1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: April 25, 2019 and May 2, 2019

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

8. Public Hearings: Non-Consent Agenda Items

   A. Resolution approving a minor amendment to existing Solbekken master development plan at 5743, 5742, and 5754 Shady Oak Road.

      Recommendation: Approve the amendment (4 votes)

      • Final approval subject to appeal
      • Project Planner: Susan Thomas

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.

2. Applications and items tentatively scheduled for the June 13, 2019 planning commission meeting:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Chase Bank, new bank</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address</td>
<td>4795 CO RD 101</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Ashley Cauley</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Mike Happe, Ward 3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Harvey Residence, garage expansion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address</td>
<td>13436 Orchard Road</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Drew Ingvalson</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Bob Ellingson, Ward 1</td>
</tr>
</tbody>
</table>
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.
Minnetonka Planning Commission Meeting
May 16, 2019

Agenda Item 4

Previous Meeting Minutes from April 25, 2019 and May 2, 2019
1. **Call to Order**

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

2. **Roll Call**

Commissioners Powers, Sewall, Hanson, Henry, and Kirk were present. Knight and Luke were absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas, and Planner Drew Ingvalson.

3. **Approval of Agenda**

   *Powers moved, second by Henry, to approve the agenda as submitted with modifications provided in the change memo dated April 25, 2019.*

   *Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight and Luke were absent. Motion carried.*

4. **Approval of Minutes:** March 21, 2019

   *Hanson moved, second by Powers, to approve the March 21, 2019 meeting minutes as submitted.*

   *Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight and Luke were absent. Motion carried.*

5. **Report from Staff**

   Gordon reported that the last Opus Launch meeting will be held May 14, 2019 in the city council chambers at 5:30 p.m.

   The next planning commission meeting will be May 2, 2019.

6. **Report from Planning Commission Members:** None

7. **Public Hearings: Consent Agenda**

   No items were removed from the consent agenda for discussion or separate action.

   *Powers moved, second by Hanson, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:*
A. Resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height at 1,000 square feet in an area at 19100 Old Excelsior Blvd.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and 1,000 square feet in total floor area at 19100 Old Excelsior Blvd.

B. Resolution approving building and sign plans for proposed façade changes to the building at 14525 Hwy. 7.

Adopt a resolution approving an expansion permit to increase the height of the building within the required setback and a resolution approving the sign plan.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight and Luke were absent. Motion carried and the items on the consent agenda were approved as submitted.

8. Public Hearings

A. Items concerning Walser Nissan at 15906 Wayzata Blvd.

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

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

Chair Kirk confirmed with Ingvalson that there would be a snow removal plan.

Chair Kirk asked if there would be mitigation for the trees removed. Ingvalson explained that would be addressed during the review of the building permit. The current plan would meet tree ordinance requirements.

Henry asked if the total area of all of the signs shown in the agenda packet would equal 184 square feet. Ingvalson answered affirmatively. Other car dealerships in the area have similar signs.

Powers thought removing the trees on the berm on the north side would change the character of the relationship to the adjacent houses. Ingvalson said that the current buffer is above and beyond what is required. Staff found that the proposal would meet minimum buffer requirements. The houses would be 800 feet to 1,000 feet from the edge of the new parking lot.

Henry asked if snow could be placed on the infiltration basins. Staff answered affirmatively. Henry noted that would increase the amount of salt traveling to the wetland. Ingvalson stated that a condition of approval would require information on the amount of salt used on the site. Thomas clarified that snow storage would be allowed in
the infiltration area, but not the wetland. The chloride-plan template follows the city’s own practices.

Sewall confirmed with Ingvalson the location of fill, grading, and the retaining wall. The plantings would be located on the north side with trees in front of the retaining wall. The retaining wall would be farther north than the berm.

Chair Kirk confirmed with Ingvalson that the retaining wall would be extended four feet in height to screen the vehicles.

Jack Grotkin, R.J. Ryan Construction, representing the applicant, stated that he was available for questions. The trees would be replaced with evergreens to make it look nice. The retaining wall would be increased four feet in height to provide screening. If it would work with the grading and the wetland setback, then he would rather create screening with earth rather than a retaining wall.

In response to Hanson’s question, Mr. Grotkin explained that the building would be moved back and aligned with the Lexus dealership and BMW dealership buildings. There are a lot of city requirements that drove the site plan. For instance, for every vehicle located in the front, two vehicles had to be located in the back. With the proposed building, there would be 74 fewer stalls than what is there currently. Removal of the berm would allow for 58 parking stalls.

Powers favored planting trees that would be as tall as 90 percent of the height of the existing trees. Mr. Grotkin would not be opposed to doing that, but he would need to check with an arborist.

The public hearing was opened.

Mark Birnbaum, 325 Townes Road, stated that:

- He appreciated commissioners looking at the berm area. He hoped the city would maintain the character of the wetlands.
- A four-foot retaining wall would not hide a van or building.
- The runoff from the car dealership would include fluids from vehicles.
- Larger replacements of the pine trees would make a dent in screening, but a building would not be hid from view.

Jeff Koblick, 351 Townes Road, stated that:

- The biggest issue with the BMW site was the berm height. Everyone was happy with the Nissan berm. It screened the business for 42 years. The city required an 11-foot berm with trees on top of it. It provided somewhat decent screening. What is being proposed is worse than what was originally proposed for BMW.
• The proposal would not be in keeping with the character of the neighborhood. It would change the view for homeowners on the north side.
• The height of the building would increase by 23 feet. It would be a big monolith.
• He requested that the berm stay the same or be brought up to a height to screen the building.
• He requested a rendering that would show the back view of the proposed building and screening. He believed a rendering was not being shown because it would show that the building would be obtrusive.

