Planning Commission Agenda

January 7, 2016—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: December 17, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   No Items

8. Public Hearings: Non-Consent Agenda Items

   A. Items Williston Woods West, a four lot subdivision at 5431 Williston Road.

      Recommendation: Recommend the city council approve the request (4 votes)

      • Recommendation to City Council (Tentative Date: January 25, 2016)
      • Project Planner: Jeff Miller, Consulting Planner

9. Adjournment
Notices

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

2. Applications scheduled for the January 21, 2016 Planning Commission meeting:

   Project Description: Yellow Brick Road Early Childhood Development Center, 10401 Bren Road E, is requesting a conditional use permit to operate a licensed day care for up to 135 students. As proposed, the building would be remodeled, and a fenced-in outdoor play area would be constructed on the southwest corner of the site.
   Project No.: 15035.15a                 Staff: Jeff Miller
   Ward/Council Member: 1—Bob Ellingson    Section: 36

   Project Description: Ron Clark Construction has added a retaining wall along the private driveway at 315, 319, 3232, & 327 Bellwether Path. The retaining wall requires a floodplain plain alteration permit; and a wetland setback and buffer variances.
   Project No.: 11003.15b                 Staff: Susan Thomas
   Ward/Council Member: 3—Brad Wiersum    Section: 04
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. **Roll Call**

Commissioners Magney, O'Connell, Odland, Powers, Calvert, Knight, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack and Acting City Planner Susan Thomas.

3. **Approval of Agenda:** The agenda was approved as submitted.

4. **Approval of Minutes:** November 19, 2015

   *Odland moved, second by Magney, to approve the November 19, 2015 meeting minutes as submitted.*

   *Magney, O'Connell, Odland, Powers, Calvert, Knight, and Kirk voted yes. Motion carried.*

5. **Report from Staff**

Wischnack briefed the commission on land use applications considered by the city council at its meetings of November 23, 2015 and December 7, 2015:

- Adopted a resolution approving a conditional use permit for an accessory apartment at Sunrise Drive West.
- Adopted a resolution approving a conditional use permit for Dunn Brothers Coffee.
- Reviewed a concept plan for Highview Villas.
- Adopted a resolution approving items to make additions to the Pagel Center.
- Reviewed a concept plan for redevelopment of the TCF Bank site.
- Adopted a resolution approving a conditional use permit for an accessory structure at 3707 Farmington Road.
- Adopted a resolution approving a conditional use permit for a daycare at Immaculate Heart of Mary church.
There will be a neighborhood meeting January 13, 2015 to discuss the city-owned property at Shady Oak Road near Main Street in Hopkins. That location and time have not been determined.

On January 20, 2015, there will be a final neighborhood meeting for the Glen Lake area to review the site plan and development strategies.

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

7. **Public Hearings: Consent Agenda**: None
8. **Public Hearings**

A. **Items concerning a hotel and daycare on the property at 6030 Clearwater Drive.**

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.

In response to Chair Kirk’s question, Thomas explained that if an outlot was shown without a use, then the applicant would have to request an amendment of the master development plan a second time. A separate application for a conditional use permit to operate a daycare is also required.

O’Connell asked what would happen if the proposed building was the same as the one approved with the 1983 master development plan. Thomas answered that the planning commission would still review the site plan relative to current ordinance standards.

Peter Deanovic, representing Buhl Investors, applicant, stated that he was available for questions. He worked with staff to create a concept and site plan consistent with the neighborhood.

Calvert asked if there would be sign other than the wall signs for the hotel. Mr. Deanovic stated that there would be a monument sign located at the front drive aisle that would meet city ordinance requirements. The signs being reviewed would be on the side of the building. The signs on the building would likely be visible from Interstate 494. The monument sign near Clearwater Drive would provide some direction to drivers.

Chair Kirk asked how long customers usually stay at an extended-stay hotel. Mr. Deanovic has found that this product appeals to the business traveler, so it could be a week or month-long engagement. Each unit is equipped with a kitchenette which allows for longer stays. If there is a stay that lasts longer than 30 days, there are legal rental considerations. The typical length of a stay is 2 days to 5 days.

Powers asked if there are restaurants in the area and if there would be one in the hotel. Mr. Deanovic stated that there would be no restaurant in the hotel. The closest restaurants are located off of Shady Oak Road and Highway 62.
Wischnack noted that she has received many calls from parties interested in adding restaurants in that area, but the city has not received a proposal.

Powers stayed in an extended-stay hotel in Chicago and there were no restaurants nearby. It took an hour to get a pizza delivered. He asked the applicant the reasoning behind making the hotel an extended stay. Mr. Deanovic stated that with all of the corporate entities in the area, the proposed type of room configuration is more appealing for corporate-type business travelers. Hilton’s new Home2 brand provides an upgraded, youthful, very clean and crisp delivery of space that fits the market given the corporate users in the area.

Calvert confirmed with Mr. Deanovic that the hotel would also appeal to a traveler who would stay one night and a traveler who returns to the area frequently. The brand plays to the day-to-day hotel user and the longer-stay traveler. There would be a breakfast buffet, pool, and fitness center.

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

Odland noted that the Hilton brand has a reputation for keeping their properties in great shape.

Calvert favored having amenities located near a long-stay hotel. The location seems a little isolated. The Marriott is doing well in Opus, but it has a full-service restaurant in it. She was concerned with viability. Chair Kirk noted that Clearwater Drive to Rowland Road connects the site to anywhere.

In response to Chair Kirk’s question, Thomas confirmed that a conditional use permit is required for any hotel use.

Chair Kirk asked for comments on the architecture, mass, parking, and traffic flow.
Powers likes that the site is somewhat isolated. There are more restaurants and modes of transportation now than in the 1980s. This type of hotel may attract a more serious business visitor who would be committed to getting business done rather than one who would want to go out at night. The owner of the hotel makes a difference on how it would be managed and maintained.

