Planning Commission Agenda

January 21, 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: January 7, 2016

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. Wetland setback and buffer variances for a retaining wall generally located at 315, 319, 323, and 327 Bellwether Path.

      Recommendation: Adopt the resolution approving the request (5 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Susan Thomas

   B. Preliminary and final plat for Wilson Ridge.

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

      • Recommendation to City Council (Tentative Date: February 8, 2016)
      • Project Planner: Ashley Cauley
C. Items concerning a licensed day care facility at 10401 Bren Road East.

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

- Recommendation to City Council (Tentative Date: February 8, 2016)
- Project Planner: Ashley Cauley

9. Other Business

A. Concept plan review for Villa West at 16901, 16913 and 17101 State Highway 7.

Recommendation: Discuss concept plan with the applicant. No formal action required.

- Recommendation to City Council (Tentative Date: February 8, 2016)
- Project Planner: Susan Thomas

B. Concept Plan for Highview Villas, a residential development of properties at 4301 Highview Place and an adjacent, unaddressed parcel.

Recommendation: Discuss concept plan with the applicant. No formal action required.

- Recommendation to City Council (Tentative Date: February 8, 2016)
- Project Planner: Ashley Cauley

10. 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 February 4, 2016 Planning Commission meeting:

   Project Description: The city is proposing to amend the city code pertaining to the definitions and R-1A sections.
   Project No.: NA                      Staff: Susan Thomas

   Project Description: Glen Lake Study.
   Project No.: NA                      Staff: Julie Wischnack
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.
Call to Order

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

Roll Call

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

Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, Natural Resource Manager Jo Colleran, and planning consultant Jeff Miller of Hoisington Koegler Group, Inc.

Approval of Agenda: The agenda was approved as submitted.

Approval of Minutes: December 17, 2015

Odland moved, second by Magney, to approve the December 17, 2015 meeting minutes as submitted with the following modification:

Page 3: Calvert Odland confirmed with Mr. Deanovic . . .

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

Report from Staff

Wischnack briefed the commission on land use applications considered by the city council at its meeting of January 4, 2016 and on upcoming meetings:

- Adopted a resolution for items for a hotel on Clearwater Road.
- Reviewed and provided feedback for the concept plan for redevelopment of the TCF Bank building.
- There will be a neighborhood meeting January 13, 2016 at 3 p.m. at city hall to discuss redevelopment of the city-owned property on Shady Oak Road, the former Chalet Pizza site.
- There will be a Glen Lake neighborhood meeting January 20, 2016.
- The State of the City address will be held February 10, 2016.
- The boards and commissions dinner will be held April 27, 2016.
6. **Reports from Planning Commission Members**: None

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

8. **Public Hearings**

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

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

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

   Powers asked if the proposal includes a significant reduction in the number of parking stalls. The current proposal has been reduced to 4 single lots which would each be able to accommodate 4 vehicles. Miller stated that the Sanctuary project commissioners had previously referenced had 23 units and the driveway lengths were shorter. Powers noted that the Sanctuary is not on a main road. Thomas added that parking was a concern for the Sanctuary lots due to their odd-shaped driveways. The current proposal’s lots function as single-family lots which would each have a standard-size driveway.

   Miller stated that Parcel B could be used for a single-family residence.

   A resident stated that she was told that parking is not allowed on Williston Road.

   Calvert asked if there had been an investigation regarding the safety of accessing the proposed driveways from the busy road. Miller was unaware of a traffic study. Chair Kirk noted that a driveway with a turnaround might be advisable. Calvert noted that it might be possible for a driver to back into a neighbor’s driveway in order to exit the proposed residences.

   Chair Kirk asked staff to explain why the site was rezoned PUD instead of R-1A. Wischnack explained that the applicant proposed rezoning the site to a PUD. During the concept plan review, criteria to establish a public benefit was identified. Providing smaller houses on smaller-than-typical lots would be a public benefit. R-1A zoning would require each lot area to be 15,000 square feet.

   When asked what the difference would be between floor area ratios (FAR) of .24 and .35, Miller stated that the proposed houses would be 4,400 square feet in
size. For the proposed properties to reach an FAR of .24, the square footage of the houses would have to be reduced by roughly 1,000.

Chair Kirk noted that creation of the water retention pond would require removal of trees in the northeast corner. Colleran confirmed that three significant trees and two high-priority trees located in that area would be removed.

Chair Kirk asked if new trees could be planted in the area graded for the water retention pond. Colleran said that there would be an opportunity for planting shrubs or non-woody vegetation on the edges. A landscape plan would be required to comply with tree mitigation standards.

Calvert asked if she understood correctly that PUD zoning adds an opportunity for tree preservation through the use of conservation easements. Colleran explained that the proposal would meet R-1 tree preservation ordinance standards. Less than 35 percent of the high-priority trees would be removed and mitigation would be done for certain trees. A PUD requires a proposal to have an additional public benefit. This site does not have a woodland preservation area, so the city has not requested that it be placed in a conservation easement.

Miller clarified that a condition of approval would require the shared driveways for Lots 1 and 2 to be changed to match the shared driveways for Lots 3 and 4 and there would be a condition requiring a turnaround.

Powers asked how much of the 1.48 acres would become hard surface. Chair Kirk noted that the stormwater calculations would take that into account.

Powers said that his driveway and front lawn flood after every rain and it increased after new houses were built on Rainbow Drive. He was concerned that the intersection would be turned into a flood basin. Thomas answered that engineering staff have reviewed the proposal for consistency with stormwater management rules. The two infiltration areas would manage the site’s stormwater to meet the city’s rules.

Calvert questioned why a conservation easement would not be required. Colleran explained that conservation easements are used to protect high-valued woodland areas, high-valued trees, and wetland buffers. The existing trees are planted too close together and are not healthy enough for the city to put the resources into monitoring the area as a conservation easement.

Curt Fretham, of Lakewest Development, applicant, stated that:
• He was happy to answer questions.
• If the site would be zoned R-1A, then a street with a cul-de-sac would be needed which would increase the amount of hard surface coverage and tree loss dramatically.
• The driveway on the north two lots was designed in response to a request to keep the driveway as far to the north as possible because of sight lines. He is open to moving it to the south.
• The original proposal included an additional lot. It was a good plan. Staff requested the removal of one lot and circular drive lane.
• He has not had a chance to evaluate the FAR request. The 4,400 square feet figure includes 500 square feet of garage and the basement. It would take away the opportunity for the buyer to have a 3-car garage. He was sure something reasonable would be figured out. He was not sure what FAR would be needed by the builders.

Knight asked for Mr. Fretham’s thoughts on the smallest parcel. Mr. Fretham stated that it was not included in the application because there have been a number of options being considered including an apartment building, daycare, or another residence. It was left out to keep its options flexible. The house is occupied right now and the north one is vacant.

The public hearing was opened.

Charles Swanson, 5436 Williston Road, stated that:

• He is glad the proposal has moved to this point. The proposed site is currently deteriorating and not looking good.
• He asked for the distance between two houses and the price of the houses.

Ellen Swanson, 5436 Williston Road, stated that:

• It is difficult to back onto Williston Road. There is a hill north of the proposed site. A builder should consider creating a turn around. It could be very dangerous.
• She asked for the distances between each house and from each house to the curb.

No additional testimony was submitted and the hearing was closed.
Miller explained that each house would be required to have 7-foot side yard setbacks, so there would be a minimum of 14 feet between houses. The minimum front setback would be 40 feet from the house to the front property line. Chair Kirk noted that the proposed setbacks are not uncommon. Miller clarified that the front setback would be larger than what is required by R-1 and R-1A zoning.

Mr. Fretham estimated that the properties would sell from $400,000 to $600,000. Chair Kirk agreed that would be accurate for new construction even with .24 FAR.

Mr. Fretham identified a tree close to the street that was preserved when the street was improved. There is a large, block retaining wall around it. He thought it looked odd and suggested it be looked at and cleaned up at this time.

Knight likes this proposal the best of the various proposals for the site. He likes the driveway configuration the best. It would be a nice addition to the neighborhood.

Magney concurred with Knight. It would be a nice-looking development. He asked what would happen if the applicant could not make .24 FAR work. Thomas answered that the condition would prevent a residence with a FAR larger than .24 to be built without a change to the condition by the city council. Magney suggested that staff and the applicant work together on that condition and resolve it prior to the city council’s review of the application. In general, the planning commission can support staff’s recommendation to try to reach .24 FAR.

Powers had environmental concerns with water runoff and the increase in hard-surface coverage. Attention should be paid to how safe it would be to access Williston Road from a driveway.

Odland noted the location of an existing runoff, ponding area that is fairly sizable for the area.

Chair Kirk stated that Minnetonka lacks new single-family housing. This is one of the best proposals to date for this parcel. Requiring turnarounds should be a condition of approval. Wischnack clarified that it is a condition of approval.

*Odland moved, second by O’Connell, to 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 of the staff report).

2. Resolution approving a preliminary plat for the Williston Woods West housing development (see pages A30-A34 of the staff report).

3. Resolution approving a final site and building plan for the Williston Woods West housing development (see pages A35-A45 of the staff report).

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

9. Adjournment

Odland moved, second by Knight, to adjourn the meeting at 7:34 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
January 21, 2016

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)
Minnetonka Planning Commission Meeting
January 21, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
January 21, 2015

Brief Description  Wetland setback and buffer variances for a retaining wall generally located at 315, 319, 323, and 327 Bellwether Path.

Recommendation  Adopt the resolution approving the request

Background

Legacy Oaks is located in the northwest quadrant of the city. Approved in 2014, the medium-density residential development will ultimately include 125 dwelling units: 34 single-family homes, 28 twinhomes, and 63 condominium units. Of these dwellings, four will be located on a "peninsula" within the site’s largest wetland. These homes will be accessed via a private drive. (See pages A1–A2.)

