14A  Conditional use permit for a religious institution at 11021 Hillside Lane West; 2327, 2333 and 2339 Hopkins Crossroad; and 11170 Mill Run. Attached is correspondence received from the applicant after the packet was distributed.

Attached is correspondence received after the packet was distributed.
Dear Mayor and City council,

My name is Mike Anderson and I own the property at 11105 Hillside Lane West. I have recently found out about the Chabad project (last 2 months), because I was not getting the information about this project sent to me by the city, which has now been corrected.

Since I have not been included in most of the talks about this project, I have several concerns about this. I also feel that this is too dense of a use for this property and there are already too many traffic problems on this street. I have read some of the work that the neighborhood group put together, and I am in full support of these issues and feel the project should not be allowed.

1. Some issues that I feel affect my property more than any others, are the lack of any fencing to block the car headlights in the parking area and driveway. Since my property will be surrounded by the noise and headlights, I feel that my property should be afforded the same conditions that the other properties next to this, are being given. I have tried to work with the Chabad group and have have limited success. I have been promised things that I am still waiting on.

2. The more important safety issue is the location of their driveway coming out on Hillside if approved. My house is already located very close to the street and when my vehicle is parked in my driveway, it will be very hard to see around it, to have the recommended distance to be safe from the cars going east on Hillside. I do not have an option to park any other place, and feel that this has not be taken into consideration. If the driveway were to be moved farther East, that may help out sight lines, but will still be a safety issue.

   I already have major issues getting out, onto Hillside and feel that this will just increase the danger to my safety.

3. My last concern is the talk about this being a event based building, and it should not be looked at as having that many people using it except on given days. If this were the only such building there maybe a point to it, but this will be the sixth such building that is being serviced by this road. There are the 3 schools, the community center, the Adath, and if approved the Chabad. There are many times that there schedules do overlap and there are parking and traffic issues now. At what point is too many event based location, too Many.

I would like to thank you for taking the time to read this, and invite all of you to call me or stop by my property to discuss these issues or any question you would have.

Sincerely,

Mike Anderson
Subject: FW: Chabad Center for Jewish Life - Fencing/Landscaping

From: Michael Leirdahl<michaell@seifertleirdahl.com>
Sent: Friday, February 15, 2019 2:20 PM
To: Gabe Keller (gabriel@pkeller.com) <gabriel@pkeller.com>
Cc: 'rschack@eminnetonka.com' <rschack@eminnetonka.com>; Brad Wiersum (bwiersum@eminnetonka.com) <bwiersum@eminnetonka.com>; Bob Ellingson (bellingson@eminnetonka.com) <bellingson@eminnetonka.com>; Deb Calvert (dcalvert@eminnetonka.com) <dcalvert@eminnetonka.com>; 'mhappe@eminnetonka.com' <mhappe@eminnetonka.com>; 'tbergstedt@eminnetonka.com' <tbergstedt@eminnetonka.com>; 'joseph.soo@gmail.com' <joseph.soo@gmail.com>; 'kristin.soo@gmail.com' <kristin.soo@gmail.com>; 'SEF' <susaneflint@aol.com>
Susan Thomas (sThomas@eminnetonka.com) <sThomas@eminnetonka.com>; 'jwischnak@eminnetonka.com'; 'Loren Gordon' <lgordon@eminnetonka.com>

Subject: Chabad Center for Jewish Life - Fencing/Landscaping

Gabe,

Susan and I would like to review and clarify the situation regarding the existing and proposed fencing/landscaping between 2390/2391 Vernon Circle and the Chabad Center for Jewish Life as is currently proposed.

Petersen/Keller should realize that the current fencing is not adequate to provide the requisite buffering and screening for the use proposed by the project; an active and busy Chabad Center. The fence was put in originally by the previous owner of the Chabad property, constructed in a manner that is barely appropriate for single family homes and it is reaching the end of its lifespan. Active construction work will further deteriorate its condition. As neighbors we do not want to be wasteful and spend additional City, Chabad, and our time to negotiate later to get the fence replaced. The Chabad Center is built to last, and appropriate fencing should be put in place to compliment Chabad Center prior to landscaping. Furthermore, wouldn’t the project want a better looking and sturdier fence that is more in line with the design and architecture of the new structure?