Calvert said that the black and white images look better than the color images. The landscaping not being included in the images may be affecting the appearance. The scale is fine.
Chair Kirk noted that real life looks better than the rendering. The size of the building for the space is reasonable. The proposed signage is on the edge of being acceptable. He is o.k. with the signs because this site has unique qualities. The visibility from Highway 169 and Highway 62 is important. The signs would not impede on much else in the area, particularly residential areas.

**Odland moved, second by O’Connell, to recommend that the city council adopt the following items pertaining to 6030 Clearwater Drive:**

1. **Ordinance approving a major amendment to the existing Minnetonka Corporate Center master development plan (see pages A40-A42 of the staff report);**

2. **Resolution approving preliminary and final plats (see pages A43-A45 of the staff report);**

3. **Resolution approving a conditional use permit for the hotel (see pages A46-A48 of the staff report);**

4. **Resolution approving final site plan for the overall site and final building plans for the proposed hotel (see pages A49-A59 of the staff report); and**

5. **Resolution approving an amendment to the Minnetonka Corporate Center sign plan (see pages A60-A62 of the staff report).**

**Magney, O’Connell, Odland, Powers, Calvert, Knight, and Kirk voted yes. Motion carried.**

**9. Adjournment**

**Odland moved, second by Magney, to adjourn the meeting at 7:11 p.m. Motion carried unanimously.**

By: ____________________________

Lois T. Mason  
Planning Secretary
Minnetonka Planning Commission Meeting
January 7, 2016

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)
Minnetonka Planning Commission Meeting
January 7, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
January 7, 2016

Brief Description

Items concerning Williston Woods West, a four-lot subdivision at 5431 Williston Road:

1) Ordinance rezoning the property from R-1 to PUD;
2) Master development plan;
3) Preliminary plat; and
4) Final site and building plan.

Recommendation

Recommend the city council adopt the ordinance and resolutions approving the proposal.

Project No. 15028.15a

Property 5431 Williston Road

Applicant Lake West Development, LLC

Property Owner Williston Road, LLC

Introduction

In July 2015, the planning commission and city council conducted a concept plan review for redevelopment of the two properties at 5431 and 5439 Williston Road. As then proposed, the existing structures on the lots would have been removed and six new homes constructed. (See page A1–A3.) While generally expressing that such a development may provide a good transition between the commercial area to the south and east and the single-family residences to the north and west, the commission and council raised some concerns: (1) concern that the development would result in significant and undesirable impact to the site’s existing topography and trees; (2) concern that the number of units may be too high based on the site’s physical characteristics; and (3) that the public benefit required by the planned unit development (PUD) ordinance be met.

Lake West Development has now submitted formal applications and plans for redevelopment of the larger of the two properties; the 1.48-acre property at 5431 Williston Road. This property is currently zoned R-1 (low-density residential) and contains one single-family house. The applicant proposes to subdivide the property into four single-family residential lots with two shared driveways that provide access to Williston Road. The applicant is requesting that the property be rezoned from R-1 to PUD in order to have the flexibility to create smaller lots that will allow a smaller detached single-family housing type. At a net density of 3.1 dwelling units per acre, the proposed residential development would still be classified as low density residential. (See pages A5–A25.)
Proposal Summary

The following information 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**

  The property currently contains one single-family house, a detached garage, a small shed, and has a driveway with access to Williston Road. With just one single-family house developed on this 1.48-acre property, the site contains significant topography and trees. The site’s two high points are on the west side, where the existing house is located, and another one toward the southeast. In general, the site slopes upward from the west, Williston Road, and the south and slopes downward toward the northeast. The lowest points are in the northeast and southwest corners of the site. A block retaining wall is located adjacent to Williston Road in front of the existing house. There are 86 trees on the site, including 44 high priority trees, 40 significant trees, and two trees that are in poor condition. The treeline generally runs north-south through the center of the site. (See page A13.)

- **Proposed Use**

  The applicant is proposing to subdivide the property into four single-family residential lots with two shared driveways that provide access to Williston Road. The site’s existing structures would be demolished and removed prior to redevelopment of the site. The four proposed lots would each have frontage on Williston Road, including two external lots 65 ft in width and two internal lots 60 ft in width. All four lots would be 224 ft in depth. The two wider lots would be 14,595 sq. ft. and the two narrower lots 13,460 sq. ft. in area. The applicant’s intent is to create slightly smaller residential lots that allow development of a smaller housing type than on typical single-family residential lots, thereby providing a housing type that is desirable but not widely available in the community and providing a transition land use between the existing commercial area and single-family residential area to the north and west. (See page A18.)

- **Site Impacts**

  Construction on these four lots would require grading and filling to create adequate areas for building pads, driveways, and yards on the western half of the property. Boulder retaining walls are proposed for the south side of the property on Lots 3 and 4. An infiltration basin is proposed in the site’s northeast corner and a raingarden in the southwest corner to accommodate the increased stormwater drainage resulting from development of the site. The proposed grading will result in significant impacts and removal of high priority and significant trees. (See page A19.)
Primary Questions and Analysis

- **Is the use of PUD zoning appropriate for this proposed development?**

  Yes. PUD zoning may considered by the city when it would result in a public benefit defined in City Code Section 300.22 Subd 2. The proposed Williston Woods West housing development of smaller single-family residential lots would enable the following public benefits:

  - Provision of a housing type that is desirable to the city;
  - A mix of land use types; and
  - Development that is compatible with existing, surrounding development types and intensities that are not allowed in other existing zoning districts.

- **Is the proposed density appropriate for this site?**

  Yes. This property is designated as Low Density Residential (LDR) in the Comprehensive Plan, which allows densities of 1-4 dwelling units per acre. The proposed development would have a net density of 3.1 dwelling units per acre.

