprehensive plan.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:
   a. REASONABLENESS: The proposed variances are reasonable. The proposed variances for the building are less than what was approved in 2006 for a similar building at the same location.
   b. UNIQUE CIRCUMSTANCE: The property is unique in shape and location. The irregular shape makes the design and placement of a more commonly designed building difficult.
   c. CHARACTER OF LOCATION: There are other high density residential buildings on Stewart Lane with similar building and parking lot setbacks.

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing. As a condition of approval the applicant must submit a construction management plan detailing these management practices.

Motion Options

The planning commission has three options:

(1) Concur with staff’s recommendation. In this case a motion should be made to approve the proposal based on the findings outlined in the staff-drafted resolution.

(2) Disagree with staff’s recommendation. In this case a motion should be made recommending denial of the proposal. The motion should include findings for denial.
(3) Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.

**Appeals**

Any person aggrieved by the planning commission’s decision regarding the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

**Neighborhood Comments**

The city sent notices to 734 area property owners and received no comments to date.

**Deadline for Decision:** March 20, 2015
Location Map

Project: OneTwoOne Development
Address: 14217 & 14301 Stewart La
(14028.14a)

This map is for illustrative purposes only.
NOTE:

THIS SITE HAS ALREADY BEEN RAISED. PRIOR TO BIDDING, THE CONTRACTOR IS TO VISIT THE SITE TO DETERMINE IF ALL FOUNDATION WALLS/FOOTINGS, FENCING, PAVEMENTS, TREES, ETC. HAVE BEEN REMOVED PREVIOUSLY BY OTHERS. ITEMS NOT REMOVED, THAT ARE SHOWN TO BE REMOVED ON THIS DRAWING, ARE TO BE REMOVED AS PART OF THIS CONSTRUCTION PACKAGE. NO ADDITIONAL COMPENSATION WILL BE GIVEN FOR ITEMS THAT COULD HAVE BEEN OBSERVED BY A SITE VISIT OR CLARIFIED BY OWNER/ARCHITECT PRIOR TO BIDDING.
Building has shifted 22" to increase the angle of the view corridor from the north.

**Current Side Setback**

- C1: 55'-4" (FORMAL PLAN REVIEW: RESIDENTIAL)
- C1: 41'-0" (FORMAL PLAN REVIEW: RESIDENTIAL & GARAGE)
- C1: 56'-6" (FORMAL PLAN REVIEW: RESIDENTIAL & GARAGE)

**Current Rear Setback**

- C1: 14301 Stewart Lane: Site Plan City Concept Review, Oct. 2014 (in red)
- C1: 14301 Stewart Lane: Site Plan City Final Review, Dec. 2014/Jan. 2015 (currently shown)
A 6' walking path along the west property line has been examined. Related issues that require further study include:

A.) A minimum 4' retaining wall between the walking path and proposed parking lot would be required to maintain a minimal slope suitable for walking. A continuous handrail will also be required along the walls directly adjacent to the path.

B.) Stairs would be required along the southern end of the trail to maintain a minimal slope suitable for walking. A handrail would be required at these areas as well.

C.) A west trail along the property line would fill in areas otherwise used for vegetative screening. A 6' high fence may be required instead.

D.) Snow storage could impact the trail as the driveway is plowed during the winter months. Snow could melt along the west trail and run down the stairs, and may need to be closed until the weather is more agreeable.
14217 Stewart Lane:
2006 Zoning Code Requirements - conforms with the prior Kinsel Pointe Development with approved variances.

Zoning: R-5
Site Area: 3.24 acres
Unit Count: 50 units w/4 affordable (54 total)
DENSITY = 16.6 units/acre
Setbacks (Southwest side = 48', North side = 40')
Footprint size = 26,365 sf
Number of Units/floor = approx. 15 (1,300 SF average)
Stories (Housing) = 4 stories (11'-2" floor to floor)
Stories (Underground parking) = 1 story (10'-8" floor to floor)
Elevation from 1st Floor to Roof Truss Bearing = 42'-7"

14217 Stewart Lane:
2014 Zoning Code Requirements - assuming no variances that had been previously approved from the Kinsel Pointe Development

Zoning: R-5
Site Area: 3.24 acres
Unit Count: 60
DENSITY = 18.5 units/acre
Setbacks (side, rear) = 100' maximum
Footprint size = 11,500 sf (approx.)
Number of Units/floor = approx. 8 (1,300 SF average)
Stories (Housing) = 8 stories (10'-8" floor to floor)
Stories (Underground parking) = 3 stories (10'-8" floor to floor)
Elevation from 1st Floor to top of Roof = 96'-0"
14301 Stewart Lane:
2006 Kinsel Pointe Development

Elevation from 1st Floor Grade to Roof = 42'-8" + parapet wall = 44'-8"

Elevation of the most exposed portion of the Kinsel Pointe Development (Southeast End), from Garage to Roof Parapet Edge = 65'-8"

14301 Stewart Lane:
2014 Glen Lake Cooperative Development

Elevation from 1st Floor Grade to Truss Bearing = 42'-7" + Roof Trusses + parapet wall = 45'-7"

Elevation of the most exposed portion of the Kinsel Pointe Development (Southeast End), from Garage to Roof Parapet Edge = 57'-1"
GLEN LAKE COOPERATIVE
inspiration images
GLEN LAKE COOPERATIVE

inspiration

interiors | architecture

One Two One Development
14217 and 14301 Stewart Lane
GLEN LAKE COOPERATIVE

inspiration

interiors | architecture

One Two One Development
14217 and 14301 Stewart Lane
GLEN LAKE COOPERATIVE
inspiration

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GLEN LAKE COOPERATIVE

inspiration

One Two One Development
14217 and 14301 Stewart Lane
GLEN LAKE COOPERATIVE

inspiration
MINNETONKA PLANNING COMMISSION
October 23, 2014

**Brief Description**
Concept plan for 14217 Stewart Lane (Kinsel site)

**Action Requested**
Discuss concept plan with the applicant. No formal action is required.

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**Proposal**

One Two One Development has submitted concept plans to develop the property 14217 Stewart Lane, commonly known as the Kinsel site. The proposed project would consist of constructing a four story, residential senior cooperative building with 58 dwelling units. The building would have common community space for activities and outdoor amenities including a public trail connection to Kinsel Park. Parking is accommodated with 79 underground and 27 surface parking spaces. (See pages A1-A7.)

**Background**

The city’s comprehensive plan guides the property for high density residential. The proposal would require amendment to master development plans and site and building plan review. The Glen Lake master development plan approvals identify the Kinsel site as phase III of the redevelopment effort which commenced in 2007 with the Exchange Building. The contract for redevelopment supporting the master development plan identifies 45 condominium units for the Kinsel site. During the initial approvals the property was rezoned to R-5 high density residential district. (See page A8).

