Agenda

Minnetonka City Council

Regular Meeting, Monday, July 10, 2017

6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Wagner-Ellingson-Allendorf-Acomb-Wiersum-Bergstedt-Schneider
4. Approval of Agenda
5. Approval of Minutes: None
6. Special Matters: None
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution approving a conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road
11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances: None
13. Public Hearings: None
14. Other Business:
    A. Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue:
       1) Major amendment to an existing master development plan;
       2) Final site and building plans, with parking variances; and
       3) Preliminary and final plats
Recommendation: Adopt the resolution denying the request (4 votes)

B. Items concerning a parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard:

- Major amendment to the existing master development plan;
- Parking setback variance; and
- Encroachment agreement.

Recommendation: Adopt the resolution denying the requests (4 votes)

15. Appointments and Reappointments: None

16. Adjournment
Brief Description  
Resolution approving a conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road

Recommendation  
Adopt the resolution approving the conditional use permit

Background  
The applicant, Dana Minion, is proposing to demolish an existing accessory structure (1,293 square feet) and reconstruct an accessory structure with a slight expansion. The accessory structure expansion would consist of a 4-foot x 22-foot extension of the structure towards the interior of the property. This expansion would increase the structure size by approximately 88 square feet, but the height of the structure would not be increased. The expanded area would create a 1,381 square foot accessory structure. (See attached).

The proposal requires a conditional use permit (CUP) due to the proposed increase in area of the structure. It is important to note that a CUP is not required because the applicant is choosing to remove the existing structure and then reconstruct it with a slight expansion. If the applicant were instead choosing to simply build the expansion, a conditional use permit would still be required because the size of the oversized building would be increasing.

Planning Commission Hearing  
The planning commission considered the proposal on its June 22, 2017 consent agenda. The staff report from that meeting and various plans and documents describing the proposal are attached. Staff recommended approval, noting that the proposed accessory structure would meet all of the general and specific conditional use permit standards.

At the commission meeting, a public hearing was opened to take comment. However, no comments were received.

Planning Commission Recommendation  
On a 6-0 vote, the commission recommended that the city council approve the request. Meeting minutes are attached.

Since Planning Commission Hearing  
There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.
Staff Recommendation

Staff recommends the city council adopt the resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height at 4142 Avondale Street.

Through: Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director
Loren Gordon, AICP, City Planner

Originator: Drew Ingvalson, Planner
MINNETONKA PLANNING COMMISSION
June 22, 2017

**Brief Description**
Conditional use permit to allow the demolition and reconstruction of a larger accessory structure

**Recommendation**
Recommend the city council adopt the resolution approving the request

**Proposal**
The applicant, Dana Minion, is proposing to demolish an existing accessory structure (1,293 square feet) and reconstruct an accessory structure with an expansion. The accessory structure expansion would consist of a 4-foot x 22-foot extension of the structure towards the interior of the property. This expansion would increase the structure size by approximately 88 square feet, but the height of the structure would not be increased. The expanded area would create a 1,381 square foot accessory structure. (See attached).

The proposal requires a conditional use permit (CUP) due to the proposed increase in area of the structure. It is important to note that a CUP is required *not* because the applicant is choosing to remove the existing structure and then reconstruct it with a slight expansion. If the applicant were instead choosing to simply build the expansion, a conditional use permit would still be required because the size of the oversized building would be increasing.

**Staff Analysis**
Staff finds that the applicant’s request meets the specific and general conditional use permit standards outlined in city code.

**General CUP Standards**
The proposed accessory structure would meet the general standards outlined in city code as it would:

- Be consistent with the intent of the ordinance;
- Be consistent with the goals, policies and objectives of the comprehensive plan;
- Not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- Not have an undue adverse impact on the public health, safety, or welfare of the community.
Specific CUP Standards

The proposed accessory structure would meet all of the specific CUP standards.

1. Side and rear setbacks equal to height of the structure or 15 feet, whichever is greater.

   **Finding:** Based on historical aerial photos, staff presumes the existing accessory structure was originally constructed prior to adoption of the city’s first zoning ordinance. It is located 1.2 to 4.3 feet from side and rear property lines. In 1988, the city approved a conditional use permit and setback variance to allow for reconstruction of a portion of the structure. (At that time, the expansion permit process did not exist and so the variance process was used allowing for reconstruction of the then non-conforming structure.)

   The vast majority of the proposed structure would be located in the same footprint, compliant with the variance-approved setbacks. Only the 88 square foot addition would be located outside of this footprint and this addition would meet the required 15-foot setback.

2. No additional curb cuts to be permitted.

   **Finding:** No additional curb cuts have been proposed on the property.

3. Not to be used for commercial activities.

   **Finding:** The applicant is not proposing to use the structure and/or the property for commercial purposes.

4. Structure to be architecturally consistent with the principal structure.

   **Finding:** The applicant is proposing a structure that would have architectural features similar to the existing home.

5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties.

   **Finding:** Currently, there is vegetation buffering the views of the structure from adjacent properties. In addition, the proposed structure will be within the same footprint as the
existing accessory structure and the expansion area will be towards the interior of the property.

6. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

Finding: The proposed garage would meet the site and building plan standards as outlined in City Code Section 300.27 Subd. 5.

Staff Recommendation

Recommend the city adopt the resolution approving the conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road.

Originator: Drew Ingvalson, Planner
Through:    Loren Gordon, AICP, City Planner
Supporting Information

Project No. 88080.17a
Property 3841 Baker Road
Applicant Dana Minion
Surrounding Land Uses All properties adjacent to the subject property are zoned R-1 and guided low density residential.
Planning Guide Plan designation: low density residential
Zoning: R-1
Site Features The subject property is located on the east side of Baker Road, north of Lake Street Extension. The existing lot is approximately 48,000 square feet in area.

The site is improved with a 1,884 square foot home that was originally constructed in 1908. The site also has a 1,293 square foot accessory structure. Based on aerial photographs, it appears that an accessory structure was located in the northeast corner of the property prior to the adoption of city ordinance. In 1988, the city approved a conditional use permit and variance (setbacks) for the replacement of an existing accessory structure exceeding 1,000 square feet.

Non-Conformity Though the existing structure is located close to property lines, it is not considered a non-conforming structure. A variance was approved in 1988; the structure conforms to the setbacks approved by the variance. As such, the current request does not require an expansion permit.

Pyramid of Discretion

[Diagram with the text "This proposal" highlighted]
### Neighborhood Comments
The city sent notices to 52 area property owners and has received no comments.

### Motion Options
The planning commission has three options:

1. Concur with staff’s recommendation. In this case a motion should be made recommending the city council approve the request.

2. Disagree with staff’s recommendation. In this case a motion should be made recommending the council deny the request. This motion must include a statement as to why the denial is recommended.

3. Table the request. In this case a motion should be made to table the item. The motion should be made include a statement as to why the request is being tabled with direction to staff, the applicant or both.

### Voting Requirement
The planning commission will make a recommendation to the city council. A recommendation requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of five members.

### Deadline for Decision
August 28, 2017
Location Map

Project: Minion Residence
Address: 3841 Baker Rd
Project No. 88080.17a

This map is for illustrative purposes only.
Certificate of Survey

Prepared for: Dana Minion
3841 Baker Road
Minnetonka, MN 55305
612-659-3656

Mattke Surveying & Engineering, Inc.
599 Hawthorn Road
Lino Lakes, MN 55014
(763) 783-0300

Property Description:
Lot 20, Block 1, FIELDREST, and that part of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 22, Township 117, Range 22 lying East of County Road No. 60 and South of the North line of said Lot 20 extended West, Hennepin County, Minnesota.

I hereby certify that this survey was prepared by me or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Ted W. Mattke, LS
Date: 4/28/17

Revised 4/28/17 location of outbuilding.

Scale: 1"=50'

O Denotes Iron Monument Set (RLS 15612)
O Denotes Iron Monument Found
36 by 10' 14" driving window 0' 10" typical with 2/2 by 6 header

2' 6" travel door with 2 3/4" thick insulating concrete form panels 1' 8" wide

1 1/4" radius corner 0' 0" high 2' 6" wide

20' by 24' typical 2' 6" high with 3/4" traveling concrete form panels 1' 8" wide

21' 6" traveling concrete form panel 0' 0" high 2' 6" wide

30' 6" by 24' garage foundation on 0' 0" high 2' 6" wide

Using existing basement foundation on 0' 0" high 2' 6" wide

Using new 7 course CMU on 36 by 24'. Below grade 12", above grade 6" typical

18' 6" by 9' 0" framed wall 0' 0" high 2' 6" wide

10' 0" triple 2 by 10' beams 0' 0" high 2' 6" wide

30' 2" by 10' beams 0' 0" high 2' 6" wide

Ridge line concrete

Using new 7 course CMU on 36 by 24'. Below grade 12", above grade 6" typical.

Concrete 2 1/2" thick 0' 0" high 2' 6" wide

2' 6" wall door with 2 3/4" thick insulating concrete form panels 1' 8" wide

30' 6" by 24' garage foundation on 0' 0" high 2' 6" wide

36 by 10' 14" driving window 0' 10" typical with 2/2 by 6 header

Sliding 4" poly sheet siding
Sheathing 3/4" full face 1x6 bead with galvanized cross braces
Architectural grade shingles
CMU 12" below grade
36" CMU above grade on 36 by 24' garage
Roofing existing basement on 18" by 20'
Roofing in shed portion 2' by 18'
with 3/4" T and G Roofing Plywood sheet and rolled Ring shingles

Garage
3841 Elkier Road Minnetonka
MN 55305
Home Owner Dana and Airee Mission

DRAWN BY

DATE

CHECKED

SHEET NO.
West Elevation

7'-6" wall plus
2 by 10 rim
joist on old
basement

4" soffit
north and
east face
12" soffit
south and
west face

4/12 pitch

4/12 Pitch
12" overhang to
match existing

Garage Wood Frame
9' plus CMU rat
wall varies by pitch
to door
Adding 4' of depth to the garage for a total depth of 26' to allow for a pickup to fit inside.
I am looking for a conditional use permit for the rebuilding on my garage/shed.

This is located at:

3841 Baker Road
Minnetonka MN
55305

Legal description is:

PID: 22-117-22-11-0038
Municipality: MINNETONKA
Addition Name: FIELDCREST
Lot:
Block: 001

LOT 20 AND THAT PART OF NE 1/4 OF NW 1/4 OF NE 1/4 OF SEC 22 T 117
R 22 LYING E OF CO ROAD NO 60 AND S OF THE N LINE OF LOT 20 BLK 1
FIELDCREST EXTENDED WEST

No grading or drainage will change as the new structure will sit on the same spot as the old

Landscaping will not change as there are many mature trees around the structure

Use description:

This will be used as a garage and garden shed for my vehicles, tools and yard equipment.

Thank you

Dana Minion

Cell: *redacted*
• Tabled action on the Ridgedale Festival façade and sign application.

Staff has started the comprehensive guide plan process. The steering committee met to review what would be covered in the next year and will continue to meet at least once a month.

Gordon invited everyone to attend Summerfest which will occur this Saturday, June 24, 2017, at Burwell House and city hall.

6. Report from Planning Commission Members

Calvert attended a Resilient Cities workshop at Ridgedale. She found it worthwhile and recommended it to everyone.

7. Public Hearings: Consent Agenda

The item was not removed from the consent agenda for discussion or separate action.

Powers moved, second by O’Connell, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:

A. Conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road.

Recall that the city council adopt the resolution approving the conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road.

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

The city council is tentatively scheduled to review this item at its meeting on July 10, 2017.

8. Public Hearings

A. Sign plan for Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road.
Resolution No 2017-

Resolution approving a conditional use permit for demolition and reconstruction of a larger accessory structure at 3841 Baker Road

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

Section 1. BACKGROUND.

1.01 The applicant, Dana Minion, owns the property at 3841 Baker Road. The property is legally described as follows:

Lot 20, Block 1, FIELDCREST, and that part of the Northeast Quarter of the Northwest Quarter of the Northeast Quarter of Section 22, Township 117, Ranger 22 lying East of County Road No. 60 and South of the North line of said Lot 20 extended West, Hennepin County, Minnesota.

1.02 There is a 1,293 square foot accessory structure on the site. Based on historical aerial photos, it appears that an accessory structure was originally constructed on the property prior to adoption of the city’s first zoning ordinance.

1.03 In 1988, the city approved a conditional use permit and setback variance to allow for reconstruction of the structure at its current location, 1.2 to 4.3 feet from side and rear property lines.

1.04 The applicant is proposing to demolish the structure and reconstruct a 1,381 square foot accessory structure, an 88 square foot increase. The proposal requires a conditional use permit due to the increase of the structure.

1.05 City Code §300.06 authorizes the city to grant conditional use permits.

1.06 On June 22, 2017, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.
Section 2. General Standards.

2.01 City Code §300.16 Subd. 2 outlines the following general standards that must be met for granting a conditional use permit:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

Section 3. Specific Standards.

3.01 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for detached garages in excess of 1,000 square feet:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;
2. No additional curb cuts to be permitted;
3. Not to be used for commercial activities;
4. Structure to be architecturally consistent with the principal structure;
5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;
6. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

Section 4. Findings.

4.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd. 2.

1. The proposal is consistent with the intent of this ordinance. City
ordinance permits accessory structures over 1,000 square feet and 12 feet in height as conditional uses in the R-1 district.

2. The proposal is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The proposal would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. The proposal has been reviewed by the city’s building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4. The use is not anticipated to have an undue adverse impact on the public health, safety or welfare.

4.02 The proposal meets the specific conditional use permit standards outlined in City Code §300.16 Subd. 3(f).

1. The majority of the proposed structure would be located within the 1988 variance-approved footprint, with the 88 square foot expansion meeting the required 15-foot setback.

2. No additional curb cuts are proposed on the property.

3. The applicant is not proposing to use the structure and/or the property for commercial purposes.

4. The applicant is proposing a structure that would have architectural features similar to the existing home.

5. Currently, there is vegetation buffering the views of the structure from adjacent properties. In addition, the proposed structure would be within the same footprint as the existing accessory structure and the expansion area would be toward the interior of the property.

6. The proposed garage would meet the site and building plan standards as outlined in City Code Section 300.27 Subd. 5.
Section 5. CITY COUNCIL ACTION.

5.01 The city council approves the above-described request for a conditional use permit subject to the findings outlined in section 4 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:
   - Survey/Site Plan dated May 12, 2017
   - Building elevations dated May 12, 2017

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with the county.
   b) Install erosion control and tree protection fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

3. The approved structure must be constructed by July 10, 2018.

4. No additional curb cuts are allowed to serve the structure.

5. The structure may not be used for commercial purposes.

6. The city council may reasonably add or revise conditions to address any future unforeseen problems.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 10, 2017.

_______________________________________
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 July 10, 2017.

David E. Maeda, City Clerk

SEAL
City Council Agenda Item #14A  
Meeting of July 10, 2017

**Brief Description**  
Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue:

1) Major amendment to an existing master development plan;

2) Final site and building plans, with parking variances; and

3) Preliminary and final plats

**Recommendation**  
Adopt the resolution denying the request

**Background**

The Minnetonka Hills Apartment complex currently encompasses several properties and is just over 13 acres in size. The complex includes three, 4-story, apartment buildings with underground parking and two surface parking lots. The apartment complex surrounds a half-acre residential property that is currently improved with a vacant, single family home. All properties, including the single-family residential home, are: (1) held in common ownership; (2) zoned PUD, planned unit development; and (3) guided for high-density residential by the 2030 Comprehensive Guide Plan.

**Proposal**

Alliant Engineering, on behalf of Minnetonka Hills Apartments, LLP, is proposing to construct a new 78-unit apartment building on the site. The building would consist of five-stories of residential apartments and underground parking. The apartments would range in size from 620 square feet for an alcove unit and 1,200 square feet for a two-bedroom unit. The proposal would also introduce a playground area and a sidewalk connection to serve the proposed apartment building, as well as the existing apartment buildings.

**Staff Analysis**

Staff finds that the proposed high-density residential use of the site is appropriate given the site’s high-density residential designation by the comprehensive guide plan since 1981. However, staff is concerned about the amount of impact the proposed apartment building and parking would have on the site’s natural resources. The following is intended to summarize the concerns outlined in the staff report prepared for the planning commission meeting:

- **Trees.** A large woodland preservation area “wraps” around the existing apartment and parking lot on the property. High-priority trees outside of the regulated
woodland preservation area are subject to the 35-percent removal threshold established by the city’s tree protection ordinance. Initial grading plans and staff report indicated that the proposal would result in the removal of 54% of the site’s high priority trees. Following distribution of the staff report for the planning commission meeting, the applicant submitted revised grading plans, which reduced tree impacts by shifting the basin further south to the driveway. In doing so, the applicant was able to reduce the amount of high priority tree removal enough that the proposal is now in compliance with the city’s tree protection ordinance.

- **Steep Slope.** While the site has a significant amount of topography throughout, there are two prominent slopes regulated by the city’s steep slope ordinance. By evaluating the size of the trees near the prominent slopes, staff was able to make some assumptions as to whether the slopes are natural or were created. While the northern slope appears to have been created, the central slope appears to be naturally occurring.

Unlike other ordinances which provide clear standards intended to “approve” or “deny” a proposal, the steep slope ordinance was developed to guide thoughtful integration of a development into a slope. The ordinance lists three primary findings for contemplation when reviewing steep slope developments.

Ultimately, staff commends the developer for utilizing retaining walls whenever possible to reduce grading limits but is concerned with the intensity and amount of slope impact and manipulation.

**Planning Commission Hearing**

The planning commission considered the request on June 22, 2017. The staff report from that meeting and various plans and documents describing the proposed project are attached. At that meeting, the developer approached the commission and described their overall development process and interpretation of the slope ordinance. At that meeting, a public hearing was opened to take comment and several people appeared and generally expressed:

- Concern related to the vehicular and pedestrian traffic on Jordan Avenue.
- Concern related to the development’s snow removal.
- Concern related to the area’s wildlife displacement.
- Requested the developer review affordable housing.

Following the public hearing, the commission asked questions and discussed the proposal and generally commented:

- The commission confirmed with staff that the proposal included a sidewalk connection intended to improve pedestrian circulation through the area.
• The commission inquired as to the amount of vehicular accidents or incidents in the immediate area. Staff reviewed accident information provided by MnDOT indicating four accidents within the last 10 years. Further research indicates that all four were between the hours of 11:30 p.m. and 2 a.m.; two of the accidents involved an impaired driver and a third was during snowy conditions.

• The commission generally expressed support for high-density residential use but expressed that additional consideration should be given to the steep slope.

Planning Commission Recommendation

On a 4-1 vote, the commission recommended that the city council deny the proposal. Meeting minutes are attached.

Since Planning Commission Hearing

Since the revised grading plan indicates compliance with the city’s tree protection ordinance, staff removed language and related findings citing non-compliance in the attached resolution. Despite current compliance with the city’s tree protection ordinance, staff continues to be concerned with the amount of slope impact.

In addition, the applicant submitted a letter and various plans and aerial views. These items are attached. While these highway and aerial views are intended to depict post-construction conditions, staff believes that these images are somewhat misleading as they do not represent the extent of tree removal. Although portions of the building are visible, it would not be anticipated that tree canopy would extend over the building. Additionally, these aerials do not contemplate the tree removal for the parking lot, stormwater pond, driveway and sidewalk. As the applicant indicates, additional images are being developed for the council meeting.

Staff Recommendation

Recommend the city council adopt the attached resolution denying the request. If the council wishes to approve the project, the motion should be to table the application and direct staff to prepare findings and resolutions pertaining to approval.

Through: Geralyn Barone, City Manager
         Julie Wischnack, AICP, Community Development Director
         Loren Gordon, AICP, City Planner

Originator: Ashley Cauley, Senior Planner
MINNETONKA PLANNING COMMISSION
June 22, 2017

**Brief Description**
Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue:

1) Major amendment to an existing master development plan;
2) Final site and building plans, with parking variances; and
3) Preliminary and final plats

**Recommendation**
Recommend the city council deny the proposal

**Introduction**

The Minnetonka Hills Apartments complex currently encompasses several properties and is just over 13 acres in size. The complex includes three, 4-story, apartment buildings with underground parking and two surface parking lots. Cumulatively, the complex has a total of 235 apartment units and 480 parking stalls.

The apartment complex properties surround a half-acre residential property that is currently improved with a vacant, single family home. This property has been held in common ownership with the adjacent apartment complex for almost 10 years.

The entire complex, including the properties at 2800 and 2828 Jordan Avenue, is currently zoned PUD, planned unit development, and is guided for high-density residential by the 2030 Comprehensive Guide Plan.

**Proposal Summary**

The following is intended to summarize the applicant’s proposal. Additional information associated with the proposal can be found in the “Supporting Information” section of this report.

- **Existing Site Conditions.**

  Combined with the adjacent, unaddressed parcel, the subject properties are just over 7.8 acres in size. The western portion of the property is improved with a 4-story apartment building and a surface parking lot to the east of the building.

  **Steep Slope.** The property is encumbered by a number of slopes, several of which are regulated by the city’s steep slope ordinance. The two prominent slopes – to be referred to as the northern slope and the central slope – both slope downwards
in all directions from two prominent knolls and have an average grade of 26 percent. By evaluating the size of the trees near the prominent slopes, staff was able to make some assumptions as to whether the slopes are natural or were created. While the northern slope appears to have been created, the central slope appears to be naturally occurring.

**Floodplain.** Initially it was thought that a depression west of Jordan Avenue would be a regulated wetland. However, additional testing and research concluded that the depression did not exhibit wetland characteristics. While the depression is not a regulated wetland, the depression is still regulated by the city’s floodplain ordinance.

**Trees.** There is a large woodland preservation area (WPA) that “wraps” around the existing apartment building and parking lot on the property. The remainder of the area outside of the WPA is heavily wooded with predominately species of the oak, cedar and ash varieties.