- **Are the proposed site impacts reasonable?**

  Yes. By reducing the number of proposed lots from the concept plan (5 to 4) and replacing the previous private loop street with two shared driveways, the proposed development has shifted the building pads and grading line west in order to reduce the impacts on the site’s topography and trees.

- **Is adequate parking provided on the site?**

  Yes. Each lot is able to accommodate parking for 4 cars, including 2 cars in each garage and adequate space for 2 cars to park in each driveway without obstructing the shared portion of the driveway.

- **Is a floor area restriction appropriate on the proposed lots?**

  Yes. One of the intended public benefits of the PUD rezoning for this proposed development is the provision of smaller lots with smaller housing types. However, the applicant’s plan proposes potential floor area ratios (FARs) substantially larger than those in the area and those that would be allowed if this smaller lot development were zoned R-1A.

<table>
<thead>
<tr>
<th></th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed PUD</td>
<td>0.35 to 0.38</td>
</tr>
<tr>
<td>Allowed R-1A</td>
<td>0.24</td>
</tr>
</tbody>
</table>
Maximum in area | 0.22

To ensure the intent of the PUD is met, staff has included a condition that new homes on the properties must comply with a 0.24 FAR maximum.

Summary Comments

The proposed Williston Woods West housing development would result in smaller single-family residential lots that enable this site to provide opportunities for a smaller and lower maintenance housing type that is desirable and not readily available in the community, yet still fits the density designated to the site by the Comprehensive Plan. The proposed subdivision of the site to four lots with two shared driveways enables the site’s development to be focused on the western half of the site, thereby reducing impacts to the site’s existing topography and trees. The proposed development also provides an appropriate transition land use between the existing commercial uses and single-family residential uses.

Staff Recommendation

Recommend that the city council adopt the following:

1) Ordinance rezoning the property from R-1, low-density residential, to PUD, planned unit development, and adopting a master development plan for the Williston Woods West housing development. (See pages A26–A29.)

2) Resolution approving a preliminary plat for the Williston Woods West housing development. (See pages A30–A34.)

3) Resolution approving a final site and building plan for the Williston Woods West housing development. (See pages A35–A45.)

Originator: Jeff Miller, AICP, Consulting Planner
Through: Susan Thomas, AICP, Principal Planner
Supporting Information

Surrounding Land Uses

Northerly: Single-family residential, zoned R-1
Easterly: Commercial, zoned B-2;
          Senior housing development, zoned R-5
Southerly: Single-family residential, zoned R-1
Westerly: Williston Road public right-of-way

Planning & Zoning

Guide Plan designation: Low Density Residential (LDR)
Current Zoning: R-1, low density residential

Concept Plans

This property was previously part of the Kraemer’s redevelopment project that went through concept plan review in early 2015. As part of that project, Lake West Development proposed a multi-family residential apartment project on the larger development site.

In July 2015, the planning commission and city council each conducted a concept plan review for redevelopment of the two properties at 5431 and 5439 Williston Road. As then proposed, the existing structures would be removed and six new houses would be constructed. During the city council’s concept plan review, they generally expressed that such a development may provide a good transition between the commercial area to the south and east and the single-family residences to the north and west. However, some council members also generally expressed: (1) concern that the development would result in significant and undesirable impact to the site’s existing topography and trees; (2) concern that the number of units may be too high based on the site’s physical characteristics; and (3) that the public benefit required by the planned unit development (PUD) ordinance must be met.

City Council Ordinance Introduction

In August 2015, an application for PUD rezoning, master development plan, preliminary plat, and site and building plan was submitted for the Williston Woods West housing development. The application still proposed subdividing the two properties into six single-family residential lots, in spite of the concerns raised during the concept plan reviews. At the city council’s September 14, 2015 meeting, a PUD rezoning ordinance was introduced for Williston Woods West to give the city council the opportunity to review the new application before referring it to the planning commission for a recommendation. In general, city council members expressed their support for the proposed detached townhouses as a transitional land use between commercial to the south and east and
Subject: Williston Woods West, 5431 Williston Road

single-family residential to the north and west, as well as the applicant’s approach to fitting the site plan to the site’s topography. The council had primarily four concerns about the proposed development plan which they would like the planning commission and staff to evaluate: (1) the proposed density still seemed too high; (2) impacts to the site’s existing topography and trees; (3) do the proposed public benefits justify a PUD rezoning; and (4) ensuring adequate parking.

Application Revision

Staff’s evaluation of the proposed six-unit housing development focused on the proposed density, impacts to the site’s topography and trees, parking, and the public benefits necessary to justify a PUD rezoning. Based on staff’s evaluation and discussions with the applicant, the applicant chose to revise their application in October 2015. The applicant is now proposing to redevelop just the larger of the two original properties, which is 5431 Williston Road, for a housing development with four single-family residential lots. The original application proposed five lots on this property. Another significant change was replacing the private loop street with two shared driveways, which is preferable for provision of public utilities from Williston Road and allowing the proposed houses to be located closer to Williston Road, thereby increasing preservation of the site’s topography and trees.

Proposal Requirements

The proposal requires the following applications:

- **Rezoning from R-1 to PUD:** The subject property is currently zoned R-1 (low-density residential). The applicant requests that the site be rezoned to PUD (planned unit development). The planning commission makes a recommendation to the city council, who has final authority to approve or deny the rezoning request.

- **Master Development Plan:** Applications for rezoning a property to PUD are required to be accompanied by an application for a Master Development Plan. The planning commission makes a recommendation to the city council, who has final authority to approve or deny the Master Development Plan request.

- **Preliminary Plat:** The applicant is proposing to subdivide and plat this 1.48-acre property into four lots. The planning commission makes a recommendation to the city council, who has final authority to approve or deny the Preliminary Plat request.