**Review Process**

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** The developer hosted a neighborhood meeting on August 20th to discuss the project. Approximately 41 people were in attendance. The following comments were raised:
  - Dead against the project. Need more young people.
  - Stewart Lane is a service road. Xcel substation is a health hazard.
  - Project increases traffic.
  - Plans are in conflict with businesses in Glen Lake because these people won’t help businesses.
  - More elderly means businesses will die.
  - Need to address environmental impact.
  - What type of amenities will the coop have?
  - Need more surface parking. Residents will have 2 cars.
  - Where are the trails?
• What to do about other Glen Lake planning?

The developer also hosted a second neighborhood meeting on October 16th. Meeting follow-up will be provided at the planning commission meeting.

• **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

• **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

**Staff Recommendation**

During review of a formal application, commissioners may ask questions – and receive answers – regarding details of a proposal. Commissioners may also debate points of the proposal with each other and with the applicant.

Concept plan review should be approached differently than the formal development application process. To provide the most useful feedback to the applicant, rather than asking questions, the commission should spend the majority of the concept review engaged in discussion as a commission. After discussion, it would be appropriate to provide specific comments to the applicant. The applicant may consider the commission's comments in the preparation of more detailed development plans and formal development review application.

Originator: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) and staff can review resident comments.

- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial Concept Plan Review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.

- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

City Roles and Responsibilities

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.
City Staff. City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Brief Description  Concept plan for 14217 Stewart Lane (Kinsel site)

Action Requested  Discuss concept plan with the applicant. No formal action is required.

Proposal

One Two One Development has submitted concept plans to develop the property 14217 Stewart Lane, commonly known as the Kinsel site. The proposed project would consist of constructing a four story, residential senior cooperative building with 58 dwelling units. The building is proposed to include common community space for activities and outdoor amenities including a public trail connection to Kinsel Park. Parking is accommodated with 79 underground and 27 surface parking spaces. (See pages A1-A7.)

Background

The city’s comprehensive plan guides the property for high density residential. During the initial approvals the property was rezoned to R-5 high density residential district. (See page A8). The revised proposal would require amendment to master development plans and site and building plan review. The Glen Lake master development plan approvals identify the Kinsel site as phase III of the redevelopment effort which commenced in 2007 with the Exchange Building (now the Oaks at Glen Lake). The redevelopment contract supporting the master development plan identified 45 condominium units for the Kinsel site.

On June 23, 2014, the property owner sought an extension to the contract development for the Glen Lake redevelopment. The economic development authority approved the extension for an additional year to June 2015. The property owner also introduced the One Two One Development team at that time as the prospective Kinsel site developer.

Review Process

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** The developer hosted a neighborhood meeting on August 20th to discuss the project. Approximately 41 people were in attendance. The following comments were raised:
  - Dead against the project. Need more young people.
  - Stewart Lane is a service road. Xcel substation is a health hazard.
  - Project increases traffic.
- Plans are in conflict with businesses in Glen Lake because these people won’t help businesses.
- More elderly means businesses will die.
- Need to address environmental impact.
- What type of amenities will the coop have?
- Need more surface parking. Residents will have 2 cars.
- Where are the trails?
- What to do about other Glen Lake planning?

The developer also hosted a second neighborhood meeting on October 16th. Approximately 14 people were in attendance. The following comments were raised:

- What variances will be requested?
- Is the footprint the same as previous condo proposal? What were the unit sizes?
- How many developments has Ecumen built in the twin cities?
- What is relationship of a nonprofit and a for profit organization?
- Good project but wrong place. Site should be public. City should purchase.
- Will the east wing shadow townhomes in winter?
- Moving trucks not allowed on Stewart lane.
- Is the location of the pond location appropriate?
- Could townhomes purchase trees for their property too?
- Lighting and windows need to respect natural environment.
- Trail location in right place? Connections to public sidewalks?
- Does the project meet DNR lakeshore regulations?
- Any conversations about grocer?
- People want to stay in Minnetonka. We need more of these developments.
- Moving trucks will be ok on Stewart lane. They will use shorter trucks instead.
- What are demographics?
- What is a cooperative profile?

Three neighborhood comments have been received. (see pages A9-A16).

- **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The planning commission will review the concept plan at their October 23, 2014 meeting. A summary of that meeting will be provided during the October 27, 2014 city council review of the project. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches
and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

- **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

**Staff Recommendation**

During review of a formal application, council members may ask questions – and receive answers – regarding details of a proposal. Council members may also debate points of the proposal with each other and with the applicant.

Concept plan review should be approached differently than the formal development application process. To provide the most useful feedback to the applicant, rather than asking questions, the council should spend the majority of the concept review engaged in discussion as a council. After discussion, it would be appropriate to provide specific comments to the applicant. The applicant may consider the commission’s comments in the preparation of more detailed development plans and formal development review application.

Submitted through:
- Geralyn Barone, City Manager
- Julie Wischnack, AICP, Community Development Director

Originator:
- Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Next Steps

• **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates; (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) staff can review resident comments.

• **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial Concept Plan Review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.

• **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

• **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

City Roles and Responsibilities

• **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

• **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.
City Staff. City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
LOCATION MAP

ONE TWO ONE DEVELOPMENT
CONCEPT PLAN REVIEW
14217 STEWART LANE

This map is for illustrative purposes only.
Loren Gordon, AICP  
City Planner, City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, MN 55345  
(952) 939-8296  
lgordon@eminnetonka.com  

Re: Glen Lake Senior Cooperative Proposed Development  
14301 Stewart Lane  
Minnetonka, MN 55345-5821

Mr. Gordon,

Just a little bit of information about our organization and our objectives:

Born out of Ecumen, with a long standing reputation in senior housing and management, and Lifestyle Communities, LLC, OneTwoOne Development brings a depth of finance, management and cooperative development expertise to various communities throughout the Midwest and nationwide. Our mission is to form strong bonds with individuals and their communities – and to produce cooperative that promote and enhance where they live.

The proposed Glen Lake Cooperative is an ownership option for empty nesters who would own and govern the community in which they live. The ownership structure creates substantial freedom, flexibility and value to individuals looking for a form of simplified ownership. The owners’ investment is secured with a one-time share payment—which has an annual fixed appreciation—along with a monthly carrying charge that includes many of the basic utility bills, 40 year fixed master mortgage, property taxes and insurance. The Glen Lake Cooperative is designed to offer peace-of-mind in an ever-changing real estate market.

Building partnerships with communities is as important as the individuals we develop cooperatives for. That is why OneTwoOne makes a point to collaborate with cities and their residents to fulfill our commitment to each community we touch. In fact, these relationships help us tell the story of who we are as we partner with cities to be a flexible and responsive developer.

Please feel free to contact us with any additional questions or comments you may have at any time.