Brad Schaeppi, 315 Townes Lane, stated that:
• The berm is continuous and travels west. There is a row of mature, deciduous trees behind the BMW dealership.
• He disagreed with staff. The language in 300.27 is not discretionary. The proposal would remove the berm, so the proposal would not meet design standards.
• He provided six pages of comments.
• He was not overly concerned with the size of the building.
• Some of the trees are 30 feet to 35 feet in height. Removal of the 10-foot berm and trees would remove 40 feet to 45 feet of screening and the site slopes down from the frontage road to the back. He currently does not see headlights from vehicles navigating the site.
• There would be an increase in impervious surface by removing the berm.
• The trees are legally required to be there.
• Public hearing notices should be sent to all properties within sight of the applicant’s property rather than only those 400 feet from the site.

No additional testimony was submitted and the hearing was closed.

Ingvalson stated that the public hearing notice area was extended further than the 400-foot requirement and invited residents to sign up on the city’s website, eminnetonka.com, to receive notices via email for the proposal. The item is tentatively scheduled to be reviewed by the city council May 6, 2019.

Thomas read from the ordinance regarding the landscape requirements of a PID district. It states that landscape berms and buffers intended to screen development projects from single-family residential areas shall be installed with commencement of construction activity if determined appropriate by the city. The development review group includes natural resources, engineering, fire marshal, city attorney, and planning city staff members.

Chair Kirk recommended the applicant provide a rendering of the rear view of the site for the city council meeting. Ingvalson provided the definitions of the berm and buffer.
Sewall asked if it would be possible to add a berm on the back between the proposed parking lot and wetland. Gordon answered that if a berm would be constructed instead of a retaining wall, then parking stalls would have to be removed.

Thomas clarified that the ordinance also states that in cases where natural buffers are absent, earth and berms with new landscape material shall be installed.

Powers felt the proposed plan would be inadequate. He wants the neighbors to have the screening there now. It is not unreasonable for the neighbors to expect the screening to continue. The current screening would maintain the value of the property. He did not support the application. He was fine with the design plan for the proposed building and variances.

Henry welcomed redevelopment of the Nissan site. The proposal is in line with the character of the neighborhood and adjacent auto dealerships. The Nissan building currently sticks out for being too close to the road. It does not seem to fit with the character of the other dealerships. The building design is good. He agreed that the buffering would not be sufficient on the north side. He favored requiring a berm. He would prefer reducing the proposed impervious surface from 72 percent to 70 percent. He welcomed a negotiation and redesign to provide more of a buffer for the adjacent neighbors, but also be in the economic best interest of the car dealership.

Sewall felt details of the earth and berm part are missing from the proposal. More effort should be made to help mitigate the loss of screening.

Hanson was fine with the sign and setback variances. The minimum requirements have been met, but he would like to add a condition requiring more screening.

Chair Kirk concurred with commissioners. He would prefer the berm to stay, but it would not have to look like it does now to comply with the ordinance.

Chair Kirk asked the applicant if he would prefer to table action on the item. Mr. Grotkin stated that the retaining wall would be an earth-tone color, the trees planted on the north side of the wall would be pine trees, and the building would be dark grey and 20 feet shorter than the BMW building. He was willing to work with the landscaping to screen the retaining wall and building. He would provide a cross section of the rear view.

Mr. Grotkin did not want to delay the project by tabling action. He requested the commission make its recommendation to the city council. Chair Kirk suggested the applicant make additional visual aids for the city council’s review of the application. Mr. Grotkin was happy to work with staff.

**Hanson moved, second by Powers, to recommend that the city council adopt the ordinance approving a master development plan and final site and building plans with a setback variance and a resolution approving a conditional use permit and**
building-to-parking variance and sign plan for Walser Nissan Development at 15906 Wayzata Blvd. with modifications provided in the change memo dated April 25, 2019.

Hanson voted yes. Powers, Sewall, Henry, and Kirk voted no. Knight and Luke were absent. Motion failed.

Powers moved, second by Hanson, to recommend that the city council deny an application for an ordinance approving a master development plan and final site and building plans with a setback variance and a resolution approving a conditional use permit and building-to-parking variance and sign plan for Walser Nissan Development at 15906 Wayzata Blvd. with modifications provided in the change memo dated April 25, 2019.

Powers, Sewall, Hanson, Henry, and Kirk voted yes. Knight and Luke were absent. Motion carried.

Chair Kirk noted that this item is tentatively scheduled to be reviewed by the city council on May 6, 2019.

B. Items concerning Highcroft Meadows, a 14-lot residential subdivision at 14410 Orchard Road.

Chair Kirk 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.

Hanson liked the pie-graph slide. It provided great information.

In response to Hanson’s question, Thomas referred to the staff report that detailed that of the 49 percent of the lots less than 22,000 square feet in size in Minnetonka, one fourth of those are less than 15,000 square feet in size.

Chair Kirk thought the lots on the west side of Westmark Drive appeared small. They were all at least 11,000 square feet to 13,000 square feet.

Sewall asked what the density would be if the unbuildable area to the north would be excluded from the calculation. Thomas responded 2.85 units per acre which would still be within four units per acre.

Rick Denman, co-owner of Charles Cudd, Co., applicant, stated that:

- The site is a great piece of property. There is a big demand for the villa-style project. There is very little of that type of housing in Minnetonka.
• The site is adjacent to an R-2 neighborhood. It seems logical that the density would work on the site.
• The original plan included 19 houses. It was reduced to 17 houses. The current proposal includes 13 lots zoned R-2 and one lot that would meet R-1 ordinance requirements.
• The applicant addressed questions received from neighbors related to drainage, parking, and snow removal.
• There is a lot of interest in the location and good demand for the proposed product. The villas would be detached and association maintained.
• There are multiple examples of similar projects the applicant has completed.
• The lot sizes would be extremely generous for the type of product. The lots would normally have seven-foot-side setbacks.

Powers asked why a seven-lot plat that meets R-1 requirements was not submitted. Mr. Denman stated that there are plenty of large lots with large houses to purchase in Minnetonka. There are very few similar to the proposal. Because of the price point that a large lot would have to be at, that type would not fit with the applicant’s objectives. The main reason is that the R-1-sized lots would be too expensive. There is a demand for detached-villa houses.