- **Proposed Use.**

The proposed five-story apartment building would have a footprint of approximately 16,000 square feet and a gross floor area of 80,000, not including the underground parking level. The underground parking level would be 20,000 square feet, with a portion extending beyond the footprint of the building to under the northern parking area. In addition to residential units, the first floor would provide residential amenities such as a mailroom and a fitness center. The proposed 78-units would be a mixture of alcove, one and two bedroom units. The units would range in size from 620 square feet for an alcove unit and 1,200 square feet for a two-bedroom unit.

As proposed, access from the new apartment building to Jordan Avenue would be provided via a new connection to the existing building’s driveway.

The new building would be served by a total of 122 parking stalls; 60 underground parking stalls and 62 surface stalls. The surface parking lot would be constructed on the west side – or interior – of the property, adjacent to the existing parking lot.

The proposal would also introduce a playground area and a sidewalk connection to serve the proposed apartment building, as well as the existing apartment buildings.

- **Site Impacts.**

To accommodate the new apartment building and parking lot, a significant amount of grading and tree removal would be required. While the proposal includes several retaining walls, which are typically used to lessen the extent of grading, the proposal would result in a “cut” of 26-feet. This grading would remove the central
knoll and would “flatten” the slope to provide a suitable building site. The grading and construction of the new building and parking lot would result in the removal of a number of trees east of the existing parking lot and along the existing driveway.

**Primary Questions and Analysis**

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into primary questions or issues. The following outlines both the primary questions associated with the new Minnetonka Hills Apartment proposal and staff’s findings.

- **Is the proposed land use appropriate?**

  Yes. The proposed high-density residential use of the site is appropriate. The site has had a comprehensive guide plan designation of high-density residential since 1981.

- **Is the proposed building and site design reasonable?**

  While staff finds that a residential land use is appropriate for the site, staff is concerned with the level of impact to the natural resources that would result from the proposal.

  **Tree Impacts.** The city’s tree protection ordinance restricts the amount of woodland preservation area that can be removed and the number of high priority trees that can be removed as part of a site’s redevelopment. When a proposal would exceed these thresholds, the development must be reviewed as a PUD. The following is intended to summarize the anticipated amount of tree removal:

<table>
<thead>
<tr>
<th>Project Area</th>
<th>Maximum removal allowed by ordinance</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woodland preservation area</td>
<td>25%</td>
<td>24%</td>
</tr>
<tr>
<td>High priority trees outside of the woodland preservation area</td>
<td>35% – or – 12 of the site’s high priority trees</td>
<td>54% – or – 20 of the site’s high priority trees</td>
</tr>
</tbody>
</table>

Since the removal would result in the removal of 54% of the site’s high priority trees, staff evaluated the proposal to determine if it would meet the PUD standards within the city’s tree protection ordinance. The standards and staff’s findings can be found in the “Supporting Information” section of this report. Ultimately, the proposal would marginally meet the standards. However, staff believes that the project could meet the standards by: (1) “tightening” up the grading around the
parking lot; and (2) committing to a long-term ecological stewardship plan – or restoration plan – to control invasive species onsite.

Slopes. The city’s steep slope ordinance was developed to encourage thoughtful integration of a development into a slope. The intent of the ordinance is not to prohibit construction of a slope but rather to guide development of a slope. Unlike other ordinances, which provide clear standards intended to “approve” or “deny” a project, the slope ordinance allows the city more discretion in determining compliance with the three findings listed in the ordinance. The following is intended to summarize the findings; however, a more detailed analysis of the findings can be found in the “Supporting Information” section of this report.

1. **Ordinance Finding 1:** The property is physically suitable for the design and siting of the proposed development. The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

   **Staff findings:** While the proposal incorporates a series of retaining walls to reduce the proposed grading limits, the proposal would still result in significant amount of grading into existing slopes. The ordinance states that development should avoid cut and fill greater than 25 feet in depth. Staff acknowledges that any development of the site would result in varying degrees of cut and fill onsite. However, staff is concerned that the proposal includes a 26-foot “cut” into the 26 percent slope.

2. **Ordinance Finding 2:** The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

   **Staff findings:** The ordinance allows the city to prohibit construction on slopes with average slopes exceeding 30-percent. The existing slopes have an average grade of 26 percent and runoff from the increase in impervious surface would be directed to catch basins in the southeast corner of the site. Staff commends the developer for incorporating retaining walls to reduce the amount of impact to the site. However, staff is concerned about the intensity of the slope alteration both aesthetically and physically.

3. **Ordinance Finding 3:** The proposed development provides adequate measures to protect public safety.

   **Staff findings:** Minor modifications to the site plan would be required to ensure that emergency vehicles were able to navigate the site. These modifications include: (1) a turnaround; (2) increased drive lane widths; and (3) reconfiguration of the turning radius for the driveway. Staff believes that these changes are minor and could easily be achieved through slight modifications to the site plan.
Summary Comments

Staff acknowledges that the proposed land use would be reasonable use of the property, given that the site has been guided for high-density residential for almost 40 years. However, staff has continued concerns related to impacts to the site’s natural features, specifically as they relate to tree removal and slope development.

Staff Recommendation

Recommend the city council adopt the resolution denying the request.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner
**Supporting Information**

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>86157.17a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>2800 and 2828 Jordan Avenue</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Mark Kronbeck, Alliant Engineering, on behalf of Minnetonka Hills Apartments LLP</td>
</tr>
</tbody>
</table>

**Surrounding**
- Northerly: Single family homes, zoned R-1 and guided low density residential
- Easterly: US Hwy 169 and the City of St. Louis Park
- Southerly: Minnetonka Hills Apartments, zoned PUD, and guided for high density residential.
- Westerly: Condos and Townhomes, zoned PUD, and guided for medium and high density.

**Planning**
- Guide Plan designation: High Density Residential
- Zoning: PUD, Planned Unit Development

**Background**
1967. The Minnetonka Village Council approved a request to rezone the property, which makes up the southern 12.4 acres of the CSM property, from R-1 to R-4. The original development concept called for the construction of 90 townhomes.

1968. The Minnetonka Village Council approved a request to rezone the northern 6.5 acres of the CSM property from R-1 to R-4.

1981. The city council approved a conditional use permit for grading and excavation to allow the mining of gravel for the construction of County Road 18 (now US Hwy 169). The grading was to occur on the southern portion of the CSM site (currently in the area of the southern two Minnetonka Hills apartment buildings). The city also approved a development concept for the construction of 195 dwelling units and a road connection between Jordan Avenue and Greenbrier Road.

1984. After a proposal was pulled from an earlier agenda due to several concerns raised by the planning commission and staff, the planning commission reviewed CSM’s proposal for the construction of a 143-unit apartment building. Due to concerns related to traffic, density, building height and setbacks, the request was continued.
1985. Over the course of the year, the planning commission and city council reviewed several concept plans for development of the site. Ultimately, in October of 1985, the city council approved the rezoning of the properties to PUD. In November 1985, the planning commission approved the final site and building plans, with variances, for the construction of the Minnetonka Hills Apartment complex. It was noted in the report that, while staff had initially expressed preference that the single-family home be included in the CSM proposal, it was determined that the grades of the site made the area unsuitable for development.

1986. The city approved the Minnetonka Hills Apartments plat which:

1. allowed for the northern apartment building to be on a separate parcel from the southern two apartment building;

2. dedicated a wetland outlot to the city;

3. dedicated an outlot for right-of-way purposes to the city; and

4. dedicated an outlot to rectify a property line discrepancy to the property owner of the single family residential home, which is now included in the current proposal.

2004. The city council introduced an ordinance to amend the Minnetonka Hills Apartment PUD master development and approve final site and building plans for a 14-unit townhome project. As proposed, the existing single-family residential home would have been removed and a two-story, 14-unit townhome building would have been constructed. The council expressed concern related to the visual aesthetics of the proposal. However, the project was ultimately pulled after staff expressed concern related to the density, tree loss, and access.

Concept Plan 2016. The city reviewed a concept plan review for a 78-unit apartment building. The planning commission commented on the architecture of the building and inquired as to whether the parking could be reduced to reduce the amount of tree loss. The council reviewed the concept plan at a subsequent meeting and generally seemed to support the use. The council expressed understanding that the proposal would result in significant grading and tree loss, but encouraged the developer to minimize impacts to natural resources to the greatest extent possible.
Introduction  

April 2017. The city council introduced the ordinance to amend the existing master development plan and referred it to the planning commission. The council asked questions about driveway access, the protection of the woodland preservation area, affordable housing, and tree mitigation.

City Actions  
The Minnetonka Hills Apartments proposal requires the following applications:

- **Major amendment to an existing master development plan.** By City Code, any change to an approved master development plan that “substantially alters the location of buildings, parking areas or roads” is considered a “major” amendment that can only be approved by ordinance.

- **Final Site and Building Plan, with a Parking Variance.** By City Code, site and building plan review is required for construction of any multi-family residential building.

- **Preliminary and Final Plat.** Platting of the new site would allow the new apartment and associated parking lot to be located on a separate parcel.

- **Vacation.** The periphery of the existing residential property is encumbered by drainage and utility easements. The proposal requires approval by the city council to vacate the existing easements and re-dedicate easements as part of the plat.

Development Standards  
The PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc. However, the following chart outlines these items related to the proposed project:

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North property line</td>
<td>93 ft</td>
</tr>
<tr>
<td>East property line</td>
<td>77 ft</td>
</tr>
<tr>
<td>South property line</td>
<td>70 ft</td>
</tr>
<tr>
<td>West property line</td>
<td>72 ft</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Lot Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North property line</td>
<td>31 ft</td>
</tr>
<tr>
<td>East property line</td>
<td>76 ft</td>
</tr>
<tr>
<td>South property line</td>
<td>40 ft</td>
</tr>
<tr>
<td>West property line</td>
<td>15 ft</td>
</tr>
</tbody>
</table>

**Building Height**  
52.5 ft to top of parapet

**Floor Area Ratio**  
0.99
<table>
<thead>
<tr>
<th>Impervious Surface</th>
<th>46%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td></td>
</tr>
<tr>
<td>32.77 units/acre</td>
<td></td>
</tr>
<tr>
<td>26.88 units/acre overall</td>
<td></td>
</tr>
</tbody>
</table>

**Affordable Housing**
As currently proposed, the project does not include an affordability component. In the past, the city has reviewed apartment projects with affordability components as a justification for comprehensive guide plan amendments or rezonings.

**Natural Resources**
To accommodate the proposal, significant site changes would be necessary:

- **Topography and Grading.** Significant grading would be required to create suitable pads for the parking lot and building. The grading would essentially “level out” the knolls and the natural slope on the property. At one point, the proposal would result in a “cut” of 26-feet.

- **Trees.** Based on the proposed grading plan, the proposal would result in a 24% removal of the site’s woodland preservation area. This would be less than the maximum 25% removal allowed by ordinance.

Outside of the woodland preservation area, grading would result in a number of high priority and significant tree removal. The following chart is intended to summarize the proposed removals:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removal</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High priority</td>
<td>37</td>
<td>20</td>
<td>54%</td>
</tr>
<tr>
<td>Significant</td>
<td>100</td>
<td>31</td>
<td>31%</td>
</tr>
</tbody>
</table>

- **Wetland.** Initially it was assumed that a depression on the site was a wetland resulting from the construction of US 169. However, a wetland delineation determined that a wetland is not present.

- **Floodplain.** While the depression along Jordan Avenue is not a regulated wetland, it is regulated as 100-year floodplain. The 100-year flood elevation of the depression is 924.0 feet. An initial proposal submitted to the city did not meet the city’s setback requirement from the 100-year floodplain. However, the applicant revised their plans to
ensure the proposed building would meet all floodplain setback requirements.

**Stormwater**

The city’s water resources engineering coordinator has reviewed the plans associated with the Minnetonka Hills Apartment proposal and finds them generally acceptable. However, if the project is approved some additional stormwater information must be submitted for review. As currently proposed, runoff would be captured by catch basins in the southeast corner of the property. Runoff would overflow into the natural depression area north of the catch basin.

**Utilities**

The following is intended to summarize the applicant’s utility plans:

1. The proposed watermain would connect to the private main currently servicing the existing apartment building originating from Jordan Avenue.

2. The sanitary sewer service would be directionally bored to connect to the existing service in the cul-de-sac of Jordan Avenue. The applicant would need to confirm that construction method to ensure that the line could be directionally bored.

3. The city would require new easements over the new lines and connections.

**Traffic and Parking**

The city commissioned a traffic and parking study to understand:

1. Anticipated vehicle trip generation associated with the proposed Minnetonka Hills apartment;

2. Existing and anticipated intersection operations; and

3. Parking supply and demand.

In evaluating each of these items, the city’s traffic engineering consultants referenced general engineering principles, as well as specific observations from the existing Minnetonka Hills Apartment buildings. The study concluded that:

1. While it is anticipated that the Minnetonka Hills Apartment project may slightly increase the delay at the studied intersections, the increase would not result in a change in the level of service.
2. While no mitigation is necessary from an intersection capacity, the following striping and traffic control modifications could be considered:

- Restripe Jordan Avenue at the Cedar Lake Road intersection to include a dedicated left-turn lane and a shared through/right turn lane.

- Consider an all-way stop at the Jordan Avenue/ US 169 Southbound ramp intersection.

- Install speed advisory signage at the Minnetonka Hills driveway and along Jordan Avenue.

3. Though less than required by code, the proposed parking supply is expected to meet the demand for the site.

**Park Dedication**

By City Code §400.040, park dedication fees in the amount of $5,000 per residential dwelling unit are required. At 78-units, this amount is $390,000.

**Sidewalk Connection**

Initially staff discussed a secondary sidewalk connection to connect the northern end of the proposed parking lot to the sidewalk along Jordan Avenue. However, after further review, the additional sidewalk connection would result in additional tree loss.

**PUD Standards**

By City Code §300.28, Subd. 19, a subdivision that results in a removal of more than 35 percent of the site’s high priority trees or 25 percent of a woodland preservation area, must be developed under a PUD and staff will use the following to consider the extent to which steps were taken to preserve protected trees:

1. Using creative design, which may include the clustering of homes, reducing lot sizes, reducing or expanding normal setbacks, custom grading, retaining walls, buffers and establishing the size and location of building pads, roads, utilities and driveways;

**Finding:** Given the site’s dense vegetation, it would be difficult to develop the property without removing a significant amount of the site’s regulated trees. While it is unlikely that any high-density development of the site would be in full compliance with the city’s tree protection ordinance, staff believes that more intuitive and innovative
site and building design could reduce the amount of necessary tree removal.

2. Preserving the continuity of woodland preservation areas by developing at the edges of those areas rather than at the core;

**Finding:** The proposal would not exceed the maximum removal amount of woodland preservation area allowed by ordinance. In fact, the proposal would not break up the continuity of the existing woodland preservation area.

3. Exercising good faith stewardship of the land and trees both before subdivision and after, including the use of conservation easements where appropriate; and

**Finding:** While the proposal would not meet this requirement outright, the city would require conservation easements over the woodland preservation area. The developer has also indicated a willingness to commit to a stewardship plan to remove buckthorn from the site.

4. Minimizing the impact to the character of the existing landscape and neighborhood.

**Finding:** While the developer incorporated retaining walls to reduce the amount of required grading, the proposal would undoubtedly change the character of the existing landscape and neighborhood.

**Steep Slope**

The city’s ordinance defines a steep slope as a slope that:

- has an average slope of 20 percent or more;
- covers an area of at least 100 feet in width (side to side); and
- rises at least 25 feet above the toe of the slope.

By City Code §400.28, Subd. 20(b), staff will evaluate the extent to which the development meets the guidelines under each finding. While it is the intent of the ordinance to require compliance with as many of the guidelines as possible, the ordinance grants the city discretion to not require total compliance with every guideline if the overall finding is still achieved:
Ordinance Finding 1: The property is physically suitable for the design and siting of the proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

a. Design developments into steep slopes, rather than making significant alterations to the slope to fit the development:

1. avoid building pads that result in extensive grading outside of the building footprint and driveway areas;

Staff Findings: While it is likely that the grading limits around the parking lot could be “tightened” to reduce the amount of required grading, the grading limits proposed do not extend a significant distance beyond the building footprint and parking area.

2. use retaining walls as an alternative to banks of cut-and-fill, and design and site such walls to avoid adverse visual impact;

Staff Findings: The proposal includes a number of retaining walls to reduce the need for cut-and-fill to accommodate the building pad.

3. allow for clustering with different lot shapes and sizes, with prime determinant being to maximize the preservation of the natural terrain;

Staff Findings: While the proposal includes preliminary and final plat, the subdivision is only to allow for separate ownership of the apartment buildings and would not be a requirement.

4. allow flag lots when appropriate to minimize grading;

Staff Findings: This standard does not apply.

5. avoid cuts and fills greater than 25 feet in depth; and

Staff Findings: While the ordinance does not outright prohibit “cuts” and “fills” in excess of 25
feet, the proposal would include a “cut” of 26 feet into the slope.

6. **design grading to preserve the crest of prominent ridges.** Buildings may be located on the prominent ridges, as long as the requirements of this subdivision are met.

**Staff Findings:** Staff is concerned with the amount of grading needed to create the building and parking pad. As proposed, these pads would require the prominent knolls and ridges of the site to be graded out.

b. **Design streets and driveways that generally follow existing contours, except where necessary for public safety or to minimize the adverse impacts from traffic:**

1. use cul-de-sacs and common drives where practical and desirable to preserve slopes; and

2. avoid individual long driveways, unless necessary to locate the principal structures on a less sensitive areas of the site.

**Staff Findings:** The proposal would avoid a long driveway as the new apartment building would be served by a connection to the existing Minnetonka Hills Apartment driveway from Jordan Avenue.

c. **Concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features:**

1. preserve sensitive areas by clustering buildings or using other innovative approaches; and

**Staff Findings:** The proposal would be located such that, while it would remove woodland preservation areas, it would not break up the continuity of the existing preservation area. That said, staff believes that the proposed building and parking lot would remove the existing and natural slope on the site.
2. maintain sufficient vegetation and design the scale of the development so that it does not overwhelm the natural character of the steep slope.

**Staff Findings:** The proposal would preserve some vegetation along Jordan Avenue. However, the proposal would remove a significant amount of vegetation east of the existing apartment building.

d. Preserve steep slopes that buffer residences from non-residential sources of light and noise.

**Staff Findings:** It is very likely that the slope and associated vegetation provides some noise mitigation from US 169 for the existing Minnetonka Hills apartment building. Were the proposed building constructed, it would also provide a level of noise mitigation.

**Finding 2:** The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

a. Wherever practical, minimize the impervious surface area and maximize the use of natural drainage systems:

1. design any new drainage systems away from neighboring properties, away from cut faces or sloping surfaces of a fill, and towards appropriate drainage facilities, whether artificial or natural. Drainage systems must comply with the city’s water resources management plan; and

2. use existing natural drainage system as much as possible in its unimproved state, if the natural system adequately controls erosion.

**Staff Findings:** Runoff would be directed to the catch basin and natural depression in the southeast corner of the site. However, staff believes that design alternatives could result in a reduction in the amount of impervious surface.

b. Avoid building on or creating steep slopes with an average grade of 30 percent or more. The city may prohibit building on or creating slopes in the following situations:
1. where the city determines that reasonable development can occur on the site without building on or creating slopes; or

2. development on such slopes would create real or potentially detrimental drainage or erosion problems.

**Staff Findings:** The slopes onsite have an average grade of 26 percent.

c. design slopes to be in character with the surrounding natural terrain;

**Staff Findings:** The proposal would significantly change the natural terrain of the site both aesthetically and physically.

d. use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the city engineer;

**Staff Findings:** The proposal includes a number of retaining walls, but does not incorporate benching or terracing.

e. install and maintain erosion control measures during construction in accordance with the current Minnesota pollution control agency best management practices; and

**Staff Findings:** If the city decided to approve the project, this would be included as a condition of approval.

f. revegetate disturbed areas as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.

**Staff Findings:** If the city decided to approve the project, this would be included as a condition of approval.

**Finding 3.** The proposed development provides adequate measures to protect public safety.

a. limit the slopes of private driveways to not more than 10 percent, the driveway should have sufficient flat areas at the top and toe to provide vehicles a landing area to avoid
vehicles slipping into the adjacent street during icy conditions. The city may require a driveway turn-around; and

b. provide sufficient access for emergency vehicles to reach the proposed buildings.

Staff Findings: Minor modifications would be needed to the site plan to meet this standard. However, it is likely compliance could be achieved.

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)

Natural Resources
If approved, 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.

Outside Agencies
The applicant's proposal has been submitted to various outside agencies for review, including MnDOT and Hennepin County.

Pyramid of Discretion

This proposal:
Motion Options

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council adopt the resolution denying proposal.

2. Disagree with staff’s recommendation. In this case, a motion should be made directing city staff to prepare a resolution, with findings, to approve the project “as-is” without modifications.

3. Table the requests. 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 will make a recommendation to the city council on all aspects of the applicant’s proposal. A recommendation requires an affirmative vote of a simple majority.

The city council’s final approval requires affirmative votes as follows:

- Master Development Plan amendment: 4 votes
- Site and Building Plans: 5 votes, due to the parking variance.

Neighborhood Comments

The properties in red were originally included in the notification area approved by city council as part of the ordinance introduction on April 24, 2017.
After some consideration, the townhomes at the end of Cove Drive, which initially fell outside of the city’s traditional notification area were included. This secondary mailing went out on May 31, 2017.

The city sent notices to a combined mailing total of 80 area property owners and received several comments. Their correspondence is attached.