Regards,

Dena R. Meyer  
Director of Business Development  
OneTwoOne Development  
3530 Lexington Avenue N  
Shoreview, MN 55126  
w: (651) 766-4440  
m: (651) 491-9076  
denameyer@ecumen.org

One Two One Development  
14217 and 14301 Stewart Lane
Glen Lake Senior Cooperative, Minnetonka, MN
City of Minnetonka Concept Review 10/15/2014

Site Plan
1" = 40'-0"

58 UNIT SENIOR CO-OP
79 UNDERGROUND PARKING STALLS

RETENTION POND

27 SITE PARKING STALLS

STEWART LANE
GLEN LAKE DRIVE

One Two One Development
14217 and 14301 Stewart Lane
Glen Lake
Minnetonka, MN  11.17.2005

Site Plan
Scale: 1" = 300'

Site A & Site B
(Rezoned to Planned Unit Development)

Site C
(Rezoned to R-5: High Density)
August 23, 2014

14501 Atrium Way, Apt. 218
Minnetonka, Minnesota 55345

Mr. Loren Gordon, Planning Director
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, Minnesota 55305

Dear Mr. Gordon:

Unfortunately my husband and I had to miss the meeting at City Hall earlier this week regarding the construction of the senior housing co-op building on the Kinsel Point site.

We are seniors and reside at The Glen Condominiums here in Minnetonka. We have watched this area ("village") grow for ten years and have been very pleased with all the changes over time in the improvements. Of course we were sad to see Fresh Seasons close. It is really too bad that a lot of people in this area did not shop at the store and did not treat the store as a primary desination.

This is truly a senior area, and there is nothing wrong with that! The senior living spaces make the area quiet and not crowded with traffic. The peaceful location of the Kinsel Point land is a perfect location for quiet senior living which will enhance the entire "village" even more so. We urge the City to approve this construction project. We believe it will continue to attract the kinds of neighbors everyone would like. The security of multiple dwellings will cut down on break-ins and theft attempts. The quietness of these residences will enhance the neighborhood. This type of continuing redevelopment of the area is more likely to attract honest, decent, upstanding people. Regular upkeep of such buildings and better landscaping will also enhance the "village." I know that there must have been many naysayers at the meeting because I remember a few years ago when our present changes were discussed and many voiced how terrible the changes would be. Well, they were proven wrong. Unfortunately, many are always against change for foolish reasons, and want to keep things "as is" forever. This is no way to run a city; I am sure you will agree.
We love living in Glen Lake and hope the City will see the need for additional residences such as the Kinsel Point development plan and see how this will be a boon to the City as a whole. I would appreciate it if you would pass our opinions on to the City Council. We would very much like to see this project move forward.

Yours truly,

Louise M. Davis

[Signature]
October 20, 2014

Dear City Council:

As I watch the morphing of the concept plan for the Glen Lake parcel, I need to let you know my concerns. I have recently read again some of the approvals from 2006 and I have my memories of attending each meeting to support my conversation with you here. I suggest that you too start your own reviews now. I understand that the concept plan for this site will be presented at Planning Commission this Thursday. For the purposes of this letter, I will call the project on Stewart lane GLENBLDG.

First, let me say at the outset if you decide that the GLENBLDG must progress, I welcome both the ONETWOONE Company and their cooperative product to Minnetonka. In fact, it is in part because this company is reputable, that I am sorry that they will be dragged into the debate on whether any GLENBLDG should even be built. I hold you each responsible for your votes each year that have allowed Mr. Wartman's extensions for this GLENBLDG. However, ONETWOONE’s concept is not what you approved.

In 2006, when this large TIF project was approved each of you voted reluctantly to approve the Glen Lake Development. You believed that the project needed both the TIF and size from GLENBLDG to proceed. Clearly, this is no longer true and I question whether it was true in 2006. As approved, the GLENBLDG also would not have any affordable units for Glen Lake Development’s financial math to work. The GLENBLDG was universally not wanted by you as a council nor its community. A setback variance
was also approved that allowed an R5 project to fit where land use will naturally permit only a R4 building. This setback variance was 15 feet from a city park effectively reducing the city park space 85 feet of its normal 100 foot variance. Basically, 85 feet of city park space was given to the development.

I am wondering why this version of the GLENBLDG is allowed to move forward. It is cooperative living for seniors not condos for all ages. Both the ownership and age changes are clearly not as approved. The entire Glen Lake Development was to have provided many condo units. Instead, Glen Lake Development built assisted living for seniors and apartment units. Neither of these was part of the concept plan that you approved. I understand the economy drives what ultimately gets built but you have a responsibility to the community to meet our expectations. I expected new residents beside seniors and I expected homeowners. Owners live in their community housing full-time and are multi-generational so they are involved in various aspects of their community. I also expected a grocery store and again the economy seems to have driven its demise. You asked for a Glen Lake market study and it detailed why a grocery store will not succeed in Glen Lake. Please do not continue to buy into someone's vision for a grocery store. And also please observe that the Glen Lake Café did not survive in Glen Lake for more than one year.

I am asking you to hold to your commitment on at least one parcel of this project. I want ownership and I do not want any more senior designations if this GLENBLDG moves forward. Clearly, ONETWOONE's concept is a wonderful concept and this company should build somewhere else in Minnetonka.
I am also concerned that the City be more proactive with any developments on Stewart Lane. The McConnell property is for sale on the other side of the Glen Lake Shores. Developers have already tried to see if it could be developed with higher density than its single family home R1 designation. I am concerned that the City has not been proactive in constructing or planning Stewart Lane with the width needed for the added vehicles (delivery trucks and cars) that high density housing areas requires. Stewart Lane will need bike paths and sidewalks to connect the GLENBLDG's required walking path to the new sidewalks on Eden Prairie Road.

Finally, I believe that if you continue to approve Mr. Wartman’s modifications to the Glen Lake Development (especially the GLENBLDG site), he is in effect being rewarded financially for his bad behaviors (overpaying for the property, clear cutting the trees, poorly closing the grocery store). You also have a responsibility to establish and ensure that the need for eminent domain still is upheld. I am not alone in my feelings that the Glen Lake Development appears at times to be a “bait and switch”. I do not want to see the City involved in a law suit because citizens were promised one vision and you have accepted another.

I do not want high density at the GLENBLDG site. I would like my park variance to be rescinded. I do not like wish for any more senior housing restrictions in Glen Lake. I would like homeownership.

It is important that you review videos and notes of this project immediately. Please meet with the citizens affected – Glen Lake Shores, Glen Lake Drive townhouses, persons who
spoke out at the approval process in 2006. I would like to believe that you could spare ONETWOONE and my community some financial cost and emotional stress by agreeing with me that this project does not meet either the approved requirements or the community's expectations for Glen Lake Development. Please stop the concept from moving forward any further and suggest that ONETWOONE look elsewhere.

Sincerely,

Grace Sheely

14325 Grenier Road
Minnetonka, MN 55345
October 21, 2014

Mayor Terry Schneider  
Council Members Allendorf, Acomb, Ellingson, Wagner, Wiersom and Bergstedt  
City of Minnetonka  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345

RE: Glen Lake Redevelopment

Dear Mayor Schneider and Council Members:

Please find attached the names and addresses of our Lakeside Estates Townhome Association members. I am writing as President of the association. Our thirteen units currently are home to twenty some residents. A few of us have been around since the beginning of Mr. Wartman’s project, but most are new to the discussions. Please include all of our members on the mailing list for legal notices and updates on the new proposed project on the Glen Lake site.