In the summer of 2015, while conducting a regular inspection of the site, city staff noticed that a retaining wall had been constructed along the northwest side of the private drive. While a short wall had been reviewed and approved along the west side of a nearby cul-de-sac, this private drive retaining wall had not been previously reviewed or approved by staff.

Request

In its current location, the retaining wall requires: (1) a wetland setback variance from 25 feet to 10.75 feet; and (2) a wetland buffer variance from 16.5 feet to 10.75 feet. The wall also resulted in 330 square feet, and 4 cubic yards, of floodplain alteration. (See pages A3–A5.) While the variances may only be approved by authority of the planning commission, the floodplain alteration is within a threshold that may be administratively approved by staff.

Staff Analysis

Staff supports the setback and buffer variance requests for two reasons:

1. The setback and buffer variances could only be eliminated through removal of the wall and regrading and reestablishment of the slope between the private drive and the wetland. This does not seem a reasonable approach, particularly given number (2) below.

2. The requested setback and buffer variances are similar to other variances granted during the 2014 review and approval. It is highly likely that, had the wall been shown on the original plans, staff would have recommended approval of the variances at that time. (See pages A6.)
Staff Recommendation

Adopt the resolution approving wetland setback and buffer variances for a private drive retaining wall generally located at 315, 319, 323, and 327 Bellwether Path. (See pages A7–A9.)

Originator: Susan Thomas, AICP, Principal Planner
## Supporting Information

### Surrounding Land Uses

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<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>Northerly</td>
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<tr>
<td>Easterly</td>
<td>Single-family homes</td>
</tr>
<tr>
<td>Southerly</td>
<td>wetland</td>
</tr>
<tr>
<td>Westerly</td>
<td>wetland, single-family homes beyond</td>
</tr>
</tbody>
</table>

### Planning

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

### 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)

### Approving Body

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

### Appeals

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

### Neighborhood Comments

The city sent notices to 60 area property owners and received no comments to date.

### Deadline for Decision

April 11, 2016
Location Map

Project: Legacy Oaks
Applicant: Ron Clark Construction
Address: 315, 319, 323 & 327 Bellwether Path
Project No. 11003.15b

This map is for illustrative purposes only.
Friday, December 18, 2015

City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345
Attn: Susan Thomas

RE: Legacy Oaks
Subject: Variance and Flood Plain Alteration Permit Request

Dear Susan,
Attached are our applications for the variances and flood plain alteration permits related to the retaining wall that we constructed to the west of the private drive in Block 5 of Legacy Oaks.

Included for your review are the following:
1) Variance Application
2) Flood Plain Alteration Permit Application
3) Variance Exhibit
4) Practical Difficulties Worksheet (Narrative Below)

Narrative for Applications:
1) Describe why the proposed use is reasonable:
a. A variance is being requested which is similar to other variances granted for the project in this case being due to the close proximity of the private driveway and public trail to the wetland.

2) Describe: Circumstances unique to the property; Why the need for variance was not caused by the property owner; Why the need is not based solely on economic considerations:
a. Once grading was completed it was obvious to us that the private drive and public walking trail would be very difficult to stabilize and maintain due to the grade between the drive and the wetland to the West. We then decided to continue the originally planned retaining wall at the cul-de-sac to the south to stabilize the private drive and public trail. During the construction of the wall a small portion of the wall encroached on the edge of the floodplain. Our goal will be to mitigate the floodplain impact and complete the approximately 4cy of fill by June 1 of 2016 as soon as the weather allows in the spring.
b. The buffer will be restored along with our other development buffer restoration in the spring and summer of 2016. The planting and installation will be designed, monitored and constructed by our consultant Kjolhaug Environmental Services and our contractor Minnesota Native Landscapes.

3) **Describe why the variance would not alter the essential character of the neighborhood:**
   
a. We feel that the constructed retaining wall actually is an enhancement to the neighborhood and will stabilize the private drive and public trail above and will also be more maintainable than the previously designed steep graded slope.

Sincerely,

[Signature]

Michael R. Roebuck
President
Ron Clark Construction
<table>
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<tr>
<th>Lot 16, Block 6</th>
<th>Wetland Setback</th>
<th>Primary</th>
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<tr>
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<td>Deck</td>
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<td></td>
<td>Buffer</td>
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<td>Street</td>
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<td></td>
<td>Wetland Setback</td>
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<tr>
<td>Intersection of Bellwether Path and Legacy Oaks Trail</td>
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<td>5 ft</td>
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</tbody>
</table>

**FOR PURPOSES OF LEGACY OAKS:**

"PRIMARY" means house and garage

"ACCESSORY" means screen porch or covered deck
Planning Commission Resolution No. 2015-

Resolution approving wetland setback and buffer variances for a retaining wall, generally located at 315, 319, 323, and 327 Bellwether Path

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

Section 1. Background.

1.01 In 2014, the city approved the Legacy Oaks residential development. Four of the 125 dwellings within the development will be accessed via a private drive.

1.02 The dwellings will be located at 315, 319, 323 and 327 Bellwether Path. The lots are legally described as: Lots 1, 2, 3, and 4, Block 5, Legacy Oaks.

1.03 In 2015, the city noticed that a retaining wall had been constructed along the northwest side of the private drive. While a short wall had been reviewed and approved along the west side of a nearby cul-de-sac, the retaining wall adjacent to private drive had not been previously reviewed or approved by staff.

1.04 The retaining wall requires: (1) a wetland setback variance from 25 feet to 10.75 feet; and (2) a wetland buffer variance from 16.5 feet to 10.75 feet.

1.05 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances.

Section 2. Standards.

2.01 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 variance requests for the existing retaining wall meet the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of wetland setback requirements and minimum buffer widths is to ensure the physical protection and visual aesthetic of wetlands. The requested variances meet this intent. The level of impact relative to the size of the development’s wetland area would be minimal, and would not negatively impact the physical function or visual aesthetic of the wetlands.

2. CONSISTENT WITH COMPREHENSIVE PLAN: One of the primary goals of the comprehensive plan is to balance natural resource protection efforts with individual property rights. The requested variances are consistent with this goal. The variances would represent small intrusions into required wetland setback and buffer areas, but would allow for a medium-density development complying with comprehensive guide plan designation of the property.

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

   a) REASONABLENESS: The setback and buffer variances could only be eliminated through removal of the wall and regrading and reestablishment of the slope between the private drive and the wetland. This is not a reasonable approach, particularly given the unique circumstance and character of the locality

   b) UNIQUE CIRCUMSTANCE and CHARACTER OF LOCALITY: The requested setback and buffer variances are similar to other variances granted during the 2014 review and approval. Given this, it is highly likely that, had the wall been shown on the original plans, they would have been reviewed and approved that time.
Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variances based on the findings outlined in section 3 of this resolution. Approval is subject to the following condition:

1. A copy of this resolution must be recorded with Hennepin County.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on January 21, 2016.

Heather Odland, Acting Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 21, 2016.

Kathy Leervig, Deputy City Clerk
Introduction

The 2.17-acre subject property is located on the west side of Wilson Street, north of Highwood Drive. The property is improved with an approximately 1,000 square foot home originally built in 1948 and a 980-square foot accessory structure. The property slopes downward in all directions from the home, with an overall grade change of 32 feet. The property contains several mature trees, including 155 high priority trees and 37 significant trees. (See page A6.)

Proposal

Providence 55, LLC is proposing to divide the property into two, single-family residential lots. The existing home and accessory structure would be removed and two new homes would be constructed. The applicant is requesting approval of both preliminary and final plats. (See pages A1-A11.)

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 a few primary questions or issues. The following outlines both the primary questions associated with the primary subdivision on staff’s findings.

- **Are the proposed lots reasonable?**
  Yes. The proposed subdivision would result in two properties meeting and exceeding minimum R-1 standards.

- **Would the proposal meet the tree ordinance?**
  Yes. The property does not contain a woodland preservation area. However, it does contain 155 high priority and 37 significant trees. Based on the general grading plan submitted by the applicant, 52 high priority trees would be removed or significantly impacted. Since both of the proposed lots would exceed one-acre in size, the maximum threshold which limits the removal to 35 percent of the high priority trees resulting from a subdivision does not apply. Nonetheless, staff has
calculated that the proposal would result in a removal of 33.5 percent of the site's
high priority trees. (See pages A12-A13.)

Staff Recommendation

Recommend the city council adopt the resolution approving the preliminary and final plats
of WILSON RIDGE. (See page A22-A27.)

Originator: Ashley Cauley, Senior Planner
Through: Susan Thomas, AICP, Principal Planner
Supporting Information

Project No. 15036.15a

Property 4329 Wilson Street

Applicant Providence 55, LLC

Surrounding Land Uses But for Wilson Park which is located to northeast of the subject property, all surrounding land uses are single family residential homes, zoned R-1 and guided for low density residential areas.

Planning Guide Plan designation: Low density residential
Zoning: R-1

Lot Standards The proposed plat would meet all minimum standards:

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<th></th>
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<th>LOT 2</th>
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<tbody>
<tr>
<td>Lot area</td>
<td>22,000 sf</td>
<td>49,153 sf</td>
<td>46,632 sf</td>
</tr>
<tr>
<td>width at ROW</td>
<td>80 ft</td>
<td>122.5 ft</td>
<td>122.5 ft</td>
</tr>
<tr>
<td>width at setback</td>
<td>110 ft</td>
<td>122.5 ft</td>
<td>122.5 ft</td>
</tr>
<tr>
<td>Lot depth</td>
<td>125 ft</td>
<td>418 ft</td>
<td>418 ft</td>
</tr>
<tr>
<td>Buildable area</td>
<td>3,500 sf</td>
<td>&gt;29,600</td>
<td>&gt;29,400</td>
</tr>
</tbody>
</table>

Steep Slope By code definition, a “steep” slope is one that: (1) rises at least 25 feet; (2) has an average grade change of at least 20-percent; and (3) has a width of at least 100 feet. While the area near the “center” of the property has a significant grade change, it is not considered a steep slope by ordinance.