**Deadline for Decision**

July 15, 2017
Location Map

Project: Minnetonka Hills Apartment 2nd Addn
Applicant: Alliant Engineering
Address: 2800/2828 Jordan Ave
Project No. 86157.17a

This map is for illustrative purposes only.
Current Proposal
NOTE:
1. The survey was prepared from legal descriptions and my in house records and may not depict all easements, encumbrances or
appurtenances affecting the property.
2. The information was provided by a combination of available maps, proposed plans or city records and field locations which may not be exact.
Verify all utilities critical to construction or design.
3. The orientation of this bearing system is based on the Hennepin County Coordinate System NAD83. Coordinates are Hennepin County
ground feet, based on the Minnesota Coordinate System, Southern Zone, NAD83, 1986 (non HARN values). Coordinate values dated January,
2005.
4. All distances are in feet.
5. The area of the above described property is 342,105 square feet or 7.850 acres.
6. There are 79 regular striped parking stalls and 2 handicapped parking stalls.
7. The property lies within Zone X (unshaded - areas determined to be outside the 0.2% annual chance floodplain) Zone X (shaded - areas of
0.2% annual chance flood) of Federal Emergency Management Agency (FEMA) Flood Insurance Community Panel No. 27053C0334E, effective
8. Bench Mark : City of Saint Louis Benchmark No. P 117 A, is a bench mark disc located on 2.0 miles north of Hopkins, in the southeast corner
of County Road 16 (Cedar Lake Road) bridge number 27517 over trunk highway 169. Has an elevation of 945.25 feet NAD83.
9. Bench Mark: TNH located along Jordan Avenue South with a elevation of 929.02 feet NAD83.
### Significant Tree Inventory

<table>
<thead>
<tr>
<th>Tag #</th>
<th>Common Name</th>
<th>Scientific Name</th>
<th>DBH</th>
<th>Height (1&quot;=2.5')</th>
<th>Classification</th>
<th>Remove</th>
<th>Removal Notes</th>
<th>In.</th>
<th>&quot;Mitigation (Inch or ft.)&quot;</th>
</tr>
</thead>
</table>

**MINNETONKA HILLS APARTMENTS**

2828 JOHNSON AVE.

MINNEAPOLIS, MINNESOTA

PUD AMENDMENT

SIGNIFICANT TREE INVENTORY

**PRELIMINARY**

*Note: Table continues on subsequent pages.*
## MINNETONKA HILLS APARTMENTS

### PUD AMENDMENT

#### SIGNIFICANT TREE INVENTORY

<table>
<thead>
<tr>
<th>Tag #</th>
<th>Common Name</th>
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<th>Remove</th>
<th>Removal Notes</th>
<th>In</th>
<th>&quot;Mitigation (Inch or ft.)&quot;</th>
</tr>
</thead>
</table>

DENOTES TREES TO BE REMOVED
MINNETONKA HILLS APARTMENTS

MARCH 14, 2017

BUILDING SUMMARY

BUILDINGSITE DATA
- 5 STORIES/78 UNITS
- 14 UNITS FOR 1ST FLOOR
- 16 UNITS PER STORY 2-5
- UNIT MIX
  - ONE BEDROOM/1 BATH = 39 UNITS (51%) 720 SF
  - ALCOVE/1 BATH = 19 UNITS (24%) 589 SF
  - TWO BEDROOM/2 BATH = 19 UNITS (24%) 1082 SF
- TOTAL 78 UNITS

FIRST FLOOR PLAN

MINNETONKA, MN
MINNETONKA HILLS APARTMENTS

PROPOSED UNDERGROUND PARKING
60 STALLS
GFE 938

DRAWN BY:
DATE:

DEVELOPING REAL ESTATE FOR PEOPLE,
Minneapolis, MN 55415
500 Washington Avenue South, Suite 3000
Bus: (612) 395-7000  Fax: (612) 395-7002

MINNETONKA HILLS APARTMENTS
MINNETONKA, MN

MARCH 14, 2017
JOHN FERRIER

A-3
MINNETONKA HILLS APARTMENTS

MATERIAL KEY

1. Brick Veneer
2. Brick Soldier Course
3. Prefinished Metal Coping
4. Insulated Metal Panels
5. Prefinished Fiber Cement Siding
6. Balcony with Aluminum Railings
7. Fiber Glass Windows
8. Privacy Divider
9. Magic Pak
10. Sliding Glass Door
11. Overhead Garage Door
12. Cast-in-Place Concrete

DRAWN BY: JOHN FERRIER
DATE: MARCH 14, 2017

DEVELOPING REAL ESTATE FOR PEOPLE,
Minneapolis, MN 55415
500 Washington Avenue South, Suite 3000
Bus: (612) 395-7000  Fax: (612) 395-7002

CSM
BUSINESS & COMMUNITIES

MINNETONKA, MN
Comprehensive Plan
1962 Plan: Subject property guided for industrial

1973 Plan: Subject property guided for Medium Density Residential
Historical Aerials
Historical Photos

1966

1986

1988

1991
Past Staff Reports
TO: Planning Commission and Members of the City Council

THROUGH: Ann Perry, Director of Planning

FROM: Paul Krauss, Senior Planner

MEETING DATE: May 2, 1985

SUBJECT: Rezoning Petition No. 401, R-4 to P.U.1. "CSM Apartment Project" and Master Development Plan Review

APPLICANT: Gary Holmes, for the CSM Corporation

LOCATION: 2804/2808 Jordan Avenue, generally located west of County Road 18, north of the Burlington-Northern Railroad tracks, east of Greenbrier Apartments and south of Cedar Lake Road.

PROPOSAL/SUMMARY: The applicants propose to construct 248 apartment units in 3 buildings on a 19 acre site which is guided for High Density residential uses. The site is presently zoned R-4, Multiple Family Residential. A previous proposal for 143 units at a density of 13.6 units per acre on 10.92 acres was continued by the Planning Commission in April of 1984 due to design and traffic concerns.

The plan envisions the construction of a 90 unit, 3 story building on the wooded hillside. An 83 unit 3-story structure and a 75 unit 4-story building would be located in the mined-out area located in the southern portion of the property. The buildings are attractively designed, featuring face brick exteriors, individual porches and pitched roofs. Underground parking is provided as are two private swimming pools. Access will be provided via Jordan Avenue which will ultimately be extended from the current cul-de-sac, to provide a loop road connection to Greenbrier Drive. Right-of-way will be dedicated to the west property line and a portion of the street will be constructed under this proposal.

In our opinion, the plan is well designed and represents a great improvement over the applicant's previous attempts to develop this property. The site's natural amenities, including mature tree cover, steep slopes and the wetland, are worked into the plan in a manner that maximizes their preservation. Landscaping, grading and building setbacks are utilized to provide a high standard of buffering for the single family neighborhood to the north. Internal circulation and access is well planned although there are several aspects of the issue which must yet be resolved.

The primary concern of staff is the overall traffic implications of this proposal and the potential need for roadway extensions. We are concerned that the proposed cul-de-sac street without the street extension will not be able to serve the number of units proposed in the development. Coupled with this concern is a potential for adverse safety conditions at the prevailing intersection of Jordan Avenue with County Road 18 and Cedar Lake Road. A second concern of staff is the potential noise impacts to the railroad tracks located to the south and the quality of the buffer between these tracks and the buildings. It is our position that these noise impacts should be reviewed prior to the City granting rezoning approvals. A last concern deals with the half acre single family homestead that is located to the northeast of this property. If this property cannot be acquired by the developer a high standard of screening should be incorporated to protect the home from impacts associated with the development.

Four minor variances are required with this development. Three of the variances relate to parking. These include a 12 stall variance for enclosed parking, a 26 stall variance based upon a "proof of parking" concept and a 10' parking setback variance at the southeast corner of the site adjacent to County Road 18. In our opinion, the variances are warranted as an improved plan results. In addition, the plan will ultimately support the total number of stalls required by the ordinance. The final variance is for a 13' setback reduction between Building 2 and future Jordan Avenue extension. We believe this request is reasonable given the building configuration and buffering that will be provided for the road.
Because of staff's concerns regarding the traffic implications for this development and the fact that the developers did not submit a traffic report, staff is recommending that a rezoning from R-1 to R-4 not be approved at this time. However, we do feel that an approval should be given to a Concept Plan as provided in the P.U.D. ordinance to allow for a plan for the developer to base a traffic report and an Environmental Assessment Worksheet on. It is our opinion that an EAN should be completed prior to the rezoning in order to ascertain what the potential noise impacts will be as well as to determine any potential impacts involving the roadway extension construction. In conclusion, we do feel that the developer has admirably improved the project and the project is one that staff can support provided that the traffic report and Environmental Assessment Worksheet conclude that the development is appropriate given the surrounding public improvements in the area.

BACKGROUND

On June 19, 1967, the Minnetonka Village Council gave second reading to a request to rezone the Weiser & Slade property from R-1 to R-4. This property, located at the northeast corner of the intersection of County Road 18 and the Burlington-Northern Railroad tracks constitutes the southern 12.4 acres of the current CSM proposal. The development concept called for the construction of 90 townhomes on the property. The parcel is currently controlled by Herb Mason who also owns vacant property located west of the site.

On May 9, 1968, the Minnetonka Village Council granted final approval to rezoning the Lahr property from R-1 to R-4. The Lahr property constitutes the northern 8.5 acres of the current CSM proposal.

On August 3, 1981, the City Council approved a Conditional Use Permit for grading and excavation to allow the mining of gravel for County Road 18 construction. Herb Mason, the current property owner, was the applicant for the C.U.P. The grading was to occur on the southern 12.4 acres of the current CSM site. A copy of the approved plan and minutes is included in the appendix of this report. A development concept was also approved by the City which called for the construction of 195 dwelling units and for the road connection between Jordan Avenue and Greenbrier Drive. The road connection was similar to the one approved in conjunction with the Greenbrier project in the early 1970's.

On February 2, 1984, the Planning Commission was scheduled to review the original CSM request. Due to concerns raised by staff, the applicant pulled the item to modify the proposal. At that time the CSM proposal would have occupied an 8.5 acre site including the 6.5 acre Lahr property and the northern 2 acres of the property owned by Herb Mason. The proposal called for constructing 143 apartments in one, six-story structure.

On April 19, 1984, the Planning Commission reviewed CSM's development proposal. Since the item was pulled from the February 2, 1984 agenda, the site area was increased to 9.13 acres by the addition of more of the Mason property. It is significant to note that nearly 10 acres of the Mason property located along the railroad tracks would have remained as an exception to the proposal. The Planning Commission and staff voiced a variety of concerns with the submittal which called for the construction of 143 Project density was to have been 13.6 units per acre. Due to concerns with traffic, density, building height and setbacks, the request was continued.

SITE CHARACTERISTICS: The 19 acre site contains three distinct areas. Land to the north is a heavily forested hilltop that is currently occupied by a single family residence (the Lahr homestead). The highest point on the property, 974' is found in this area. Slopes fall steeply away to a 904' elevation located in the wetland to the southwest. The land mass slopes down on the north and east at well although not as steeply as on the bluff oriented to the southwest.

Moving to the south, one encounters a large area that was mined for fill material used in the construction of County Road 16. This area is largely flat and elevated approximately 7' above the wetland. Having been mined the area is devoid of trees except along the wetland fringe.

The western portion of the property is occupied by a large wetland associated with Minnehaha Creek. The wetland is protected by City ordinance as well as being a designated Public Waters protected by the MNDNR.
Surrounding land uses include:

North - Single family homes fronting on Cedar Crest Road, a cul-de-sac with access to Cedar Lake Road. The homes are located approximately 30' below the crest of the hill found on the CSM site.

South - Burlington-Northern Railroad tracks.

East - County Road 18. There is also a 1/2 acre homestead occupied by a single family home that is shown as an exception on the CSM proposal. The property survey indicates that the south wall of the home may actually be located on the CSM site. The home shares a driveway to Jordan Avenue with the Lahr home. Jordan Avenue is a City street that end in a cul-de-sac adjacent to the subject site. Plans approved for the Greenbrier development show an extension of Jordan Avenue to the west with a connection to Greenbrier Drive.

West - Condominiums and apartments comprising the Greenbrier complex.

GENERAL SITE DESIGN/ARCHITECTURE: The plan is designed around an extension of Jordan Avenue to the west, towards Greenbrier Drive. The street provides the sole means of access to the property. It also divides the site roughly in half, separating the high, wooded hill from the mined out area.

Development planned for the north half of the property is very well sited. The building will be located on the south/west facing bluffs. This location provides for exciting views out over the wetland. At the same time, a high degree of tree preservation is provided through a sensitive grading plan. A surface parking lot is located north/east of the building and will not be visible from any off-site location due to grading and tree preservation. The site plan will result in locating the 90 unit building and parking slightly below the crest of the north-facing bluff. Since the homes to the north are already situated substantially below site grades, the residents should have little or no direct views of the CSM development.

A 1/2 acre single family homestead adjacent to Jordan Avenue is not included in the CSM site. From a planning standpoint we view this as rather unfortunate as the home will be surrounded by high density development. Due to site topography, the homestead does not appear to represent a buildable site for CSM. Never-the-less, its incorporation could be used to justify an increase in project density. If it remains a free-standing lot, the CSM plan will have to incorporate adequate buffering to ensure that the residential environment is maintained. As proposed, the home will share the CSM access drive to Jordan Avenue. The site survey indicates that the home is actually located 4' into the CSM parcel. The southwest corner of the home will be located only 15' from the access drive making an appropriate buffer difficult to develop.

The south half of the property does not contain many natural features worth protecting due to the previous mining operations. Views to the west out over the wetland are its only natural amenity. Site constraints include proximity to County Road 18 and the Burlington-Northern Railroad tracks. The plan calls for developing two buildings in this area. The larger 83 unit (Building 1) is oriented towards the wetland. The building is located in a manner that attempts to maximize the setback from the railroad tracks but the attempt is not entirely successful. We suggest that the building may suffer from serious noise and vibration impacts from the railroad since the mainline track is located only 85' from the building. The problem is exacerbated by the fact that the building and the railroad are located at the same elevation. The landscape buffer concept currently proposed by the plan is inadequate. Staff is recommending that the applicant increase the height from 3 to 4 stories while keeping the number of apartments constant. This modification will result in decreasing the size of the building footprint and enabling the setback from the tracks to be increased. The 75 unit building will be 4 stories as opposed to the 3 stories of the other two structures. The height will offer views of the wetland over the 83 unit building to the west.
Due to the current lot division request, staff requested that a new development concept be prepared for the remaining land. The revised concept prepared for the original February submittal calls for the construction of 134 units in two buildings for a density of 12.6 units per acre. The applicant for the lot division has not provided a revised concept based upon CSM’s current acquisition plans. Due to the reduced amount of area remaining, the February concept would result in a density of 16.8 units/acre. The road connection was maintained although it was shifted to a more northerly location.

The parcel has undergone extensive mining and consequently, contains few natural features of significance. Approximately the western 1/3 of the parcel is located under a large wetland. The Burlington Northern Railroad tracks form the southern boundary.

Little effort was devoted to preparing the plan as evidenced by the lack of detail. The revised road location appears to work from an engineering and traffic flow standpoint. However, as noted in the staff report on the CSM site plan, the alignment raises numerous questions regarding cost, timing and environmental damage.

Staff cannot recommend approval of the lot division request until an acceptable development concept has been provided and the questions regarding Mr. Mason’s participation in the road are resolved. However, if it is permitted to occur the 2.6 acres should be merged with the balance of CSM’s property to create one tax parcel.

STAFF COMMENT:

This project has a long and difficult history. Staff began working with the developer early last summer and since then experienced a series of delays due to poor design concept and incomplete or inadequate submittals. Over the course of these negotiations the quality of the plan has gradually improved. However, the ultimate product unfortunately falls short of our expectations. Staff finds that we cannot support this request for the following reasons:

1. Generally poor design concept and execution.
2. The site is too intensively developed to meet the intent of the R-4 District.
3. Access plans do not include adequate consideration of the road connection between Jordan Avenue and Greenbrier Drive.
4. Inadequate consideration given to the future development of remaining Mason parcel south of the site and the single family home located on Jordan Avenue.
5. Inadequate consideration of tree preservation.
6. Plan modifications are required in the areas of grading, drainage, utilities, fire safety and architecture.
7. Three variances are required for building height, and number of parking spaces (enclosed and total spaces) that staff is unable to justify.

STAFF RECOMMENDATION: Staff recommends that Site Plan Review No. 222 and Preliminary Plat No. 1535 be denied for reasons noted above.

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Staff Report:
November 21, 1985

TO: Planning Commission and Members of the City Council
THROUGH: Ann Perry, Director of Planning
FROM: Pat Croce, Senior Planner
MEETING DATE: November 21, 1985
SUBJECT: Final Site Plan Review No. 222-B
APPLICANT: Gary Holmes, for the CSM Corporation
LOCATION: 2804/2808 Jordan Avenue, generally located west of County Road 16, north of the Burlington-Northern Railroad tracks, east of Greenbrier Apartments and south of Cedar Lake Road.

PROPOSAL/SUMMARY:

The applicants are proposing to construct 248 apartments in 3 buildings on a 19 acre site. The site is zoned R-4 Multiple Residential and is currently zoned R-4 Multiple Residential. The project will result in a development density of 12.66 units per acre which is at the low end of the acceptable range for high density development. The City Council rezoned the site to R-U.D. and gave it Master Development Plan approval on October 28, 1985.

This project, in a number of variations has been frequently reviewed by staff and the Planning Commission. Over time, the site expanded from 6.53 acres to the current 19 acres. Most recently, a revised development concept proposing 268 apartments was reviewed and approved by the Planning Commission and City Council in the Spring of this year.

The current proposal represents a high quality residential project that is sensitive to protecting the natural features of the site and the single family neighborhood located to the north. It is a refined version of the plan which received Master Development Plan approval from the City. The plan calls for the construction of an 89 unit, 3-story building on the wooded ridge. A 79 unit 4-story structure and a 72 unit 4-story building would be located in the mined-out area located in the southern portion of the property. The buildings are attractively designed, featuring face brick exteriors, individual porches and pitched roofs. Each structure is fully sprinklered. Underground parking is provided on two private swimming pools. Access will be provided via Jordan Avenue. The street will terminate in a cul-de-sac at the west driveway. Right-of-way for the extension of Jordan Avenue to Greenbrier Road will need to be dedicated although the road is not likely to be built in the near future. The right-of-way will preserve the extension option for the City should the road ever be needed.

Plans have been refined since the original Master Development Plan submittal. Staff is recommending several additional modifications, mostly in the area of landscaping and tree preservation. These improvements are not considered to be major and can be handled by staff prior to issuing building permits.

The Environmental Assessment Worksheet for the project has been circulated to the review agencies. Comments are generally favorable although the review period is being extended to November 29 due to additional information on sanitary sewer flows, requested by the MPCA.

A Final Plat will shortly be prepared and submitted to the City Council. The plat will dedicate the Jordan Avenue right-of-way, provide all requested easements and create three outlets. Outlet A will cover the right-of-way for the Jordan Avenue extension. Outlet B will be dedicated to the City to protect the wetland. Outlet C will be transferred to an adjoining property owner to rectify a surveying error and provide the home with standard R-1 setbacks.

A total of five variances are required. These include:
- 8' building setback from the south property line for Building 1;
- 13' building setback from Jordan Avenue for Building 2;
- 21 stalls covered by a proof-of-parking concept;
- 17 enclosed stalls; and
- 22% hard-surface coverage.
in our opinion, the variances are reasonable and result in an improved site plan.

Based upon the foregoing, staff is recommending that the site plan be approved with variances, subject to appropriate stipulations.

On June 19, 1967, the Minnetonka Village Council gave second reading to a request to rezone the Weiser & Slade property from R-1 to R-4. This property, located at the NW corner of the intersection of County Road 18 and the Burlington-Northern Railroad tracks constitutes the southern 12.4 acres of the current CSM proposal. The development concept called for the construction of 90 townhomes on the property. The parcel is currently controlled by Herb Mason who also owns vacant property located west of the site.

On May 9, 1968, the Minnetonka Village Council granted final approval to rezoning the Lahr property from R-1 to R-4. The Lahr property constitutes the northern 6.3 acres of the current CSM proposal.

On August 3, 1981, the City Council approved a Conditional Use Permit for grading and excavation to allow the mining of gravel for County Road 18 construction. Herb Mason, the current property owner, was the applicant for the C.U.P. The grading was to occur on the southern 12.4 acres of the current CSM site. A copy of the approved plan and minutes are included in the set of exhibits of this report. A development concept was also approved by the City which called for the construction of 195 dwelling units and for the road connection between Jordan Avenue and Greenbriar Road. The road connection was similar to the one approved in conjunction with the Greenbriar project in the early 1970's.

On February 2, 1984, the Planning Commission was scheduled to review the original CSM request. Due to concerns raised by staff, the applicant pulled the item to modify the proposal. At that time the CSM proposal would have occupied an 8.5 acre site including the 6.3 acre Lahr property and the northern 2 acres of the property owned by Herb Mason. The proposal called for constructing 143 apartments in one, six-story structure.

On April 19, 1984, the Planning Commission reviewed CSM's development proposal. Since the item was pulled from the February 2, 1984 agenda, the site area was increased to 9.13 acres by the addition of more of the Mason property. It is significant to note that nearly 10 acres of the Mason property located along the railroad tracks would have remained as an exception to the proposal. The Planning Commission and staff voiced a variety of concerns with the submittal which called for the construction of 143 apartments in a single multi-story building. Project density was to have been 13.6 units per acre. Due to concerns with traffic, density, building height and setbacks, the request was continued.

On May 2, 1985, the Planning Commission reviewed a revised Concept Plan that called for 248 apartments and a gross density of 13.6 units per acre. The plan represented a large improvement over earlier proposals. Under the P.U.D. Ordinance, a non-binding Concept Plan approval was granted. Area residents objects to impacts of the proposed roadway connection to Greenbriar Road.