- **Final Site & Building Plan:** City code requires that a site and building plan be reviewed and approved in conjunction with a PUD rezoning and Master Development Plan. The final site and building plan must be in substantial compliance with the approved Master Development Plan. The planning commission makes a recommendation to the city council, who has final authority to approve or deny the final site and building plan.
Lot/Building Dimensions

The PUD ordinance does not contain specific development standards for lots and buildings, such as lot area, lot width, lot depth, yard setbacks, and floor area ratio. Here are the proposed dimensions for these elements:

<table>
<thead>
<tr>
<th>Lot/Building Standard</th>
<th>Proposed Dimensions</th>
<th>R-1A Standards as Development Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot area</td>
<td>14,595 sq. ft. (Lots 1 &amp; 4) 13,460 sq. ft. (Lots 2 &amp; 3)</td>
<td>15,000 sq. ft.</td>
</tr>
<tr>
<td>Lot width</td>
<td>65 ft. (Lots 1 &amp; 4) 60 ft. (Lots 2 &amp; 3)</td>
<td>75 ft.</td>
</tr>
<tr>
<td>Lot depth</td>
<td>224 ft.</td>
<td>125 ft.</td>
</tr>
<tr>
<td>Front yard setback</td>
<td>40 ft.</td>
<td>35 ft.</td>
</tr>
<tr>
<td>Side yard setback</td>
<td>7 ft. (internal side yard) 10 ft. (external side yard)</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Floor area ratio (FAR)</td>
<td>0.35 (Lots 1 &amp; 4) 0.38 (Lots 2 &amp; 3)</td>
<td>0.24 (for lot area less than 17,500 sq. ft.)</td>
</tr>
</tbody>
</table>

The PUD ordinance establishes flexible development guidelines (Section 300.22 Subd 6a) for PUD uses. For low density residential uses, it identifies the R-1 zoning district standards as the development guidelines. Since the proposed smaller lots are more similar to the R-1A zoning district standards, it is reasonable to use R-1A standards as development guidelines for this proposed development also. Based on a comparison of the proposed development dimensions with the R-1A standards as development guidelines, staff finds that the proposed dimensions are appropriate with the exception of the floor area ratio (FAR). The applicant's site and building plan is proposing potential FARs of up to 0.35 and 0.38, which substantially exceeds the maximum 0.24 FAR of the R-1A zoning district. Since one of the intended public benefits of the PUD rezoning for this proposed development is the provision of smaller lots with smaller housing types, as a condition of approval, homes on the lots must comply with the 0.24 FAR maximum.

Natural Resources

- **Grading, Drainage and Erosion Control**

  The city engineer and natural resources staff have reviewed the Williston Woods West plans relating to grading, drainage, and erosion control. Best management practices must be followed during the course of site preparation and construction activities. As a condition of approval the applicant must submit a construction management plan detailing these management practices.
• **Tree Preservation**

The city’s natural resources staff has reviewed the Williston Woods West plans relating to tree preservation. The applicant’s grading, drainage and erosion control plan and tree preservation plan show the following quantity of trees for removal and preservation:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed Removal</th>
<th>% Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority Trees</td>
<td>44</td>
<td>13</td>
<td>30%</td>
</tr>
<tr>
<td>Significant Trees</td>
<td>40</td>
<td>23</td>
<td>57%</td>
</tr>
</tbody>
</table>

The proposal would meet the tree preservation ordinance. However, to reduce the amount of mitigation that would be required, conditions are included to adjust grading near the critical root zones and establish grading limits. Additionally, setback requirements are a condition from the east property line to protect the wooded natural condition of the east side of the site.

• **Stormwater**

The city engineer has reviewed the Williston Woods West plans relating to stormwater management. The proposed development triggers the city’s runoff rate control, runoff volume control, and water quality treatment requirements as identified in Appendix A of the City’s Water Resources Management Plan. The submittal indicates that stormwater will be managed through installation of two infiltration basins. On a preliminary review basis it appears the proposed system may be adequate; however, submittal of more detailed information and computations will be necessary to show that the proposed system meets the city’s stormwater management requirements.

The applicant’s proposed development will need to meet the rules of the Nine Mile Creek Watershed District, in addition to meeting city requirements.

**Outside Agencies**

The applicant’s proposed development will need to be submitted to the Nine Mile Creek Watershed District.

**Motion Options**

The planning commission has two options:

(1) Concur with staff’s recommendation. In this case a motion should be made to approve the proposal based on the findings outlined in the staff-drafted resolutions and ordinance.
(2) Disagree with staff’s recommendation. In this case a motion should be made recommending denial of the proposal. The motion should include findings for denial.

In this instance, the commission cannot table the request without written authorization from the applicant extending the statutory 120-day deadline.

Neighborhood Comments

The city sent notices to 532 area property owners and received no comments.

Deadline for January 26, 2016
Decision:
CONCEPT PLAN
CURRENT PROPOSAL
Williston Woods West

Minnetonka, MN
APPLICATION FOR REZONING,
PUD MASTER DEVELOPMENT PLAN,
AND PRELIMINARY PLAT

November 4, 2015
INTRODUCTION

Lakewest Development is pleased to submit this application for Rezoning, PUD Master Plan, and Preliminary Plat to create 4 homes at 5431 Williston Road (PID # 3311722110012). Our original application included plans for 6 single family homes on two parcels. However, based on staff comments, we have modified the plan to include just a single parcel with 4 single family homes and incorporate all staff comments. We anticipate that these high-demand, owner-occupied homes will be a great addition to the Glen Lake neighborhood.

PUD MASTER PLAN AND PRELIMINARY PLAT

Lakewest Development is requesting approval of a PUD Master Plan to create 4 detached homes served two shared driveways on Williston Road. Lakewest has been working with City planning staff to create a plan for a development that provides lower density residential than the formerly proposed multi-family residential project on the site, but still provides an important transitional density area from the single-family homes to the North to commercial uses to the South and East. Lakewest is proposing a product that has a high consumer demand in the area, multiple well-known custom home builders have already presented offers for the finished lots. The homes will feature a compact building footprint and a lower overall demand for space, decreasing owner maintenance while increasing the stability and overall appearance of the neighborhood.