Gabe, you may not be aware that there were discussions last year regarding the fence (and landscaping) between Soo/Chabad and Flint.Leirdahl/Chabad properties that were mandated by the City Council and mediated by Julie Wischnack and Loren Gordon of the City. These discussions yielded an agreement for a new fence that extended roughly 35 feet to the south of the south end of the current fence. A letter from Marvin Liszt (Attorney for Chabad, letter attached) stated that "The fence would start where the existing fence is located on the north side of the Flint property and run to a point which is 130’ south of the Flint/Soo property line".

Proper fencing is crucial to provide visual and sound shielding for the Soo’s and Flint.Leirdahl’s neighboring properties. The new architecture may not necessitate an 8 or 10 foot fence between Soo/Chabad and Flint.Leirdahl/Chabad, if the types of window screening and placement of trees are done properly. Also, with the new lower longer design that extends Chabad Center and its parking lot farther to the north, fencing on the Flint.Leirdahl/Chabad property line now needs to extend to the north end of the west property boarder. In addition, fencing will be required along the north property line between the Flint.Leirdahl/Chabad property line. Higher fencing there will be needed on that north side of the Flint.Leirdahl property to shield against headlights. The exact height of this fence section should be determined once the grade of the proposed Chabad driveway is completed and headlights can be used to determine the extent of light infiltration into the windows of the home at 2390 Vernon Circle. At this time the positioning of the trees in the landscape plan should be finalized.

The landscaping on the north side of the property at 2390 Vernon Circle also needs to be discussed. This section was not negotiated in the Council mandated discussion last year because it was not a part of the plan. We feel that that having a written agreement on this property boundary before the project moves forward will benefit everyone.
In the community meeting at Minnetonka City Hall on January 31st you presented the Chabad project to a select small group of neighbors and discussed its design with us. You spent significant time on concept and layout of the courtyard and its purpose for holding the outdoor activities for Chabad. Further, you represented that the 50 feet of ground to the east of the building would be natural landscaping with paths, conifer trees along the fence and deciduous trees planted as needed but that no planned outdoor activities would be held in this area. The design idea was to contain planned activities and their noise in the courtyard. We would like you to agree to include this as a condition of any CUP being approved regarding this application. This would ensure that the 50 feet east of the building would remain as “green space.”

It would be in all our interests to have an agreement on these issues prior to the February 25th City Council meeting. We look forward to working with you and the Soo’s to accomplish this.

Thank you for your consideration and prompt response.

Sincerely,

Michael Leirdahl and Susan Flint
2390 Vernon Circle
Minnetonka, MN 55305
612.810.7850 (Michael)
michaell@seifertleirdahl.com
susanfflint@aol.com
Copy
Jo and Kristen Soo
2391 Vernon Circle
Minnetonka, MN 55305
Michael,

Thank you for sending over your continued feedback. As I have mentioned in our past discussions, we are committed to designing a project that is a good neighbor. And his certainly means having a successful strategy for buffering the project from the surrounding properties with landscape elements (fencing, trees, burns etc.)—all elements we continue to refine our on-going design process in response to your and others feedback. We have been specifically working on the grading and landscaping regarding the impact of headlights, and I hope to have more information to you soon. I will also look more carefully, and then talk through, your new requests with our client.

Lastly, I believe notifications are being sent out by City staff, but it is my understanding that we have been moved off the agenda of the February 25th meeting to the March meeting. This has the benefit of giving us all more time to work through these issues more carefully.

Best,

Gabe

Gabriel Keller, Assoc. AIA
PETERSSEN/ KELLER architecture
1610 West Lake Street
Minneapolis, Minnesota 55408
612.353.4920 p
www.pkarch.com

From: Michael Leirdahl <michaell@seifertleirdahl.com>
Sent: Sunday, February 17, 2019 10:36 AM
To: Gabriel Keller
Cc: 'SEF'
Subject: FW: Chabad Center for Jewish Life - Fencing/Landscaping

Gabe,

The email address used on the first attempt to send this message on Friday was in error. I have forwarded the email so you can see who was copied.