Grading As required by the subdivision application process, generalized home footprints, locations, and grading plans have been submitted by the applicant. Specific plans would be submitted and reviewed by staff at the time of building permit applications.

Trees Typically, the subdivision process limits the removal of high priority trees of a property to 35 percent. If more than 35 percent would be removed, the subdivision can result in no more than one lot per developable acre of land. The proposed lots of WILSON RIDGE would exceed one-acre in size. As such, the ordinance which limits the amount of removed high priority trees to 35-percent does not apply.

The property contains several matures trees of oak, pine, fir, birch, maple, basswood, ironwood, cherry, maple, spruce and walnut varieties. There are a total of 155 high priority trees on
site. Based on the generalized grading plans, 52 high priority trees would be removed as a result of direct removal or critical root zone impacts. This would total a loss of 33.5 percent of the site's high priority trees.

The proposal would be required to mitigate for the loss of high priority and significant trees outside of the basic tree removal area. Based on the general grading plans, the proposal would require an extensive amount of mitigation. Staff believes that the amount of mitigation could be significantly reduced if the grading limits were adjusted to reduce actual tree loss. (See pages A12-A13.)

**Wetland**

Initially staff believed that a wetland partially delineated by another applicant on the property to the southeast encroached onto the subject property. However, a wetland delineation has confirmed that the wetland does not extend onto the site. (See pages A14-A21.)

**Stormwater**

The site is located within 500 feet of a designated wetland. As such, storm water management in compliance with the city's stormwater resources management plan is required. While the proposal indicates some locations for possible rain gardens, specific stormwater management practices would be reviewed in conjunction with building permits for the new homes.

**Natural Resources**

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

**Motion Options**

The planning commission has three options:

1. Concur with the staff's recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the subdivision.

2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. The 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 include a statement
as to why the request is being tabled with direction to staff, the applicant, or both.

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 49 area property owners and received no comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>April 12, 2016</td>
</tr>
</tbody>
</table>
Location Map

Project: Wilson Ridge
Applicant: Providence 55, LLC
Address: 4329 Wilson Street
(15036.15a)
Preliminary and Final Plat
Approval Request Narrative

WILSON RIDGE
Minnetonka, Minnesota
December 14, 2015

Development Team

Developer: Providence 55, LLC, Bill Coffman
Civil Engineer: Alliant Engineering, Inc., Mark Rausch
Surveyor: Alliant Engineering, Inc., Dennis Olmstead

Site Information

Existing Legal Description: Commencing at the Northwest corner of Lot 4, Block 6, Woodstock; thence South on the East line of Wilson Street, 245.0 feet; thence East and parallel with the North line of said Lot 4, 295.18 feet to the East line of said Lot 4; thence North on the East line of said Lot 4, 245.0 feet to the Northeast corner of said Lot 4; thence West on the North line of said Lot 4, 295.31 feet to the place of beginning, Hennepin County, Minnesota.
Torrens Property
Torrens Certificate No. 814123.

That part of Lot 1 lying westerly of the northerly extension of the west line of Lot 2, Block 1, Swallow Hollow, Hennepin County, Minnesota.
Abstract Property.

Address: 4329 Wilson Street, Minnetonka, MN. 55345
PID: 2111722320039

Development Request

The proposed plan consists of subdividing an existing single family lot into 2 new single family lots meeting the City’s R-1 Low Density Residential District ordinance.

Existing Site Description

The property is home to one single family residence with outbuildings and driveway. The property is zoned R-1 Low Density Residential with a Low Density Residential land use designation. The property is wooded with drainage split in three ways; either to the southeast to an offsite wetland, west to Wilson Street right of way or northerly to the low area on the property to the north.
Proposed Subdivision Plan

It is the applicant’s intent to subdivide the existing 2+ acre single family lot into two 1+ acre lots. The existing buildings will be demolished and removed completely. The proposed plan will meet the existing R-1 zoning requirements and will be consistent with the property’s land use designation.

The following is a brief summary of primary project elements currently proposed:

**Proposed Plat Data**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Acreage</td>
<td>2.176 acres</td>
</tr>
<tr>
<td>Approximate Net Acreage</td>
<td>2.176 acres</td>
</tr>
<tr>
<td>Net Density</td>
<td>0.92 units per acre</td>
</tr>
</tbody>
</table>

**Lot Dimensions**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Width (at front setback)</td>
<td>110’</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>125’</td>
</tr>
<tr>
<td>Lot Size Minimum</td>
<td>22,000 sf</td>
</tr>
<tr>
<td>Lot Area Average</td>
<td>47,393 sf (1.09 acres)</td>
</tr>
<tr>
<td>Minimum Buildable Area</td>
<td>3,500 sf</td>
</tr>
<tr>
<td>Maximum Lot Impervious Coverage</td>
<td>25%</td>
</tr>
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</table>

**Setbacks**

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. One-Side Setbacks</td>
<td>10’</td>
</tr>
<tr>
<td>Total Combined Side Setback</td>
<td>30’</td>
</tr>
<tr>
<td>Front Setback</td>
<td>35’</td>
</tr>
<tr>
<td>Rear Setback</td>
<td>40’</td>
</tr>
</tbody>
</table>

**Site Access and Pedestrian Circulation**

The proposed plan will require the addition of two new private driveway connections to Wilson Street. No public sidewalks are proposed.

**Grading**

A sample grading plan has been provided to indicate how home grading would work for a home style that is likely to be proposed on these lots. The grading plan shows the estimated grading limits needed to construct a home, driveway and possible swimming pool on each lot. The grading plan does show hypothetical rain garden locations, however, it will be up to the future home/lot designer as to which stormwater management practices are used to meet the City stormwater management requirements.

**Stormwater Management**

Each proposed lot will be required to provide stormwater management in accordance with City requirements to mitigate the proposed impervious surface. The City requires that each lot retain stormwater volume on the site equivalent to the runoff volume from 1” over the proposed lot.
impervious surface. The final stormwater management design and calculations per lot will be provided at the time of building permit.

**Sanitary Sewer and Watermain**
The existing property has two sets of City water and sanitary sewer services. The services are spaced such that they are available for the two proposed lots. The southern set of services will be connected to the new southern lot. For the proposed northern lot, the sanitary sewer service is too shallow to provide service to the future home without a lower level grinder pump. In addition, that service is quite shallow for cold weather cover. The Developer is proposing to make a new sewer service connection in Wilson Street where the sanitary sewer is deeper and will allow for gravity service for the proposed home. The northern lot will be able to make use of the existing watermain service.

**Tree Preservation**
A site tree inventory has been completed in accordance with City zoning requirements. The trees were categorized into significant and high priority trees. The City has reviewed the property and determined that there is no woodland preservation area within the plat boundary. The proposed project does propose some high priority tree removal, however, the removal is well below the allowed 35% removal threshold.

**Landscaping**
The lots will be landscaped as desired by the future homeowner with no required tree reforestation mitigation. Any above ground stormwater management practices will be vegetated accordingly.

**Timing/Phasing**

If the City chooses to approve the plan submittal, it is the Applicant’s desire to proceed with obtaining home construction building permits.
WILSON RIDGE
MINNETONKA, MINNESOTA

DEVELOPER
PROVIDENCE 55, LLC
6102 OLSON MEMORIAL HWY.
GOLDEN VALLEY, MN 55422
PH: 763-432-4580
FX: 763-432-4580
CONTACT: BILL COFFMAN
EM: billcoffman@cbburnet.com

CONSULTANT
ALLIANT ENGINEERING, INC.
233 PARK AVENUE SOUTH
SUITE 300
MINNEAPOLIS, MN 55415
PH: 612-758-3080
FX: 612-758-3099

ENGINEER
MARK RAUSCH
LICENSE NO. 43480
EM: mrausch@alliant-inc.com

SURVEYOR
DENNIS B. OLMSTEAD
LICENSE NO. 18425
EM: dolmstead@alliant-inc.com

LANDSCAPE ARCHITECT
MARK KRONBECK
LICENSE NO. 26222
EM: mkronbeck@alliant-inc.com

PROJECT
LOCATION
WILSON RIDGE
4329 WILSON STREET
MINNETONKA, MN 55343

SHEET INDEX

NO.
1.
EXISTING CONDITIONS SURVEY
2.
PRELIMINARY PLAT
3.
SITE AND UTILITY PLAN
4.
GRADING AND DRAINAGE PLAN
5.
EROSION AND SEDIMENT CONTROL PLAN
6.
TREE INVENTORY AND PRESERVATION PLAN
7.
LEGAL DESCRIPTION

Commencing at the Northwest corner of Lot 4, Block 6, Woodstock; thence South on the East line of Wilson Street, 245.0 feet; thence East and parallel with the North line of said Lot 4, 295.18 feet to the East line of said Lot 4; thence North on the East line of said Lot 4, 245.0 feet to the Northeast corner of said Lot 4; thence West on the North line of said Lot 4, 295.31 feet to the place of beginning, Hennepin County, Minnesota.

Torrens Property
Torrens Certificate No. 814123.

That part of Lot 1 lying westerly of the northerly extension of the west line of Lot 2, Block 1, Swallow Hollow, Hennepin County, Minnesota.