Previously proposed development concepts for the site included higher-density multi-family housing, which City Council verbally supported throughout the planning process. As an important transitional link to the neighborhood community shopping center, grocery, and restaurants, the proposed product in this application provides a less-intense, but still higher density use, with a single-family feel. In addition, the product would still be compatible next to a higher-density housing development should that prospect come up in the future.

The subject property is currently zoned R-1, and is guided Low Density Residential in the Comprehensive Plan. Lots are designed to comply with the R-3 (Medium Density Residential) zoning district. While the current lots could be subdivided to allow for a traditional single-family product, the location of the lots leading to a commercial district on a well-traveled street makes this a less desirable location for potential buyers of a traditional single family product. Therefore, Lakewest is proposing a product with a slightly smaller building footprint on a smaller lot that has been very successful and is an attractive option for home-buyers looking to downsize and live within walking distance of a walkable neighborhood community.

Lakewest also considered options to develop the property according to the R1-A zoning standards. Lot layouts in the R1-A zoning district would involve significant loss of high-priority trees. Section 300.28 (19) e) 3. c. requires rezoning to a PUD if the development would remove more than 35% of the site’s high
priority trees. If the site were to be redeveloped under R1-A, 71% of the high priority trees would be removed. As proposed, only 29% of the site’s high-priority trees would need to be removed. Rezoning to an R1-A district also requires that the new lots be served by a new street. Due to the constraints of the parcels, a new street would result in a cul-de-sac serving four lots. The attached exhibit shows the impacts of subdividing the properties according to the standards of the R1-A zoning district.

Livable community
The proposed home product strengthens the neighborhood by providing safe, attractive access to the neighboring commercial areas and increasing eyes on the street. The proximity of the homes to the commercial amenities on Excelsior provides safer, attractive opportunities for residents to walk to nearby shops and to make stronger neighborhood connections.

The smaller building footprint and lot size benefits the greater community by increasing the tax base and providing additional local customers for surrounding businesses. Additional community members in a community that is largely built-out helps support continued growth in Minnetonka and provides opportunities for residents that want less maintenance to sell their larger home and stay in Minnetonka with a smaller home. This allows more mobility in the community for different types of residents to stay in Minnetonka.

The neighborhood feel of the homes and increased connectivity to nearby amenities creates a more livable, walkable, attractive community. The development of the site with smaller home sites is an asset to Minnetonka by providing more housing options for residents, and supporting long-term community growth.

PUD flexibility
Lakewest is requesting PUD flexibility for side, front, and rear setbacks and units being served by shared private driveways. The setbacks requested are as follows:

<table>
<thead>
<tr>
<th></th>
<th>Required Setback (R-3)</th>
<th>Proposed Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>35’</td>
<td>40’</td>
</tr>
<tr>
<td>Side yard</td>
<td>15’</td>
<td>10’ exterior</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7’ interior</td>
</tr>
<tr>
<td>Rear</td>
<td>40’</td>
<td>30’</td>
</tr>
</tbody>
</table>

The proposed development is being proposed with an intent to provide a transition between single-family residential to the north and the more intensive commercial uses to the south and east.
Lakewest is proposing 2 private shared driveways, rather than 4 separate driveways, in order to minimize the number of access points on Williston Road, providing safer ingress and egress for the new and existing residents.

Section 300.22 of Minnetonka’s City code says that PUD flexibility may be granted if it would result in one of the following public benefits:

a) Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development;
b) Provision of affordable housing;
c) Provision of a housing type or target housing price that is desirable to the city;
d) A mix of land use types;
e) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts; or
f) Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development;
g) Other public benefits as recognized by the city.

The proposed development would provide several public benefits identified in the Code, including:

a) Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development;

Tree Preservation. The design of the site minimizes tree loss on site by providing a smaller building footprint and minimizing non-pervious surfaces through the use of shared driveways. A cluster development with stepped down building pads allows for larger tree preservation and eliminates the need for mass grading of the site. Preservation provides many benefits to the community. They reduce the water capacity burden on public infrastructure, provide cooling effects in urban areas, and provide screening surrounding uses.

If the property were to be subdivided under a strict interpretation of the R-1 standards, private property owners could potentially cut down trees on the property. Approving the project as a PUD would give the City the opportunity to prevent long term tree loss on the property through a conservation easement.
**Topography.** In addition to saving trees on the site, the layout and density of the project allows for a reduction in the amount of soil disturbance on site. The proposed layout of the homes works in harmony with the existing topography allowing for potential variety of product types, including possible side-loaded walk out and lookout homes. The topography of the site is not conducive to the larger footprint of modern single family homes and would require more significant grading than is currently proposed. Shared driveways have less impact on the overall topography of the site than four individual driveways.

c) A mix of housing type or target housing price that is desirable to the city;

The City of Minnetonka’s 2030 Comprehensive Guide Housing Plan specifically describes the City’s role in achieving its housing goals, which include strengthening neighborhoods by improving the existing housing stock, and encouraging diversity in, among other items, the types and sizes of housing units available in Minnetonka. The 2030 Comprehensive Plan notes that 76% of the City’s housing stock is over 30 years old, emphasizing the need for continued reinvestment in new housing options that meet the requirement of providing a variety of lifecycle housing choices. In particular, the City has recognized the importance of providing housing options for seniors in the coming years. The proposed product type of this development may lend itself well to households preferring to downsize their homeownership commitment and minimize home and yard maintenance while still maintaining an independent single-family home experience. The City has also recognized in its Comprehensive Plan that its buildable land is nearly 100% developed and that infill development and redevelopment will be the primary ways to add new housing to meet these goals. Specifically, City action items include adding new housing units, where appropriate, while maintaining a balance of housing types in order to meet lifecycle housing needs.