I understand the planning commission will be hearing an initial concept proposal for the new project Thursday evening (October 23, 2014), and perhaps as early as next Monday (October 27th), it will be heard by the full council. As the neighbors closest to the proposed building, we will be taking a keen interest in the discussions and look to be included in the group of stakeholders providing input for the proposal. We would gladly host a community meeting in one of our homes.

It is now over nine years since this project was first discussed. Lots of promises were made, and controversial decisions were made by the council back in 2006 based on those promises. We heard strong sentiment against the size and mass of the proposed luxury condo to be built on the Glen Lake site. We heard individual concerns stated by planning commission and city council members that the size of the building bothered them, but it was needed to make the project work. Others expressed concern about the use of eminent domain, but gave their vote for the common good to make the project happen based on developer assurances. The Tax Increment Finance plan would not work if the building was not oversized was another developer claim as council members voted to re-guide and re-zone the property. In addition variances were granted, allowing the entire building to be moved unjustifiably close to our association property and homeowners.
After nine years, the developer should be a motivated seller. The community and neighbors want something smaller. The prospective purchaser should be directed to lower the size and scale to R-4 zoning requirements and negotiate for that size of project. The city should reconsider the entire new proposal based on 2014 circumstances, not overly optimistic thinking from nine years ago.

We look forward to the opportunity to discuss any proposed plans for our neighborhood. We thank you for your attention to our concerns and your service to our community.

Sincerely,

Randall Neal
President, Lakeside Estates Townhome Association

cc. Geralyn Barone, City Manager
City Council Agenda Item #14_
Meeting of November 10, 2014

Brief Description
Concept plan for 14217 Stewart Lane (Kinsel site)

Recommendation
Provide feedback on concept plan

Background

During the One Two One concept plan review at the October 27, 2014 city council meeting, the council requested the approval history for the Kinsel site, including legal latitude the council may have for approval or denial of a project at that location.

In January 23, 2006, the city council approved the Glen Lake Master Plan. Included as a part of the master plan approvals was action on a site and building plan for Site C, the Kinsel site. This action included approval of final site and building plans with variances for building and parking lot setbacks. The following is an excerpt of the motion from the meeting minutes:

6) Approve the final site and building plans for Site C [Kinsel site], with the following variances:

   a. building setback variances from 100 feet to 33 feet from the north property line, 100 feet to 40 feet from the southwest property line, and 100 feet to 34 feet from Kinsel Park; and

   b. parking lot setback variances from 20 feet to 8 feet from the north lot line, from 20 feet to 15 feet from the northwest property line, and 20 feet to 10 feet from the southwest property line.

Presumably, the proposed One Two One plan would build to the same or very similar building and parking lot setbacks as the footprint size and location is nearly identical.

The city attorney has determined that, although the variance approvals granted in 2006 have expired, the city is obligated by the redevelopment contract to provide land use approvals consistent with the development contemplated by the contract, TIF plan, and master site plan. (See pages A1-A3). This is due to the fact that the master development plan was approved with the expectation that the Kinsel site would not develop immediately, but in a number of years, as it was the third phase of the Glen Lake redevelopment program.
Staff Recommendation

At the last council meeting, during concept review, the council was concerned about the legal status of the development. Based on the information contained in the report, staff is now requesting additional feedback on the proposed concept plan. (See pages A4-A7.)

Submitted through:
   Geralyn Barone, City Manager
   Julie Wischnack, AICP, Community Development Director

Originator:
   Loren Gordon, AICP, City Planner
You requested advice regarding the city council’s options with respect to the land use approvals for the proposed development of Site C in the Glen Lake redevelopment area. In particular, the council asked whether and to what extent the Second Amended and Restated Contract for Private Redevelopment, among the city, EDA and Glen Lake Redevelopment LLC, dated January 4, 2010 (the “Redevelopment Contract”), impacts the council’s discretion on land use approvals.

Background

The parties approved the Redevelopment Contract as of January 4, 2010, replacing earlier contracts dated January 31, 2006 and May 15, 2007. The Redevelopment Contract contemplates a phased development of three different sites in the Glen Lake Area. Development of Sites A and B has been completed. The OneTwoOne development proposal relates to the site designated as Site C under the Redevelopment Contract.

Improvements to be built

The Redevelopment Contract provides that Site C must be improved with a project of approximately 45 for-sale condominium housing units. The city and EDA have each warranted to use their “best efforts to facilitate development of the Minimum Improvements [the 45 housing units], including but not limited to cooperating with the Redeveloper in obtaining necessary administrative and land use approvals ...” Redevelopment Contract, Section 2.1(b)(emphasis added).

The Redevelopment Contract also requires that development of Site C conform to the TIF plan and a master site plan attached to the contract. The master site plan indicates that Site C would be rezoned to R-5 High Density Residential and that it would be improved with a U-shaped building with the bottom of the U oriented toward Stewart Lane. The TIF plan described the proposed redevelopment of Site C (identified as Phase 2 in the TIF plan) as an approximately 50-unit condominium unit.
Timeline for construction

The Redevelopment Contract initially required construction on Site C to start by June 30, 2013 and to be completed by June 30, 2014. The parties to the Redevelopment Contract have subsequently amended those deadlines, most recently in April of this year. The current deadlines are June 30, 2014 for commencement of construction and June 30, 2015 for completion of construction. The city and EDA were aware at the time of those approvals that the market for condominium development was no longer favorable and that the redeveloper was considering a cooperative development.

Land use approvals given

The city council provided the following land use approvals for Site C on January 23, 2006:

- Amended the comprehensive guide plan to guide Site C as residential high density
- Rezoned Site C as R-5 High Density Residential
- Approved the final site and building plans for Site C, on the condition that the east 18 feet of the building be removed, and with the following variances:
  - Building setback of 33 feet from the north property line, 40 feet from the southwest property line, and 34 feet from Kinsel Park
  - Parking setbacks of 8 feet from the north property line, 15 feet from the northwest property line, and 10 feet from the southwest property line

Discussion

The comprehensive guide plan and rezoning are in effect. However, the final site and building plans, and the variances, have all expired. Under section 300.07(5) of the city code, a variance automatically expires if a building permit does not issue by December 31 of the year following approval. Where the variance is part of an approved site and building plan, any extension of that deadline is contingent on a similar extension of the site and building plan approval. Like variances, site and building plan approvals also require issuance of a building permit by December 31 of the year following approval. The planning commission may not grant more than three consecutive one-year extensions of the deadline, unless a variance from § 300.27(10) is approved.

The council approved the site and building plan and variances in 2006. Although the Redevelopment Contract contemplated phased development, and the parties have extended the deadlines in the Redevelopment Contract, the original land use approvals were not re-approved or extended as required by city code. The approvals therefore
lapsed on December 31, 2007. The developer will need to submit new applications for site and building plan approval and for approval of the variances.