NOTES

1. This survey and the property description shown hereon are based upon information found in the commitment for title insurance prepared by Custom Home Builders Title, LLC as agent for Old Republic National Title Insurance Company, file no. HB-30564, dated September 28, 2015.

2. The locations of underground utilities are depicted based on available maps, records and field locations and may not be exact. Verify all utilities critical to construction or design.

3. The basis of bearings is assumed.

4. All distances are in feet.

5. The area of the above described property is 94,785 square feet or 2.176 acres.

6. The Benchmark used in this survey is MnDOT disk marked FAHIL 1990 located approximately 1500 feet south of the property on the south side of Trunk Highway 7, approximately 73 feet east of Fair Hills Road has an elevation of 1015.13 feet NGVD 29.
High-priority trees
existing conditions
High-priority trees proposal
Memorandum

Date: September 22, 2015

To: Jo Colleran, City of Minnetonka

CC: Mark Rausch, Alliant Engineering

From: Melissa Barrett, Kjolhaug Environmental Services Company (KES)

Re: Site Assessment for Wetlands

4329 WILSON STREET, MINNETONKA

The 4329 Wilson Street site was examined on September 15, 2015 for the presence and extent of wetland. The site was located in Section 21, Township 117N, Range 22W, City of Minnetonka, Hennepin County, Minnesota. No wetlands were identified or delineated on the site.

The 2.18-acre site was located immediately east of Wilson Street, south of Lake Street Extension, and north of Highwood Drive (Figure 1). Site limits correspond to 4329 Street and Hennepin County PID 21-117-22-32-0039. The site is comprised of a single family home in the southwest corner, and a large shed/workshop in the center of the site. The home and shed were surrounded by small areas of mowed lawn, and the reminder of the site was wooded (Figure 2).

Review of NWI, Soils, and DNR Information

The National Wetlands Inventory (NWI) (Minnesota Geospatial Commons 2009-2014, https://gisdata.mn.gov/dataset/water-nat-wetlands-inv-2009-2014) showed part of a PFO1C wetland within the southeast site corner (Figure 3).

The Soil Survey of Hennepin County, Minnesota (http://soils.usda.gov/survey/geography/ssurgo/) did not show any hydric soils within site boundaries (Figure 4). A table of soil series data and hydric ratings is provided on the following page.
Soil Survey Information - 4329 Wilson Street, Minnetonka

<table>
<thead>
<tr>
<th>SMU</th>
<th>Map unit name</th>
<th>Hydric Rating</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>L2B</td>
<td>Malardi-Hawick complex, 1 to 6 percent slopes</td>
<td>0</td>
<td>0.7</td>
<td>32.30%</td>
</tr>
<tr>
<td>L2C</td>
<td>Malardi-Hawick complex, 6 to 12 percent slopes</td>
<td>0</td>
<td>0.7</td>
<td>32.40%</td>
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<tr>
<td>L2E</td>
<td>Malardi-Hawick complex, 18 to 35 percent slopes</td>
<td>0</td>
<td>0.8</td>
<td>35.30%</td>
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</tbody>
</table>

The Minnesota *DNR Public Waters Map, Hennepin County* ([https://gisdata.mn.gov/dataset/water-mn-public-waters](https://gisdata.mn.gov/dataset/water-mn-public-waters)) did not show any DNR Public Waters, Watercourses, or Wetlands within or near site boundaries (Figure 5).

The *National Hydrography Dataset* (U.S. Geological Survey, [http://nhd.usgs.gov/](http://nhd.usgs.gov/)) did not show any surface water features within or near site boundaries (Figure 6).

**Wetland Determinations and Delineations**

The 4329 Wilson Street site was examined on September 15, 2015 for the presence and extent of wetland. At that time, herbaceous growth was present, and leaves were present on trees and shrubs.

The southeast corner of the site was investigated for wetland criteria. The boundary of the NWI mapped PFO1C wetland was located using a sub-meter accuracy GPS unit (Figure 2). Based on GPS data, the NWI wetland is present at or below the 966-ft msl contour elevation. This elevation is 12 to 14 feet below the lowest elevation in the southeast corner of the subject site.

No wetlands were identified or delineated on the site.

This concludes the wetland assessment for the 4329 Wilson Street site in Minnetonka, MN.
Figure 1 - Site Location Map

4329 Wilson Street (KES 2015-155)
Minnetonka, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.
Figure 2 - Existing Conditions Map (2013 FSA Photograph)

Legend
- Site Boundary
- Approximate Offsite Wetland
- Hennepin County Lidar

4329 Wilson Street (KES 2015-155)
Minnetonka, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.
Figure 3 - National Wetland Inventory Map (2013 MN DNR)

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.
Legend

- Site Boundary
- Hydric/Predominantly Hydric
- Partially Hydric
- Non-Hydric/Predominantly Non-Hydric

Figure 4 - Soil Survey Map

4329 Wilson Street (KES 2015-155)
Minnetonka, Minnesota

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.
Figure 5 - DNR Public Waters Map

Note: Boundaries indicated on this figure are approximate and do not constitute an official survey product.
Figure 6 - National Hydrography Dataset Map (USGS)
Resolution No. 2016-
Resolution approving preliminary and final plats of
WILSON RIDGE at 4329 Wilson Street

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

Section 1. Background.

1.01 Providence 55, LLC has requested preliminary and final plat approval of WILSON RIDGE, a two lot residential subdivision.

1.02 The property is located at 4329 Wilson Street. It is legally described as follows:

Commencing at the Northwest corner of Lot 4, Block 6, Woodstock; thence South on the East line of Wilson Street, 245.0 feet; thence East and parallel with the North line of said Lot 4, 295.18 feet to the East line of said Lot 4; thence North on the East line of said Lot 4, 245.0 feet to the Northeast corner of said Lot 4; thence West on the North line of said Lot 4, 295.31 feet to the place of beginning, Hennepin County, Minnesota.

Torrens Certificate No. 814123.
That part of Lot 1 lying westerly of the northerly extension of the west line of Lot 2, Block 1, Swallow Hollow, Hennepin County, Minnesota.

1.03 On January 21, 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 design standards for residential subdivisions. These requirements are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.


4.01 The above-described preliminary and final plats are hereby approved, subject to the following conditions:

1. Prior to the release of the final plat for recording purposes:
   a) Submit the following:
      1) Two sets of mylars for city signatures.
      2) An electronic CAD file of the plat in microstation or DXF.
      3) Park dedication fee of $5,000.
      4) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.
   b) This resolution must be recorded with Hennepin County.

2. Prior to issuance of a building permit for each lot:
   a) Submit a letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
   b) Submit a grading and tree removal plan. This plan must be in substantial conformance with Grading and Tree Preservation plans dated December 14, 2015 and the following requirements:
      1) The grading limits must be adjusted to reduce impacts within the critical root zone to below 30-percent for the
trees listed below:

a. The row of evergreen trees along the north lot line. This includes trees 749, 762, 765, 772, 774, and 776.

b. The trees along the slope south of the driveway shown on the north lot. This includes trees 705, 717 and 718.

2) The utility work must minimize impacts to adjacent trees and is subject to the review of the city’s natural resources staff. Specific to the north lot, impacts to the trees on the north and south side of the proposed services should be avoided.

3) Raingardens and any other stormwater management practices must be adjusted to minimize tree impacts.

c) Submit a right-of-way permit for all work within the city’s right-of-way.

d) Submit a stormwater management plan for review and approval by the city engineer.

e) Submit a utility plan. This plan must be in substantial conformance with the utility plan dated December 14, 2015 and the requirements below:

1) If unused, the existing sanitary and sewer stubs must be removed back to their respective mains. The sewer wye must be removed and sleeved and the water service must be removed to the main with the corporation stop turned off.

2) To utilize the existing 1-1/2 inch service to Lot 1, the 8-inch stub originating on the east side of the manhole must be removed and replaced with a 6-inch stub. Additionally, provide a boot/fernco to create a watertight seal around the service at the manhole connection.

3) The new water service must be 1-1/2” copper.
f) Submit a construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

g) Submit evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.

h) Submit cash escrow in the amount to be determined by city staff. The 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.

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

j) Submit all required hook-up fees.

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

3. All lots and structures within the development are subject to all R-1 zoning standards. In addition:

a) Builder must confirm that the 1-inch service proposed to remain is adequately sized in the event that the proposed home must be equipped with a fire sprinkler system.

b) No grading or tree removal is allowed prior to the issuance of a building permit.

c) The lots 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.

4. Permits may be required from other agencies including Hennepin County, Riley Purgatory Bluff Creek Watershed District, and the MPCA. It is the applicant’s or property owner’s responsibility to obtain all necessary permits.

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

6. Unless the city council approves a time extension, the final plat must be recorded by February 8, 2017.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 8, 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 February 8, 2016.
David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION  
January 7, 2015

Brief Description  
Items concerning a licensed day care facility at 10401 Bren Road East:

1) Conditional use permit; and

2) Final site and building plans

Recommendation  
Recommend the city council approve the requests.

Introduction

Yellow Brick Road Early Childcare Center Inc. currently operates a childcare center in Plymouth. Yellow Brick Road, represented by Kristy Couture, is proposing to open a second location in the existing building at 10401 Bren Road East. At full capacity, the facility would be licensed for up to 135 students. Typical hours of operation would be from 6 a.m. to 6 p.m. Monday through Friday. (See the “Supporting Information” section of this report for more information.)

To accommodate the daycare, the applicant is proposing a significant amount of interior remodeling. No external modifications are proposed for the building at this time. The applicant submitted a site plan which converts a portion of the parking lot into a fenced-in play area. The proposal requires a conditional use permit and site and building plan approval. (See plans on pages A1-A7.)