d) A mix of land use types;

The proposed development would add a mix of land-density and use types to the area, providing a compelling option for Minnetonka residents who wish to downsize, but are not ready to give up a single-family-style home. This allows an attractive option for those residents that wish to stay in the community, but are looking for fewer maintenance commitments. In a community with fewer large-scale opportunities for higher-density land development, it is important to provide flexibility for alternative developments that provide a wide range of housing choices for residents. The proposed housing alternative will be an attractive alternative for many consumers.
e) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts;

The proposed housing is compatible with the existing, surrounding development types. Demand for a typical single-family home in this location is much lower due to the proximity of the properties to the neighborhood commercial uses on Excelsior and increased traffic loads on Williston. The smaller footprint and lot size home helps keep a low-density single-family character while providing a transition from single family residential to the high-intensity commercial uses along Excelsior. This preserves the feeling of a neighborhood and provides a high-demand product that is compatible with existing and future surrounding uses.

g) Other public benefits as recognized by the city.

The City of Minnetonka’s 2030 Comprehensive Guide Land Use Plan outlines the approach the City will use to address future demographic and overall city service challenges and opportunities in the coming years. Among other things, the approach includes preserving existing neighborhoods while broadening housing choice, revitalizing existing community and neighborhood commercial centers using a “village” concept, and to diversify housing opportunities in various mixed-use areas of the city. Specifically, the Land Use Plan notes the following overall themes:

- Stability in Established Areas
  - Redevelopment of the underdeveloped site proposed herein will help to preserve the existing neighborhood by meeting the evolving needs of future residents through a variety of residential options, maximizing the using of in-place infrastructure, and replacing current transient rental uses with long-term owner occupants.

- Increased Vitality
  - The proposed development will help to preserve economic vitality of the neighborhood commercial uses within Glen Lake.

PARKING

For the four homes, each would minimally have a two-car garage and a driveway that minimally holds two additional spaces. Section 300.28.12.2.a requires a minimum of two parking spaces for each single-family dwelling unit. We are pleased to be able to exceed this minimum requirement.
CODE COMPLIANCE

Section 300.22 Planned Unit Development District of the City of Minnetonka Code identifies General and Specific Standards for when a PUD may be approved:

Section 300.22.4 General Standards:

a) The PUD results in at least one of the public benefit as outlined in Section 300.22.2 of the ordinance.
   a. As noted above, we believe the site meets the intent of five areas of noted public benefits.

b) The PUD is consistent with and advances the community-wide goals of the comprehensive plan.
   a. As noted above, several public benefits are directly derived from the plans, strategies, goals, and approaches of the comprehensive plan. Most notably, diversity in housing, stability in established areas, and increased vitality within the Glen Lake Station area.

c) The PUD is appropriately integrated into existing and proposed surrounding development.
   a. The proposed PUD development provides an appropriate and meaningful transition from the commercial uses of Glen Lake Station and lower density residential housing to the north. In addition, the proposed PUD maintains the existing topography and natural resources (tree cover) which might otherwise be lost under existing zoning.

Section 300.22.5 Specific Standards

a) If a PUD includes provision of affordable housing, a specific housing type, or target housing price, details associated with the housing - including number of units, unit size, and price - must be documented in a legally-binding agreement approved by the city and recorded against the properties within the PUD.
   a. A specific home design or size has not yet been finalized, but once complete we will be happy to engage with City staff to comply with this provision if required.

b) If a PUD includes preservation of natural resources, those resources must be permanently protected through a conservation easement or other legally-binding agreement approved by the city and recorded against the properties with the PUD.
   a. We would propose a conservation easement to protect the natural resources of the site, namely the tree inventory to the East of the home pads.

c) A homeowners association must be established where appropriate to ensure on-going maintenance of infrastructure and public spaces, required restoration and management of natural areas, or other actions and activities specific to the PUD.
REZONING

Lakewest Development is requesting approval to rezone the subject properties from R-1 (Low Density Residential) to a Planned Unit Development District (PUD). Section 300.09 of the Zoning Code allows map amendments “whenever consistent with the public health, safety or general welfare” and specifies that “all amendments shall be consistent with the intent of this ordinance and of the Comprehensive Plan.”

Rezoning to a PUD would be consistent with the public health, safety and general welfare of the City and would support economic development in the City. Rezoning to a PUD would be consistent with the intent of the Ordinance and the Comprehensive Plan. The development would broaden housing choices in the City while maintaining the feel of a single-family neighborhood and preserve the City’s natural resources while encouraging sustainable practices. The proven success of the housing product-type, opportunities for residents to transition into a lower-maintenance living and freeing up housing stock for other families supports the longevity of the City, and contributes to taxes that support the high quality community that residents have come to expect from the City.

Lakewest is excited to provide a high-quality housing development in the City of Minnetonka. We look forward to presenting the PUD Master Plan and Preliminary Plat at Planning Commission on December 17th, 2015 and City Council on January 4th, 2015.

CONTACT INFORMATION

Any additional questions regarding this application can be directed to Reid Schulz at rschulz@landform.net or 612.638.0245.
Ordinance No. 2016-

Ordinance rezoning the existing property at 5431 Williston Road from R-1, low density residential, to PUD, planned unit development

The City Of Minnetonka Ordains:

Section 1.

1.01 The property at 5431 Williston Road is hereby rezoned from R-1, low density residential, to PUD, planned unit development.

1.02 The property is legally described in EXHIBIT A.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would provide public benefits, as:
   a) Provision of a housing type that is desirable to the city;
   b) A mix of land use types; and
   c) Development that is compatible with existing, surrounding development types and intensities that are not allowed in other existing zoning districts.