In reviewing any land use applications for Site C that are made on behalf of or in cooperation with the Redeveloper, the city must comply with the Redevelopment Contract. The council must use its “best efforts” to cooperate with the Redeveloper to provide the land use approvals necessary for the construction of the Minimum Improvements contemplated by Site C. The term “best efforts” does not have a single meaning, but Minnesota courts have consistently held that it is a higher standard than acting in “good faith.” A “best efforts” clause requires the promisor to perform contractual obligations diligently and with efforts that are reasonable in light of the promisor’s ability and in light of the other party’s justifiable expectations. A “best efforts” clause may limit the discretion that a government body might otherwise have. In one case, the 8th Circuit held that five Minnesota counties had breached a “best efforts” clause by refusing to approve a tax levy to support a deficit in HRA-issued revenue bonds. The court stated that the counties had shown “no extenuating circumstances” to justify rejection of the tax levy and indicated that unpopularity with voters was not an adequate justification.

Conclusion

In my opinion, the city is obligated to use due diligence to issue land use approvals for a 45- to 50-unit, for-sale housing development that is substantially consistent with the master site plan approved in 2006. The change in form of ownership, from condominium to cooperative, is not materially different from what was approved in 2006. The parties’ actions in restating the contract in 2010 and extending the performance deadlines in 2014, when all parties were aware that the condominium market was no longer attractive, support the conclusion that the form of ownership was not significant to the parties. The city is not obligated to approve more than 50 units of housing and may exercise its typical discretion in reviewing applications for more than 50 units.
LOCATION MAP

ONE TWO ONE DEVELOPMENT
CONCEPT PLAN REVIEW
14217 STEWART LANE
PREVIOUS APPROVALS
Glen Lake Approvals History summary

2006 - Original Glen Lake Approvals (link provided)

In January of 2006, official action on the entire request was taken and included the following in the motion excerpt from the minutes.

t/cc_minutes_012306.pdf

6) Approve the final site and building plans for Site C [Kinsel site], with the following variances:

   a. building setback variances from 100 feet to 33 feet from the north property line, 100 feet to 40 feet from the southwest property line, and 100 feet to 34 feet from Kinsel Park; and

   b. parking lot setback variances from 20 feet to 8 feet from the north lot line, from 20 feet to 15 feet from the northwest property line, and 20 feet to 10 feet from the southwest property line.

http://eminnetonka.com/news_events/show_project.cfm?link_id=Glen_Lake_Initial_Approvals&cat_link_id=Planning

2007 – Exchange (Site B)

The Exchange or Site B is considered for a conversion from condos to apartments. Started in construction in 2007 – completed in 2008.


2008 - 2009 – St. Therese (Site A)

St. Therese is considered (Site A) for conversion of condos to apartments. Project construction was delayed by the economic recession and financing with HUD. Actual construction started and 2010 and it opened in 2011.

http://eminnetonka.com/community_development/planning/show_project.cfm?link_id=st_therese&cat_link_id=Planning

2008 - 2009 - City completed streetscaping in the area.

2010 - Glen Lake Station (Plaza) completed by city.
2012/2013/2014 – Development Contract Extensions

The development contract was extended multiple times. The latest was June of 2014 for construction of Kinsel to begin by 2015 and finish by 2016.

Latest extension to the contract:
Resolution No. 2015-

Resolution approving a final site and building plan with variances for One Two One Development at 14217 and 14301 Stewart Lane.

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 On January 23, 2006, the city council approved as master development plan for Glen Lake redevelopment. The redevelopment plan included approvals of plans for three redevelopment sites - A, B and C.

1.02 The redevelopment plan for site C, commonly referred to as the Kinsel Site, included the properties addressed at 14217 and 14301 Stewart Lane.

1.03 As a part of the January 23, 2006 master development plan, the city council approved the following land use actions for site C: 1) A comprehensive guide plan amendment to high density residential, 2) a rezoning to R-5 high density residential, and 3) approval of final site and building plans with the following variances:

   Building setback of 33 feet from the north property line, 40 feet from the southwest property line, and 34 feet from Kinsel Park

   Parking setbacks of 8 feet from the north property line, 15 feet from the northwest property line, and 10 feet from the southwest property line

1.04 One Two One Development has requested approval of final site and building plans with variances for the properties located at 14217 and 14301 Stewart Lane (site C). It is legally described as follows:

   That part of Lot 1 in Glen Lake Park described as follows, to wit: Commencing at the Northwesterly corner of said Lot 1; thence Northeasterly along the Northwesterly line of said Lot a distance of 65 feet; thence Southeasterly along a line parallel with the Southwesterly line of said Lot to the South line of said lot; thence West along the said South
line to the Southwesterly corner of said Lot; thence Northwesterly along
the Southwesterly line of said Lot to the point of commencement,
Hennepin County, Minnesota, according to the recorded plat thereof.

and,

That part of Lot 1 in Glen Lake Park, Hennepin County, Minnesota, lying
West of the East 570 feet thereof and Northeasterly of the Southwesterly
65 feet thereof.

1.05 The One Two One Development proposal includes a four-story, residential
senior cooperative building with 54 dwelling units. The project proposes 76
underground and 27 surface parking spaces.

1.06 The building would have common community space for activities and
outdoor amenities including a public trail connection to Kinsel Park.

1.07 The project proposes building setbacks of 39 feet 5 inches to the north
property line, 43 feet 2 inches to the west property line and 48 feet 3
inches to the east property line which would require variances.

1.08 The project proposes parking lot setbacks of 8 feet from the north and 12
feet from the west property lines and a 10 feet setback from Stewart Lane
would require variances.

1.09 The project proposes a building height is 51 feet which requires a
variance.

1.10 On December 11, 2014, the Planning Commission held a hearing on the
proposal. The applicant was provided the opportunity to present
information and public comments were received by the Planning
Commission.

1.11 On January 8, 2015, the Planning Commission continued review of the
proposal considering all of the comments received and the staff report,
which are incorporated by reference into this resolution.

Section 2. General Standards.

2.01 City Code §300.27, Subd. 5, states that in evaluating a site and building
plan, the city will consider its compliance with the following:

1. Consistency with the elements and objectives of the city's
development guides, including the comprehensive plan and water resources management plan;

2. Consistency with the ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) the amount and location of open space and landscaping;
   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of
design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Section 3. Findings.

3.01 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd. 5.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

Finding: The proposal is consistent with the city's comprehensive plan guidance of high density residential and the master plan for Glen Lake adopted in 2006.

2. Consistency with the ordinance;

Finding: The proposal meets the standards of the R-5 zoning district and applicable performance standards.

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas;

Finding: The proposal will maintain the natural state significant natural features adjacent to the wetland edge of Glen Lake. A city order required the current property owner to replant vegetation at the foot of the slope adjacent to Glen Lake. These plantings were the result of unauthorized site clearing in 2006. This area is a preservation area on the plans. Additional site landscaping will improve the natural amenities and connection to the natural environment surrounding Glen Lake.