On June 6, 1985, the City Council granted the project a concept approval.

On September 5, 1985, the Planning Commission reviewed an application for rezoning to P.U.D., Master Development Plan approval, Preliminary Plat and EAU review. Plans had been revised as recommended by staff to utilize a 4-story building near the railroad tracks to increase setbacks and reduce the impact of rail traffic on the residents. Based upon a report by the City's traffic consultant, staff recommended that Jordan Avenue not be extended to Breezbriar Drive. Projected traffic demand did not appear to warrant road construction. Instead, it was recommended that right-of-way be taken to permit road construction should it ever be required.

The Planning Commission recommended that the request be approved.

On October 7, 1985, the City Council granted First Reading to the Rezoning Petition and approved the Master Development Plan an EAU. The EAU was sent out to reviewing agencies. The Council agreed with staff and Planning Commission recommendations regarding Jordan Avenue.
On October 4, 1985, the City Council gave Second Reading to the rezoning request.

SITE CHARACTERISTICS: The 1.0 acre site contains three distinct areas: Land to the north is a heavily forested upland that is currently occupied by a single family residence (the homestead). The highest point on the property, 974’ is found in the a. slopes fall steeply down on the north and east as well although not as steeply as on the bluff oriented to the southwest.

Moving to the south, one encounters a large area that was mined for fill material used in the construction of County Road 18. This area is largely flat and elevated approximately 7’ above the wetland. Having been mined the area is devoid of trees except along the wetland fringe.

The western portion of the property is occupied by a large wetland associated with Minnehaha Creek. The wetland is protected by City ordinance as well as being a designated Public Waters protected by the MnDNR.

Surrounding land uses include:

North - Single family homes fronting on Cedar Crest Road, a cul-de-sac with access to Cedar Lake Road. The homes are located approximately 30’ below the crest of the hill found on the CSF site.

South - Burlington-Northern Railroad tracks.

East - County Road 18. There is also a 1/2 acre homestead occupied by a single family home that is shown as an exception on the CSF proposal. The property survey indicates that the south wall of the home may actually be located on the CSF site. The home shares a driveway to Jordan Avenue with the��r home. Jordan Avenue is a city street that ends in a cul-de-sac adjacent to the subject site. Plans approved for the Greenbrier development show an extension of Jordan Avenue to the west with a connection to Greenbrier Road.

West - Condominiums and apartments comprising the Greenbrier complex.

GENERAL SITE DESIGN/ARCHITECTURE: The plan is designed around an extension of Jordan Avenue to the west, towards Greenbrier Road. The street provides the sole means of access to the property. It also divides the site roughly in half, separating the high, wooded hill from the mined out area.

Development planned for the north half of the property is very well sized. The building will be located on the south/west facing bluffline. This location provides for exciting views out over the wetland. At the same time, a high degree of tree preservation is provided through a sensitive grading plan. A surface parking lot is located north/east of the building and will not be visible from any off-site location due to grading and tree preservation. The site plan will result in locating the 84 unit building and parking slightly below the crest of the north-facing bluff. Since the homes to the north are already situated substantially below site grade, the residents should have little or no direct views of the CSF development.

A 1/2 acre single family homestead is not included in the CSF site. We have often stated a preference to have this parcel incorporated into the site. However, prevailing grades make it an unattractive site for multi-family development with the CSF proposal.

In the past we have noted that a portion of the homestead is located on the CSF property due to an apparent surveying error when the home was built. CSF has created a .05 acre outlot (Outlot C) with the stated intent to dedicate it to the homeowner. Outlot C will provide the home with the standard R-1 15’ sideyard setback. Title to Outlot C should be transferred to the homeowner concurrently with the Final Plat.

The home will gain access to Jordan Avenue via the private driveway to the north CSF building. An appropriate cross access easement should be provided with the plat. Buffering with existing spruce trees and new plantings will be provided.
The south half of the property does not contain many natural features worth protecting due to the previous mining operations. Views to the west over the wetland and its only natural amenity, site constraints include proximity to County Road 18 and the Burlington-Northern Railroad tracks. The plan calls for developing two buildings in this area. The larger 79 unit (Building 1) is oriented towards the wetland. The building is located in a manner that attempts to maximize the setback from the railroad tracks.

Utilizing proposals by staff, the wing of Building 1 that was located nearest the tracks has been deleted. The setback is currently 40' to the property line and approximately 80' to the tracks. While the setbacks are similar to those provided by the approved Concept Plan, the modifications to the building footprint has greatly reduced the structures exposure to the tracks. Information contained in the E.A.M. indicates that State and Federal noise guidelines will be met.

The MnPCA has reviewed the submitted E.A.M. and voiced some concerns with noise impacts. State noise guidelines recommended by the MnPCA are somewhat more severe than Federal standards. Federal standards will apparently be met but State standards may be exceeded for the southern building due to rail traffic. We would like the applicant to work with the MnPCA on this issue. However, we note that the proposed 70-80' setback is identical to that which exists for the Pond and Klout buildings located to the west. In our opinion, the applicants have made an excellent attempt to mitigate noise impacts by a combination of building and siting landscaping.

The proposed buildings will be attractive 3 and 4 story structures. Exterior materials include face brick with wood trim. Porches will be provided as well pitched roofs. Each structure is provided with underground parking. One and two bedroom apartments will be provided. One bedroom units will contain 750 sq. ft., two bedroom units will have either 985 sq. ft. or 1,024 sq. ft. depending upon location.

Two outdoor swimming pools will be provided. The pool serving the north building will be located in a central location on a bluff overlooking the wetland. The pool area will be used to visually break the 390' long structure into two wings. The two southern buildings will be served by a pool located in a landscaped area between the north building and County Road 18.

No details are provided on trash storage or the placement of HVAC equipment. With buildings of this scale, staff is requiring that trash storage be centrally located within the structure and HVAC equipment be placed on the roof behind the peaks.

ACCESS/TRAFFIC:

Jordan Avenue is currently a cul-de-sac which serves only two homes and dead-ends at the GSM site. It has a poor connection to Cedar Lake Road via the County Road 18 on-off ramp. Historically, plans developed since the late 1960's and early 1970's concurrent with the Greenbrier development, envisioned the extension of Jordan Avenue to the west where it would connect to Greenbrier Road. The historic connection was to take an alignment directly across the wetland, to a long peninsula of developable property that remains vacant to this day. However, a traffic study was never completed to document this need.

Throughout the course of staff reviews of the various GSM proposals, obtaining the road connection has been a primary issue due both to the roads history, and our belief that the road was required to promote safe and efficient access in the area. A new alternative alignment was developed for the road which we believed to be more environmentally sensitive. The new route took the road around the north shore of the wetland and avoided most of the filling that would otherwise have been required. GSM has been willing to work with staff on the roadway and would have dedicated right-of-way and undertaken much of the grading.

After the Concept Plan was reviewed by the City, Beasheof and Associates was retained to study alternatives, undertake an analysis of traffic demand and make any appropriate recommendations. Their report strongly indicates that the road connection is not required to maintain the safe and efficient flow of traffic through the area. The roadway would improve access for several types of trips in the area and may offer some improvement for emergency vehicle access and response times, however, these improvements are not considered to be widespread or significant. Based upon this
analysis, we have concluded that the large expenditure of funds that would be required for this road and significant potential for environmental damage to the wetland and tree cover, cannot now be justified.

Meetings with Hennepin County have indicated that the Jordan Avenue/Cedar Lake Road/County Road 18 intersection can be altered to improve the safety and efficiency of access to the CSM parcel. The County had already programmed signalization and some improvement for this intersection. The improvements include construction of a second north bound lane to provide for a free right turn and stacking area. The County is proposing to add a median extension to improve access into the CSM parcel. These improvements are illustrated on an attached map and will be made in 1986.

Based on these conclusions, we are recommending that Jordan Avenue terminate in a cul-de-sac which should be located at the west entrance to the southern half of the CSM site.

While we have no reason to dispute the traffic analysis, we would like to keep the option of the road connection open should it ever prove to be required. Therefore, we are recommending that the applicant dedicate an outlet for right-of-way purposes over the projected northern alignment. We do not intend to require that the alignment be graded due to concern for tree preservation and wetland protection.

After reviewing the available data both the Planning Commission and City Council concurred with the staff recommendation.

Plans have been revised to incorporate the cul-de-sac adjacent to the western-most entrance to the site. The street will be public. The applicant should petition the City for roadway construction. Preliminary plans indicate that grades will not exceed 5%. Final plans should be submitted with the Final Plat.

Roadway plans are acceptable with the following modifications:

1. The western driveway should enter the cul-de-sac at a right angle with a standard curb cut.
2. Stop signs should be provided at all three driveways.
3. Grading on the north side of the street is too steep to be stabilized or serve as planting areas. We believe that stepped retaining walls designed by an engineer are required.
4. The north driveway should be redesigned to enter the street at a right angle while providing adequate sight distance and safe grades.

Parking will be provided by a mix of underground and surface stalls. Based upon the ordinance, the 240 unit development should have a total of 480 parking stalls with 260 enclosed. A total of 482 stalls is being proposed which exceeds ordinance requirements.

The applicant is requesting a variance for 27 enclosed stalls. Staff is supporting this variance due to the improved site plan that results. At our recommendation, Buildings 2 and 3 are 4-story rather than 3-story structures. This configuration permits reduced hard surface coverage, improved views and increased setbacks from County Road 18 and the railroad tracks. The only problem is that the applicant cannot provide sufficient underground parking within the reduced building footprint. We are recommending that the required variance be approved. The shortfall will be made up by surface stalls.

The applicant is also requesting approval to avoid building 21 stalls under a proof-of-parking concept. The variance would increase green space and tree preservation and could be made available if necessary. We also note that the applicant has agreed to provide one enclosed stall with each apartment. Staff was concerned that a parking shortfall could have arisen if underground stalls were extra cost options.

Internal circulation in the parking lots is well designed and acceptable without modification. The large number of landscaped traffic islands is particularly worthy of note.
LANDSCAPING

A revised landscaping plan has been provided for review. The plan contains several excellent features; however, additional refinements are warranted.

The plan offers a high degree of tree preservation. Existing trees are located over a large portion of the northern hill and bluff line. The trees include a large number of spruce trees and oaks. The tree cover combined with proposed and existing grades will provide a high degree of screening for the single family homes located to the north (refer to the site sections supplied by the applicant). Mature trees will also screen the northern building site from County Road 18 in addition to providing a significant amount of buffering for the 1/2 acre single family lot that may remain along Jordan Avenue. Trees will also be preserved along the wetland fringe. A sump area located between Building 2 and Jordan Avenue will benefit from tree preservation and become an attractive buffer for the building.

Staff is highly supportive of the applicant's efforts at tree preservation. However, due to the large number of trees and the dense stands they are located in, it is essential that staff walk the site with the applicant to stake preservation areas prior to undertaking any grading. Final grading plans would be revised by staff to maximize preservation. Transplantation of existing trees should be an essential part of the project. Trees up to 8'-10' in diameter can usually be moved with a good chance of survival. Based upon experience from other plans in the City, we disagree with the applicants assertion that the maximum size for transplantation is 5'.

Landscaping plans should be modified during construction to account for transplantation.

Tree preservation along the steep slope west of Building 3 is not clear from the grading plan. We prefer to see grading stop at the building line with work undertaken from above. The plans appear to accomplish this but are not very well defined in this area.

New plant material is being proposed to supplement tree preservation. In general, the planting concept is well designed. Parking lot and foundation plantings are particularly well done. We find the landscaping plan to be acceptable with the following modifications:

1. Increase minimum plant sizes to meet ordinance requirements.

2. Increase the size of the spruce trees that buffer the southern building from the railroad tracks to 10'-12' minimum. Add at least 10 more spruce trees along the top to the retaining wall to provide additional screening and noise mitigation.

3. The landscape buffer that protects the 1/2 acre homestead largely consists of unidentified trees designated for preservation. If these trees are not dense enough to provide adequate protection for the home, 8'-10' spruce trees should be added.

4. Planting along County Road 18 should include a mix of conifers to provide year-round screening from the highway.

Plans for the required underground irrigation system should be provided for review and approval by staff.

The ordinance requires a landscape budget of $87,600 for this project. Projected expenditures total $75,000. We find this to be acceptable due to the large amount of tree preservation being proposed.

PUBLIC UTILITIES:

There are two watermains located on the CSM site. A 10" line will need to be relocated, at the developer's expense, to accommodate Building 3.

Sanitary sewer is available in the vicinity of the site. However, a new public line must be extended across an adjoining parcel of property before it reaches the CSM site. The applicants must obtain an easement for this line from the owner. The easement should be aligned with the proposed extension of Jordan Avenue across the property to avoid having to relocate it in the future. The sewer line should be located in a manner that minimizes tree removal. We are recommending that staff be permitted to assess the impact of final sewer plans on the cover and be able to require reforestation if warranted.
FIRE SAFETY: It is not possible to construct fire lanes around any of the structures due to the presence of steep slopes, mature trees or wetland. Consequently, all buildings are to be fully sprinklered. The Fire Marshal will need to review and approve the locations of necessary fire hydrants.

GRADING/DRAINAGE: With a project of this magnitude, large scale grading is unavoidable. We are not greatly concerned with grading on the south 1/2 of the site since it has already been subjected to extensive gravel mining operations. Grading on the north site is much more critical due to the desire to maximize tree preservation. In general, the grading plan is well designed and should result in the creation of good building sites while maximizing tree preservation. The grading is particularly well designed in the northwest corner of the site where it will provide an excellent buffer between the project and single family homes to the north. Staff would like to see the following elements incorporated into the final grading plan:

- The grading plan should be coordinated with the tree preservation plan in a manner that makes it possible for staff to work with the developer to maximize preservation. Staff may make modifications to the grading plan or require the use of retaining walls to enhance the protection of mature trees.

- The plan includes several retaining walls which will be used to protect the public street and/or County Road 18. Due to their size and importance, plans should be prepared by a registered structural engineer. We have reviewed the plans and believe that retaining walls should be required along the north side of Jordan Avenue. We feel the walls are warranted to stabilize the steep slopes and provide suitable areas for landscaping.

- The applicants have indicated a conceptual erosion control plan on their submittals. The plan should be refined as necessary to protect the slopes and wetland and satisfy the requirements of the watershed district.

- The grading plan has been modified to improve buffering between Building 1 and the railroad tracks. A retaining wall and 4' high berm have been added. These improvements coupled with heavy landscaping and the revised building footprints result in what we believe to be a high level of screening from the tracks.

- Based upon Planning Commission and City Council action, Jordan Avenue will be paved only up to the westernmost driveway. Plans have been modified to provide the required cul-de-sac.

The preliminary drainage plan is acceptable to staff. All land located below the 904'- contour will be incorporated into an outlot and dedicated to the City. A sump and drainage easement will also be provided for the sedimentation pond. A series of catch basins and storm sewer will be used to run all stormwater into a sedimentation pond, prior to flowing into the wetland. The sedimentation pond is designed as an attractive landscaping amenity for the project.

Project approval by the Minnehaha Creek Watershed District and the MnDNR will be required.

PLANNING/EASEMENTS: The applicants will need to submit a Preliminary Plat for approval to subdivide the site. Right-of-way for Jordan Avenue will need to be dedicated. Provisions should be made to permit the construction of a new cul-de-sac located in the vicinity of the west entrance to the south site.

The wetland (below 904'- contour) and approximate location of the north alignment for the Jordan Road right-of-way will need to be platted into outlets and dedicated to the City. Outlot A provides right-of-way for the Jordan Avenue extension should the Council ever determine that construction is warranted. It will be dedicated to the City. Outlot C will be given to the 1/3 acre homestead located on Jordan Avenue. The outlot will be used to correct an underlying surveying error and provide standard R-1 sideyard setbacks.
The following easements should be provided on the Preliminary Plat:
- Standard drainage and utility;
- Sump and drainage easements over the sedimentation pond; and
- Easements covering all public water and sewer extensions.

The preliminary plat must be submitted prior to building permit issuance.

**CURRENT ZONING:**
The site has been rezoned to P.U.D., and the Master Development Plan for the CSM project has been approved.

**GUIDE PLAN:**
The site is guided for High Density Residential development. The proposed plan is consistent with this designation.

**COMPLIANCE WITH THE ORDINANCE: P.U.D.**

<table>
<thead>
<tr>
<th>Ordinance</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Project Size</td>
<td>5 acres</td>
</tr>
<tr>
<td></td>
<td>18.95 acres</td>
</tr>
<tr>
<td>Project Density</td>
<td>12 units/acre minimum</td>
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<tr>
<td></td>
<td>12.66 units/acre</td>
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<td>0.33</td>
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<tr>
<td>Lot Coverage</td>
<td>35%</td>
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<td></td>
<td>9%</td>
</tr>
<tr>
<td>Building Setback</td>
<td></td>
</tr>
<tr>
<td>Building 1</td>
<td></td>
</tr>
<tr>
<td>N 35'(wetland) E 50'</td>
<td>N 35' W 300'</td>
</tr>
<tr>
<td>S 40'</td>
<td>S 40' V    W 35'</td>
</tr>
<tr>
<td>Building 2</td>
<td></td>
</tr>
<tr>
<td>N 48'</td>
<td>N 35' V    E 128'</td>
</tr>
<tr>
<td>S 48'</td>
<td>S 240' V   W 110'(wetland)</td>
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</tr>
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<td>N 86' E 340'</td>
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<td>S 35'</td>
<td>S 63' W 155'</td>
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<td>480 Total</td>
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<td></td>
<td>482 stalls V5</td>
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<tr>
<td>Parking Setback</td>
<td>240 Enclosed</td>
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<tr>
<td></td>
<td>213 Enclosed V5</td>
</tr>
<tr>
<td>Hand surface coverage within 150' of the Wetland</td>
<td>15%</td>
</tr>
<tr>
<td></td>
<td>22% V5</td>
</tr>
</tbody>
</table>

**Variances Required:**

- **V1:** 8' variance for building setback from the south property line for Building 1.
- **V2:** 13' setback variance from Jordan Avenue for Building 2.
- **V3:** 21 stalls to be made available under "proof of parking" concept.
- **V6:** 27 enclosed stalls.
- **V5:** Variance for 22% hard surface coverage within 150' of wetland.

**ENVIRONMENTAL ASSESSMENT WORKSHEET:**

The project is large enough to require a mandatory Environmental Assessment Worksheet. The EAW was prepared and sent out to the usual review agencies. Responses have been received from the Metro Council, Metro Waste Control Commission, Minnehaha Creek Watershed District, MnDOT, MnPCA, and MnDNR.

Most of the responses are favorable and indicate that an EIS is not required. The responses are attached to this report. The MnPCA has requested some additional information on sanitary sewage flows. The data has been prepared and is currently being submitted to the agencies. The review period has been extended to November 29 to permit an adequate review of the addendum.
Staff has been working with the applicant on this project for an extraordinarily long period of time. The proposal has been redesigned several times since the earlier efforts were found to be unacceptable by staff and the Planning Commission. The result is a plan which we believe to be very well designed and which we are recommending you approve subject to appropriate stipulations.

In our opinion, the proposal offers:

- Attractive architecture and residential amenities;
- High levels of site design;
- Substantial preservation of mature trees, attractive landscaping;
- Protection for the wetland;
- Excellent protection for the low density residential neighborhood to the north;
- Enhanced protection for the community and improved development flexibility offered by the F.B.D. as opposed to utilizing the underlying R-4 zoning.

The Final Site Plan incorporates several refinements to the Master Development Plan. Of note is the incorporation of the cul-de-sac for Jordan Avenue; refined landscape plan and improved buffering from the railroad tracks. We also note that a Preliminary Plat will shortly be prepared and submitted to the City. The plat will transfer a 0.063 acre parcel to the 1/2 acre homestead located on Jordan Avenue to correct a surveying error and provide buffering for the home.

Staff has proposed that several additional modifications be incorporated. Most would result in improved tree preservation and buffering.

The EPA has received an initial review and most of the agency comments are favorable. The MnPCA had several comments on noise impacts and recommended a noise standard. We are asking the applicant to work with the PCA but note that in our opinion, the plan incorporates several refinements designed to minimize noise impacts from the railroad. We also note that the project appears to meet federal noise guidelines and is consistent with other multi-family development in the area.

Finally, the plan requires a total of five variances. There is a 13' setback variance to permit a 35' setback from Jordan Avenue for Building 2. The variance was approved when staff recommended that the building height be increased from 3 to 4 stories to improve site design. We note that Jordan Avenue is essentially an internal road in this area and that there will be little or no adverse impact.

Building 1 has an 8' setback variance to permit a 40' setback from the railroad tracks. We note that the building is carefully sited to minimize impacts of the railroad. The building was also changed from 3 to 4 stories for the same reason. We also note that only a small corner of the building intrudes into the setback.

There are two parking variances. The first is to provide 217 out of 240 required enclosed parking stalls. The variance results from staff's recommendation to increase building height and reduce coverage to improve site design. We also note that the applicant has agreed to allocate an enclosed stall with each apartment rather than make them extra cost options, to avoid a parking shortfall with surface stalls. The second parking related variance is for 21 parking stalls which would not be constructed under a proof-of-parking concept.

The final variance is to permit 22% hard surface coverage within 150' of a wetland. We note that hard surface coverage has been slightly decreased from the concept plan and that the project is well designed from the standpoint of environmental protection.

Staff Recommendations: Staff recommends approval of Final Site Plan No. 222-B with the following variances:

1. 9' setback variance from the south property line for Building 1.
2. 13' setback variance from Jordan Avenue for Building 2.
3. 21' stalls to be made available under "proof of parking" concept.
4. 27 enclosed stalls.
5. Variance for 22% hard surface coverage within 150' of wetland.
Subject to the following stipulations:

1. Review and approval at the E.A.W. by the Environmental Quality Board and the City of Minnetonka.

2. Approval of a preliminary plat dedicating all required right-of-way and easements prior to building permit issuance. Outlots covering the wetland and Jordan Avenue right-of-way extension should be created and dedicated to the City. Outlot C will need to be dedicated to the owner of an adjoining homestead to correct a surveying error and provide buffering.