Sewall asked about the snow removal plan. Mr. Denman stated that there would be places at the end of the cul-de-sac to store snow. An infiltration basin and pond would be located at the entrance. Snow could also be stored at that location. Both of the two areas in the front would be 150 feet by 100 feet. The lots would be deep enough to handle snow storage.

Randy Hedlund, with Landform Professional Services, engineer for the applicant, stated that the pond on the east side would be six feet deep. The pond would store sentiment, handle runoff from the road, and flow to a structure that would allow clean water to travel to the infiltration area on the west. The ponds would be located well below the road to prevent runoff from extending into the street. If the north lot and right away would be removed from the calculation, then the average lot size would be 13,150 square feet.

Henry asked under what circumstances he would expect the drain feature from the south to the north to be utilized. Mr. Hedlund said that the site would be designed to hold water for a 100-year event, 7.4 inches of rain over 24 hours is the standard. The total impervious area would equal 1.7 acres. There would be no overflow. Right now the water flows through the second lot on the west. Henry thought it would be a good feature. Mr. Hedlund explained that there would still need to be an outlet.

The public hearing was opened.

Richard Graft, 14617 Orchard Road, stated that:
• The issues with Orchard Road need to be addressed. There are no sidewalks, vehicles seem to be going faster, there is an increase in traffic, and there is a crest that blocks the view. There is a school bus that stops at the crest. In the winter, he has a tough time scaling the crest with his Chevy Cruise. The road was closed this winter due to ice.

• He asked what it would cost to make it a standard road.

Marcine Purinton, 3706 Westmark Circle, stated that:

• She was concerned with the safety of the children forced to walk in the street to get to the bus stop or school.

• She liked the reduction in density.

Jennifer Rutz, 14401 Orchard Road, stated that:

• She cannot wait for the property to be developed. A cul-de-sac with more families and neighbors is appealing.

• Charles Cudd is a well-known developer with a reputation for high-quality houses. She would love for the developer to be the one to build out the property. The vision is still not in character with the neighborhood, comprehensive plan, or current zoning.

• She opposed the density. There would be too many houses.

• The developer has worked with neighbors.

• It is the nature of the development, not the property itself, that is causing the applicant to request rezoning and variances.

• She requested the current zoning ordinance be followed.

• There is no undue hardship.

• There is no practical difficulty to develop the property.

• The proposed, detached, villa-style houses would be beautiful. There would be too many.

• The proposed lots would be more than two times smaller than the current R-1 zoning and half of the lot size required by R-2 zoning requirements.

• She disagreed that the proposal would be more in line with preserving the natural environment of the area and the comprehensive guide plan.

• She did not think the request is reasonable. It is in contrast to the ordinance.

• She opposed changes in zoning.

• She would accept minimal variance allowances as needed.

• She hoped for eight houses.

• She provided an alternative to villa-style houses using R-1 zoning ordinance requirements.

• A precedent would be set and result in chopped-up, mini developments.

• She requested verifiable data to show that the houses would sell.
• R-2 zoning would allow 10 houses without additional variances for reduced lot sizes.
• There are two twin houses on the west with large lots.
• The speed of the traffic impedes on pedestrian safety.
• She requested sidewalks and a stop sign at the entrance of the proposed development.
• The lot sizes and FAR would be reduced.

Elizabeth Desmond, 14306 Orchard Road, stated that:

• She submitted a petition in opposition to the proposal. One hundred and ninety-eight of the signers live in Minnetonka.
• She supports R-1 zoning.
• She provided an example of lots that meet R-2 standards.
• There is an issue with the density of the front eight lots. It would be too dense.
• She welcomed development.
• She opposed how compact the development would be and the lack of yard space between houses.

Shannon Paradis, 3610 Sunrise Drive East, stated that:

• She was concerned with her kids’ safety. She requested sidewalks be constructed.
• She opposed the tree removal.

Chris Osgood, 3604 West Sunrise Drive, stated that:

• He was concerned with the loss of trees created by the 14th house.
• He appreciated the opportunity to speak.

Greg Raetz, 14523 Orchard Road, stated that:

• His calculations determined that half of the lots would exceed the acceptable FAR. By averaging the whole site together, it makes it sound like it fits, but it would result in oversize houses on small lots. That did not seem right to him.

No additional testimony was submitted and the hearing was closed.

Sewall asked if there are plans to improve Orchard Road. Thomas answered that Orchard Road is not currently included in the city’s five-year capital improvement plan. Changing the grade of a road can result in a lot of grading, the addition of retaining walls, tree removal, and impact to properties.
Wischnack explained that residents could petition the city council for improvements to a city street. Orchard Road will come up for reconstruction at some time, but is currently not scheduled to do so in the near future.

Thomas explained that MNDOT regulates installation of signs. Orchard Road is a through street, so MNDOT would probably not allow a sign on Orchard Road, but could, possibly, on the cul-de-sac. She will request the city engineer address that area specifically.

Thomas said that Mr. Raetz is correct. FAR is applied by lot. The proposal includes a requested variance to calculate the FAR by using average lots size instead of calculating the FAR per lot. The square footage, whether based on each individual lot or on the average lot, including the north property, would equal an FAR of .25 if zoned R-2.

Chair Kirk noted that the proposal would meet the required FAR without a variance if the cul-de-sac would be moved further north. Chair Kirk asked if that would cause additional tree loss. Thomas explained that the proposal would have 22 percent tree loss right now. Twelve trees could be removed and the proposal would still meet tree protection ordinance requirements.

Chair Kirk commented that allowing an average FAR would allow the lots to be condensed towards the south. Not allowing a variance would require development to extend further north.

Thomas clarified that:

- The language “undue hardship” and “practical difficulty” are applied only to variances to show findings needed to approve a variance.
- Rezoning is a legislative function of the city. There is no checklist that needs to be met. The city only has to find that a rezoning request would be consistent with the safety and welfare of the community.

In response to Powers’ question, Thomas stated that Park Valley Estates and Highview Place are examples of smaller-lot developments.