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

Finding: The building is situated on the property to allow residents to enjoy site amenities and views of the natural environment surrounding Glen Lake.
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

Finding: The site and building are well organized to provide a desirable place to live. The building is a high quality design which adds value to the living experience for residents. Indoor and outdoor site amenities create an enjoyable environment.

b) the amount and location of open space and landscaping;

Finding: The site contains an adequate amount of open space and landscaping. The building footprint impacts 25 percent of the site area allowing a rich landscaping and site amenities.

c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

Finding: Building materials are comprised of high quality brick, stone and engineered materials. Colors and textures are compatibly designed with adjacent development the surrounding environment. The building design is similar to the adjacent multi-story condominium buildings.

d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

Finding: A public trail system will connect the site to Kinsel Park providing opportunities for residents to connect to the natural environment. Stewart Lane provides vehicular and pedestrian connections to the surrounding area.

6. promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading.
Finding: The building is designed and situated appropriately on the property to take advantage of southern exposure for added winter energy considerations. As site landscaping matures, summer heat gain will be reduced over time.

7. protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The building is sited with the consideration of setbacks and views. Proposed landscaping will buffer adjacent properties while allowing views, light and movement of air. Surface water management systems will improve the surface water runoff quality which benefits the natural environment.

3.02 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The proposal would be consistent with the zoning ordinance including standards for site and building plan approval.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposal would be consistent with the comprehensive plan guidance for high density residential land use on the property.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:

a. REASONABLENESS: The proposed variances are reasonable. The proposed variances for the building are less than what was approved in 2006 for a similar building at the same location.

b. UNIQUE CIRCUMSTANCE: The property is a unique in shape and location. The irregular shape makes the design and placement of a more commonly designed building difficult.

c. CHARACTER OF LOCATILTY: There are other high density residential buildings on Stewart Lane with similar building and parking lot setbacks.
Section 4. City Council Action.

4.01 The City Council approves the final site and building plans and variances for One Two One Development with the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

   - Site plan dated November 21, 2014
   - Landscaping plan dated October 20, 2014
   - Building elevations dated November 21, 2014

2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

   a) The following must be submitted for the grading permit to be considered complete.

      1) An electronic PDF copy of all required plans and specifications.
      2) Three full size sets of construction drawings and sets of project specifications.
      3) Final site, grading, drainage, utility, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

         a. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

         b. Final grading plans shall demonstrate how the proposed grading will minimize the impact to neighboring trees.

      4) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct
streets and utility improvements, comply with grading permit, wetland restoration, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

5) A construction management plan. The plan must be in a city approved format and must outlined minimum site management practices and penalties for non-compliance.

6) A copy of the approved MPCA NPDES permit.

7) Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

8) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

9) Storm Water Management
Clarify and resubmit storm sewer details shown on the submitted plans (pipe invert elevations, pipe materials, etc.) to be consistent with the information provided in the HydroCAD model dated 10/20/14.

The maximum depth of the infiltration basins can be no greater than 2 feet.

Provide consistent infiltration rates described in the stormwater narrative and used in the model.

Infiltrometer testing is required at the bottom elevation of the infiltration basin to confirm infiltration rates.

10) Engineering related items

Plan sheet C300 – FES #1 is located within the floodplain. Any grading within the floodplain will require a floodplain alteration permit.

Plan sheet C300 – In order to prevent sediment resuspension, Sump MH #7 and Sump CB #13 will require addition pretreatment beyond just a 36” deep sump. A SAFL baffle or equivalent sump retrofit could be used.

Stormwater maintenance agreements will be required for all water quality facilities (infiltration basins, sump MHs, etc.). These will all be private and will need to be privately maintained.

Drive entrance shall include valley gutter; if a concrete driveway apron is constructed, the gutter cannot be integral to the apron.

The trail between the two infiltration basins has a grade of over 13%. The trail grade needs to be reduced to a maximum of 8.3% or less.
• The retaining walls must be engineered. The applicant shall submit plans that are prepared by a licensed structural engineer.

• Provide top and bottom wall elevations for all retaining walls. Some walls currently do not include elevations.

• Pipe segments MH#6 – FES #5, FES #4 – FES #3, and FES #2 – FES #1, appear to be in conflict with proposed wall elevations. Please review.

• The water main service to the site shall be looped. Two service legs shall be extended from the main with valves on each leg and a central valve on the main between the two legs (3 valves total) to maintain service to the 54 units in the event of a break.

• Existing sewer and water services shall be removed back to the main, wyes shall be cut out and sleeved, corporation stops shut off.

• Curb and street replacement/restoration for connections to water and sewer will be done to match existing.

b) Prior to issuance of a grading permit:

1) This resolution must be recorded at Hennepin County.

2) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

3) Submit a full Alta survey to be sure there are no easements that would conflict with the proposed project.
4) Provide a trail easement for the public trail as approved by the city to replace the temporary trail easement on the 14217 Stewart land parcel. Provide a maintenance agreement for the trail as approved by the city.

5) Provide a drainage and utility easement over the wetland.

6) Provide a conservation easement over the restitution area. Provide a restoration management plan for the restitution area as approved by the city.

c) Permits may be required from other outside agencies including, Hennepin County, the Nine Mile Creek Watershed District, and the MPCA. It is the applicant’s and/or property owner’s responsibility to obtain any necessary permits.

3. Prior to issuance of a building permit:

a) Submit the following items for staff review and approval:

1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.

2) A landscaping and tree mitigation plan. The plan must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be decreased based on any of the following: the health of trees removed; the ability to appropriately install trees and other shrubbery given existing vegetation and/or topography.

3) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this
document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

4) An electronic CAD file or certified as-built drawings in microstation or DXF and PDF format.

5) A letter of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost of all required landscaping.

6) An illumination plan.

b) Submit all required hook-up fees.

4. The property owner is responsible for replacing any required landscaping that dies.

5. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

6. Construction must begin by December 31, 2016, unless the city council grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on January 26, 2015.

Terry Schneider, Mayor
Attest:

______________________________
David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:  
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 26, 2015.

______________________________
David E. Maeda, City Clerk
D. Items concerning One Two One Development located at 14217 Stewart Lane.

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

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

Chair Lehman and Gordon reviewed an addendum to the resolution.

In response to Kirk’s question, Gordon identified the current elevations.

Julie Murray, vice president of sales, marketing, and business development for Ecumen and co-chief manager of One Two One Development stated that One Two One Development is a joint venture between Ecumen and Lifestyle Communities. Tim Nichols is the other co-chief manager from Lifestyle Communities. Ms. Murray stated that:

- One Two One Development was formed to develop high quality, cooperative housing for people 55 years of age and older.
- The site offers amenities that are desirable.
- The site has a lot of history. She is listening to what is being said by staff and at meetings. The applicant wants to be a good neighbor and create a feasible project.