3. Locate trash storage areas within the buildings and HVAC equipment on the roof behind the false cabinets.

4. Provide stop signs at the intersection of each of the 3 driveways with Jordan Avenue. Reconfigure the driveways as recommended by staff.

5. Petition the City for road and utility improvements, as required.

6. Each enclosed parking stall shall be assigned to an apartment and any rental fees shall be included in the normal rental sale for the unit.

7. Retaining walls shall be designed by a professional engineer. Incorporate retaining wall along the north side of Jordan Avenue to stabilize the steep slopes and provide planting areas.

8. Staff is to walk the site with the applicant prior to undertaking any grading to delineate preservation areas. Minor revisions to the plans will be required by staff if improved preservation results.

9. Revise the landscaping plan as recommended to:
   - Provide the required underground sprinkler system;
   - Improve screening along the railroad tracks, County Road 18 and Jordan Avenue;
   - Improve or attempts at tree preservation;
   - Provide reforestation of the sanitary sewer easement if required.

10. Final utility and grading plan approval by the Engineering Department.

11. Work with the MnPCA to resolve their concerns with noise impacts.

12. Project approval by the Hennepin County Highway Department.
City Council Agenda Item #12A
Meeting of March 15, 2004

Brief Description: Introduction of an ordinance amending the Minnetonka Hills Apartments’ PUD master development plan and approving final site and building plans for the Minnetonka Hills Townhomes project at 2800, 2828, and 2855 Jordan Avenue for Minnetonka Hills Apartments L.L.C.

Recommended Action: Introduce the ordinance and refer it to the EDA and planning commission.

Introduction

The applicant is Minnetonka Hills Apartments, L.L.P., represented by David Carland (vice president). They are proposing to build a 14-unit, two-story townhome building next to the existing Minnetonka Hills development. The building would have underground parking, with each unit having an underground garage space. (See the attached narrative and plans on pages A6–A17.) The proposed townhouse site and the surrounding apartments are guided for high density residential and zoned PUD, planned unit development.

This proposal requires:

(1) an ordinance amending the Minnetonka Hills master development plan and approving final site and building plans for the proposed townhomes; and

(2) a preliminary plat to relocate the property lines around the proposed townhome building.

Comments

The applicants have advised staff that they would be willing to include two affordable units in the project. Staff is recommending that this proposal be sent to the EDA for a recommendation on the affordable housing part of this project.

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval.
Staff Recommendation

Introduce the ordinance on pages A1–A3 and refer it to the EDA and planning commission.

Submitted through:
    John Gunyou, City Manager

Originated by:
    Geoff Olson, Planning Director
ORDINANCE NO. 2004-

AN ORDINANCE AMENDING A PUD MASTER DEVELOPMENT PLAN FOR THE MINNETONKA HILLS APARTMENTS AND APPROVING FINAL SITE AND BUILDING PLANS FOR THE MINNETONKA HILLS TOWNHOMES PROJECT AT 2800, 2828, AND 2855 JORDAN AVENUE

THE CITY OF MINNETONKA ORDAINS:

Section 1.

1.01 This ordinance hereby amends a planned unit development master development plan for the Minnetonka Hills Apartments, and approves final site and building plans for the Minnetonka Hills Townhomes at 2800, 2828 and 2855 Jordan Avenue (Project 86157.04a). Adoption is based on the findings in the , 2004, staff report.

1.02 The property is legally described as follows:

The South 170 feet of the North 450 feet of the east 265 feet of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE1/4) of Section 12, Township 117, Range 22,

Except that part lying Easterly of a line parallel with and distant 25 feet Westerly of the following described line:

Commencing at the Southeast corner of Section 12, Township 117, Range 22; thence North along the East line thereof 784.96 feet; thence deflect to the left at an angle of 90 degrees, a distance of 60 feet to the actual point of beginning of the line to be described; thence deflect to the right at an angle of 90 degrees, a distance of 136.28 feet; thence deflect to the left along a 26 degree 16 minutes 46 seconds curve (delta angle 49 degrees 16 minutes 15 seconds, tangent distance 99.98 feet), distance of 150 feet and there terminating;

and also

\[ \text{1/} \]
Outlot C, MINNETONKA HILLS APARTMENTS, according to the recorded plat thereof, Hennepin County, Minnesota.

and also

That part of Lot 1, Block 2, MINNETONKA HILLS APARTMENTS, Hennepin County Minnesota described as follows:

Beginning at the most westerly corner of Outlot C, said MINNETONKA HILLS APARTMENTS; thence on the Northwesterly extension of the Southwesterly line of said Outlot C an assumed bearing of North 77 degrees 31 minutes 44 seconds West a distance of 71.00 feet; thence North 43 degrees 31 minutes 36 seconds West a distance of 100.00 feet; thence North 00 degrees 74 minutes 34 seconds East a distance of 190.00 feet; thence South 89 degrees 35 minutes 26 seconds East a distance of 183.30 feet to the easterly line of said Lot 1; thence Southeasterly, Westerly and Southerly along the Easterly line of said Lot 1 to the point of beginning.

Section 2.

2.01 This ordinance is based on the following findings:

1. The proposal would meet the required standards and ordinances for a site and building plan approval.

Section 3.

3.02 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.
Adopted by the city council of the City of Minnetonka, Minnesota, on , 2004.

Karen J. Anderson, Mayor

ATTEST:

Kathleen A. Magrew, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on , 2004.

Kathleen A. Magrew, City Clerk

Date:

G:\WORD\Ord\2004 Ordinances\86157mdp.04a.doc
12. INTRODUCTION OF ORDINANCES.

A. Ordinance amending the Minnetonka Hills Apartments PUD master development plan and approving final site and building plans for the Minnetonka Hills Townhomes project at 2800, 2828, and 2855 Jordan Avenue for Minnetonka Hills Apartments L.L.C.

Callison suggested that staff work with architects on townhome developments to encourage more individualization of the facades.

Thomas moved, Callison seconded a motion to introduce an ordinance amending a PUD Master Development Plan for the Minnetonka Hills Apartments and approving final site and building plans for the Minnetonka Hills Townhomes project at 2800, 2828, and 2855 Jordan Avenue and refer it to the EDA and planning commission. All voted "yes." Motion carried.
November 14, 2003

David Carland
Minnetonka Hills Apartments, L.L.P.
2575 University Avenue W
St. Paul MN 55114

RE: Application is considered incomplete

Mr. Carland:

The City has received preliminary plat, master development plan, and site and building plan review applications for development of the property at 2828 Jordan Avenue. In 1987, this property was incorporated into the Minnetonka Hills Apartments master development plan. As such, any change in use of the property requires review and amendment of this existing plan.

To process the submitted applications, more detailed information is required. The following information must be submitted for your application to be considered complete:

1) A survey that includes all of the property owned/controlled by Minnetonka Hills Apartments, L.L.P;

2) The number of housing units in each of the existing buildings must be noted on the survey or in a written statement;

   At the time of its development, the density of the apartment complex was incorrectly calculated; a large wetland area was included in the calculation. As part of the current proposal, the existing and proposed density of the development must be reviewed.

3) A plan for the proposed underground garage;

   The project narrative indicates that each unit would have a private garage space within the underground garage; plans must be provided to verify parking standards are met.
Having briefly reviewed the materials already submitted, staff has a number of concerns regarding the proposed project.

1) Density

The proposed townhome unit will increase the overall density of the already high-density Minnetonka Hills development. Staff would suggest the inclusion of some affordable housing as part of the project to justify the increase.

2) Tree Loss

As proposed, the project would result in significant tree loss. Staff would suggest that alternative building and driveway locations be considered which would preserve trees on the site.

3) Recreational Use for Residents

City code requires a planned unit development project to provide 10% of the gross project area for private recreational use for its residents. This 10% area must be shown on the overall site plan.

Thank you for submitting the required additional information and for materials already submitted. Please call me to schedule a meeting to discuss the items outlined in this letter. I may be reached at 952-939-8292.

Sincerely,

Susan Thomas
City of Minnetonka, Planner
2016 Concept Plan
B. Concept plan for a 75-unit apartment building at 2828 and 2800 Jordan Avenue.

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

Cauley reported. Staff recommends the planning commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

John Ferrier of CSM Corporation, applicant, stated that:

- He appreciated the planning commission reviewing the concept plan.
- He agreed that a traffic study is warranted. His company owns additional properties in the area. He wants to make sure the amount of traffic would be appropriate.
- Staff found a previous plan not viable due to a steep slope on the site. The multi-family housing market is on fire right now. The building would be located in an appropriate area to deal with the topography.
- There is a berm on the west side. That is not a naturally occurring slope. It was created when an adjacent site was graded. He explained the grading of the site. There would be tuck-under parking utilizing the topography. The slope preservation ordinance criteria would be followed.
- A lot of the trees are not quality. As many of the trees as possible would be preserved.
- His company has enjoyed 97 percent occupancy rates over the past 10 years. There is a need in this area.
- The exterior would have a modern feel with a flat roof to reduce the height of the building. Stone and metal would be used.
- He was excited to hear the commissioners’ comments.
- The clientele are interested in studio apartments.
- A goal is to incorporate shared amenities with the building to the west. A playground would be great.
- He was open to using the roof of the building as an amenity.
- This type of product typically houses people 30 to 35 years of age.
- The site would remain pretty wooded which is a feeling common in Minnetonka.
- There would be approximately 60 feet between the proposed apartment building and the one to the west.
- Two layers of underground parking would not be possible due to the level of the water table, amount of grading, and cost.
• Creating something to work well with the rest of the buildings for a long time is a priority.
• A studio apartment would be approximately 600 square feet.

Calvert noted that the architecture of the proposed building is different than the surrounding buildings. She was not sure how she felt about an urban feel. She understood the appeal for a young demographic. It would change the feel of the area. She looked forward to hearing from the natural resources staff. She was concerned for the oak trees. Mr. Ferrier was open to suggestions on the aesthetics of the building. It is a conceptual plan. This product has been successful in other suburban markets.

Calvert stated that a gabled roof would look extremely tall without removing a story. Mr. Ferrier said that could be considered.

Hanson asked if the number of parking stalls could be reduced to save green space. Cauley said staff could evaluate the proposed building’s amount of parking comprehensively with surrounding available parking lots. Mr. Ferrier would be very open to reducing the amount of parking. The amount was reduced slightly from the city’s ordinance requirement after speaking with city staff a year ago.

Rachel Peterson, property manager at Minnetonka Hills, stated that there is always ample outdoor parking space. There may be a waiting list for the underground heated parking.

Mr. Ferrier stated that the applicant will look for the most efficient way to utilize the slope to provide parking.
A. Concept plan for a 75-unit apartment building at 2828 and 2800 Jordan Avenue

Gordon gave the staff report.

John Ferrier, with CSM Corporation, applicant, thanked staff for the opportunity to receive comments on the concept plan. The house on the site is currently vacant. There is a need in the market for the proposal. The new building would have studio apartments with an open floor plan. He agreed that there is a need to complete a traffic study. The slopes would be optimized. As many trees as possible would be saved. There would be tree replacement. Some of the scrub trees would be replaced with quality landscaping. The floor plan would be as compact as possible. That is one reason for the flat roof. Similar colored brick with a contemporary style would attract a different market. He has heard from residents requesting to be on a waiting list. He is excited about the site.

Wagner noted that the area has a lot of high-density housing, but there is no playground at any of the surrounding buildings. The proposal would match what is in the area, but would stick out of the view from Highway 169. He will wait until he sees the engineering plans before commenting on the number of units. He did not have a massive aversion to the proposal.

Schneider agreed with Gordon that one and a half parking stalls for each apartment may be appropriate considering the studio apartments. An apartment building would fit the site. The five-story height does not scare him, but the block nature of the front caused him to pause. He sees a benefit to underground parking, scaling back the number of units, and adding some variety to the appearance. A third of the outside parking may be able to be eliminated. Hopefully some trees and green space could be preserved with a reduction of the parking surface.

Bergstedt concurred with Schneider. He was very comfortable with an apartment building. There would be massive grading and tree loss, but everything possible should be done to minimize it. The building looks like an uninteresting block building. Designing the building to give it more architectural character would be beneficial.

Allendorf liked how the Applewood Pointe building ended up looking. He concurred with Schneider and Bergstedt.
Traffic Study
To: Ashely Cauley, Senior Planner  
City of Minnetonka

From: Matt Pacyna, PE, Senior Associate  
Tom Sachi, PE, Senior Engineer

Date: May 26, 2017

Subject: 2800 Jordan Avenue Parking and Traffic Study

Introduction

SRF has completed a parking and traffic study for the proposed residential development in the southwest quadrant of the US 169/Cedar Lake Road interchange in Minnetonka (see Figure 1: Project Location). The proposed development would be constructed on a vacant parcel adjacent to the northern apartment building within the Minnetonka Hills residential complex. The main objectives of this study are to review existing operations within the study area, evaluate traffic and parking impacts of the proposed development, and recommend any necessary improvements to accommodate the proposed development. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Existing Conditions

Existing conditions were reviewed to establish a baseline to identify future impacts associated with the proposed development. The evaluation of existing conditions includes intersection turning movement counts, field observations, and an intersection capacity analysis.

Data Collection

Weekday turning movement counts were collected from 6:00 a.m. to 7:00 p.m. at the Jordan Avenue and Minnetonka Hills driveway to identify the existing site trip generation and peak hour turning movement volumes. In addition to the driveway counts, historical peak period intersection turning movement counts and Minnesota Department of Transportation (MnDOT) Loop Detector Ramp data were collected at the following locations as part of a 2016 signal retiming project. The 2016 data was utilized to identify non-construction conditions.

- Cedar Lake Road and Jordan Avenue
- Jordan Avenue and US 169 Southbound Ramps

Observations were completed to identify roadway characteristics (i.e. roadway geometry, posted speed limits, and traffic controls) within the study area and the existing parking supply/demand at the site. Further discussion regarding parking is provided later in this memorandum. Average daily traffic volumes were provided by MnDOT.
Cedar Lake Road is primarily a three-lane (i.e. two-lane with turn lanes) undivided roadway, while Jordan Avenue is primarily a two-lane roadway. The posted speed limit along Cedar Lake Road is 35 miles per hour (mph), while other roadways are assumed to be 30 mph. Jordan Avenue has a 20 mph advisory speed limit south of the US 169 Southbound Ramps due to the limited sight distance within the area. The Cedar Lake Road/Jordan Avenue intersection is signalized, while the remaining study intersections are side-street stop controlled. It should be noted that the Jordan Avenue/US 169 Southbound Ramp intersection has a northbound stop control, southbound free movement, and westbound yield control. Existing geometrics, traffic controls, and volumes are shown in Figure 2.

**Intersection Capacity Analysis**

An existing intersection capacity analysis was completed for the weekday a.m. and p.m. peak hours to establish a baseline condition to which future traffic operations can be compared. The study intersections were analyzed using Synchro/SimTraffic (Version 9).

Capacity analysis results identify a Level of Service (LOS), which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown of traffic flow. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metro Area.

<table>
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<th>LOS Designation</th>
<th>Signalized Intersection Average Delay/Vehicle (seconds)</th>
<th>Unsignalized Intersection Average Delay/Vehicle (seconds)</th>
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<td>A</td>
<td>≤ 10</td>
<td>≤ 10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 20</td>
<td>&gt; 10 - 15</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 20 - 35</td>
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</tr>
<tr>
<td>D</td>
<td>&gt; 35 - 55</td>
<td>&gt; 25 - 35</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 55 - 80</td>
<td>&gt; 35 - 50</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 80</td>
<td>&gt; 50</td>
</tr>
</tbody>
</table>

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.
Note: Northbound Jordan Avenue is stop controlled, while southbound is a free movement. The westbound off-ramp is yield controlled.

**LEGEND**

- XX: A.M. Peak Hour Volume
- (XX): P.M. Peak Hour Volume
- XXX: Existing Average Daily Traffic Volume
- Circle: Side-Street Stop Control
- Triangle: Signalized Control

**Existing Conditions**

2800 Jordan Avenue Parking and Traffic Study
City of Minnetonka

Figure 2
Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing intersection capacity analysis shown in Table 2 indicate that the study intersections currently operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing geometric layout and traffic controls. No significant delay or queuing issues were identified.

**Table 2 Existing Intersection Capacity Analysis**

<table>
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<th>P.M. Peak Hour</th>
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<td>Cedar Lake Road and Jordan Avenue</td>
<td>B</td>
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</tr>
<tr>
<td>Jordan Avenue and US 169 Southbound Ramps&lt;sup&gt;(1)&lt;/sup&gt;</td>
<td>A/B</td>
<td>14 sec.</td>
</tr>
<tr>
<td>Jordan Avenue and Minnetonka Hills Driveway&lt;sup&gt;(1)&lt;/sup&gt;</td>
<td>A/A</td>
<td>9 sec.</td>
</tr>
</tbody>
</table>

<sup>(1)</sup> Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

**Proposed Development**

The proposed development, shown in Figure 3, would occupy a vacant parcel adjacent to the 2828 Jordan Avenue Apartment building. The proposed development would compromise of 78 apartment units, which were assumed to be fully operational by the year 2018. Access to the proposed development is expected to be constructed along the existing driveway to the adjacent Minnetonka Hills apartments. Approximately 62 surface parking spaces and 60 underground parking spaces are proposed. Additional parking information is provided later in this memorandum.

**Year 2019 Conditions**

To identify potential impacts associated with the proposed development, traffic forecasts for year 2019 conditions (i.e. one-year after opening) were developed. The year 2019 conditions take into account general area background growth, traffic generated by the proposed development, and area travel pattern changes due to the southbound US 169/16th Street Ramp closure planned in fall 2017. The following sections provide details on the background traffic forecasts, estimated trip generation, and intersection capacity analysis for year 2019 conditions.
Background Traffic Growth

To account for general background growth in the area, an annual growth rate of one-half percent was applied to the existing peak hour traffic volumes to develop year 2019 background traffic forecasts. This growth rate is generally consistent with historical trends within the study area.

16th Street Southbound Ramp Closure

Travel pattern changes are expected due to the closure of the southbound US 169 Ramps to/from 16th Street, immediately north of the study area. Leveraging data collected during the Ford Road Before and After Study, currently being completed by SRF, the expected traffic volume changes to the Jordan Avenue/US 169 Southbound Ramp intersection as a result of the closure were included in the year 2019 build conditions.

Trip Generation

To account for traffic impacts associated with the proposed development, a trip generation estimate for the weekday a.m. and p.m. peak hours as well as on a daily basis were developed. The future trip generation estimate for the site, shown in Table 3, was developed using two different approaches. The first approach used a rate based on the existing traffic counts collected at the adjacent apartment driveways, while the second approach used the Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition.

Table 3 Trip Generation Estimate

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td>Existing Apartment Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartments (1)</td>
<td>78 Units</td>
<td>5</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>ITE Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartments (220)</td>
<td>78 Units</td>
<td>8</td>
<td>32</td>
<td>31</td>
</tr>
</tbody>
</table>

(1) Based on actual driveway counts collected April 18, 2017.

The trip generation rate of the existing apartment building is approximately one-third less than the rate from ITE during the a.m. and p.m. peak hours. However, to provide a conservative estimate, the ITE rate approach was carried forward for the future analysis. Results of the trip generation estimate indicate the proposed development is expected to generate 40 weekday a.m. peak hour, 48 p.m. peak hour, and 519 daily trips to/from the site. Trips generated were distributed to the study area based on the directional distribution shown in Figure 4, which was developed based on existing travel patterns. Future year 2019 build conditions are shown in Figure 5.
Figure 4

Directional Distribution
2800 Jordan Avenue Parking and Traffic Study
City of Minnetonka

May 2017

H:\Projects\0000\010694\TS\Figures\Figure4_Directional Distribution.cdr
Note: Northbound Jordan Avenue is stop controlled, while southbound is a free movement. The westbound off-ramp is yield controlled.

LEGEND

XX - A.M. Peak Hour Volume
(XX) - P.M. Peak Hour Volume
XXX - Year 2019 Average Daily Traffic Volume
\\ - Side-Street Stop Control
○ - Signalized Control

Year 2019 Build Conditions
2800 Jordan Avenue Parking and Traffic Study
City of Minnetonka

Figure 5
Year 2019 Intersection Capacity Analysis

To determine if the existing roadway network can accommodate year 2019 build traffic forecasts, a detailed intersection capacity analysis was completed. Additionally, the proposed development driveway was analyzed to determine if any internal capacity issues are expected. Results of the year 2019 build intersection capacity analysis shown in Table 4 indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing roadway geometry and traffic controls.

Table 4 Year 2019 Build Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>Cedar Lake Road and Jordan Avenue</td>
<td>B</td>
<td>14 sec.</td>
</tr>
<tr>
<td>Jordan Avenue and US 169 Southbound Ramps(^{(1)})</td>
<td>A/B</td>
<td>20 sec.</td>
</tr>
<tr>
<td>Jordan Avenue and Minnetonka Hills Driveway(^{(1)})</td>
<td>A/A</td>
<td>9 sec.</td>
</tr>
<tr>
<td>Minnetonka Hills Driveway and New Site Access(^{(1)})</td>
<td>A/A</td>
<td>9 sec.</td>
</tr>
</tbody>
</table>

\(^{(1)}\) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

While no mitigation is necessary from an intersection capacity perspective, additional striping enhancements could be considered. In particular, northbound Jordan Avenue approaching Cedar Lake Road could be striped to indicate a dedicated left-turn lane and a shared through/right-turn lane. Although not currently striped this way, this is how motorists were observed driving. The northbound left-turn lane should be approximately 250 feet in length, which would allow for a 100 foot southbound left-turn lane at the Jordan Avenue/US 169 Southbound Ramp intersection. Although not likely to improve intersection capacity, this striping consideration may help reduce confusion for northbound Jordan Avenue/US 169 Southbound Ramp motorists.