Chair Kirk stated that 20,000-square-foot lots would end up with houses that would appear to be more like 4,500 square feet in size than a standard three-car garage and two-story house. Gordon added that the Woods at Fairfield have large lots compared to the neighboring lots. There is a variety of lot and house sizes in Minnetonka. The average house built last year in Minnetonka was 4,600 to 4,800 square feet. Thomas pointed out three examples of building permits provided in the staff report for single-family houses issued in 2018 that were 4,800 square feet, 6,600 square feet and 7,040 square feet in size.

In response to Chair Kirk’s request, Thomas provided examples of three villa-style subdivisions that were approved by the city in the last five years. Legacy Oaks consists
of lots mostly under 10,000 square feet in size, Groveland Pond on Minnetonka Blvd., and a subdivision for four villa-style homes in the Glen Lake area. Wischnack added that diversity of housing type is a priority for the city. Minnetonka has 5,214 households with residents 55 years to 60 years of age.

Chair Kirk asked how long it would take to complete construction. Mr. Denman estimated two years. The two front lots could be used as staging areas. The price point would be $600,000 to $800,000.

Henry asked why the house that would meet R-1 ordinance requirements was included in the proposal. Mr. Denman explained that the lot would be very nice and adjacent to a conservation area. The grades would meet city ordinance requirements.

Thomas clarified that the street would be public and public works staff had no concern with snow storage for the proposal.

Chair Kirk noted that the existing neighborhood has smaller lots. If the site would be subdivided into lots that would meet R-1 requirements, then the new houses would be larger than the existing houses and out of character with the neighborhood.

Hanson viewed the proposal as an opportunity to provide housing for residents who have reached the age where they wish to move into this type of housing and stay in the city. This would free up single-family houses. He was comfortable with the proposed rezoning to R-2.

Sewall thought the rezoning would make sense. He agreed with Hanson. The property is not an island. It is adjacent to existing R-2, low-density housing.

Chair Kirk confirmed with Thomas that both sides of Westmark Drive are currently zoned R-2.

Henry considered the petition with 192 signatures that felt the density would be too high. The neighbors would prefer to have large lots with large houses rather than smaller lots with smaller houses. An R-3 residential development was approved in the Glen Lake area. He agreed with having a diversity of housing to allow residents to age in the same place. He thought the majority of the neighbors are single-family houses and the proposal would not be in character with the rest of the neighborhood. He did not support rezoning the site to R-2.

Powers lived near Groveland Ponds when it was rezoned to R-2. He felt that the proposal would change the character of the neighborhood by changing the zoning from R-1 to R-2. He found in the Rainbow Drive area that large houses maintain the continuity of a single-family neighborhood. He was undecided.

Chair Kirk was impressed by the petition and turnout. He felt like there would be a greater opportunity for a mistake by rezoning. He favored smaller lots, in the low teens.
He did not like lots below 10,000 square feet in size. He understood the reason was to allow the lots on the north to be larger on the cul-de-sac. The cul-de-sac looks appropriately placed. He did not want those lots to be crowded. The eight units on the south end seem too close together and would go against the character of the adjacent R-1 lot. He struggled to rezone now because he did not see a clear solution that would meet the applicant’s intent. He did not support rezoning.

*Henry moved, second by Hanson, to recommend that the city council deny an application for an ordinance rezoning a portion of the property to R-2, low density residential, and a resolution approving the preliminary plat of Highcroft Meadows with variances pertaining to Highcroft Meadows at 14410 Orchard Road.*

Sewall agreed that the eight lots on the south would be better if two lots would be removed and the remaining lots spread out.

Hanson thought the proposal would not fit with the character of the neighborhood.

Powers thought the proposal would have too many lots and would not work right for the area.

Chair Kirk stated that he has friends who moved out of Minnetonka to move into villa-style housing. He would support lots smaller than 22,000 square feet, but in the 15,000 square-foot range.

*Powers, Hanson, Henry, and Kirk voted yes. Sewall voted no. Knight and Luke were absent. Motion carried.*

9. Adjournment

*Sewall moved, second by Hanson, to adjourn the meeting at 10 p.m. Motion carried unanimously.*

By: ____________________________

Lois T. Mason
Planning Secretary
1. Call to Order

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

2. Roll Call

Commissioners Luke, Powers, Knight, Henry, and Kirk were present. Sewall and Hanson were absent.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Senior Planner Ashley Cauley, and Planner Drew Ingvalson.

3. Approval of Agenda

Henry moved, second by Powers, to approve the agenda as submitted with changes listed in the change memo dated May 5, 2019.

Luke, Powers, Henry, Knight, and Kirk voted yes. Sewall and Hanson were absent. Motion carried.

4. Approval of Minutes: None

5. Report from Staff

The third Opus Launch meeting is scheduled to be held May 14, 2019 at 5:30 p.m.

The next planning commission meeting will be May 16, 2019.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

   A. Resolution approving a conditional use permit for an accessory apartment at 5000 Acorn Ridge Rd.

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

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

Knight asked if another curb cut would be allowed. Ingvalson answered in the affirmative.
Knight confirmed with Ingvalson that the easements do not line up, the retaining wall is located in the city right of way, and a condition of approval would require the grade to be no more than 10 percent.

Luke asked for the difference between an accessory apartment and a duplex. Ingvalson explained that accessory apartments are required to be homesteaded. The property owner must live on the property. A duplex may be rented out to people who do not own the property.

In response to Chair Kirk’s question, Ingvalson explained that a proposed change to the retaining wall would be reviewed by staff during the building permit review process. The residence’s address would stay the same.

Henry confirmed with Ingvalson that a future owner of the property would have to adhere to all of the same conditions including having to live on the property.

Amy Schneider, daughter of John and Carol Schneider, applicants, stated that she would live in the accessory apartment to assist her parents. They were available for questions.

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

Henry thought it would be a great addition to the neighborhood.

Chair Kirk supports staff’s recommendation.

Powers supports the proposal. It is a reasonable request. Staff and the property owners provided a great presentation.

Chair Kirk noted that the porch shown in some drawings is not part of the current application.