Thank you,

Michael Leirdahl and Susan Flint
2390 Vernon Circle
Minnetonka, MN 55305
Gabe,

As we are very close to the date of Minnetonka Council Meeting that will be voting on the Chabad proposal I am reaching out to ask what plans PK/Chabad has made for screening the proposed Chabad driveway on the north side of our property at 2390 Vernon Circle.

Below is correspondence going back to February 17th on this subject and it would be beneficial for Chabad and us to have an understanding of what will be proposed at the Council meeting on March 18th. This will save council time if your plan is acceptable, then we will not have to speak to this issue at the Council meeting.

Your prompt, on point reply is appreciated.

Michael Leirdahl and Susan Flint
2390 Vernon Circle
Minnetonka, MN 55305
612.810.7850 (Michael)
michaell@seifertleirdahl.com
susaneflint@aol.com

Michael,

Thank you for sending over your continued feedback. As I have mentioned in our past discussions, we are committed to designing a project that is a good neighbor. And his certainly means having a successful strategy for buffering the project from the surrounding properties with landscape elements (fencing, trees, burns etc.)--all elements we continue to refine our on-going design process in response to your and others feedback. We have been specifically working on the grading and landscaping regarding the impact of headlights, and I hope to have more information to you soon. I will also look more carefully, and then talk through, your new requests with our client.
Hello Michael,

Thanks for reaching out again. Gabe is out of the state currently. I am not sure if he will be able to respond to you prior to Monday or not. If not, I can have him touch base with you during the day on Monday if you would like. We have submitted to the landscape architect’s plan which shows a berm with a fence located on the hillside of the berm as well as trees. We have created a section illustration showing that this is effective in blocking headlights to your property. According to Julie at the city, it should be posted publicly by the end of the day, so you will have access to everything that will be reviewed discussed!

Best,
Ryan

---

Michael Leirdahl  
Ryan Fish, AIA, LEED AP  
Senior Associate / Architect  
Licensed in MN  
PETERSSEN/KELLER architecture  
2919 James Avenue South  
Minneapolis, Minnesota 55408  
612.353.4920 p  
612. 203.2628 m  
www.pkarch.com  
ryan@pkarch.com

---

From: Michael Leirdahl <michaell@seifertleirdahl.com>  
Sent: Thursday, March 14, 2019 10:06 AM  
To: Gabriel Keller <gabriel@pkarch.com>  
Cc: 'SEF' <susaneflint@aol.com>; Ryan Fish <ryan@pkarch.com>  
Subject: RE: Chabad Center for Jewish Life - Fencing/Landscaping

Gabe,

As we are very close to the date of Minnetonka Council Meeting that will be voting on the Chabad proposal I am reaching out to ask what plans PK/Chabad has made for screening the proposed Chabad driveway on the north side of our property at 2390 Vernon Circle.

Below is correspondence going back to February 17th on this subject and it would be beneficial for Chabad and us to have an understanding of what will be proposed at the Council meeting on March 18th. This will save council time if your plan is acceptable, then we will not have to speak to this issue at the Council meeting.
Loren and Julie,

Thank you again for meeting with Mordechai, Aaron and myself and Mike Leirdahl and Jo and Kristin Soo on June 18 to discuss suitable landscaping plans between the Chabad and the Flint and Soo properties. I left the meeting feeling that we made good progress and seemed to reach a consensus on the outline of a plan that could work for all concerned. The following is an outline of that plan:

1. Chabad would construct and pay for a fence that would be situated 6' on its property running north-south between its property and the Flint/Soo properties. The fence would start where the existing fence is located on the north side of the Flint property and run to a point which is 130' south of the Flint/Soo property line.

2. As to the area between the Chabad and Soo property, Chabad would plant and pay for two rows of American Arborvitae trees (Thuja occidentalis) situated on the Chabad property, one on each side of the fence separating the Chabad and Soo properties. These trees are significantly wider than the typical columnar arborvitae and within a few years will create a visual and safety barrier between the properties.

3. As to the area between the Chabad and Flint property, Chabad would plant and pay for one row of Thuja occidentalis trees situated on the Chabad property on the east side of the fence. Again, within a few years this row of trees will create a visual and safety barrier between the properties.

4. The concessions made by Chabad in No. 1-3 provide the owners of the Flint and Soo properties with additional square footage since the fence is 6' on the Chabad property and provides them with a visual and safety barrier on the border of their properties all at the expense of Chabad.