2. The rezoning would be consistent with the intent of the zoning ordinance and of the comprehensive guide plan.

3. The rezoning would be consistent with the public health, safety, and welfare.
3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:
   - Preliminary Plat (C0.2) dated 11-25-2015
   - Demolition Plan (C1.2) dated 11-25-2015
   - Site Plan (C2.1) dated 11-25-2015
   - Grading, Drainage and Erosion Control Plan (C3.1) dated 11-25-2015
   - Stormwater Pollution Prevention Plan (C3.2) dated 11-25-2015
   - Utilities Plan (C4.1) dated 11-25-2015
   - Construction Details (C7.1 and C7.2) dated 11-25-2015
   - Tree Preservation Plan (L1.1) dated 11-25-2015
   - Site Plan and House Elevations (A0) dated 9-14-2015
   - Williston Road Street Elevations, House Elevations, Landscape Plans, and Floor Plans (A1) dated 9-14-2015

   The above plans are hereby adopted as the master development plan for WILLISTON WOODS WEST.


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 January 25, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, 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 January 25, 2016.

__________________________________________
David E. Maeda, City Clerk
EXHIBIT A

South 250 feet of the north 456.5 feet of the west 257.31 feet of the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 117, Range 22, Hennepin County, Minnesota.
Resolution No. 2016-
Resolution approving the preliminary plat of WILLISTON WOODS WEST at 5431 Williston Road

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

Section 1. Background.

1.01 Lake West Development LLC has requested preliminary plat approval for WILLISTON WOODS WEST.

1.02 The property is located at 5431 Williston Road. It is legally described on Exhibit A of this resolution.

1.03 On January 7, 2016, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution.

2.02 By City Code §400.055, a variance to subdivision design requirements may be granted, but is not mandated, when the applicant meets the burden of proving that: (1) the proposed variance is reasonable use of the property; (2) the circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowners
convenience, and are not solely because of economic considerations; and (3) the variance would not alter the essential character of the neighborhood.

Section 3. Findings.

3.01 The preliminary plat would meet the design standards as outlined in City Code §400.030.


4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.
   a) The following must be submitted for a final plat application to be considered complete:
      1) A utility exhibit illustrating existing and proposed utility connections to each lot.
      2) A final plat drawing that clearly illustrates the following:
         a) A minimum 10-foot wide public drainage and utility easement adjacent to the public right-of-way and along the rear of lots to encompass the drainage path to Infiltration Basin B; minimum 7-foot wide public drainage and utility easements along all side lot lines.
         b) Public utility easements over existing or proposed public utilities, including the infiltration basin and the raingarden, as determined by the city engineer.
         c) Private utility easements over any existing or proposed service lines that cross shared property lines.
      3) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.
2. Prior to final plat approval:
   a) This resolution must be recorded with Hennepin County.
   b) The documents outlined in section 4.01(1)(a)(3) above must be approved by the city attorney.

3. Prior to release of the final plat for recording, submit the following:
   a) Two sets of mylars for city signatures.
   b) An electronic CAD file of the plat in microstation or DXF.
   c) Park dedication fee of $15,000.

4. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on January 25, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 25, 2016.

________________________________________

David E. Maeda, City Clerk
EXHIBIT A

South 250 feet of the north 456.5 feet of the west 257.31 feet of the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 117, Range 22, Hennepin County, Minnesota.
Resolution No. 2016-

Resolution approving final site and building plans for the
WILLISTON WOODS WEST at 5431 Williston Road

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

Section 1. Background.

1.01 Lake West Development LLC has requested approval of final site and building plans for the Williston Woods West housing development.

1.02 The property is located at 5431 Williston Road. It is legally described on EXHIBIT A of this resolution.

1.03 On January 7, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site and building plans.

Section 2. Site and Building Plan Standards and Findings.

2.01 City Code §300.27, Subd. 5, outlines several standards that must be considered in the evaluation of site and building plans. Those items are incorporated by reference into this resolution.

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

1. The proposal would result in a low density residential development consistent with the site's comprehensive guide plan designation. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water
resources management plan.

2. The proposal would be consistent with zoning ordinance standards.

3. The proposal would preserve the site’s natural topography and existing trees to the extent practicable. The houses are proposed to be situated on the western half of the site, which contains less slopes and trees. The applicant must provide mitigation for any tree removed that is outside the basic tree removal area.

4. The proposed housing development would result in a harmonious relationship of buildings and open space. By placing the houses near Williston Road, much of the site’s open space and natural features would be preserved.

5. The proposed housing development has been designed to complement the site’s existing topography, existing trees, and provide a transition land use between the commercial uses to the south and east and the single-family residential uses to the north and west.

6. As new construction, the building code would require use of energy conservation features.

7. In designing the proposed housing development, the applicant has given consideration to the site’s natural resources and compatibility with neighboring properties. The result is a thoughtfully-designed housing development, which would contribute to the city’s goals for providing a variety of desirable housing types.

Section 3. City Council Action.

3.01 The above-described site and building plans are hereby approved subject to the following conditions:

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

   a) Preliminary Plat (C0.2) dated 11-25-2015
   b) Demolition Plan (C1.2) dated 11-25-2015
   c) Site Plan (C2.1) dated 11-25-2015
   d) Grading, Drainage and Erosion Control Plan (C3.1) dated 11-25-2015
e) Stormwater Pollution Prevention Plan (C3.2) dated 11-25-2015
f) Utilities Plan (C4.1) dated 11-25-2015
g) Construction Details (C7.1 and C7.2) dated 11-25-2015
h) Tree Preservation Plan (L1.1) dated 11-25-2015
i) Site Plan and House Elevations (A0) dated 9-14-2015

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

a) The following must be submitted prior to the grading permit being considered complete and issued:

1) An electronic PDF copy of all required plans and specifications.

2) Three full-size sets of construction drawings and project specifications.