_Powers moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit with a front yard setback variance for an accessory apartment at 5000 Acorn Ridge Road._

_Luke, Powers, Henry, Knight, and Kirk voted yes. Sewall and Hanson were absent. Motion carried._

**B. Resolution approving the preliminary plat of Patriot Estates at 3515 Park Valley Road.**

Chair Kirk introduced the proposal and called for the staff report.
Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Henry's question, Cauley explained that, in order to create the small piece of property that the applicant is intending to purchase to create two conforming lots, the piece must be subdivided from the large parcel. Cauley pointed out the turn-back parcel. The outlot area and Park Valley Road parcel are not included in the 22,000-square-foot calculation. The two conforming lots would have residential houses. The two remnant pieces would continue to be owned by the city.

Powers asked if the goal is to create two conforming, single-family residential lots. Cauley answered affirmatively.

Knight asked if any portion of the turn-back parcel would be buildable. Cauley explained that a drainage and utility easement covers the parcel being purchased by the applicant, the paved road would not be buildable, and outlets are considered unbuildable unless the council approves the ability for permits to be granted.

Andrew Freeland, 3426 Robinwood Terrace, applicant, stated that the goal would be to build a house on the lot for him and his wife.

The public hearing was opened.

Ms. Stelmachers, 13808 Inverness Road, asked for the address of the second lot, where the land would come from for the "back up" since the road is narrow and what type of building would be planned.

No additional testimony was submitted and the hearing was closed.

Cauley explained that engineering staff would assign an address for the property after the subdivision would be approved by the city council. That would happen in a month or two. She provided an aerial map and pointed out the paved portion of Park Valley Road, the turn-back piece, and additional area that would be sold to 3515 Park Valley Road. A single-family house that would meet R-1 requirements would be allowed to be constructed on the site.

Chair Kirk explained that the road would maintain the same typical setback that any other road in Minnetonka would have. Cauley agreed. She added that there would still be right of way covering the outside of the paved portion of the street.

In response to Chair Kirk's question, Cauley explained that the applicant is proposing to purchase what would be needed to create two conforming lots. The city's land committee reviewed the request and found it reasonable.

Powers asked if the size of the paved portion of Park Valley Road would be changed. Cauley answered in the negative.
In response to Henry’s question, Cauley estimated the distance between the paved intersection to the proposed new property line to be 15 feet to 30 feet on the south end of the right of way.

**Luke moved, second by Powers, to recommend that the city council adopt the resolution approving the preliminary plat of Patriot Estates, a two-lot subdivision at 3515 Park Valley Road.**

*Luke, Powers, Henry, Knight, and Kirk voted yes. Sewall and Hanson were absent. Motion carried.*

9. **Other Business**

A. Concept plan review for amendments to Shady Oak Crossing at 4312 Shady Oak Road.

Chair Kirk introduced the concept plan and called for the staff report.

Gordon reported. Staff recommends that planning commissioners provide comments and feedback on the identified key issues and other issues commissioners deem appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Luke asked if the setbacks on the north side would meet ordinance requirements. Gordon explained that the property is zoned as a planned unit development (PUD). The current north setback is approximately 37.5 feet. The proposal would reduce the north setback.

Chair Kirk noted that the houses in the area were built before setback ordinances were adopted. Gordon stated that the standard front setback for houses in the area is 35 feet.

In response to Henry’s question, Wischnack explained that the city of Hopkins has not provided comments on the concept plan and would do so when a formal application would be submitted.

In response to Henry’s question, Wischnack explained tax-increment financing.

Powers asked who would pay for the annexation and detachment. Wischnack answered that the developer would be required to provide all necessary documents.

Gordon reviewed the four areas staff would appreciate comments regarding: density, building design, site design, and traffic and circulation.

Mike Waldo, of Ron Clark Construction, applicant, reviewed the concept plan and stated that:

- He still likes the original project proposal.
• Comments were received regarding the traffic on Oak Drive Lane.
• He spent time with the land owner on the south and purchased part of the property. The property owner lost a lot of parking space from the street improvement project. The current purchase agreement is for 17,000 square feet.
• The proposal should reduce the traffic on Oak Drive Lane by 80 percent to 90 percent. There would be 90 stalls down below.
• The current proposal is a better project for the applicant, the neighbors, the city, and would provide 18 workforce-housing residences.
• There is no way to have no parking off of Oak Drive Lane. There is an elevation change of 11 feet and would not work for trucks to access and exit the site.
• The entrance to the parking lot was moved farther west to provide more room for stacking on Oak Drive Lane.
• He spoke with adjacent neighbors about providing landscaping for screening.
• There would be more area for the tot lot and play area.
• The applicant would agree to reduce the parking area if staff would be comfortable with that.
• The 37-foot setback was reduced to a 20-foot setback.
• The applicant thought that a soft-pitch roof would look more residential than a flat roof. He requested commissioners provide their comments.

Tim Whitten, architect with Whitten and Associates, on behalf of the applicant, gave a presentation on the concept plan:

• He described the drive area and traffic flow.
• He provided slides of the concept plan with and without landscaping.
• He described the roof provided in the concept plan.
• The building would be closer to the sidewalk than the previous proposal to allow for the turning radius of trucks.
• Grading could occur up to the first floor and would be able to have landscaping.
• On the northwest corner, there would be a two-story component that would move into the tot lot area and main entrance for visitors.
• The southwest corner would preserve a lot of trees.
• The exterior materials would be brick and made up of a cement board panel system. He explained the horizontal and vertical components.
• The elevation on the north end is one of his favorites. There would be a flat, bungalow-like feel.
• He is proud of how all of the pieces have been brought together and is excited about the opportunity.

In response to Henry’s question, Mr. Whitten explained the evolution of the changes to the roof.
Luke thought the traffic pattern would be better with a signaled intersection for the entrance. She asked about walkability and where sidewalks and entrances to the building would be located. Mr. Waldo stated that there would be a sidewalk around the entire building. Mr. Whitten pointed out the patio area and entrances.

Henry asked if having the tot lot closer to the building had been discussed. Mr. Waldo said that it was determined that having the connection to the main access on Shady Oak Road was more of a priority. The play area would be fenced in. He could see positives and negatives with both scenarios.