In addition to striping, consideration could be given to review the traffic control at the Jordan Avenue/US 169 Southbound Ramp intersection. A preliminary review indicates that an all-way stop control or modifying the southbound off-ramp to a stop control from a yield control would allow for an acceptable level of service. In either case, 95th percentile queues for the southbound off-ramp are expected to be approximately 75 to 85 feet, which is an increase of 20 to 30 feet. With the expected construction of the southbound off-ramp deceleration lane (currently being built), these queues may be able to be managed without extending to US 169. Both of these alternative traffic control conditions would help motorists identify who has the right-of-way between northbound Jordan Avenue and westbound off-ramp motorists. Further discussions with MnDOT should occur to determine to the appropriate traffic control and timing.
Parking Review

Parking observations were completed to identify the current parking supply and demand (i.e., utilization) for the site to help determine if there will be sufficient parking on-site to accommodate a parking variance for the proposed development. Observations indicate that there are approximately 169 existing parking spaces on site (88 underground, 81 outdoor). The 88 underground spaces are fully leased and are assigned to specific tenants. Four time periods were reviewed to identify the peak parking demand for the site. These time periods were all overnight, when residential land uses are at their peak parking demand. A summary of the parking observations for the entire site is provided in Table 5.

Table 5 Parking Observations

<table>
<thead>
<tr>
<th></th>
<th>April 19, 2017 12:00 a.m.</th>
<th>April 20, 2017 5:00 a.m.</th>
<th>April 20, 2017 12:00 a.m.</th>
<th>April 21, 2017 5:00 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supply</td>
<td>169</td>
<td>169</td>
<td>169</td>
<td>169</td>
</tr>
<tr>
<td>Demand</td>
<td>132</td>
<td>136</td>
<td>138</td>
<td>137</td>
</tr>
<tr>
<td>Surplus/(Deficit)</td>
<td>37</td>
<td>33</td>
<td>31</td>
<td>32</td>
</tr>
<tr>
<td>Percent Occupied</td>
<td>78%</td>
<td>80%</td>
<td>82%</td>
<td>81%</td>
</tr>
</tbody>
</table>

The proposed development is planning to provide 62 outdoor spaces and 60 underground spaces for a total of 122 spaces. To determine if the proposed parking supply will meet the demand for the site, a detailed parking review was completed using the Minnetonka City Code, the ITE Parking Generation Manual, 4th Edition, and the existing parking demand rate for the existing apartment complex. The following information summarizes the parking demand review.

1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for a multi-family residential unit, the minimum number of parking spaces required is two spaces per dwelling unit, of which one space is enclosed. Given the proposed development is 78 units, a total of 156 spaces are required, which results in a 34-space deficit.

2) The weekday ITE 85th percentile demand for a 78-unit apartment is 151 spaces, which is expected to occur overnight. This represents a 29-space deficit.

3) Based on observations at the existing Minnetonka Hills apartments, a lower demand was observed. A demand of 1.5 spaces per unit was identified, which equates to a peak demand of 117 spaces for the proposed 78-unit apartment complex. This results in a five (5) space surplus.

Results of the parking demand review and observations indicate that there is approximately a 30-space surplus at the existing 2828 Jordan Avenue Apartment surface lot. If the proposed development has a peak parking demand similar to the adjacent apartments, there would be a 35-space surplus between the two buildings. However, if the proposed development has a peak parking demand similar to ITE, there would be only two (2) space surplus. Based on this parking review, the proposed parking supply is expected to meet the demand for the site.
Site Plan Review

A review of the proposed site plan was completed to identify any issues and recommend potential improvements with regard to access, circulation, and sight distance. In general, there are no major issues with the current site access and circulation. However, taller shrubs/landscaping at the driveways, along with the curvature of the roadway obstruct sight lines to Jordan Avenue from the existing Minnetonka Hills Driveway.

In both directions, the sight distance is approximately 140 feet. Based on the AASHTO Policy on Geometric Design of Highways and Streets (2011), the decision sight distance for a 20 mph roadway is 225 feet and for a 30 mph roadway is 335 feet. A vehicle making a left-turn from the existing driveway does not have the appropriate sight distance to make these maneuvers. It should be noted that the stopping sight distance for a vehicle traveling along Jordan Avenue at 20 mph is 115 feet, which is adequate. Since there are no advisory speed signs to the southwest along Jordan Avenue, a 15 mph advisory speed sign on Jordan Avenue should be installed. The existing advisory speed sign for southbound traffic along Jordan Avenue should be reduced to 15 mph to improve decision time for motorists exiting the Minnetonka Hills driveway. Additionally, efforts should be made to trim and reduce any landscaping that obstructs the view from this driveway. The sight distance improvements are shown in Figure 6.
Install a 15 mph speed limit advisory sign

Trim/reduce landscaping to minimize sight distance impacts for motorists

Update sign to a 15 mph speed limit advisory sign

Sight Distance Improvements
2800 Jordan Avenue Parking and Traffic Study
City of Minnetonka
Conclusions and Recommendations

The following study conclusions and recommendations are offered for consideration:

1) Study intersections currently operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing geometric layout and traffic controls.

2) The proposed development includes 78 apartment units and would be fully operational by the year 2018. There is expected to be 62 surface parking spaces and 60 underground parking spaces.

3) The proposed development is expected to generate 40 a.m. peak hour, 48 p.m. peak hour, and 519 daily trips to/from the site.

4) Results of the year 2019 build intersection capacity analysis indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing roadway geometry and traffic controls.

5) While no mitigation is necessary from an intersection capacity perspective, the following striping and traffic control modifications could be considered.
   a. Stripe northbound Jordan Avenue at Cedar Lake Road to include a dedicated left-turn and shared through/right-turn lane. The northbound left-turn lane should be 250 feet in length, which would allow for a 100 foot southbound left-turn lane at the Jordan Avenue/US 169 Southbound Ramp intersection.
   b. Consider a review of the traffic control at the Jordan Avenue/US 169 Southbound Ramp intersection. A preliminary review indicates that an all-way stop control or modifying the southbound off-ramp to a stop control (from a yield control) would provide acceptable level of services.

6) The proposed parking supply is expected to meet the demand for the site.

7) Install a 15 mph advisory speed sign southwest of the Minnetonka Hills driveway.

8) Reduce the existing advisory speed sign for southbound traffic along Jordan from 20 mph to 15 mph.

9) Trim and reduce any landscaping that obstructs the view from the existing Minnetonka Hills driveway.
Neighborhood Comments
On May 10, 2017, at 5:46 PM, [redacted] wrote:

Tony,

My name is Kevin Lile and I live at 10030 Cove Drive in Minnetonka. I'm currently the President of the Cedar Cove Homeowners Association.

I had intended to attend the Planning Commission meeting earlier this month to express my concerns regarding the proposal to build another apartment building on Jordan Avenue, as part of the Minnetonka Hills complex. However, I learned that discussion of this proposal has been postponed. I am writing to you now to voice my concerns.

My first and most urgent concern has to do with the impact of the addition of 70 plus apartments on Jordan Avenue, and the potential risk it poses for residents of both Cedar Cove and the Minnetonka Hills complex. As I am sure you know, this particular section of Jordan Avenue has no shoulders. It's a very tight fit of one lane in each direction. At present, when the Minnetonka Hills complex parking lots are being snowplowed in the Winter, or when they are being cleaned in the summer, the apartment residents are forced to park their cars on both sides of Jordan Avenue. I don't fault them for this. There is literally no place else for them to park. However, with no shoulders and cars parked on both sides of Jordan, two vehicles travelling in opposite directions are unable to pass one another. Adding 70 plus more apartments would obviously make a bad situation even worse. With cars parked on both sides of Jordan, I believe Emergency Vehicles would likely have a difficult time getting through. Obviously, this could put the life and health of all residents in jeopardy.

This particular section of Jordan is wooded. Removing trees and natural vegetation with an apartment building will change the character of the entrance to both Minnetonka Hills and Cedar Cove, and most definitely not for the better. This coupled with the additional population density will, I believe, have a detrimental impact on the property values at Cedar Cove.

I would appreciate it if you would share my concerns with the members of the Planning Commission. I would also appreciate being informed about when this particular proposal will be on the Planning Commission agenda. I want to be there, as well as do many of my neighbors.

Thank you.

Kevin Lile
Great to hear from you and I do understand. I assumed something was happening as you are usually very good at responding. It seems like the timing is good and I will definitely look at the report after tonight’s meeting. Here are some points that might be worth making for you tonight.

I understand about the current plan for High Density Residential - and the house on the site to be demolished is long overdue. I think my greatest concern is for traffic safety when so many cars are added to the entrance on to Jordan which is currently designated “Hidden Driveway” with a 20 mile per hour speed limit around the blind curve. A check of traffic would show that speed limit is routinely exceeded.

The existing Minnetonka Hills building has 90 units and the proposed building adds 78 more units, nearly doubling the number of vehicles using that hidden driveway intersection on Jordan Drive.

Perhaps something could be done to slow traffic around that curve since the speed limit is being ignored, and perhaps a flashing marked crosswalk could be done where pedestrians cross Jordan near that intersection. It seems like a stop sign or something would also be necessary since vehicles routinely exceed the posted speed and adding that many cars seems like a recipe for disaster if nothing is done to change the traffic pattern.

What I’d like to see is a smaller building, but I imagine that is not economically viable for the developer, and there would still be issues with additional vehicles using that hidden driveway.

Susan Goll

On Apr 24, 2017, at 8:53 AM, Tony Wagner <twagner@eminnetonka.com> wrote:

Susan --

I so apologize for my delay in responding. I was traveling internationally for work basically from 25-March to 14-April and embarrassingly got behind in my council email.

Tonight, the city council will hear the 'introduction' of the application. We will provide some initial comments and then refer it to the Planning Commission where you can provide public
comment at the hearing. If you'd like to look at the staff report for tonight, it can be found on the City's website (click on gov't, mayor & city council, meetings).

A few items of note.
1. This property has been guided (e.g. Planned in the City's Comprehensive Plan) as High Density Residential. So the ability to keep it fully wooded and/or single family home is extremely unlikely. However, you can advocate concerns on traffic at that intersection (onto Jordan) and density (size / units for the site).
2. Related to the Wooded Area, the city has a woodland preservation ordinance which restricts the # / amount of the area that can be disturbed. According to the staff report, it appears the proposal meets the ordinance/policy today ... but I'll be asking questions tonight prior to introduction.

Hope this helps and I'm happy to chat on the phone as well.

Again my sincere apologies for the delay.

Tony

Tony Wagner
Minnetonka City Council, Ward 2
612-382-5212

Sent from my iPad

On Apr 21, 2017, at 8:34 AM, Susan Goll < > wrote:

Hi Tony,

I didn’t hear anything from you on this and wondered if you have any suggestions.

Susan Goll

Begin forwarded message:

From: Susan Goll < >
Subject: Proposed Development at 2800 Jordan Ave
Date: April 7, 2017 at 11:31:48 AM CDT
To: twagner@eminnetonka.com

Hello Tony,
I so appreciate all your help in the past when we were able to get a sidewalk built on this section of Jordan Ave. So., My husband John Ziegenhagen and plan to attend the public hearing on May 4th and we are wondering what other steps we might take as individuals, and with our Cedar Cove association and neighbors.

I have looked at the plans on the city site and am very concerned about 2 things:

1. The impact on safety for vehicles and pedestrians of adding that many cars and people to the Minnetonka Hills entrance off Jordan Ave. That entrance onto Jordan is a nearly blind corner and that particular part of Jordan is narrower than the rest of Jordan and cars routinely speed around that corner. The sidewalk has improved safety for pedestrians, and in doing so there are more people walking on that stretch of Jordan but the “crossover” from the south sidewalk to the north sidewalk is right where the entrance to Minnetonka Hills and the nearly blind corner is located. It does not seem like a safe situation to add more cars and people without some kind of change to that section of Jordan, or some kind of entrance change into Minnetonka Hills.

2. Loss of woodland area. It appears from the plan that there will be a significant loss of mature trees, and while the plan says there will be replanting that is still a major concern.

I cannot help but think that additional apartments in our neighborhood will have a negative affect on the property values in our town home development too.

So do you have any suggestion for how our Cedar Cove neighborhood can respond to this?

Susan Goll
Ms. Cauley: I hope you and/or the planning commission will address the following question when you review the proposal to add yet another building in this complex. My concern is focused on the lack of sidewalks coupled with the fact that the sole entrance and exit is a blind access to the neighboring roadways. Currently, hundreds of existing residents must walk their pets, children and themselves on this blind road which is subject to traffic from four different directions.

The proposal to add hundreds of additional residents without improving the inadequate infrastructure is an open invitation to serious accidents. I can't explain how the original project was approved without sidewalks but surely today's proposed addition should not go forward without mandated corrective action. I understand the draft traffic study suggests some sign changes and altered paint schemes for the roadway. This is not a solution -- in fact, it is laughable on its face. I suggest the planning commission take a walk on that roadway at any time of day to see exactly what risks face the residents and those driving by that inadequate intersection.

Sincerely,

Franklin J. Parisi
10050 Cove Drive
Minnetonka, MN 55305
B. Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue

1) Major amendment to an existing master development plan;
2) Site and building plan review, with a parking variance;
3) Preliminary and final plats; and
4) Vacation of easements.

City Planner Loren Gordon gave the staff report.

Wagner said there was a safety concern from nearby neighborhoods about the driveway sightlines. He said a resident raised a second concern about the massive gully and what the foundation would look like.

Acomb asked if consideration would be given to a conservation easement because of the woodland preservation area. She also asked if there would be consideration given to a percentage of the units being affordable. Gordon said it was common practice to evaluate using a conservation easement to protect the area that is not developed and what would be preserved long term. He said the affordability component had not been discussed with the developer but could be asked prior to the planning commission hearing.

Wagner said the staff report indicated the woodland preservation area was at 25 percent. He asked if this was always calculated as the percentage of the total woodland preservation area as opposed to just what was on the property. Gordon said the ordinance stated 25 percent of the woodland preservation area could be impacted.

Schneider said the development may trigger a tree replacement of some kind. Replacing trees on a fully wooded site was not too realistic. He asked what the city’s practice was on requiring the replacement be done offsite where there would be public benefit. Gordon said he couldn’t point to examples of where replacement was required that could not be done onsite. There were times the full landscaping package wasn’t required because it would make the site too dense. He said staff would look into Schneider’s idea.

Wiersum said he thought Schneider’s idea was an interesting one. There were a lot of trees being removed. If the trees couldn’t be replaced he would be OK with a trade for affordable housing.

Wagner moved, Bergstedt seconded a motion to introduce the ordinance and refer it to the planning commission. All voted “yes.” Motion carried.
Additional Information Received from Applicant
June 14, 2017
June 14, 2017

Ashley Cauley, Senior Planner
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345

Re: Minnetonka Hills Apartments Expansion

Dear Ms. Cauley:

I am writing this letter in regards to CSM Corporation’s submittal of plans for an additional building at our Minnetonka Hills Apartments development. We have worked on this version of our proposed development expansion for over a year. The project went before the planning commission and city council in July of 2016 for concept review and was generally supported. We also conducted a neighborhood meeting, and the project received no opposition. After receiving general support of the project, city staff encouraged CSM to make a formal submission. Considerable expense was incurred to fully engineer the site as is a requirement of a formal submittal. After planning staff’s initial review of our project, several site modifications were suggested to reduce tree loss and preserve more of the slope. The site had to be re-engineered to meet city staff’s suggestions which required additional fees for civil engineering and landscape design. After much coordination with city staff and significant redesign, we were extremely disappointed when planning staff recommended denial of the project in their staff report received on June 2, 2017. City staff’s recommendation for denial was based on two items; tree loss and steep slope preservation. We believe the development is a good project, meets the city’s comprehensive plan, and fills a need for this product type in the market. In addition, we believe we meet the requirements of the city’s steep slope ordinance and can meet the tree preservation ordinance by making revisions as outlined below. The following is our response to the planning staff’s findings in regards to tree loss and slope preservation in the June 2nd staff report.
Tree Impacts
Staff Findings:
- On page 3 of the report, staff cites removal of 12 high priority (HP) trees, or 35% of the site’s total HP trees, as the maximum allowed by ordinance.
- Also on page 3, staff notes that 20 HP trees are proposed for removal.

Applicant Response:
- We find 18 HP trees were proposed for removal in the plan which the city reviewed (see trees with red “X” on marked-up plan).
- We believe that 3 additional HP trees can be saved by adding a retaining wall to the east section of the infiltration pond. One additional tree in this area can be saved by altering the grading.
- Additionally, we note that 2 HP trees (near main entry) will be removed resulting from a sidewalk which was added per recent city request.
- With the changes as outlined above, we would meet the ordinance by only removing 12 high priority trees.

Slopes
Staff Findings:
- Staff cites the steep slope ordinance stating that cuts greater than 25 feet should be avoided.
- Staff expresses concern that the proposal includes a 26-foot “cut” into the 26 percent slope.

Applicant Response:
- We find the largest “cut” into a steep slope to be 14’ ± (see section cut B-B’ on attached Steep Slope Analysis exhibit).
- If by “cut” staff intends to refer to the sum of cut and fill as exceeding 25’, we find that, within a steep slope zone, the largest such sum is 24’ (see section B-B’).
- For the reasons stated above, we believe that we meet the requirements of Minnetonka’s steep slope ordinance.

We hope that city staff will reconsider their decision to recommend denial of our Minnetonka Hills Apartments expansion based on the above analysis. Much effort and expense has been made to meet the City of Minnetonka’s steep slope ordinance and tree loss requirements can be met with minor revisions. Please call me if you would like to discuss further.

Sincerely,

JOHN FERRIER, AIA, NCARB, LEED AP, CID
Vice President - Architecture
CSM Corporation  |  500 Washington Ave. S., Ste. 3000  |  Minneapolis, MN 55415
Main: 612.395.7000  |  Direct 612.395.7037 | Mobile: 612.816.1121 | Fax: 612.395.2731
Email: jferrier@csmcorp.net  |  www.csmcorp.net

Attachments: Steep Slope Analysis Section, High Priority Tree Removal Plan
CC: Julie Wischnack, Loren Gordon
Change Memo and Meeting Minutes from the June 22nd Planning Commission Meeting
Memorandum

To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: June 22, 2017
Subject: Change Memo for the June 22 Planning Commission Agenda

ITEM 8C – Creo Arts and Dance Academy

The applicant has requested to pull this item from the agenda. The property was recently sold and the new owners have stated that a dance studio would not be allowed.

ITEM 8D – Minnetonka Hills Apartments

The attached, revised tree preservation/grading plan was received today.
D. Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue.

O’Connell recused himself from discussion and action on this item.

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

In response to Chair Kirk’s request, Cauley reviewed the traffic report. It found that there would be adequate parking on site and no roadway improvements would be required.

John Ferrier, CSM Corporation, introduced himself and Mark Kronbeck, Alliant Engineering. Mr. Ferrier stated that they worked on the design of the building for a year. No opposition was voiced at the neighborhood meeting. He enjoyed the process of working with planning staff. There has been considerable redesign done to protect the slope and trees. The proposal is in compliance with the tree preservation and slope requirements.

Mr. Kronbeck stated that he interpreted the steep slope ordinance differently than staff. He felt that the proposal would be a good use of the site. The property is guided correctly. The proposal would impact the land as little as possible.

Mr. Ferrier stated that it would not be feasible for the proposal to have an affordable housing component.

The public hearing was opened.

Susan Goll, 10039 Cove Drive, stated that:

- She was representing additional residents of Cove Drive.
- She concurred with the need for additional housing in Minnetonka and the analysis of the site from an environmental standpoint.
- Cove Drive residents are concerned with the section between the intersection of Highway 169 and the entrance to the building. That section of Jordan Avenue is narrower than average streets.
- Restriping and changing the speed limit would not solve the problem. Motorists routinely speed and cut the corner at the intersection now.
• In the winter, vehicles park on Jordan Avenue. It is a current safety issue that will get worse if more residents are added without doing something to fix the problem.

• They are concerned with pedestrian safety. A sidewalk on the east side crosses over and is heavily traveled.

Kevin Lile, 10030 Cove Drive, stated that:

• The residents of Minnetonka Hills have no choice but to park on both sides of Jordan Avenue in the winter when the parking lot is plowed. There is not enough room for two vehicles to pass each other.

Ms. Goll added that snowplows have not been able to plow the street properly because of the vehicles parking on it.

Franklin Parisi, 10050 Cove Drive, stated that:

• There are no sidewalks on the road. At the very least, sidewalks should be added so pedestrians would not have to walk in the road.

Idie Garvis, 10014 Cove Drive, stated that she was concerned with where the wildlife would go.

Ms. Goll noted that Cove Drive is a dead end and Cove Drive residents were previously not notified of the neighborhood meeting since Cove Drive is not within 400 feet of the property. The neighborhood has been added to the mailing list and now receives the notifications.

No additional testimony was submitted and the hearing was closed.

In response to Knight’s question, Cauley pointed out the public and private portions of Jordan Avenue. The proposal includes a sidewalk connection.

Powers asked if the police department received calls regarding vehicle and pedestrian issues on Jordan Avenue. Cauley said that staff could research the number of crashes. Mr. Ferrier was not aware of reports of sideswiping or pedestrian injuries due to traffic. He will look into parking options during times of snow removal. Cauley noted that a snow removal plan would be required to show how snow would be removed from the site.