3) Final site, grading/drainage/erosion control, stormwater management, utility, landscape and tree mitigation, tree preservation, and a stormwater pollution prevention plan (SWPPP) for staff approval.

a. Final grading, drainage and erosion control plan must be revised to:

1. Clearly indicate the following, specific grading limits:

   • Lot 1 - grading may not occur within 117-feet of the east lot line unless otherwise approved by city staff except as illustrated on the grading and drainage plan dated November 25, 2015, to install the drainage swale along the north property line and to install the infiltration basin. Grading machinery and equipment may access the infiltration basin area on Lot 1 only along the northern 10-feet
of Lot 1 to minimize impacts to tree 105;

- Lot 2 - grading may not occur within 115-feet of the east lot line unless otherwise approved by city staff;

- Lot 3 - grading may not occur within 88-feet of the east lot line unless otherwise approved by city staff; and

- Lot 4 - grading may not occur within 83-feet of the east lot line unless otherwise approved by city staff.

2. Emergency overflow locations and elevations are required to be shown.

b. A final stormwater management plan with more detailed information and computations must be submitted to verify that the proposed system meets the requirements of the city's Water Resources Management Plan, Appendix A.

c. Final utility plan must provide additional information related to:

1. Replacement of any damaged portion of Williston Road.

2. Traffic control plan/detour plan which is required for the sewer and water service connection within Williston Road.

d. A final landscape and tree mitigation must include the following:

1. Landscaping and tree mitigation that meets the minimum requirements outlined in city code. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
2. Incorporate a combination of overstory deciduous trees, understory trees, evergreen trees, ornamental trees, shrubs, flowers, and ground cover materials.

3. An itemized plant material list to illustrate that the landscape value will meet city code requirement.

4. Any deciduous trees must be planted at least 15 feet behind the edge of trail or curb and evergreen trees at least 20 feet behind the edge of trail or curb.

5. Final seed mix to be planted in the infiltration basin and raingarden.

4) The following documents for review and approval of the city attorney:

   a. A stormwater maintenance agreement covering the infiltration basin and rain garden.

   b. Private shared driveway easements between Lots 1 & 2 and Lots 3 & 4, including a non-obstruction requirement in the actual shared portion of the driveways.

5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct utility and stormwater improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff.

   a. The city will not fully release the letters of credit or cash escrow until:

      • A final as-built survey has been submitted;

      • An electronic CAD file or certified as-built drawings for public infrastructure in
microstation or DXF and PDF format have been submitted;

- Vegetated ground cover has been established; and

- Required landscaping or vegetation has survived one full growing season.

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

7) A copy of the approved MPCA NPDES and MDH permits.

8) MPCA Sanitary Sewer Extension Permit is required for the additional service stub.

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

10) All required administration and engineering fees.

11) Evidence that an erosion control inspector has been hired to monitor the site through the course of grading and construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of grading and construction.

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

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

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

13) If compaction occurs within the infiltration basin or raingarden during site preparation and construction, decompaction will need to be completed by the developer prior to final grading of the site.

b) Prior to issuance of the grading permit:

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

2) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.

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

3. Tree removal on the site may not occur until issuance of a grading permit.

4. Prior to issuance of the first building permit in the development:

a) Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

b) The following plans must be revised to show two shared driveways rather than four individual driveways consistent with what the driveways that are shown on the site plan/typical house elevations plan (A0) and the landscape plan (L2.1).

   - Site plan (C2.1)
   - Grading, drainage and erosion control (C3.1)
   - Utilities (C4.1)
• Tree preservation plan (L1.1)

In addition, the shared driveway for Lots 1 & 2 should be adjusted to match the design of the shared driveway for Lots 3 & 4 so that a turnout is not necessary for the Lot 2 driveway. If this adjustment is not made, a turnout should be added to Lot 2's driveway.

c) Submit proof of subdivision registration and transfer of NPDES permit.

5. Prior to issuance of any building permit:

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

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

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

If the builder is the same entity doing grading work on the site, the cash escrow submitted at the time of grading permit may fulfill this requirement.

c) Submit all required new hook-up fees and any outstanding hook-up fees.

6. All principal structures within the development are subject to the following requirements:
<table>
<thead>
<tr>
<th></th>
<th>Lot 1</th>
<th>Lot 2</th>
<th>Lot 3</th>
<th>Lot 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>40 feet</td>
<td>40 feet</td>
<td>40 feet</td>
<td>40 feet</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>As defined by grading limits</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| Side Yard Setback   | 10 feet north  
7 feet south | 7 feet | 7 feet | 10 feet south  
7 feet north |
| FAR*                | 0.24 | 0.24 | 0.24 | 0.24 |

* floor area is defined as the sum of the following as measured from exterior walls: the fully exposed gross horizontal area of a building including attached garage space and enclosed porch areas and one-half the gross horizontal areas of any partially exposed level such as a walkout or lookout level. If a floor has a height in excess of 15 feet an additional floor will be assumed for every full 15 feet of interior building height.

7. All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

8. Retaining walls on the site must be engineered and constructed by the developer in conjunction with the mass grading of the site. Retaining walls should be privately owned and maintained. Encroachment agreements will be required for the retaining walls that will be located within the drainage and utility easements on Lot 1.

9. During construction, the streets must be kept free of debris and sediment.

10. Record drawings/tie cards of the new services and the existing services in relation to the new houses must be submitted to the city prior to issuance of a Certificate of Occupancy.

11. Individual property owners are responsible for replacing any required landscaping that dies.

12. This approval will expire on December 31, 2017.
Adopted by the City Council of the City of Minnetonka, Minnesota, on January 25, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 25, 2016.

David E. Maeda, City Clerk
EXHIBIT A

South 250 feet of the north 456.5 feet of the west 257.31 feet of the Northeast 1/4 of the Northeast 1/4 of Section 33, Township 117, Range 22, Hennepin County, Minnesota.