Powers applauded the concept. It is an improvement from the 49-unit apartment building. He was amazed how the applicant tried to please everyone by making the south end look more urban and the north end residential. He asked if he understood correctly that there would be more room for buffering on the Oak Drive Lane side. Mr. Waldo answered affirmatively. He would work with staff. The applicant is committed to doing better projects. The applicant knew that was an important factor.

Knight stated that he likes the balconies. Mr. Whitten stated that the balconies would be solid aluminum and last as long as the apartment building.

Henry discussed buffering options for neighbors on Oak Drive Lane with Mr. Waldo. Mr. Waldo stated that the applicant would be happy to meet with the neighbor to see what the neighbor would prefer for buffering.

Chair Kirk invited those present to provide comments.

Chris Aanestad, 4255 Oak Drive Lane, stated that:

- He questioned how long the project would take.
- He appreciated the proposal moving the access off of Oak Drive Lane.
- The building would be too large. He did not understand how the building was shown on the plan.

Cynthia Jung, 18505 Spring Crest Drive, stated that:

- She represented the Minnetonka Housing Team. The Minnetonka Housing Team supports adding more units of affordable housing.
- They support the proposal.

Chair Kirk concluded receiving public comments.

Chair Kirk discussed with Mr. Waldo and Mr. Whitten how it is difficult to show the different elevations and scale of the building on a screen.

Chair Kirk stated that the building is too long to keep it to scale on the screen and it is difficult to represent a building that has an elevation change because it is distorted.
Wischnack explained that the city has a contract with the applicant. If tax credits would be awarded this year, then construction would begin in 2020. Relocation of businesses could occur in 2019.

Gordon provided that the 2017 plan proposed 31 units per acre and this concept plan has 33 units per acre.

Knight likes the concept plan. The building looks nice. He likes the change in the roofline. That improves the look significantly. He remembered residents on the south concerned with motorists cutting through their neighborhood. He asked if the proposal would create a cut through. Gordon recalled that a resident was concerned with motorists using Bradford Street to cross southbound traffic to make a left-hand turn onto Excelsior Blvd. to travel east or north on Shady Oak Road. Gordon did not see the concept plan creating that type of circumstance. Mr. Waldo described the traffic pattern for semis with trailers.

Powers liked everything about the new concept plan. He liked the roof lines. He liked how the developer worked so diligently to make this work. Work force housing is needed now. The sooner this is approved and started the happier he will be. The area would be wonderful for kids. He liked the architect thinking of the change in exterior colors and materials.

Luke liked the concept plan more than the previous proposal. The building would be attractive. She liked how traffic would be managed on the south side of the building instead of accessing Oak Drive Lane. She thought the 31 parking stalls looked like a lot of parking.

Henry felt that the type of housing is needed in the city. He liked how there would be more of a buffer between the proposed apartment building and residence on the west side. The building would be massive. Lowering the building to two levels sooner on the south side like it is on the north would make it more visually appealing. He would like to see how much sun would be blocked by the building.

Chair Kirk supports affordable housing. He voted no for the previous proposal because he wanted to see it improved. Moving the access to the south was key. He was happy to see that happen. He suggested aligning the road to prevent headlight wash. Mr. Waldo explained that the parking lot would be sloped down so a vehicle would travel with headlights pointed down.

Chair Kirk asked if a playground could be located over a sewer pipe. Gordon stated that would be looked at. The concept plan provides more flexibility to move the playground around. Chair Kirk suggested moving the playground further south and aligned with the backyard of 4292 Oak Drive Lane. He would like proof of parking. He looks forward to seeing a clear landscaping plan with trees, sidewalks, and snow storage. The building is still too close to the road. He was fine with the roofline. He hoped the number of units could be condensed a little to help condense the setback from Oak Drive Lane.
Powers stated that he visited residents of Oak Drive Lane and most of them did not care about the size of the building, except for the closest neighbors. It is 2020 and density is going to increase. He sees buildings in suburbs twice this size. The density is appropriate. The building is appropriately sized and takes into account that the city needs affordable housing now. This type of opportunity for this type of parcel, along a major street, that has already been developed is rare. The site’s proximity to amenities makes it even rarer. He favored keeping the density as it is.

Luke felt that it would be nice to have an apartment building near single-family houses instead of an industrial area. That would make the apartments more attractive and keep the workforce housing near other workforce housing. The site would be accessible to amenities including the grocery store. It would be a very good location.

Chair Kirk noted that the owners of surrounding businesses would welcome the residents. The site is ready for redevelopment.

Henry would like the playground area moved closer to the main entrance if it could be done without ending up in a completely shaded area.

## 10. Adjournment

*Knight moved, second by Luke, to adjourn the meeting at 9 p.m. Motion carried unanimously.*

By: 
__________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
May 16, 2019

Agenda Item 7

Public Hearing: Consent Agenda

None
Minnetonka Planning Commission Meeting
May 16, 2019

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description
Minor amendment to the existing Solbekken master development plan at 5743, 5742, and 5754 Shady Oak Road.

Recommendation
Adopt the resolution approving the amendment

Background
In 2018, the city approved the Solbekken development. The development will include six buildings containing a total of 15 housing units. Three buildings will be detached, single-level, single-family homes. These homes are generally located on the east side of the site, adjacent to Shady Oak Road. Three condominium buildings – each containing four single-level, condo-style homes – will be located on the west side of the site. The first floor of these condo buildings will be occupied by garage space, individual unit storage space, and lobby area. In each building, the lobby elevator and central stairway will provide access to the homes on the second and third floors.

Proposal
Solbekken LLC. recently submitted a revised site and building plans for the three condominium buildings. As proposed, a foundation wall would be constructed beneath second story areas previously shown as cantilevered. (While the second and third stories had a proposed front-to-back depth of 45 feet, the first story garage/storage area had a depth of 39 feet.) The foundation change is proposed to address construction cost and methods.
Staff Analysis

The proposed site and grading plan changes are reasonable, as they:

- Would not result in additional tree removal/impact. Instead, the building foundation would be shifted toward a retaining wall already under construction; and
- Would not significantly alter the visual aesthetic of the previously approved buildings.