Staff Analysis

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

1. Is the use generally reasonable?

Yes, the conditional use permit request is appropriate and would meet the standards outlined in city code. While the city’s industrial district does not contain any provisions for schools, daycares, institutions or gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and “other uses similar to those permitted in this section, as determined by the city.”

On several occasions, the city has reviewed daycares and schools under this “other uses similar to” provision. The city has found that daycares and schools
operate similarly to public buildings in which large groups of people gather at specified times for a specified purpose.

The only conditional use permit standard required by ordinance for public buildings is that the proposal must receive site and building plan approval. The proposal would meet all of the required standards for site and building plan approval. The standards and staff’s findings are outlined in the “Supporting Information” section of this report.

2. **Would the specific proposal be appropriate for the site?**

Yes, the proposed facility would be appropriate for the site. The subject property is in a mixed use area of residential, industrial and commercial land uses.

**Traffic and transportation**

Properties within the Opus Overlay District are allocated a maximum number of p.m. peak hour trips to avoid overloading the Bren Road and TH 169 interchange. The allocated number is not the number of trips at the driveway. Rather the maximum allocation is based on the zoning, land use and number of trips anticipated to use the interchange based on its proximity to the interchange. By ordinance, the subject property is allocated a maximum of three p.m. peak hour trips. At the request of the applicant, the city secured WSB & Associates to review the proposal for potential impacts of the proposal within the Opus area.

In addition to the review of the Institute of Traffic Engineers (ITE), WSB studied traffic patterns at the existing Yellow Brick Road site in Plymouth and the impact of the upcoming SWLRT on the proposal. The study found that the proposed daycare would generate seven p.m. peak hour trips to the interchange. This is four additional trips to the interchange than what is allocated for the property. As such, a trip generation fee is required to “purchase” the additional trips. More information can be found in the “Supporting Information” section of this report. (See pages A9-A16 for the full traffic study.)

**Upcoming LRT**

It is anticipated that construction of the Southwest Light Rail Transit (SWLRT) will begin in 2017. The design plans are still being formally developed. However, from the Opus Station the LRT line would generally run directly south to County Road 62. As shown on the current plans, the line would be located just to the west of the building on the subject property. (See pages A8.)

To accommodate the impact of the SLWRT on the Opus area, several road reconfigurations are proposed as city road projects. As proposed, Bren Road would be split into dual two way traffic, Yellow Circle Drive would be converted into a cul-de-sac and the traffic direction on Red Circle Drive would be reversed. It
should be noted, that these configurations would only occur if the SWLRT is implemented. The image below is intended to illustrate these reconfigurations.

![Map Image]

The proposal would not negatively impact the implementation of the SWLRT or the reversal of Red Circle Drive. However, as noted in the traffic study prepared by WSB & Associates, the implementation of the SWLRT and the reversal of Red Circle Drive would reduce the number of trips generated to the interchange.

**Summary Comments**

Staff finds that the proposal would be an appropriate use of the site and would not have significant impacts on the surrounding area. Staff also finds that the proposal would not negatively impact upcoming improvements, including the road reconfigurations and light rail transit.

**Staff Recommendation**

Recommend that the city council adopt the resolution on pages A18-A25. This resolution approves a conditional use permit and site and building plans for a licensed day care facility at 10401 Bren Road East.
Originator: Ashley Cauley, Senior Planner
Through: Susan Thomas, AICP, Principal Planner
## Supporting Information

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>15035.15a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>10401 Bren Road East</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Kristy Couture, on behalf of Yellow Brick Road Child Care, Inc.</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Northerly:</td>
<td>office building, zoned B-2, guided for mixed use</td>
</tr>
<tr>
<td>Easterly:</td>
<td>Distribution warehouse, zoned I-1, guided for mixed use</td>
</tr>
<tr>
<td>Southerly:</td>
<td>Office buildings, zoned I-1, guided for mixed use</td>
</tr>
<tr>
<td>Westerly:</td>
<td>Industrial building, zoned I-1, guided for mixed use</td>
</tr>
<tr>
<td><strong>Planning</strong></td>
<td>Guide Plan designation: Mixed use</td>
</tr>
<tr>
<td></td>
<td>Zoning: I-1, industrial</td>
</tr>
<tr>
<td><strong>Site Features</strong></td>
<td>The subject property is 1.2 acres in size and is improved with a surface parking lot and a 13,500 square foot warehouse. The property currently has access to Bren Road East via a shared access to the north and Yellow Circle Drive to the east. A 42-inch storm pipe and a paved pedestrian trail, that connects into the Opus pedestrian trail system, spans the south property line. The northern portion of the property is relatively flat. However, to accommodate the existing pedestrian tunnel, the property has some topography changes on the southern part of the property and the trail sits “lower” than the existing building. (See existing conditions survey on page A3.)</td>
</tr>
<tr>
<td><strong>Proposed Daycare Use</strong></td>
<td>At full capacity, the daycare would serve up to 135 children, ages birth to five years, and would employ up to 29 employees. Typical hours of operation would be from 6:00 a.m. to 6:00 p.m. Monday through Friday. Occasionally, the space may be used during the evening and weekends for parent educational classes, conferences and programs. The interior of the existing building would be remodeled to accommodate administrative offices, lounge areas, conference rooms and daycare rooms. (See narrative and plans on pages A2-A7.)</td>
</tr>
<tr>
<td><strong>Parking Lot and Outdoor play area</strong></td>
<td>Generally, city code parking requirements are based on land use and the size of the building in which that land use is occurring. However, this is not the case for daycare uses. Rather, city code parking requirements are related to the amount of users rather than the size of the occupied space.</td>
</tr>
</tbody>
</table>
By ordinance, one parking space must be provided for every six children based on the licensed capacity of the facility. As proposed, the facility would require 23 parking stalls.

The existing parking lot has 40 parking spaces. Three of which are proposed to be removed to accommodate the outdoor play area. Included as a condition of approval, the play area must be relocated outside of existing easements. This relocation will likely require the removal of additional parking stalls. Staff believes the removal of additional stalls will still allow for the required minimum of 23 parking spaces. Nonetheless, staff has included a condition of approval requiring that a minimum of 23 stalls be available on the property.

Traffic Generation

To avoid overloading the Bren Road and TH 169 interchange, all non-residential parcels within the Opus District are subject to trip generation requirements. Following the construction of the Bren Road Interchange, each property was allocated a maximum number of p.m. peak hour trips based on the property’s development potential and current zoning standards. It is important to note that this number is not the number of trips at the property driveway, but rather the number of trips calculated to use the interchange. By ordinance, the subject property is allocated three p.m. peak hour trips. This assumes that 20 percent of the trips to and from the property will use the interchange.

By ordinance, a site redevelopment which would increase the amount of trips generated to the interchange is required to pay a trip generation fee. Generally, the city reviews trip generation rates provided by the Institute of Traffic Engineers (ITE). By the ITE, the trip would generate a total of 22 p.m. peak hour trips.

At the request of the applicant the city secured WSB & Associates to perform a traffic study. The full study can be found on pages A9-A16. In summary, the study found:

- Using ITE rates, and the assumption that 20 percent of the trips would use the interchange, the proposal would result in 22 p.m. peak hour trips. This is 19 trips over the properties allocation.

- Trip counts observed at the existing facility in Plymouth resulted in a lower trip generation than expected, reducing the number of trips from 22 to 17, which is 14 trips over the allocation.
Using information gathered from Sunrise Montessori School, north of Bren Road East, it estimated that 20 percent of the students enrolled in the school have parents or guardians who live or work in the Opus area. This reduces the number of trips from 17 to 14, which is 11 trips over the allocation.

The implementation of SWLRT and the reversal of Red Circle Drive will further reduce the number of trips anticipated to use the interchange from 20 percent to 10 percent. This reduces the number of trips to the interchange from 14 to 7 trips, which is 4 trips over the allocation.

Ultimately, the study found that the proposal would generate an additional four trips to the interchange and would require a trip generation fee to “purchase” more trips. This allocation assumes the implementation of the SWLRT and the reversal of Red Circle Drive. In the event that neither occur, the applicant would be responsible to “purchase” the additional seven trips. This has been added as a condition of approval.

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;

   **Finding:** A public building is a conditionally-permitted use within the industrial district. The city has conditionally allowed daycares as a use similar to a public building under the “other uses similar to” section of this ordinance.

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

   **Finding:** The site is part of the Opus 2 development, which is guided for mixed use. The larger development includes industrial, commercial, office, and residential land uses.

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and

   **Finding:** The proposal has been reviewed by the city’s building, engineering, planning, natural resource and fire staff. Included as a condition of approval, the outdoor play area
must be relocated or reconfigured out of the existing drainage and utility easement at which time the proposal would not have any undue adverse impacts on existing or proposed services and facilities, including proposed SWLRT improvements.

4. The use is consistent with the city’s water resources management plan;

**Finding:** The proposal is consistent with the city’s water resources management plan. No significant changes are proposed to the property at this time.

5. The use is in compliance with the performance standards specified in Section 300.28 of this ordinance; and

**Finding:** The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building with minimal impacts to the site and exterior building. As such, a majority of the standards are not applicable.

6. The use does not have an undue adverse impact on the public health, safety or welfare.

**Finding:** Staff does not believe that the proposal would have an undue adverse impact on the public’s health, safety or welfare.

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**Specific CUP Standards and Site and Building Plan Standards**

City Code §300.21 Subd. 6(e) requires that public buildings must meet site and building plan standards as outlined in City Code §300.27. As the applicant is also requesting site and building plan approval, staff has included the standards and findings for both below:

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

**Finding:** The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with the city’s development guides.

2. consistency with this ordinance;
Finding: The proposal meets all minimum ordinance requirements.