Mr. Nichols stated that:

- The concept is to fulfill a need in the market in the area.
- Staff have been remarkable to work with.
- He has had direct involvement with some of the most vocal opponents and produced a more sensitive and better result than the previous plan.
- He listened to the comments provided by neighbors at two neighborhood meetings.
- He wants to build what people want.
- The proposal went from 60 units in the same footprint as previously approved to 58 units. The latest proposal has diminished the size of the building footprint, moved it away from the neighbors to the north, and decreased the number of units to 54 with 4 units considered affordable by the metropolitan council’s guidelines.
- He is requesting approval of the proposal.
• A litany of options were considered.
• The site plan shows a trail that would travel north from the property. He made a commitment to the neighborhood to consider the alternative. The city has guidelines that require the trail to be accessible. The terrain difference would require steps that would not allow the trail to be accessible. He wants to be a good neighbor.
• He and Ms. Murray are available for questions.

Rettew moved, second by Knight, to continue the meeting until 11:30 p.m. Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried.

The public hearing was opened.

Randall Neal, 14203 Glen Lake Drive, stated that:

• He is the president of the townhome association.
• He requested that the walking path not go by bedroom windows. The path is a big deal because it would eliminate personal privacy. The trail ties in with the accessibility of the community as a whole. The trail would be more convenient on the north, but it would cause the townhome residents to give up their view of the lake and their safety caused by pedestrians walking by on the proposed trail.
• He commends the applicant on the reconfiguration. The building was decreased 22 to 24 feet and it was moved further south. That looks nice and doable.
• High-end townhomes would be ideal. He accepted that would not happen. If there has to be something built, then what the applicant is proposing would be nice.
• Glen Lake is becoming too much of a senior population and could do more to welcome families and children.

Chair Lehman asked if screening would help reduce the impact of the trail. Mr. Neal answered in the negative. He stated that there is a steep slope on the southwest side, but a path could be done with steps.

Jim Zachman, 14194 Glen Lake Drive, stated that:

• This project goes back 10 years. The townhomes were more successful than he expected. The units on the lake side and park side sold well.
• In order to get TIF, a site has to have the ability to produce the type of taxes that a property owner hopes to get to build 150 to 200 low-cost housing units. The townhomes do have an affordable unit. Wonderful people live there.

• He was planning on building townhouses on Kinsel Point. Bob Mason had plans for condominiums with a 2-story building.

• This was a hot property and the price was high in 2006.

• The townhome owners want the path moved. The building would block the view. Saving the view has been given up.

• There have been 3 extensions of the developer’s agreement. The 2010 developer’s agreement spelled out what had to be built on the site. It requires market-rate condominiums, not cooperatives. Cooperatives are the low end of senior housing. Condominiums are the high end of senior housing. The applicant has $505,000 as the average price in the developer’s agreement to attract buyers who could support local businesses. Seniors live on meals on wheels.

• A condominium has excellent financing for seniors. Better than what a cooperative would provide. The life of an apartment project for seniors is 20 years. There would be complete turnover in 20 years. It would have one mortgage and one legal description.

• High-rise condominium buildings on Lake Calhoun sell out all the time, but one would not on Glen Lake. Townhouses do sell.

• TIF money for this proposal is no longer necessary. The TIF district has been extended 7 years. If the developer would take the top 2 stories off the building, then it would be a pleasant development. A townhouse or two-story is the same thing. That would produce far more revenue than a coop project would. Ground could be broken in a couple of weeks because that plan is already approved.

• Councilmembers and EDAC commissioners promised that a high-end condominium project would be built on the site.

Jeff Schultenover, 13424 Maywood Curve, stated that:

• He works as an environmental consultant for the energy industry. He applauds the proposal’s emphasis on the environmental standards. The storm water management and erosion controls, wetland ordinances, and shore land ordinances are fantastic.

• He would like to see something more in character with the existing setbacks and multi-dwelling buildings in terms of size, scale, and fit within the property. The building would be a little too big. Three above-ground stories would be better.
• He assumed the economic feasibility would work itself out.
• In lieu of a 3-story building, he would like to see townhomes or an expansion of Kinsel Park.

Ann Malm-Hossfeld, 14616 Glendale Street, stated that:

• From attending the entire meeting she has learned that variances can be denied. The intent of language matters. She was impressed by the thoughtfulness of commissioners.
• The plan does diverge from the intent of Site C. It was supposed to have 45 market-rate condominiums in 2006. The proposal now would have 54 units and be age restricted. Site C did have property condemnation. That is very serious. The intent needs to be taken into consideration. Condemnation was contingent on the right kind of building being built. Senior housing was not the intent of the master plan.
• Commissioners need to take into consideration the wetland and building appearance.
• There is a demand for senior housing. Out of 12 senior housing complexes in Minnetonka, 6 are located in Glen Lake. That may change the character of Glen Lake. She does not want more senior housing in Glen Lake. The area needs to be more diverse and provide a variety of services.
• She disagreed that the same variances previously approved for a 45-unit building have to be approved for the proposed 54-unit building.

Rettew moved, second by Kirk, to continue the meeting until 12 p.m. Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried.

Ms. Malm-Hossfeld continued:

• Variances are often requested to provide density to bring in revenue to sell units at a certain price to make a project feasible to build.
• This is not an economic necessity for high-density development to continue funding TIF. This plan should be considered on its own merits.
• Setback variances are serious and contentious. Density to fill an economic need does not justify a variance.
• It is a concern to think about the future of this kind of unit. There is a risk that the housing would be hard to fill in 20 to 30 years. It may not be viable once a volume of seniors have moved through.
• More parking would be needed for a different use.
• She wants the proposal considered separately from the economic feasibility.

Jim Stroebel, 14319 Stewart Lane, stated that:
• He appreciated the increase in the number of underground parking spaces.
• He was concerned there would not be enough surface parking.
• He was concerned with the ability of Stewart Lane to handle the additional load. There are grade problems. There is a right angle. He requested that the city traffic engineer look at that.

Mark Buller, 5524 Mayview Road, stated that:
• He did not get a notification about the meeting.
• Commissioners have the opportunity to change the setback.
• The condemned property taken before was done to make the trail system. The property was on the west side of the proposal. He proposed keeping the trail where it is and making the size of the project smaller.

Grace Sheely, 14325 Grenier Road, stated that:
• She requested commissioners review the variances and size of the proposed project.
• Tonight’s proposal seems to be dictated by the city attorney’s determination that commissioners should consider the number of units and variances for the proposal in accordance with city ordinances.
• She requested that the maximum number of units be limited to 45.
• The variances are not appropriate.
• It is not reasonable to allow an R-5 building to exceed 50 percent of its setback variances.
• None of the 2006 setback reasoning would be applicable today.
• She questioned why the variances would be reasonable. The unique character of the lot is not a hardship. She provided slides showing a plan with a buildable pad and 100-foot setback.
• No variances were needed for Glen Lake Shores.
• The current proposal is different than what was approved in 2006. The 2006 proposal was for high-end condominiums. The current proposal is for a mid-range cooperative with an average value of $250,000 per unit. The city council reduced the number of units proposed in 2006 from 50 to 45. The current proposal is for 54 units.
• She quoted John Gonyou and Geoff Olson.
• The city no longer needs to consider the economic considerations. The package has changed. Stop ignoring the planning-related criteria.
• She questioned the justification for each setback. The justifications for the variance approvals in 2006 no longer apply. She read the hardship findings listed in the 2006 approval.
• The variances were applied to 45 high-end condominiums. Many changes occurred in the TIF district.
• She represents the community of Glen Lake.
• The language for “new urbanism” is not included in the city code anymore and cannot be used as a setback justification.
• Denying variances is the best way to make neighbors happy. A 2-foot variance to build a garage was denied. Developers need to be held to the same standard as homeowners.
• She cares deeply about a setback variance to the park land. It would reduce her sense of open space. The picnic table in the park would be very close to a very tall building.
• If the trail would not be located there, there should still be 65 feet of green space.
• Glen Lake Shores is 50 feet back from the property line.
• Allowing a variance would locate impervious surface closer to Glen Lake.
• There is a reasonable use for the property without variances. Townhouses would work here.
• The site does not have to be overbuilt.
• She requested the variances be denied.
• The property taken with eminent domain for a trail should be used to provide a buffer. The trail width should be large enough for bicyclists.
• The community has not been given what it was told to expect.
• TIF is not needed anymore.
Lehman moved, second by Kirk, to continue the meeting until 12:30 p.m. Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried.