Staff Recommendation

Adopt the resolution approving a minor amendment to the existing Solbekken master development plan at 5743, 5742, and 5754 Shady Oak Road.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- North: Shady Oak Cemetery; city-owned property
- South: vacant property; zoned R-1
- East: multi-family residential; zoned R-3, PURD
- West: Lone Lake Park; city-owned property

**Planning**
- Guide Plan designation: medium-density residential
- Existing Zoning: PUD

**Plat and Vacation**
The amendment also requires a re-plating of the condominium lots and vacation of obsolete easements. The city council will review these requests at an upcoming meeting.

**SBP Standards**
The proposal would meet the site and building standards as outlined in 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 proposed amendment would not change the previously approved medium-density land use. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city’s development guides, including the water resources management plan.

2. Consistency with this ordinance.

   **Finding:** The proposal is consistent with the zoning ordinance.

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

   **Finding:** The proposal would not result in more/greater tree impact or soil removal that has been approved for the site. Instead, the building foundation would be shifted toward a retaining wall currently under construction.

4. Creation of 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 proposal would not impact the relationship of buildings and open space, as the site’s open space would be preserved.
5. Creation of a function and harmonious design for structures and site features, with special attention to the following:

- 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.

- the amount and location of open space and landscaping.

- materials, textures, colors, and details of construction as an expression of the design concept and compatible of the same with the adjacent and neighboring structures and uses.

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

**Finding:** As proposed, the building foundations would be shifted toward a retaining wall currently under construction. The change would not impact the internal sense of order, amount/location of open space, compatibility with adjacent/neighboring structures, or circulation.

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:** As new construction, the building code would require the use of energy saving features.

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and site 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 proposed foundation change would not impact adjacent or neighboring properties.

**Pyramid of Discretion**

This proposal:
Motion Options  

The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be to adopt the resolution approving the request.

2. Disagree with staff’s recommendation. In this case, a motion to deny the request. This motion must include a statement as to why the amendment is denied.

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.

Voting Requirement  
The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of four commissioners.

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.

Neighborhood Comments  
The city sent notices to 419 property owners and has received no written comments to date.

Deadline for Action  
Aug. 5, 2019
Location Map

Project: Solbekken
Address: 5743, 5742 & 5750 Shady Oak Rd
Mr. Loren Gordon, City Planner
Ms. Susan Thomas, Assistant City Planner
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, Minnesota 55345

April 26, 2019

Sent Via Email

Re: formerly the Music Barn Property, 5740 and 5750 Shady Oak Road
   2.29 acres rezoned for the 15-unit Solbekken development
   Now 5734, 5738, 5742, 5746, 5750 and 5754 Shady Oak Road
   Request for PUD amendment and plat approval related to revised Garage
   Dimensions for the three 4-plex condominium buildings

Loren and Susan,

    Thank you for your continuing guidance in recent months as we proceeded
    with redevelopment of the Music Barn site. While the three detached town
    homes closely follow the design presented last year—and are currently under
    construction, the three 4-plex condominium buildings proved to be a challenge in
    terms of construction cost and construction methods. As a result, those three
    buildings had to be re-designed in cooperation with a new architect/builder team.
    The result of the re-design required the garage level of the condominium
    buildings to be 4-6 deeper than the previous design, making the garages larger by
    about 450 SF in each of the three 4-plex buildings (adding about 1,350 SF to our
    total garage footprint).

    Our original builder had required a distance of 17’-20’ between the
    condominium building garages and our west boundary retaining wall so that
    construction equipment could be driven between the garage wall and the
    retaining wall which marks the boundary of our site development area. In turn,
    this required the architect to use cantilevered facades with a 2’ overhang on the
    west elevation and a 4’ overhang on the east elevation. Our current builder
    requires the space between the garage wall and the retaining wall to be back-
    filled from the outset and does not plan to drive heavy construction equipment in
    that inter-space. The revised condominium building plans call for a garage which
    is generally about 6’ deeper than the previous design to support the area formerly
    cantilevered over the garage walls. The also allows us to provide for residents
    more storage area in the garage level.
We have provided here three exhibits which help explain the design change:

- Building Footprint Change Exhibit—which illustrates the current garage footprint and shows in red color the previous location of the west garage wall.
- Garage Plan Exhibit—First Level Floor Plan which shows the layout of the garage level now and indicates in red color where the west (rear) wall was located previously. There is a minor change standard for the lobby entrances to provide more space in the vestibule to allow for package delivery lockers. You will also notice a very small overhang added for a deck on the north elevation of this building (5734). The southern elevation of building 5754 has the same small overhang.
- Architectural Site Plan Amendment—While there is more detail in the civil drawings, this site plan replaces the original architectural site plan (Sheet A-1.1 in our original submission). The red line shows the previous boundary of the garage walls.

Separately we have provided all the civil engineering drawings and the County-approved revised plat which facilitates this design modification to our condominium garages.

We look forward to being on the Planning Commission agenda May 16th and the City Council agenda on May 20th for the public hearings related to this request. Please advise us of any additional information you may require and we will respond promptly.

If any member of the City staff wishes to meet and discuss any aspect of our submission, we would be pleased to meet with you and bring any technical consultant who may be appropriate for the issue being discussed.

Best regards,

N. Edward Briesemeister
For Solbekken, LLC—Maarten Kuik and N. Edward Briesemeister
neb@greatoaks.us.com
404 789 4447
WARNING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER. Gopher State One Call

SURVEY LEGEND

C1-1 EXISTING CONDITIONS

C1-2 DEMOLITION PLAN

C2-1 SITE PLAN

C3-1 GRADING & DRAINAGE PLAN

C3-2 SWPPP

C3-3 SWPPP NOTES & DETAILS

C4-1 SANITARY & WATERMAIN PLAN

C4-2 STORM SEWER PLAN

C8-1 CIVIL DETAILS

C8-2 CIVIL DETAILS

EXHIBIT 5746 & 5750 EXCAVATIONS

License No.