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

Finding: At this time, the only exterior improvement is the conversion of a small portion of the existing parking lot and the construction of an outdoor play area. Included as a condition of approval, the applicant must submit a revised site plan and grading information for the outdoor play area. Staff will review the plan to ensure the proposal continues to reasonably preserve the site’s natural state.

4. creation of a harmonious relationship of buildings and open space with natural features and with existing and future buildings having a visual relationship to this development;

Finding: Staff reviewed the proposal to determine if it would have an adverse visual impact on existing and future developments. Staff determined that the proposal would not negatively impact the visual appearance of the property. However, the visual appearance of the surrounding area will change over time based on the subject property’s proximity to the future LRT line. Notably, the building on the property to the west will be removed in order to accommodate the future line. Further, based on the most recent LRT plans, grading for the line may extend into the subject property in order to raise the line approximately five feet above the existing grade.

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 site and provision of a desirable environment for occupants, visitors and the general community;

Finding: As currently proposed, a play area would be located on the southeast side of the building. This location would have little to no impact on the property’s interior circulation or sense of order. Included as a condition of approval, the applicant must relocate or reconfigure the outdoor play area out of the city’s easement. Staff will
review the revised plan to ensure it would not negatively impact the site's circulation.

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

**Finding:** As proposed, the proposal would have minimal impact on the existing open space on the property. Nonetheless, included as a condition of approval, the applicant must submit a landscaping plan. Further, mitigation would be required for the removal of landscaping on the property.

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

**Findings:** No changes to the exterior of the building are proposed at this time.

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

**Finding:** The applicant is proposing to convert a small portion of the existing parking lot into a fenced-in play area on the southeast side of the building. As proposed, the play area would not negatively impact the circulation of the site. Staff believes the play area can easily be relocated without negatively impacting existing circulation patterns.

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

**Finding:** The proposal is for the reuse and remodel of an existing building.

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

**Finding:** The proposal would not negatively impact adjacent or neighboring properties.

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 24 area property owners and received no comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion Options</td>
<td>The planning commission has the following motion options:</td>
</tr>
<tr>
<td>1.</td>
<td>Concur with staff’s recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.</td>
</tr>
<tr>
<td>2.</td>
<td>Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.</td>
</tr>
<tr>
<td>3.</td>
<td>Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant or both.</td>
</tr>
</tbody>
</table>

| Deadline for Decision | April 7, 2016 |
Location Map

Project: Yellow Brick Rd
Address: 10401 Bren Road E
(15035.15a)

This map is for illustrative purposes only.
Conditional Use Permit: Yellow Brick Road Early Childhood Development Center

Yellow Brick Road (YBR) intends to use the property at 10401 Bren Road East for early childhood development with the capacity of 135 students specializing in ages birth thru 5 years. In this single tenant space, we will have three infant rooms, two wobbler rooms, two exploring preschool rooms, two preschool rooms, and two prek rooms, as well as a gross motor area. All of our classrooms will follow NAEYC (National Association of the Education of Young Children) recommendations of 50 sq. ft. and all will include the standard requirement of sinks and toilets.

Administrative offices, a staff lounge, conference room, teacher work room and prep kitchen will also be included in the facility. On the East side of the building towards the back there will be two outdoor playgrounds, one for students up to three years of age and the other for students three and older. We intend to have enough space with in the outdoor area to plant a vegetable garden to enhance the students learning. The outdoor spaces will be fenced for the protection of the students.

YBR operates Monday thru Friday from 6am-6pm. On occasion, the space maybe used on nights and weekends for parents education classes, conferences and programs.

YBR will employ up to 29 early education professionals. The parking lot on the North side of the property will be used for employee parking. The Northeast corner of the parking lot will remain available for parents and will have at least 26 parking spaces available and meet ADA requirements for parking.

We are aware that the one way road system currently in affect will be changed to accommodate dual way traffic. This enhancement to the road way, will be a benefit to all the families that we will be serving in the area by allowing for easier access to our program. The time of day that traffic will be the heaviest will be 7:45-8:15am and 4:45-5:15pm. With a large parking lot to accommodate this, it should not impact local traffic patterns.

YBR has been in business for over ten years, is a four star parent aware and NAEYC accredited program. We are dedicated to supporting the families we serve and the community that supports them. We are excited for YBR to be entering your community and look forward to the impact we can make together.
THE INFORMATION ON THIS SITE PLAN WAS TAKEN FROM A SURVEY PREPARED BY REHDER AND ASSOCIATES, INC. ON 04-09-07
Proposed REMODEL For:

YELLOW BRICK ROAD
10401 Bren Road East
Minnetonka, MN 55343
ENROLLMENT SUMMARY

INFANTS: 3 ROOMS x 9 = 27
WOBBLERS: 2 ROOMS x 8 = 16
EARLY
PRE-SCHOOL: 2 ROOMS x 12 = 24
PRE-SCHOOL: 2 ROOMS x 17 = 34
PRE-KINDERGARTEN: 2 ROOMS x 17 = 34
TOTAL STUDENTS = 135
Memorandum

To: Ashley Cauley, Planning  
City of Minnetonka

From: Anthony Heppelmann, PE

Date: December 30, 2015

Re: Yellow Brick Road Daycare Traffic Study  
WSB Project No. 1502-64

Introduction

Yellow Brick Road Daycare is proposing to use the property at 10401 Bren Road East for an early childhood development center with the capacity for 135 students ranging in age from birth thru 5 years. The site location is shown on Figure 1. The company will operate Monday thru Friday from 6am to 6pm. On occasion, the space may be used on nights and weekends for parent education classes, conferences and programs. The purpose of this traffic study is to determine the following.

1. **The maximum number of pm peak hour trips at the Bren Road and TH 169 interchange that will be generated by the site between the hours of 4:00 pm and 6:00 pm.** The site is located within the Opus Industrial Park which has a trip generation ordinance that requires purchase of additional capacity at the Bren Road and TH 169 interchange if the site will generate more trips to the interchange than is allocated in the ordinance. This site has been allocated 3 pm peak hour trips based on the current industrial zoning of the site. This study estimates the number of pm peak hour trips that will be added to the Bren Road and TH 169 Interchange from the proposed land use.

2. **The potential impacts on traffic operations on other roadways within the Opus Industrial Park.** The trip generation estimate above addresses the potential impacts and mitigation associated with the Bren Road and TH 169 interchange. However the site access on Bren Road is evaluated to determine if any modifications are required at the access to the site. This analysis also considers the impacts of SWLRT and the reversal of Red Circle Drive.
Projected Trip Generation for Yellow Brick Road Daycare

The trip generation for the Yellow Brick Road Daycare was estimated using two different methods. The first method uses the applicable trip generation rates from the Institute of Transportation Engineers Trip Generation Manual (9th Edition). The second method estimates the trip generation based on the surveyed trip generation rates at Yellow Brick Road’s current facility at 16,000 41st Avenue North, Plymouth, Minnesota.

Table 1 shows the estimated trip generation for the proposed daycare based on the Institute of Transportation Engineers (ITE) Trip Generation Manual average trip generation rates. The average trip generation rates were based on 72 studies. The range in rates varied from .24 to 1.72. The Trip Generation Manual also provides an equation for a fitted curve. Based on this equation the proposed land use would generate 98 pm peak hour trips.

Table 1
Estimated Peak Hour Trip Generation of Yellow Brick Road Daycare in Opus
Based on Average ITE Trip Generation Rates (9th Edition)

<table>
<thead>
<tr>
<th>Average Trip Rate/Student</th>
<th>Estimated Trip Generation 1/</th>
</tr>
</thead>
<tbody>
<tr>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>PM peak hour</td>
<td>0.38</td>
</tr>
</tbody>
</table>

1/ Estimated Student Count of 135 Students

Based on discussions with the Yellow Brick Road Daycare they believe that this estimate is way above what they would generate for two reasons. First, many of their students have a sibling in the program and parents or guardians pick up more than one student. Second, some of the students have parents or guardians who work at the center. In order to determine the effect of these factors, WSB counted the traffic at an existing Yellow Brick Road daycare located in the City of Plymouth. This daycare currently has 62 students. This center has many parents and guardians who have 2 or 3 students in the program.

The traffic was counted on Tuesday, December 22, 2015. The owner indicated that all of the students were in attendance on the day of the count. The hours of operation for the Plymouth facility are the same as those proposed for the Opus site. Table 2 shows the traffic volumes that were counted during the pm peak hour between 4:00pm and 6:00pm. Table 2 also shows the current trip generation rates for the site based on the counted trips.

Table 2
Peak Hour Trip Generation of Yellow Brick Road Daycare in Plymouth
Current Student Count of 62 Students

This is below the ITE average rate and fitted curve but is within the range of the ITE surveys. It is also consistent with an average of 2 students per parent which would result in a trip generation rate of approximately 0.62 trips per student (62 students/2 students per vehicle *2 trips per vehicle – in and out). Not all students are picked up during the peak hour and there are some separate employee trips.

Table 3 shows the estimated trip generation for the proposed daycare in Opus based on the trip generation rates from the Plymouth daycare facility.

Table 3
Estimated Peak Hour Trip Generation of Yellow Brick Road Daycare in Opus Based on Trip Generation Rate from Plymouth facility

<table>
<thead>
<tr>
<th></th>
<th>Average Trip Rate/Student</th>
<th>Estimated Trip Generation 1/</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
</tr>
<tr>
<td>PM peak hour</td>
<td>0.32</td>
<td>0.31</td>
</tr>
</tbody>
</table>

I/ Estimated Student Count of 135 Students

The 85 pm peak hour trips is slightly less than the number from ITE rates but well within the range of ITE’s survey data.