Keith Weigel, 14209 Glen Lake Drive, stated that:

- The building is too big. In 2006, commissioners and councilmembers said that the proposed building at that time would be too large.
- The site is being considered individually. The approval of Site C in 2006 was needed to drive the entire project. The TIF would pay for itself. It is a new plan and concept.
- Commissioners should compare the proposal to city ordinances.
- This would be the first R-5 lakeside property in Minnetonka.
- The mass would be too big.
- All 3 sites were supposed to have condominiums. One site is apartments, one is assisted living, and the other is the proposed site.
- He has been concerned for 9 years.
- In 2002, an application was received that proposed a 47-unit condominium building. Today, that site is Lakeside Estates. Neighbors got together for 6 months and provided an opinion of what to develop in Glen Lake. He would support a condominium building the same size and mass as Glen Lake Shores.
- In 2005, he moved into a 13-unit townhome development on Excelsior Boulevard.
- In 2005, he attended a study session to discuss the Glen Lake area. He found out there would be development when he read the paper in September.

Chair Lehman thanked Mr. Weigel for his comments and stated that he has lived in the Glen Lake area for 50 years. Commissioners have a good understanding of the history of the site. He requested Mr. Weigel focus his comments on the current application. He understood that Mr. Weigel feels the proposed building would be too big.

Mr. Weigel stated that:

- The proposal would be too big.
- It does not warrant variances.
- It would create R-5 zoning on lake property.
Melissa Pilney, 5524 Mayview Road, stated that:

- Her residence would have a direct line of sight of the proposed project.
- She never understood why the site would be zoned R-5.
- The proposed building would be too tall.
- The wildlife would be a source of contention.
- She was involved in the meetings in 2006. A lot of the neighbors felt burned.
- It would be too big. The usable land is “hard space.”
- She would rather see something on the site that would benefit the community. There was a more viable community before the redevelopment occurred.
- It would be difficult to cross Excelsior Boulevard with a walker, cane, or wheelchair.
- Glen Lake has enough senior housing.

Richard Nichols, 14325 Brunsvold Road, stated that:

- He appreciated the efforts of his neighbors.
- No decision should be made at this hour without taking the comment's received into consideration.
- The site is a key piece of property in Glen Lake.
- The best use would be to extend the size of the park.

No additional testimony was submitted and the hearing was closed.

Chair Lehman suggested allowing staff time to research information brought up by the comments and continue review of the item until the next planning commission meeting. He suggested the city attorney may want to attend the meeting next reviewing the item. Gordon stated that staff has most of the answers for the questions, but left the decision up to commissioners.

Odland suggested tabling the item to a meeting with a lighter agenda to provide more time to be spent on the item. Chair Lehman agreed. He apologized for asking a speaker to summarize his comments.

Rettew asked if there would be another public hearing for the application. Wischnack recommended continuing the item. Rettew supported continuing the item.
Odland moved, second by Kirk, to continue review of the items for One Two One Development at 14217 and 14301 Stewart Lane until the January 8, 2014 planning commission meeting. Magney, Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell was absent. Motion carried.

Wischnack noted that the staff report for the January 8, 2014 meeting would address comments received at the public hearing.

9. Adjournment

Odland moved, second by Magney, to adjourn the meeting at 12:30 p.m. Motion carried unanimously.

By: ________________________________________

Lois T. Mason
Planning Secretary
December 30, 2014

Questions for City Staff – Loren Gordon, Julie Wischnak and Elise Durbin:

1) In 2009, the Minnesota Legislature approved a seven year extension to the Glenhaven TIF district. Why was seven years requested and not eight, nine or ten years? Without any TIF income from the Kinsel site, will the completed developments on the Exchange and St. Therese sites pay off the TIF debt within the seven year extension?

2) The TIF Management Report dated 12/15/14 on Page 30 shows an ending fund balance of approximately 2 million dollars. Does this amount include the approximately $500,000 asset that the City and EDA invested in the condemnation and purchase of the 65 foot lot on the Kinsel Point site?

3) The final Alano payment is the lowest priority because its location and benefits extend outside of the Glenhaven TIF district. Why is this payment listed as a Glenhaven debt obligation?

4) The 5 year rule deadline was extended from 5 years to 10 years because of the housing slowdown. The deadline is now June, 2016 as stated in the report. No Kinsel site revenue can be used outside of the Glenhaven TIF district after the June, 2016 date. Considering that it takes approximately two years to construct the building, move in buyers and collect taxes, no TIF revenue that is generated from the Kinsel site (no matter what is built) can be used outside of the Glenhaven area because it will be generated after the June, 2016 date. Do I understand this correctly?

5) Loren Gordon’s best effort review addresses the shape of the building, its size and setbacks along with its contractual obligations very well. My questions have to do with the primary purpose of the Glenhaven TIF district which was to develop a plan. The plan was to change the reputation of Glen Lake from a senior housing community to a vibrant community with housing and jobs for citizens of all ages and all incomes. A) How does this proposed project (another senior housing project) meet the contractual obligations of the redeveloper to meet this TIF objective? B) How does an apartment building with its economies of construction and the size of its Individual units and with half of the original market values meet the contract obligations listed in all of the redeveloper’s agreements including all three extensions? C) How do the city and the EDA honor its commitment to the 4th District Court when eminent domain was required to create a space for a public path to the lake? They stated that space was also needed to allow the redeveloper to build high end condominiums. They stated that they needed stacked units or condominiums on the site with an average market value of $500,000 to assure sufficient funding for the TIF district? If the current need for the 45 units is reduced, then why not honor this agreement by building less units and not by building more less expensive units. D) The city and redeveloper have done an excellent job to date negotiating through these tough economic times. What does the city gain towards their goal to redevelop Glen Lake by giving up condominium ownership for more senior housing?

6) To meet the contract obligations, should the redeveloper be given more time to get this right?

Sincerely,

Jim Zachman

One Two One Development
14217 and 14301 Stewart Lane