In response to Calvert’s question, Colleran explained which trees would be removed and which would be preserved.
In response to Powers question, Colleran stated that none of the trees that would be removed are ash trees.

Gordon provided accident data provided by MNDOT. Since 2008, there have been four accidents reported to have occurred between the public end of Jordan Avenue and the off and on ramp to Highway 169. All of the accidents occurred between 11:30 p.m. and 2 a.m. Two of the accidents involved a driver that was impaired and one was in the winter during poor driving conditions.

Calvert thought that the steep slope remains an issue. She commended the developer for making important changes including the flat roof, compact footprint, and preservation of more trees.

Sewall recommended residents report unsafe activity to the police department. The slope was not as much of a concern for him. The developer has done everything possible to minimize tree loss.

Calvert had a feeling that the proposal might be too large for the site because of the slope and tree loss.

Powers likes the developer. He was concerned with the tree loss. He was less concerned with the slope. He favored the city and developer coming to an agreement on how the ordinance would be interpreted. He encouraged residents to call the police department. The developer has done a tremendous amount and he likes the developer, but he thought more work could be done. He favors an affordable housing component.

Knight agreed that the city and developer need to come to more of an agreement in regard to the steep slope.

Chair Kirk supports high-density housing on the site. It has easy access to Highway 169. The developer is on the right path. The engineers feel comfortable with the slope. He was disappointed that there would be no affordable housing.

**Calvert moved, second by Powers, to recommend that the city council deny the request.**

*Powers, Calvert, Knight, and Kirk voted yes. Sewall voted no. O’Connell recused himself. Schack was absent. Motion carried.*

The city council is tentatively scheduled to review this item at its meeting on July 10, 2017.
Items received since the Planning Commission Meeting
July 5, 2017

Mayor Terry Schneider
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN  55345

Re: Minnetonka Hills Apartments Expansion

Dear Mr. Schneider:
I am writing this letter in regards to CSM Corporation’s submittal of plans for an additional building at our Minnetonka Hills Apartments development. We have worked on this version of our proposed development expansion for over a year. The project went before the planning commission and city council in July of 2016 for concept review and was generally supported. We also conducted a neighborhood meeting, and the project received no opposition. After receiving general support of the project, city staff encouraged CSM to make a formal submission. Considerable expense was incurred to fully engineer the site as is a requirement of a formal submittal. After planning staff’s initial review of our project, several site modifications were suggested to reduce tree loss and preserve more of the slope. The site had to be re-engineered to meet city staff’s suggestions which required additional fees for civil engineering and landscape design. After much coordination with city staff and significant redesign, we were extremely disappointed when planning staff recommended denial of the project in their staff report received on June 2, 2017. In addition, the planning commission agreed with city staff’s assessment and recommended denial of the project at the June 22nd public hearing. The recommendation for denial was generally based on two items; tree loss and steep slope preservation. We believe we meet the requirements of the city’s steep slope ordinance and made revisions to meet the tree preservation ordinance. The following is our response to planning staff’s findings in regards to tree loss and slope preservation in the June 2nd staff report and comments at the June 22nd planning commission meeting.

Tree Impacts
Staff Findings:
- On page 3 of the report, staff cites removal of 12 high priority (HP) trees, or 35% of the site’s total HP trees, as the maximum allowed by ordinance.
- Also on page 3, staff notes that 20 HP trees are proposed for removal.
Applicant Response:
- On June 22, 2017, Alliant Engineering submitted a revised tree preservation plan that meets the City’s ordinance.
- In an e-mail dated June 22, 2017, Minnetonka’s Natural Resources Manager, Jo Colleran concurred that the revised plan now meets Minnetonka’s tree preservation ordinance. She also explained to the planning commission how we meet the ordinance.
- Despite meeting the ordinance, some planning commission members still cited tree preservation as a reason for denial.

Slopes

Staff Findings:
- Staff cites the steep slope ordinance stating that cuts greater than 25 feet should be avoided.
- Staff expresses concern that the proposal includes a 26-foot “cut” into the 26 percent slope.

Applicant Response:
- We find the largest “cut” into a steep slope to be 14’ ± (see section cut B-B’ on attached Steep Slope Analysis exhibit).
- If by “cut” staff intends to refer to the sum of cut and fill as exceeding 25’, we find that, within a steep slope zone, the largest such sum is 24’ (see section B-B’).
- For the reasons stated above, we believe that we meet the requirements of Minnetonka’s steep slope ordinance.

In addition to the above, city staff and the planning commission also stated that the proposed project altered the character of the site by removing the tree buffer along Highway 169. We have attached renderings showing the limited impact the project would have on this tree buffer.

We believe the development is a good project, meets the city’s comprehensive plan, and fills a need for this product type in the market. In addition, much effort and expense has been made to meet the City of Minnetonka’s steep slope ordinance and tree loss requirements. We hope that the city council will consider approving the project despite staff and planning commission’s recommendations based on the above analysis. Please call me if you would like to discuss further.

Sincerely,

JOHN FERRIER, AIA, NCARB, LEED AP, CID
Vice President - Architecture
CSM Corporation | 500 Washington Ave. S., Ste. 3000 | Minneapolis, MN 55415
Email: jferrier@csmcorp.net | www.csmcorp.net

Attachments: Steep Slope Analysis Section, High Priority Tree Removal Plan, Site Aerial, Views from Highway 169
Resolution
Resolution No. 2017-
Resolution denying a major amendment to the existing master development plan, final site and building plans, with a parking variance, and preliminary and final plats for Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue

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

Section 1. Background.

1.01 Alliant Engineering, on behalf of Minnetonka Hills Apartments, LLP is proposing to redevelop the properties at 2800 and 2828 Jordan Avenue. As proposed a 78-unit apartment building would be constructed.

1.02 The property is legally described on Exhibit A of this resolution.

1.03 The proposed development requires multiple items:
   1. Major amendment to an existing master development plan;
   2. Final site and building plans, with a parking variance;
   3. Preliminary and final plat; and
   4. Vacation of existing drainage and utility easements.

1.04 On June 22, 2017, the planning commission held a public hearing on this request. The applicant was provided the opportunity to present information. The commission considered all of the hearing testimony and the staff report, which are incorporated by reference into this resolution. The planning commission recommended that the city council deny the proposal and associated requests.
Section 2. Standards and Findings.

2.01 City Code §400.28, Subd. 20(b) outlines the guidelines for consideration when reviewing steep slope developments:

1. The property is physically suitable for the design and siting of the proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.
   
a) Design developments into steep slopes, rather than making significant alterations to the slope to fit the development:
   
   1) avoid building pads that result in extensive grading outside of the building footprint and driveway areas;

   **Finding:** While it is likely that the grading limits around the parking lot could be “tightened” to reduce the amount of required grading, the grading limits do not extend a significant distance beyond the building footprint and parking area.

   2) use retaining walls as an alternative to banks of cut-and-fill, and design and site such walls to avoid adverse visual impact;

   **Finding:** The proposal includes a number of retaining walls to reduce the need for cut-and-fill to accommodate the building pad.

   3) allow for clustering with different lot shapes and sizes, with prime determinant being to maximize the preservation of the natural terrain;

   **Finding:** While the proposal includes preliminary and final plat, the subdivision is only to allow for separate ownership of the apartment buildings and would not be a requirement.

   4) allow flag lots when appropriate to minimize grading;

   **Finding:** This standard does not apply.

   5) avoid cuts and fills greater than 25 feet in depth; and
Finding: While the ordinance does not outright prohibit “cuts” and “fills” in excess of 25 feet, the proposal would include a “cut” of 26 feet into the slope.

6) design grading to preserve the crest of prominent ridges. Buildings may be located on the prominent ridges, as long as the requirements of this subdivision are met.

Finding: The amount of grading needed to create the building and parking pad would be significant. As proposed, these pads would require the prominent knolls and ridges of the site to be graded out.

b) Design streets and driveways that generally follow existing contours, except where necessary for public safety or to minimize the adverse impacts from traffic:

1) use cul-de-sacs and common drives where practical and desirable to preserve slopes; and

2) avoid individual long driveways, unless necessary to locate the principal structures on a less sensitive areas of the site.

Finding: The proposal would avoid a long driveway as the new apartment building would be served by a connection to the existing Minnetonka Hills Apartment driveway from Jordan Avenue.

c) Concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features:

1) preserve sensitive areas by clustering buildings or using other innovative approaches; and

Finding: The proposal is located such that, while it would remove woodland preservation areas, it would not break up the continuity of the existing preservation area. That said, the proposed building and parking lot would remove the existing and natural slope on the site.
2) maintain sufficient vegetation and design the scale of the development so that it does not overwhelm the natural character of the steep slope.

**Finding:** The proposal would preserve some vegetation along Jordan Avenue. However, the proposal would remove a significant amount of vegetation east of the existing apartment building.

d) Preserve steep slopes that buffer residences from non-residential sources of light and noise.

**Finding:** It is very likely that the slope and associated vegetation provides some noise mitigation from US 169 for the existing Minnetonka Hills apartment building. Were the proposed building constructed, it would also provide a level of noise mitigation.

2. The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

a) Wherever practical, minimize the impervious surface area and maximize the use of natural drainage systems:

1) design any new drainage systems away from neighboring properties, away from cut faces or sloping surfaces of a fill, and towards appropriate drainage facilities, whether artificial or natural. Drainage systems must comply with the city’s water resources management plan; and

2) use existing natural drainage system as much as possible in its unimproved state, if the natural system adequately controls erosion.

**Finding:** Runoff would be directed to the catch basin and natural depression in the southeast corner of the site. However, design alternatives could result in a reduction in the amount of impervious surface.

b) Avoid building on or creating steep slopes with an average grade of 30 percent or more. The city may prohibit building on or creating slopes in the following situations:
1) where the city determines that reasonable development can occur on the site without building on or creating slopes; or

2) development on such slopes would create real or potentially detrimental drainage or erosion problems.

**Finding:** The slopes onsite have an average grade of 26 percent.

c) design slopes to be in character with the surrounding natural terrain;

**Finding:** The proposal would significantly change the natural terrain of the site both aesthetically and physically.

d) use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the city engineer;

**Finding:** The proposal includes a number of retaining walls, but does not incorporate benching or terracing.

e) install and maintain erosion control measures during construction in accordance with the current Minnesota pollution control agency best management practices; and

**Finding:** If the city decided to approve the project, this would be included as a condition of approval.

f) revegetate disturbed areas as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.

**Finding:** If the city were to approve the proposal, this could be included as a condition of approval.

3. The proposed development provides adequate measures to protect public safety.

a) limit the slopes of private driveways to not more than 10 percent, the driveway should have sufficient flat areas at the top and toe to provide vehicles a landing area to avoid vehicles slipping into the adjacent street during icy conditions. The city may require a driveway turn-around; and
b) provide sufficient access for emergency vehicles to reach the proposed buildings.

**Findings:** Minor modifications would be needed to the site plan to meet this standard. However, it is likely compliance could be achieved.

Section 3. Council Action.

3.01 The city council denies the proposal and associated requests based on the findings outlined in section 2 of this resolution.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 10, 2017.

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 meeting held on July 10, 2017.

David E. Maeda, City Clerk
Exhibit A

Lot 1, Block 2, Minnetonka Hills Apartments, Hennepin County, Minnesota, EXCEPT that part of Lot 1, Block 2, Minnetonka Hills Apartments lying North of the North line of Outlot C, said Addition and its Westerly extension.

And,

That part of Lot 1, Block 2, Minnetonka Hills Apartments, lying North of the North line of Outlot C, said Addition and its Westerly extension, Hennepin County, Minnesota. (Torrens property: Certificate of Title No. 1075439)

And,

Outlot C, Minnetonka Hills Apartments, Hennepin County, Minnesota. (Abstract property)

And,

The south 170 feet of the North 450 feet of the East 265 feet of the Southeast Quarter of the Southeast Quarter (SE ¼ of Se ¼) of Section 12, Township 117, Range 22, in Hennepin County, Minnesota, EXCEPT that part lying Easterly of a line parallel with and distant 25 feet Westerly of the following described line: Commencing at the Southeast corner of Section 12, Township 117, Range 22; thence North along the East line thereof 784.96; thence deflect to the left at an angle of 90 degrees, a distance of 60 feet to the actual point of beginning of the line to be described; thence deflect to the right at an angle of 90 degrees, a distance of 136.28 feet; thence deflect to the left along a 26 degree 16 minutes 46 second curve (delta angle 49 degrees 16 minutes 15 seconds, tangent distance of 99.98 feet), a distance of 150 feet and there terminating. (Abstract property)
City Council Agenda Item #14B  
Meeting of July 10, 2017

Brief Description
Items concerning a parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard:

- Major amendment to the existing master development plan;
- Parking setback variance; and
- Encroachment agreement.

Recommendation
Adopt the resolution denying the requests

Proposal

The building at 10275 Wayzata Boulevard is fully occupied by one tenant, King Show Games. The property owner has indicated that available on-site parking does not meet tenant parking demand. Owner and tenant have done several things to address parking availability vs. parking demand, including: encouraging carpooling and other forms of transportation, allowing flexible work schedules, and leasing 40 parking spaces from a neighboring property. However, the owner notes these efforts have not resolved the issue and that the contractual terms of the off-site lease spaces would not support King Show Games’ plan for continued business growth. (See the applicant’s narrative.)

To address the parking availability vs. parking demand issue, Civil Site Group – on behalf of the property owner – is proposing to construct 12 new parking stalls on the north side of the site. A portion of these stalls would be located within public right-of-way. In addition to restriping some existing stalls, these new stalls would increase on-site surface parking to 77 stalls and total on-site parking to 90 stalls. (See attached.)

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<thead>
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<th>1999</th>
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<td>TOTAL parking</td>
<td>75</td>
<td>66</td>
<td>77</td>
<td>90</td>
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</table>

The proposal requires: (1) a major amendment to an existing master development plan; (2) a parking setback variance from 20 feet to 0 feet; and (3) an encroachment agreement.

Planning Commission Hearing

The planning commission considered the applicant’s proposal on June 22, 2017. The commission report and associated plans are attached. Staff recommended denial of the proposal noting:

1. The public right-of-way north of the site is encumbered by a retaining wall that physically supports Wayzata Boulevard. Staff is concerned about the impact
construction of the parking may have on the structural integrity of the wall. Conversely, in the event that repair work or reconstruction of the wall is required in the future, the parking stalls constructed in the area would likely be significantly impacted and/or removed.

2. Based on total office area and existing interior and exterior parking, the building and site currently meet city code requirements. The requirement is further exceeded with parking stalls leased from neighboring property owners. The size of the building as compared to the number of constructed parking stalls is not the issue. Rather, the parking issue is related to the occupancy of the building.

3. The city has very rarely entered into encroachment agreements for use of city right-of-way and in those cases the rights-of-way encroached upon have been very large/wide and unencumbered by public improvements. Staff is concerned that the applicant’s request may set an undesirable precedent for use of already encumbered rights-of-way.

At the commission meeting a public hearing was opened to take comment, but no comments were received. The commission discussed the proposal. All commissioners expressed appreciation that the business hoped to continue its growth in Minnetonka. However, there was some difference in opinion on whether construction of the proposed parking stalls was an appropriate resolution to the parking availability vs. parking demand issue.

**Planning Commission Recommendation**

On a 6-0 vote, the commission recommended the city council deny the request.

**Since Planning Commission Hearing**

There have been no changes to the proposal or recommendation since the planning commission hearing.

**Staff Recommendation**

Staff recommends the city council adopt the resolution denying the major amendment to the existing master development plan, parking setback variance, and an encroachment agreement for parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard.

Through: Geralyn Barone, City Manager
          Julie Wischnack, AICP, Community Development Director
          Loren Gordon, AICP, City Planner

Originator: Susan Thomas, AICP, Assistant City Planner
MINNETONKA PLANNING COMMISSION  
June 22, 2017

**Brief Description**  
Items concerning a parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard:

- Major amendment to the existing master development plan;
- Parking setback variance; and
- Encroachment agreement.

**Recommendation**  
Recommend the city council adopt the resolution denying the requests

---

**Background**

1986. The city approved a master development plan for an office building development – consisting of four buildings – near the Wayzata Boulevard/Shelard Parkway intersection. The 1.4-acre subject property was part of that development.

1999. The last of the four office buildings was constructed on the subject property. The first floor of the 27,000 square foot office building contained 21 interior parking stalls. The second and third floors were occupied by general office space. With the interior parking stalls and surface parking lot, minimum parking requirements were met.

2003. The then property owner converted a portion of the first floor from parking into office space. This conversion had two-fold impact: (1) it reduced on-site parking availability; and (2) it increased the number of parking stalls required by city code. A building permit for this project was issued in error.

2014. The city approved a major amendment to the existing master development plan to allow for construction of 11 parking stalls on the north side of the building. At the time, the staff report suggested that 108 parking stalls were required on site, but only 66 stalls available. Staff now notes that requirement was incorrectly calculated. The calculation assumed the entirety of the 27,000 square foot building as office space. It did not take into consideration the interior parking stalls. Essentially, the report suggested that parking was required for both office space and the interior parking area, which is unreasonable. The numbers in the chart below outline parking based on office area as indicated on actual plans submitted with building permit applications.

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<tr>
<td>Office Area</td>
<td>16,500 sq.ft.</td>
<td>19,008 sq.ft.</td>
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<td>TOTAL required parking</td>
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<td>76*</td>
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<tr>
<td>Interior parking stalls</td>
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<td>13</td>
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</tr>
<tr>
<td>Exterior parking stalls</td>
<td>54</td>
<td>53</td>
<td>64</td>
</tr>
<tr>
<td>TOTAL constructed parking</td>
<td>75</td>
<td>66</td>
<td>77</td>
</tr>
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*1 stall per 250 sq.ft.
Proposal

The building is currently fully occupied by one tenant, King Show Games. The property owner has indicated that available parking does not meet tenant parking demand. Owner and tenant have done several things to address the parking availability vs. parking demand, including: encouraging carpooling and other forms of transportation, allowing flexible work schedules, and leasing 40 parking spaces from a neighboring property. However, the owner notes these efforts have not resolved the issue and that the contractual terms of the off-site lease spaces would not support King Show Games’ plan for continued business growth. (See the applicant’s narrative.)

To address the parking availability vs. parking demand issue, Civil Site Group – on behalf of the property owner – is proposing to construct 12 new parking stalls on the north side of the site. A portion of these stalls would be located within public right-of-way. In addition to restriping some existing stalls, these new stalls would increase surface parking to 77 stalls and total parking to 90 stalls. (See attached.)

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The proposal requires: (1) a major amendment to an existing master development plan; (2) a parking setback variance from 20 feet to 0 feet; and (3) an encroachment agreement. (For more information on encroachment agreements, see the “Supporting Information” section of this report.)

Staff Analysis

Staff acknowledges that the existing parking situation is difficult. In visiting the site on three separate dates at three separate times, staff found the parking lot to be essentially full. However, staff cannot support the applicant’s request for three reasons.

1) **Retaining Wall.** The public right-of-way north of the site is encumbered by a retaining wall that physically supports Wayzata Boulevard. The wall ranges in height from roughly 1 to 11 feet. To accommodate the proposed parking, tree removal and grading would occur in close proximity to the wall. The stalls themselves ultimately would be located within six feet of the wall. Staff is concerned about the impact construction of the parking may have on the structural integrity of the wall. Conversely, in the event that repair work or reconstruction of the wall is required in the future, the parking stalls constructed in the area would likely be significantly impacted and/or removed.

2) **Parking Requirement.** Under city code, parking requirements are generally based on the size of the building and the use of that building, not based on the number of persons occupying a building. By city code, an office building must provide 1 parking stall for each 250 square feet of floor area. In other words, an office building
has the same parking requirement under the ordinance whether it is comprised of large individual offices or small, cubicle workstations. Based on total office area and existing interior and exterior parking, the building and site currently meet city code requirements. The requirement is further exceeded with parking stalls leased from neighboring property owners. The size of the building as compared to the number of constructed parking stalls is not the issue. Rather, the issues are related to the occupancy of the building.

3) Precedent. The city has very rarely entered into encroachment agreements for use of city right-of-way and in those cases the rights-of-way encroached upon have been very large/wide and unencumbered by public improvements. As was noted, the existing right-of-way north of the subject property is encumbered by a large retaining wall. Staff is concerned that the applicant’s request may set an undesirable precedent for use of already encumbered rights-of-way.

Summary Comments

Staff acknowledges that the applicant’s proposal attempts to resolve parking demand vs. parking availability at the subject property. Staff further acknowledges and applauds King Show Games for their desire to remain and continue to grow in the Minnetonka community. However, staff cannot support the applicant’s request due to the existing encumbrance of the public right-of-way, the potential need for that right-of-way in the future, and the undesirable precedent that may be set by the applicant’s use of the right-of-way.

Recommendation

Recommend the city council adopt the resolution denying the major amendment to the existing master development plan, parking setback variance, and an encroachment agreement for parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard:

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

Surrounding Land Uses
Northerly: Wayzata Boulevard, I-394 beyond
Easterly: Office building
Southerly: Single-family homes
Westerly: Office building

Planning
Guide Plan designation: Office
Existing Zoning: Planned I-394 District

Encroachment
An encroachment agreement is a legal agreement that a property owner and city may enter into. Under the agreement, an owner acknowledges that:

- They will be constructing/installing something with a public easement or right-of-way;
- That their right to use, occupy, maintain or repair the item constructed/installed is subordinate in all respect to the easement/right-of-way; and
- They will be responsible for removing the item from easement/right-of-way at the their sole cost and expense, if the city in its sole discretion determines that removal is in the public interest in order to accommodate any public use of the easement area.