Trip Distribution and Estimated Trips to Bren Road Interchange

The Trip Generation ordinance for the Opus Industrial Park assumes that 20% of the traffic generated by this site will use the Bren Road and TH 169 Interchange. Assuming 20 percent of the traffic uses the Bren Road and TH 169 interchange and the site pm peak hour trip generation of 109 (based on ITE Trip Generation rates), the site would add 22 pm peak hour trips to the Bren Road and TH 169 interchange, which is 19 trips over the site allocation of 3. Assuming 20 percent and the site trip generation of 85 pm peak hour trips (based on the surveyed trip...
generation rates) would result in 17 trips added to the Bren Road and TH 169 Interchange, which is 14 trips over the allocation for the site.

Yellow Brick Road daycare believes that a significant number of students will have parents who live or work within the Opus Industrial Park and therefore this will reduce the percentage that will use the Bren Road and TH 169 Interchange or they are already accounted for in the trip generation of other sites in the area. WSB checked with the Sunrise Montessori School on Bren Road East to see how many students had parents who lived or worked in the Opus Park. They indicated that 7 of the 35 students had parents who lived or worked in the Opus Park. This is 20 percent of the students. A 20 percent reduction in trips to the Bren Road Interchange for parents who live or work in the Park would reduce the trips to the Bren Road Interchange from 17 to 14.

Potential Impacts on Trip Distribution from Implementation of SWLRT and Reversal of Red Circle Drive

The implementation of SWLRT will change the access to the site and how traffic gets to the site. The proposed reconfiguration in the area of the site is shown on Figure 2. In the current conditions traffic from the Bren Road and TH 169 interchange would take Bren Road West to the connection to Bren Road East and follow Bren Road East to the site. To exit they would be able to access Bren Road East and follow Bren Road East to the Bren Road and TH 169 Interchange. Based on this configuration it was estimated that 20 percent of the traffic generated by this site would use the Bren Road and TH 169 Interchange.

In the future with implementation of the SWLRT and the reversal of Red Circle Drive it will be more difficult to get to or from the site from the Bren Road and TH 169 Interchange. Traffic from the Bren Road and TH 169 Interchange would take Bren Road West to Green Oak Drive to Bren Road East to Blue Circle Drive to Yellow Circle Drive to the site. Traffic leaving the site can only go west on Yellow Circle Drive to Shady Oak Road. At Shady Oak Road they can go south and use TH 62 or go north on Shady Oak Road. Traffic could go south and access Red Circle Drive to Blue Circle Drive to Bren Road East, but this is very circuitous. Because of the circuity of access back to the Bren Road and TH 169 Interchange from the site, very little if any of the exiting traffic would be expected to use the interchange. In the future with the implementation of SWLRT and the reversal of Red Circle Drive it is estimated that only 10 percent of the traffic generated by this site would use the TH 169 and Bren Road Interchange.

This would cut the number of trips generated by this site at the Bren Road and TH 169 interchange in half, reducing the estimated 14 pm peak hour trips to the interchange to 7 pm peak hour trips. This is 4 trips over the allocation for the site.
Figure 2

Proposed Realignment with SWLRT and reversal of Red Circle Drive
Impact on Bren Road East and Yellow Circle Drive Traffic Operations

The proposed land use on this site will generate 85 pm peak hour trips at the driveway access to the site with about 43 inbound and 42 outbound. The additional 42 trips at this location will have very little impact on the traffic operations on Bren Road East or Yellow Circle Drive. The traffic exiting the site will have a stop condition but should find more than enough gaps in traffic to safely enter either Bren Road East or West Circle Drive.

Conclusions

The following conclusions were reached from the analysis that was conducted for this traffic study of the proposed Yellow Brick Road Early Childhood Development center.

- Yellow Brick Road Daycare is proposing to use the property at 10401 Bren Road East for an early childhood development center with the capacity for 135 students ranging in age from birth thru 5 years.

- The site is located within the Opus Industrial Park which has a trip generation ordinance that requires purchase of additional capacity at the Bren Road and TH 169 interchange if the site will generate more trips to the interchange than is allocated in the ordinance. This site has been allocated 3 pm peak hour trips based on the current industrial zoning of the site.

- Using ITE Rates and the assumption that 20% of the site generated traffic will use the Bren Road Interchange will result in 22 pm peak hour trips to the Bren Road and TH 169 Interchange, which is 19 trips over the allocation for this site.

- A survey of the trip generation rates at a similar facility in Plymouth resulted in a lower estimate of the trip generation for the proposed site which reduces the estimated pm peak hour trips at the Bren Road and TH 169 interchange from 22 to 17, which is 14 trips over the allocation.

- Some of the parents and guardians who have students enrolled at the daycare will live and work in the Opus Park and not add trips to the interchange. The Sunrise Montessori school on Bren Road East estimated that 20% of their students have parents or guardians who live or work in the Opus Park. A 20 percent reduction would reduce the number of trips to the Bren Road and TH 169 Interchange from 17 to 14, which is 11 trips over the allocation.

- The implementation of the SWLRT and the reversal of Red Circle Drive will reduce the number of trips from this site at the Bren Road and TH 169 Interchange from 20% to 10%. This would reduce the actual number of pm peak hour trips to the Bren Road and TH 169 interchange from 14 to 7, which is 4 trips over the allocation.
• WSB recommends that that the best estimate of trips from the proposed use on this site to the Bren Road and TH 169 with the implementation of SWLRT and the reversal of Red Circle Drive is 7 pm peak hour trips, which is 4 trips over the allocation for the site.

• The existing roadway system that provides the direct access to the Yellow Brick Road site currently operates at a very good level of service since there are no conflicting flows. The pm peak hour trip generation from this site will have very little impact on the traffic operations on Bren Road East or Yellow Circle Drive.

• The future roadway system with the reversal of Red Circle Drive will also operate at a very good level of service. Again the proposed land use will have very little impact on the traffic operations for Yellow Circle Drive.
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Resolution No. 2016-

Resolution approving a conditional use permit and final site and building plans for a licensed daycare at 10401 Bren Road East

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

Section 1. Background.

1.01 Yellow Brick Road Early Childhood Center Inc., represented by Kristy Couture, has requested a conditional use permit for a licensed day care to occupy an existing building.

1.02 The property is located at 10401 Bren Road East. It is legally described as follows:

Lot 5, Block 11, Opus 2 Fourth Addition, Hennepin County, Minnesota.

Together with an easement for the installation, maintenance and operation of a driveway created by deed document recorded December 16, 1977, as Document No. 4342176, and referred to in Deed Document No. 4402360, over, upon and across that portion of Lot 4, Opus 2 Fourth Addition, described as follows: Commencing at the Northeast Corner of said Lot 4; thence South 7 degrees 14 minutes 43 seconds West along the East line of Said Lot 4 for a distance of 55 feet; thence Westerly, at a right angle, a distance of 19 feet; thence North 7 degrees 14 minutes 43 seconds East, parallel to the Easterly line, to the Northerly line of said Lot 4; thence Easterly, along said Northerly line, to the point of beginning.

1.03 City Code §300.20 Subd. 4(e) allows public buildings as conditional uses within the I-1 zoning district.

1.04 City Code §300.20 Subd. 4(k) allows “other uses similar to those permitted within this section, as determined by the city” as conditional uses within the I-1 zoning district.
1.05 The proposed daycare would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.

1.03 On January 21, 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 permit.

Section 2. Standards.

2.01 City Code §300.21 Subd. 2 lists the following general standards that must be met for granting a conditional use permit:

1. The use is consistent with the intent of the 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;
4. The use is consistent with the city’s water resources management plan;
5. The use is in compliance with the performance standards specified in §300.28 of the ordinance; and
6. The use does not have an undue adverse impact on the public health, safety and welfare.

2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. Site and building plan pursuant to section 300.27 of this ordinance.

2.03 City Code §300.27 Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:
1. Consistency with the elements and objectives of the city’s development guides, including the comprehensive plan and water resources management plan;

2. Consistency with this ordinance;

3. Preservation of the site in its natural state to the extent practicable 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 building;

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 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 arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of the 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 sign 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.
City Code §300.27 Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.21 Subd.2.

1. A public building is a conditionally-permitted use within the industrial district. The city has conditionally allowed daycares as a use similar to a public building under the “other uses similar to” section of the ordinance.

2. The site is part of the Opus 2 development, which is guided for mixed use. The larger development includes industrial, commercial, office and residential land uses.

3. The proposal has been reviewed by the city’s building, engineering, planning, natural resource and fire staff. Included as a condition of approval, the outdoor play area must be relocated or reconfigured out of the existing drainage and utility easement. At which point the proposal would not have any undue adverse impacts on existing or proposed services and facilities, including proposed SWLRT improvement.

4. The proposal is consistent with the city’s water resources management plan. No significant changes are proposed to the property at this time.

5. The majority of the performance standards are related to development and construction. The proposal is for the use of an existing building with minimal impacts to the site and exterior building. As such, a majority of the standards are not applicable.

6. Staff does not believe that the proposal would have an undue adverse impact on the public’s health, safety or welfare.

3.02 The proposal meets the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and as found in Section 3.03 of this resolution.

3.03 The proposal meets the specific standards that must be met for granting a conditional use permit for public buildings within the industrial district as outlined in City Code §300.12 Subd. 3 (m):
1. The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with the city’s development guides.

2. The proposal meets all minimum ordinance requirements.

3. At this time, the only exterior improvement is the conversion of a small portion of the existing parking lot and the construction of an outdoor play area. Included as a condition of approval, the applicant must submit a revised site plan and grading information for the outdoor play area. Staff will review the plan to ensure the proposal continues to reasonably preserve the site’s natural state.