5. As previously stated, upon the advice and dictates of its engineers and City Staff, Chabad will, of course, take measures to ensure storm water management on the site.

At the end of our meeting there did not seem to be a consensus regarding the height of the fence. Chabad believes a 6' fence is more than adequate for safety and visual purposes. In retrospect, a fence is probably not even necessary given the fact that the type of arborvitae planted will grow to at least 20' high thereby dwarfing any fence. In addition, these trees will ultimately be 10' to 12' wide creating a dense hedge obstructing the view of the fence on both sides of the Chabad-Soo properties. An example of how these trees create this effect can be seen along the driveway of the Adath Jeshurun Synagogue a few blocks away from the subject properties. In spite of these factors, Chabad will abide by the 6' fence proposal since it
previously agreed to this point as a part of a total landscaping plan.
Jo and Kristin mentioned an 8’ fence and Mike even suggested a 10’ one. Chabad strongly
asserts that a fence greater than 6’ is totally unnecessary for several reasons. First, within a
few years, the arborvitaes will exceed the height of each of these fences. Two, a fence will
block light from reaching these trees and the taller the fence the greater likelihood that the
trees will not adequately grow inhibiting their intended purpose. Third, since 8’ and 10’ fences
must withstand significantly greater wind loads than a 6’ fence, the cost of the foundation for
the posts, the cost of the superstructure (the portion of the fence structure above grade -- not
the fence boards), and the cost of labor will increase dramatically. Fourth, a higher fence
between the Chabad and Flint fence will not impact light spillage as Chabad has already
assured the neighbors that the lighting design will prevent light spillage onto their properties.
Finally, the suggestion of increasing the height of the fence strikes me as being somewhat
punitive considering all the above.
I am hopeful that the above outline and suggestions will get us to the “finish line.” Thank you
for your input and perseverance on this.

Marvin A. Liszt
Attorney at Law

Bernick Lifson, P.A.
5500 Wayzata Boulevard Suite 1200, The Colonnade
Minneapolis, MN 55416
Phone: (763) 546-1200
Fax: (763) 546-1003
BERNICKLIFSON.COM

Business Lawyers: See What makes us different
Minnetonka City Council Meeting - 3.18.2019

Request for CUP Stipulations on the Chabad Request for a CUP

If the City Council passes the CUP request for Chabad the Flint.Leirdahl’s and the Soo’s request the following stipulations are applied to the CUP.

Fencing on the west side of the Flint.Leirdahl/Soo property line with Chabad. This is requested by Michael Leirdahl, Susan Flint, Jo Soo and Kristen Soo.

1. That the applicant be required to install a new fence as agreed to in applicant’s attorney letter dated June 28, 2018 for the first CUP application. The fence should correspond with the Flint.Leirdahl/Soo Fence Proposal 3.18.19.
2. That the fence extends to the north end of the Flint.Leirdahl west property line. The fence should correspond with the Flint.Leirdahl/Soo Fence Proposal 3.18.19.

Fencing on the west side of the Flint.Leirdahl/Soo property line with Chabad. This is requested by Michael Leirdahl and Susan Flint.

1. The applicant’s team to meet with the Flint.Leirdahl’s on site when the weather and grading allows a test of headlights to confirm that the applicants plan is adequate to protect the Flint.Leirdahl’s enjoyment of their property. If the Flint.Leirdahl’s believe the Applicants plan in not adequate to protect their property meetings will continue until an agreement is reached with a maximum of 3 meetings. If the parties are unable to agree the City Council will make the decision.
2. That Julie Wischnack and Loren Gordan are the moderators for the meetings.
City of Minnetonka
- 22 Res. Developments
- 2 Com. Developments
- 68 Residential Lots
LAKE WEST
DEVELOPMENT, LLC

MORE THAN
- 18 Cities
- 72 Res. Developments
- 2 Com. Developments
- 319 Residential Lots
- 243 Multi-Family Units

Before Redevelopment:
Property Value: $37,060,000
Property Tax: $446,614

After Redevelopment:
Property Value: $293,872,000
Property Tax: $4,238,734

Financial Utilization Gain:
Property Value: $256,612,000
Property Tax: $3,792,120

Present Value of Financial Gain (Cap Rate 6%):
$63,202,000