Date

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

Michael J. St. Martin - PE

Plotted:

04/25/2019   5:21 PM

7200 Hemlock Lane, Suite 300
Maple Grove, MN 55369
763.424.5505
www.loucksinc.com

PLANNING
CIVIL ENGINEERING
LAND SURVEYING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL

SUBMITTAL/REVISIONS
PROFESSIONAL SIGNATURE
QUALITY CONTROL
CADD

files prepared by the Consultant for this project are instruments of the Consultant professional services for use solely with respect to this project. These CADD files shall not be used on other projects, for additions to this project, or for completion of this project by others without written approval by the Consultant. With the Consultant's approval, others may be permitted to obtain copies of the CADD drawing files for information and reference only. All intentional or unintentional revisions, additions, or deletions to these CADD files shall be made at the full risk of that party making such revisions, additions or deletions and that party shall hold harmless and indemnify the Consultant from any & all responsibilities, claims, and liabilities.
WALL EXHIBIT

EXISTING

TW

GW

BS

*NOT TO SCALE

GRADING, DRAINAGE & EROSION CONTROL NOTES
1. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
2. REFER TO SITE MAP SHOWING EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
3. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
4. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
5. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
6. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
7. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
8. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
9. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
10. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
11. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
12. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
13. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
14. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
15. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
16. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
17. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
18. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
19. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
20. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
21. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
22. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
23. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
24. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
25. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
26. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
27. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
28. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
29. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
30. REFER TO SITE MAP SHOWING EXISTING STRUCTURES, EXISTING SOILS, EXISTING GROUND WATER TABLE, EXISTING TERRAIN, EXISTING TRASH DEPOSITS, AND EXISTING WIRES, WIRES, OR STRUCTURES LOCATED UNDERGROUND OR ON SITE.
CIVIL DETAILS

SWPPP

DIGGING.

LEAST

EXISTING

MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES.

THE

WARNING:

Gopher State One Call

401-963-4567

BFE = 954.72

OTHER

LOCATIONS

FOR

Gopher

963

DAMAGED

BFE = 953.72

LO = 957.26

RECOMMENDED.

BACKUP ARE

PUMPS W/ A BATTERY

TOP OF PIPE=953.98

TOP OF ROCK=954.48

(12" PIPE)

OUTLET INV=950.78

BOTTOM OF PIPE=948.98

CIVIL LEGEND

CMP PIPE

CMP RISER

ANGULAR WASHED STONE

GRANULAR BEDDING

EXCAVATION

ON BACK SLOPE OF FOUNDATION

OVERLAND

LDP = 955.60

15-20 LAYD HERE

PLACE COMPATABLE CALY LENS FROM BOTTOM

OF SOILS CORRECTION EXCAVATION TO 956.26 TO

HYDRAULICALLY DISCONNECT THE UNDERGROUND

STORMWATER REPLENISHER SYSTEM FROM

THE HOUSE PAD SUBGRADE.

EXCAVATION CROSS SECTION

5746 & 5750 EXCAVATION EXHIBIT

5746 & 5750 EXCAVATION CROSS SECTION
PREVIOUS BUILDING FOOTPRINT

NEW BUILDING FOOTPRINT

* RED TEXT DENOTES PREVIOUS BUILDING FOOTPRINT
Planning Commission Resolution No. 2019-

Resolution approving a minor amendment to an existing master development plan
Solbekken at 5743, 5742, and 5754 Shady Oak Road

______________________________________________________________

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

Section 1. Background.

1.01 The subject site at 5743, 5742, and 5754 Shady Oak Road. It is legally described as:

Lots 4, 5, and 6, Block 1, Solbekken Villas

1.02 On May 14, 2018, the city council granted several approvals for Solbekken. The approvals included: master development plan, final site and building plans, and preliminary, and final plats.

1.03 Solbekken LLC recently submitted a revised site and grading plans for the three condominium buildings to be constructed on the west side of the site. The revisions would allow construction of a foundation wall beneath second story areas previously shown as cantilevered. The foundation change is proposed to address construction cost and methods.

1.04 On May 16, 2019, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. Standards.

2.01 City Code §300.22 Subd.9 outlines various changes to an approved master development plan that would be considered major amendments. Any change that does not reach this major amendment threshold is considered a minor amendment.

Section 3. Findings.

3.01 Under City Code §300.22 Subd.9, the applicant’s proposal is considered a minor amendment to the existing master development plan.
3.02 The proposed site and grading plan changes are reasonable, as they:

a) Would not result in additional tree removal/impact. Instead, the building foundation would be shifted toward a retaining wall previously constructed on the site.

b) Would not significantly alter the visual aesthetic of the previously approved buildings.

Section 4. Planning Commission Action.

4.01. The planning commission hereby approves the amendment to the existing master development plan. Approval is based on the findings outlined in Section 3 of this resolution and is subject to the following conditions:

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

   - Site Plan, with revised dated April 26, 2019
   - Grading and Drainage Plan, with revised dated April 26, 2019
   - Sanitary and Watermain Plan, with revised dated April 26, 2019
   - Storm sewer Plan, with revised dated April 26, 2019
   - Landscaping Plan, with revised dated April 26, 2019
   - Architectural Plan Set, dated March 5, 2018

2. Prior to issuance of a building permit:

   a) This resolution must be recorded at Hennepin County.

   b) Obsolete easements must be vacated, and the final plat must be recorded.

   c) Submit a construction management plan. The plan must be in a city-approved format and must outline minimum site management practices and penalties for non-compliance.

   d) Install erosion control, and tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout construction.

3. Prior to issuance of a certificate of occupancy for the condominium buildings:

   a) A revised legal document outlining that the retaining wall, drive, utilities, and hydrant on site will be privately constructed and maintained. The document, which must be reviewed and
approved by the city attorney, must be recorded against the properties.

b) A revised underground stormwater facility easement agreement that fully incorporates the constructed facility.

4. Construction must begin by December 31, 2020, unless the planning commission grants a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 16, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 May 16, 2019.

Fiona Golden, Deputy City Clerk