Encroachment agreement requests are generally reviewed administratively by engineering and legal staff. However, staff does not have the final authority to enter into such agreement. While staff recommends approval of those agreements it is comfortable with, the legal agreement itself must still be signed by both the mayor and city manager.

Adjacent Property
The office property adjacent to the east has parking located both north and south of the existing drive aisle. The applicant’s proposal is visually similar to this existing situation. However, the existing stalls are located on the private property and approximately 9 feet from the base of the retaining wall. Further, these stalls actually predate the current configuration of Wayzata Boulevard and the retaining wall.

Options
Staff notes there are no good, inexpensive options for expanding parking on the site.

1. Applicant’s Proposal. While the least expensive of the options, the proposal encroaches into encumbered right-of-way.
2. Southerly Expansion. Expanding the existing parking lot to the south would result in grading into an existing significant slope and woodland preservation. Retaining walls, which would need to be constructed, would likely be expensive.

3. Conversion of space. Converting first floor office space back into garage space would likely be expensive and, as noted by the applicant, counter to King Show Games long-range growth plans.

4. Parking Deck. Construction of a parking deck over the existing parking lot would be the most expensive of the options.

Trees

Five trees would be removed to accommodate the proposed parking. These trees are not part of a natural stand of vegetation, but were part of previous site landscaping.

SBP Standard

When reviewing changes that require an amendment to an existing master development plan, the city generally evaluates the changes for consistency with site and building plans standards 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;

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.

FINDING: While the proposed parking would benefit the property owner and building tenants, the parking would not be consistent with city code requirements. The parking stalls would not meet minimum setback requirements. Rather, the stalls would encroach onto public right-of-way.

**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)
The requested variances would not meet the intent of ordinance or practical difficulty tests of the variance standard. The intent of the ordinance as it pertains to parking setback requirements is to ensure adequate separation between property lines and parking stalls for both aesthetic and safety reasons. The proposed parking would cross over the existing property line and be located within six feet of a large retaining wall that supports an existing public road. This setback, or lack thereof, is not reasonable and would not meet the intent of the ordinance.

**Motion Options**

The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution denying the requests.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council approve the request. This motion should include a statement as to why approval is recommended.

3. Table the requests. 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.

**Neighborhood Comments**

The city sent notices to 47 property owners and has received one comment to date.

**Deadline for Action**

September 11, 2017
Location Map

Project: Minnetonka Executive Plaza
Address: 10275 Wayzata Blvd
Project No. 14026.17a
## ISSUE/SUBMITTAL SUMMARY

<table>
<thead>
<tr>
<th>DATE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/06/14</td>
<td>CITY SUBMITTAL</td>
</tr>
</tbody>
</table>

**PROJECT:**

- Minnetonka Executive Plaza
- 10275 Wayzata Blvd., Minnetonka, MN
- 5000 Glenwood Ave., #150, Golden Valley, MN

**PROJECT PROFESSIONAL:**

- Great Lakes Management Company

**SITE PLAN LEGEND:**

- [Diagram with various symbols and notes]

---

**TRAFFIC CONTROL NOTES:**

- [Detailed traffic control instructions and plans]

---

**PARKING SUMMARY NOTES:**

- [Parking summary details and requirements]

---

**REMOVALS LEGEND:**

- [Legend for removals, including symbols and notes]

---

**REMOVALS PLAN:**

- [Plan with removals marked and noted]

---

**REMOVALS NOTES:**

- [List of removals with details and notes for implementation]

---

**SITE PLAN LEGEND:**

- [Legend for site plan, including symbols and notes]

---

**SITE PLAN:**

- [Detailed site plan with annotations and specifications]

---

**SITE PLAN NOTES:**

- [Notes on site plan, detailing specific areas and requirements]

---

**COPYRIGHT 2013 CIVIL SITE GROUP INC.**

---

**ISSUE/SUBMITTAL SUMMARY**

- [Summary of issue/submittal details and requirements]

---

**SITE PLAN**

- [Image of site plan with annotations and specifications]
REMOVAL NOTES:

1. REMOVALS SIMULATED IN THE DRAWINGS SHOWN ARE IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.
2. REMOVALS SHOWN ON THE DRAWINGS ARE COORDINATED WITH UTILITY COMPANY, TYP.
3. EXISTING TELEPHONE UTILITY HANDHOLE TO REMAIN, PROTECT EXISTING TREES TO REMAIN, PROVIDE TREE PROTECTION IN ACCORDANCE WITH THE CITY.
4. EXISTING CONC. RETAINING WALL TO BE RELOCATED AT LEAST 6' TO THE NORTH-WEST, COORDINATE WITH PROPOSED PLANS.
5. JOINT FOR PROPOSED PAVEMENT CONNECTIONS.
6. EXISTING PAVEMENTS SHALL BE SAWCUT IN LOCATIONS AS SHOWN ON THE DRAWINGS OR THE NEAREST APPROXIMATE. COORDINATE WITH PROPOSED PLANS.
7. EXISTING TREES TO BE RELOCATED AND PROTECTED THROUGHOUT THE DURATION OF THE CONTRACT.
8. SHORING FOR BUILDING EXCAVATION MAY BE USED AT THE DISCRETION OF THE CONTRACTOR AND AS SHOWN ON THE DRAWINGS.
9. DRAWING ATTACHMENTS (SEE SHEET 1-8) SHOW THE PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE NOTED ON THE DRAWINGS AND APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
10. EXISTING ON-SITE FEATURES NOT NOTED FOR REMOVAL SHALL BE PROTECTED THROUGHOUT THE DURATION OF THE CONTRACT.
11. PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE NOTED ON THE DRAWINGS AND APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
12. SECURITY MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY.
14. PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE NOTED ON THE DRAWINGS AND APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
15. PERMITTED WITHOUT APPROVAL BY THE CITY.
16. PUBLIC STREETS SHALL REMAIN OPEN TO TRAFFIC AT ALL TIMES. NO ROAD CLOSURES SHALL BE PERMITTED WITHOUT APPROVAL BY THE CITY PRIOR TO CIRCULATION OF ADJACENT STREETS BE BLOCKED WITHOUT APPROVAL BY THE CITY PRIOR TO CONSTRUCTION.
17. SHADING DISPLAYS TYP. 7.36 GREAT LAKES MANAGEMENT CO. 4931 W. 35TH ST. SUITE 200 MINNETONKA, MN 55305
18. MAPPING DISPLAYS TYP. 227.91 GREAT LAKES MANAGEMENT CO. 4931 W. 35TH ST. SUITE 200 MINNETONKA, MN 55305
19. REPLACEMENT PLANTS TO BE PLANTED IN THE AREA DAIRY BUILDING, TYP. 416.07 G. ST \N \\
20. MATERIALS SHALL BE IN ACCORDANCE WITH THE CITY.
22. PROPOSED WORK (BUILDING AND CIVIL) SHALL NOT DISTURB EXISTING UTILITIES UNLESS OTHERWISE NOTED ON THE DRAWINGS AND APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
23. EXISTING CONC. RETAINING WALL TO BE RELOCATED AT LEAST 6' TO THE NORTH-WEST, COORDINATE WITH PROPOSED PLANS.
24. EXISTING TELEPHONE UTILITY BOX DAMAGE BEYOND THE PROPERTY LIMITS CAUSED BY CONSTRUCTION ACTIVITY SHALL BE REPAIRED IN A MANNER APPROVED BY THE ENGINEER/LANDSCAPE ARCHITECT OR IN ACCORDANCE WITH THE CITY.
25. SITE SEDIMENT CONTROL不斷足必要並且僅限於PEM, 9.21 GREAT LAKES MANAGEMENT CO. 4931 W. 35TH ST. SUITE 200 MINNETONKA, MN 55305

EROSION CONTROL NOTES:

SEE SHEET 1-2 FOR EROSION CONTROL NOTES.
MINNETONKA EXECUTIVE PLAZA
PARKING EXPANSION

GRADING PLAN

PROJECT NO.: 17072

EMERGENCY OVERFLOW TO CURB AND GUTTER (T.O = TIP OUT)

SPOT GRADE ELEVATION BOTTOM OF STAIRS/TOP OF STAIRS

SPOT GRADE ELEVATION TOP OF CURB

SPOT GRADE ELEVATION GUTTER/FLOW LINE

1.0' CONTOUR ELEVATION INTERVAL

TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/2 INCH OF THE SPECIFIED THICKNESS.

AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR 0.30 FOOT BELOW, THE PRESCRIBED ELEVATION AT ANY POINT WHERE MEASUREMENT IS MADE.

THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.

FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL SIMULTANEOUSLY GRADE AREAS WHICH HAVE BEEN FINISH GRADED TO WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES BETWEEN POINTS WHERE ELEVATIONS ARE SHOWN, OR BETWEEN SUCH POINTS AND EXISTING FINISHED SURFACE WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF BANKS FLOWED INTO CONSTRUCTION AREAS. THE CONTRACTOR SHALL MAINTAIN BANKS FREE FROM EROSION WITHIN GREEN AREAS. CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.

EXCESS SOIL MATERIAL OFF THE SITE TO AN AREA SELECTED BY THE CONTRACTOR, OR IMPORT SUITABLE MATERIAL TO THE SITE.

EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADED AND KEEP AREA FREE OF TRASH AND DEBRIS.

THE CONTRACTOR SHALL SALVAGE ENOUGH TOPSOIL FOR EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL RESPERADING ON THE SITE AS SPECIFIED. EXCESS TOPSOIL SHALL BE PLACED IN EMBANKMENT AREAS DESIGNATED ON THE SITE. THE CONTRACTOR SHALL RESPERADING ON THE SITE AS SPECIFIED.

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THE WARRANTY PERIOD, ERODED AREAS WHERE TURF IS TO BE ESTABLISHED SHALL BE RESEEDED AND MULCHED.

CONSTRUCTION OPERATIONS, TRAFFIC AND EROSION. REPAIR ALL AREAS THAT HAVE BECOME BETTER THAN ORIGINAL CONDITION OR TO THE REQUIREMENTS OF THE NEW WORK.

THE CONTRACTOR SHALL PROTECT NEWLY GRADED AREAS FROM TRAFFIC AND EROSION, AND KEEP AREA FREE OF TRASH AND DEBRIS.

THE BUILDING SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.

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FINISHED GRADING SHALL BE COMPLETED. THE CONTRACTOR SHALL SIMULTANEOUSLY GRADE AREAS WHICH HAVE BEEN FINISH GRADED TO WITHIN SPECIFIED TOLERANCES, WITH UNIFORM LEVELS OR SLOPES.
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.

Bill Wittrock, of RSP Architects, representing the applicant, thanked staff for the productive conversations. He stated that there would be no more than four tenants in the retail portion of the building. Right now there are three tenants in the retail portion. He was available for questions.

O'Connell liked the design better than what was originally proposed. He congratulated all involved with creating the new plan.

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

_Sewall moved, second by Calvert, to adopt the resolution approving a sign plan for Ridgedale Corner Shoppes._

_O'Connell, Powers, Sewall, Calvert, Knight, and Kirk voted yes. Schack was absent. Motion carried._

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

_B. Items concerning a parking lot expansion at Minnetonka Executive Plaza, 10275 Wayzata Boulevard._

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

Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

O'Connell asked if there would be a cross-parking agreement. Thomas answered that the property owner has indicated they have leased parking stalls on property located to the east side.

Calvert asked if other solutions had been considered. Thomas referred the question to the applicant.
Sewall asked how close the parking would get to the retaining wall. Thomas said 6 feet at the closest point on the east side. The proposal would create 12 parking spaces.

In response to Chair Kirk’s question, Thomas explained that the parking stalls on the property to the east are located right on the property line. There are a few stalls located in the public right-of-way. These parking stalls predated the realignment of Wayzata Boulevard.

Chair Kirk asked if there would be room on the south side of the property for additional parking. Thomas answered that the area is a woodland preservation area.

Faysal Abraham, CEO of King Show Games, applicant, stated that in 2014 the business had 45 employees. As of July 10, 2017, the business will have 117 employees. The trees on the south side are natural sound barriers for the neighbors and he wants to keep as much green space as possible. The business wants to stay at the current location.

Patrick Sarver, of Civil Site Group, landscape architect for the project, stated that he created the site layout. He worked hard to find the best location for additional parking spaces. The proposal represents the greenest solution. It is a unique right-of-way scenario where the perceived right-of-way is the retaining wall. There would be no impact to the retaining wall. There would be no grade change to the retaining wall. Some trees would be removed. The owner understands that he would be at risk if the city would need to reconstruct the retaining wall and that the owner may have to cover the cost to put the retaining wall back in. This would not set a precedent because it is a unique situation. Other sites do not have the right-of-way situation this one does. He was available for questions.

Sewall asked if 12 stalls would solve the parking problem. Mr. Sarver said that 12 stalls would help because there is currently a month-to-month lease with the adjacent property. The business benefits from having as many employees on this site as possible. The business would like to stay at the location as long as possible.

Powers asked when he thought the business would outgrow 90 parking stalls. Mr. Abraham said that the site would be kept as a headquarters even if part of the business expanded to another location.
Mr. Abraham noted that the business encourages employees to ride share, utilize transit, and bike to work. Customizing flexible work hours from 6:30 a.m. to 6:30 p.m. is encouraged to reduce congested peak times.

Calvert asked how many stalls the business would be short if the proposed 13 stalls would be approved. Mr. Abraham estimated 30 parking stalls.

Chair Kirk noted that large vehicles may extend into the drive aisle if parked in stalls 18-feet in length. Mr. Abraham said that most of the workers have small vehicles.

In response to Powers’ question, Mr. Sarver stated that the applicant would be responsible for the cost of fixing the retaining wall if it would be damaged during construction of the proposed parking stalls. Mr. Abraham agreed.

Calvert asked when part of the business would be moved to a different location. Mr. Sarver estimated in this third quarter. The applicant needs the proposed stalls to keep the core group in the building as it is. Once one group of employees would be moved out of the building, then changing the first floor back to parking would be considered. The business wants this location to be the long-term headquarters and to have the auxiliary businesses close by in proximity. Since the company is so young, he wants to ensure that there would be enough parking for the employees to occupy this building.

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

Knight thought that the site has the worst ratio of pervious and impervious surfaces in the area. He asked if the site would meet the pervious surface requirements. Dietrich stated that if additional impervious surface would be added to the site, then stormwater management practices would have to be incorporated to treat for the additional impervious surface elsewhere on the site.

Thomas explained that an office site is allowed to have up to 85 percent of the site be impervious surface. The site is currently made up of approximately 70 percent of impervious surface. There is landscaping on the east part of the site where stormwater management practices could be added.

Powers asked if the encroachment agreement would stay with the property or apply only to this tenant. Thomas explained that the city would be a party in the agreement and would be involved in creating the terms of the agreement.
Powers liked the fact that the business is growing. Minnetonka needs healthy, young businesses. If the applicant would be willing and able to prove that it could absorb the cost of fixing the retaining wall and the encroachment agreement would apply only to this applicant, then he would support the application.

Calvert supported the growing business and would like to keep the business here, but the proposal would be providing a permanent solution to a temporary problem. She hoped there would be a solution to keep the core employees at the current building. The parking issues may dissipate once part of the business expands to a new location.

Calvert felt that the proposal would set a difficult precedent. She asked if the site currently meets parking requirements. Thomas explained that, based on the square footage of the building and the office use, the site is required to have 76 parking stalls. The site currently has 77 parking stalls. Calvert felt that the parking obligation is being met. She hoped that the rented parking spots would help the applicant alleviate the situation until the business is able to expand to another location.

Calvert moved, second by Sewall, to recommend that the city council adopt the resolution denying the major amendment to the existing master development plan, parking setback variance, and an encroachment agreement for parking lot expansion at Minnetonka Executive Plaza at 10275 Wayzata Boulevard.

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

The city council is tentatively scheduled to review this item at its meeting on July 10, 2017.

C. A conditional use permit for Creo Arts and Dance Academy at 3792 Williston Road.

This item was removed from the agenda.

D. Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue.

O’Connell recused himself from discussion and action on this item.

Chair Kirk introduced the proposal and called for the staff report.
Resolution No. 2017-

Resolution denying an amendment to the existing Minnetonka Executive Plaza master development plan, parking setback variance, and encroachment agreement for parking expansion at 10275 Wayzata Boulevard

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

Section 1. Background.

1.01 In 1998, the city council adopted a revised master development plan and final site and building plans for construction of an office building on the property located at 10275 Wayzata Boulevard.

1.02 The property is legally described as Lot 1, Block 1, Custom Research.

1.03 The approved site and building plans included a three story, roughly 27,000 square foot building. The first story of the building was to be occupied by interior parking stalls and the second and third stories occupied by office space. The plans met minimum parking standards.

<table>
<thead>
<tr>
<th>Office Area</th>
<th>16,500 sq.ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Parking</td>
<td>66 stalls (1 stall/250 sq.ft.)</td>
</tr>
<tr>
<td>Interior Parking</td>
<td>21 stalls</td>
</tr>
<tr>
<td>Exterior Parking</td>
<td>54 stalls</td>
</tr>
<tr>
<td>TOTAL Constructed Parking</td>
<td>75 stalls</td>
</tr>
</tbody>
</table>

1.04 In 2003, a building permit was issued to convert a portion of the first floor of the building into office space. This permit should not have been issued, as it negatively impacted the parking situation on the site.

<table>
<thead>
<tr>
<th>Office Area</th>
<th>19,008 sq.ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Parking</td>
<td>76 stalls (1 stall/250 sq.ft.)</td>
</tr>
<tr>
<td>Interior Parking</td>
<td>13 stalls</td>
</tr>
<tr>
<td>Exterior Parking</td>
<td>53 stalls</td>
</tr>
<tr>
<td>TOTAL Constructed Parking</td>
<td>66 stalls</td>
</tr>
</tbody>
</table>
1.05 In 2014, the city approved a major amendment to the existing master development plan. The amendment allowed construction of 11 additional stalls on the site.

<table>
<thead>
<tr>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Interior Parking</td>
<td>13 stalls</td>
</tr>
<tr>
<td>Exterior Parking</td>
<td>64 stalls</td>
</tr>
<tr>
<td>TOTAL Constructed Parking</td>
<td>77 stalls</td>
</tr>
</tbody>
</table>

1.06 Civil Site Group, on behalf of property owner Wayzata Boulevard, LLC, is now proposing to restripe the existing parking lot and construct 12 new parking stalls on the north side of the site.

<table>
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<td>13 stalls</td>
</tr>
<tr>
<td>Exterior Parking</td>
<td>77 stalls</td>
</tr>
<tr>
<td>TOTAL Constructed Parking</td>
<td>90 stalls</td>
</tr>
</tbody>
</table>

1.07 The proposed new stalls would be partially located within public right-of-way and would require approval of a major amendment to the existing master development plan, parking setback variance from 20 feet to 0 feet, and encroachment agreement.

1.08 On June 22, 2017 the planning commission held a hearing on the request. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council deny the request.

Section 2. Standards.

2.01 By City Code 300.28 Subd. 12(c)(2), the parking requirement for general office buildings is one parking space for each 250 square feet of floor area with a minimum of 10 spaces required.

2.02 City Code §300.27 Subd. 5, outlines several items that must be considered in the evaluation of site and building plans.

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.
2.03 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The site currently meets minimum parking requirements as outlined in city code.

3.02 The proposed parking stalls would not meet the site and building plan standards as outlined in City Code §300.27 Subd. 5. While the proposed parking would benefit the property owner and building tenants, the parking would not be consistent with city code requirements. The parking stalls would not meet the minimum 20 foot setback requirement. Rather, the stalls would encroach onto public right-of-way.

3.03 The proposed parking stalls would not meet the variance standard as outlined City Code §300.07 Subd. 1, specifically as it relates to intent of the ordinance and reasonableness. The intent of the ordinance as it pertains to parking setback requirements is to ensure adequate separation between property lines and parking stalls for both aesthetic and safety reasons. The proposed parking would cross over the existing property line and be located within six feet of a large retaining wall that supports an existing public road. This setback, or lack thereof, is not reasonable and would not meet the intent of the ordinance.

3.04 The requested encroachment agreement is not appropriate.

1. The public right-of-way north of the site is encumbered by a retaining wall that physically supports Wayzata Boulevard. To accommodate the proposed parking, tree removal and grading would occur in close proximity to the wall. The stalls themselves ultimately would be located within six feet of the wall.

   a) The impact of construction of the parking on the structural integrity of the wall is unknown.
b) In the event that repair work or reconstruction of the wall is required in the future, the public right-of-way would be required to accommodate the repair or reconstruction. The parking stalls constructed in the area would likely be significantly impacted or removed.

2. The city has very rarely entered into encroachment agreements for use of city right-of-way and in those cases the rights-of-way encroached upon have been very large/wide and unencumbered by public improvements. The existing right-of-way north of the subject property is encumbered by a large retaining wall. Approval of the requested encroachment agreement may set an undesirable precedent for use of already encumbered public rights-of-way


4.01 The requested amendment to the existing Minnetonka Executive Plaza master development plan, parking setback variance, and encroachment agreement as described in section 1 of this resolution, is hereby denied.

Adopted by the City Council of the City of Minnetonka, Minnesota, on July 10, 2017.

______________________________
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 meeting held on July 10, 2017.
David E. Maeda, City Clerk
Addendum
Minnetonka City Council
Meeting of July 10, 2017

10A - Resolution approving a conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road

Attached is a change memo from the city planner correcting an erroneous address that was listed in the staff report.
Memorandum

To: City Council

From: Loren Gordon, AICP, City Planner

Date: July 10, 2017

Subject: Change Memo for July 10, 2017

10A Resolution approving a conditional use permit to allow the demolition and reconstruction of a larger accessory structure at 3841 Baker Road

Page 2 of the staff report has the address listed incorrectly. See below for the correct address:

Staff recommends the city council adopt the resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height at 4142 Avendale Street, 3841 Baker Road.