4. Staff reviewed the proposal to determine if the proposal would have an adverse visual impact on existing and future developments. Staff determined that the proposal would not negatively impact the visual appearance of the property for surrounding properties. However, the visual appearance of the surrounding area will change over time based on the property’s proximity to the future LRT line. Notably, the building on the property to the west will be removed in order to accommodate the future line. Further based on the most recent LRT plans, grading for the line may extend into the subject property in order to raise the line approximately five feet above its existing grade.

5. The proposal would have minimal impact on existing open space or circulation patterns on the property.

6. The proposal is for the reuse and remodel of an existing building.

7. The proposal would not negatively impact adjacent or neighboring properties.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   
   • Narrative dated
   • Site plan dated
2. Prior to issuance of a building permit:

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

      1) A trip generation fee in the amount of $27,880. This fee is based on the findings of the traffic study by WSB & Associates, which finds that four additional trips will be generated to the interchange with the implementation of the interchange and the reversal of Red Circle Drive.

      2) A developer’s agreement for the city attorney’s review and approval. Through this agreement the applicant must agree that in the event that the implementation of the SWLRT and/or the reversal of Red Circle Drive does not occur additional trip generation fees are required. The additional fee is for the additional seven trips generated to the interchange if the SWLRT and the reversal of Red Circle Drive is not implemented and will be in the amount of $48,790.

      3) A revised site plan that illustrates:

         a. the relocation or reconfiguration of the outdoor play area and fence out of the existing drainage and utility easement.

         b. no impact of the outdoor play area and fence on the existing bridge abutments.

         c. plan details of the play area, including grading and landscape removal and mitigation.

      4) A landscaping plan. The plan must include mitigation of the removed landscaping near the south entry door. Further, the plan must include information on removed landscaping and mitigation or replacement landscaping.

   b) This resolution must be recorded with Hennepin County.

3. Prior to certificate of occupancy, all applicable state, county, and city licenses/permits must be obtained and copies submitted to the city. This includes the approval of the plans by the State Fire Marshall.
4. The building must be upgraded to accommodate a full fire alarm system.

5. Fire sprinklers will need to be added or relocated to accommodate the new layout.

6. The maximum capacity is 135 children.

7. A minimum of 23 parking spaces must be available.

8. The applicant must inform city staff in writing if any significant changes are made to the daycare’s programming. An updated traffic study may be required to determine if the programming changes will have an impact on the surrounding roadway system. If the updated study indicates a negative impact, staff may require the conditional use permit be brought back to the council for further review.

9. If food is provided by the school for the students, the kitchen must meet all food code requirements, including construction and equipment.

10. Sign permits are required for any exterior signs. All signs must comply with City Code §300.30 Subd. 6.

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

12. Any change to the approved use – including an increase in total enrollment – that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 8, 2016.

________________________________________
Terry Schneider, Mayor

Attest:

________________________________________
Resolution No. 2016-

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 February 8, 2016.

__________________________________  
David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting
January 21, 2016

Agenda Item 9

Other Business
**Brief Description**  
Concept plan review for Villa West at 16901, 16913 and 17101 State Highway 7

**Action Requested**  
Provide comments, feedback, and direction.

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**Background**

In 2015, RTS Development submitted a concept plan for redevelopment of the existing single-family residential properties at 16901, 16913 and 17101 State Highway 7. The plan contemplated construction of 30 detached villa homes accessed directly from Highway 7 via a new, one-way street. During review of the concept, area residents, the planning commission, and the city council raised concerns about density, site design, and the concept’s general lack of information. (See pages A1–A12.)

**Revised Concept**

RTS Development has now submitted a revised concept plan for redevelopment of the 16913 State Highway 7 site only. The revised concept plan contemplates construction of three, two-unit townhomes, accessed directly from Highway 7 via a new roadway. The plan further projects continuation of the concept to the west if and when that property becomes available. (See pages A13–A18.)

**Key Issues**

City staff has identified the following considerations for any development of the subject property:

- **Access:** MnDOT has jurisdictional control of access from Highway 7. Therefore, the applicant would need to work with MnDOT and the city in order to provide safe access to the development site.

- **Planned Development:** The parcel is part of a larger area that is guided for medium-density residential development. The comprehensive plan anticipates that this area would be developed as a single, medium-density development. This is especially important due to access constraints. It is not desirable to have separate developments with separate accesses from Highway 7. However, it may be difficult for one developer to assemble all of the properties at one time given that there are multiple property owners involved. In this case, any development of a portion of the properties would need to account and plan for the potential of future development on the other properties that are guided medium-density. (See pages A19–A22.)
Review Process

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

- **Neighborhood Meeting.** The developer will hold a neighborhood meeting on January 21, immediately prior to the planning commission meeting.

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

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

Staff Recommendation

Staff recommends the commission provide comments, feedback, and direction that may lead to the preparation of more detailed development plans.

Originator: Susan Thomas, AICP, Principal Planner
ADDISON INFORMATION

Next Steps

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

- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting may be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.

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

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

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

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.

- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an
obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.

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

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map

Project: Villas West
Address: 16913 State Highway 7
Odland was concerned with the water table level and what potential negative changes would occur to provide underground parking. A location closer to light rail might make more sense. There are issues that need to be looked at.

Magney felt multi-family housing would be a good choice for the location. A little smaller scale of three or four stories may be preferable. He was not concerned with the groundwater issue. The engineers would work out those details. It might impact the whole project, but the engineers would determine that. There should be more guest parking. In the big picture, multi-family housing would be just fine.

O’Connell concurred that the density of housing would be a good fit for the area with an office park so close to jobs. It fits the long-term vision of using existing infrastructure. The issues raised would have to be addressed. He supports the proposal.

Knight agrees with Magney and O’Connell. The proposal would be an appropriate use of the property. The area has a lot of employment. Right now, employees are driving in from outside the area. If some of the workers lived in the apartment building, then that would be a good thing. The area is not residential where neighbors would be concerned about what could be seen out the window. It would not bother him if a five-story building was constructed next to the building he works in. The size of the building does not bother him at all.

Chair Kirk recapped that more than five stories would be an issue for the commission. Transportation issues need to be addressed because of current problems, but the proposal is not being rejected. He would appreciate more of a clear, long-range vision in the comprehensive guide plan for the Opus area. He did not object to the proposal, but he was worried how the greater Opus area associations and trip counts fit in with each other. Wischnack stated that the city council will look at comprehensive guide plan studies done on the Opus area.

B. Concept plan review for Villa West on State Highway 7.

Staff recommends that commissioners provide feedback to assist the applicant with direction that may lead to the preparation of more detailed development plans.

Bob Schmidt, president of RTS Development, applicant, stated that:

- Thomson did a good job explaining the proposal.
- The property owner of the site used to fix his boat props. It was a unique piece of property located off a gravel road on Highway 7.
• The plan is wonderful. It would create housing for the aging population.
• An association would maintain the grounds.
• He developed townhouses on Covington Road in Minnetonka years ago. He built villa-style townhomes in Golden Valley which is a primary example of the proposed development.
• This property lends itself to a community development master plan.
• He found a way to access the property that MNDot agrees with.
• He was available for questions.

Scott Dahlke, civil engineer of site design, stated that:

• The site is a long, rectangle shape. The plan proposed an access road to run down the center of the property and be constructed on both sides of the road.
• There are currently no sewer or water utilities. The utilities would be extended from the northwest corner down the center of the road.
• He has met with MNDot and reviewed many concept plans. MNDot prefers a single access point on the east end. There would be a private drive 20 feet in width with a turn lane on Highway 7 for the entrance. Traffic would enter on the east side, travel west through the site, and then exit on the west end. The reason MNDot prefers this configuration is because of the existing exit from the adjacent townhomes on the west. The nearest city street is Clear Spring Road. A connection to Clear Spring Road would not be beneficial.
• Topography and drainage details will be provided as the plan moves forward. He described the drainage pattern, location of wetlands, stormwater management plans, and importance of tree preservation and screening.

Rob Eldrich, of Ridge Creek Custom Homes, stated that he is one of the preferred builders for the project. He is looking to do the detached villa concept, rambler houses, and two-story houses. The targeted market would be looking to downsize or get rid of large yards. There would be main-floor master suites and elevators for some. Minnetonka’s median age is 60 years. These would be nice, new homes for local residents. He is available for questions.

Chair Kirk invited residents to provide input.

David Devins, 17100 Sandy Lane, stated that:
The project is too dense. The homes would be substantial in size and be priced around $500,000.

The property is zoned R-1 and guided R-3. He asked for the comprehensive guide plan to be changed to R-1, single-family residential.

He has concerns about tree preservation and keeping the existing berm. It works as natural drainage control.

The area has terrible drainage and is full of springs. The whole area is wet.

There is mixed topography.

The density seems too big. Houses with 2,800 square feet would be too large to still have room for trees, streets, and driveways.

Lisa Brown, 4926 Clear Spring Road, stated that:

- The small area cannot handle going from 5 houses to 30 houses.
- The issues include loss of trees, wetlands, and springs.
- She has seen a lot of change in 26 years. She remembers Snuffy’s and Lilliput.
- The proposal would be too big and cause the removal of mature trees that are significant.
- Removing buckthorn would eliminate a lot of screening.
- She understood something would be constructed, but this would be too big.
- She encouraged commissioners to visit the site. There is a bike trail along Highway 7.

Beth Frost, 4914 Clear Spring Road, stated that:

- The proposal seems massive.
- Her lot and those in the area are huge, but they would abut 40-foot lots if the proposal would be done. The proposal would be out of character with the neighborhood. She feels strongly about that.
- The elevation would be higher, so the proposed houses would be looking down on the existing surrounding houses and create a privacy issue.
- Access to Highway 7 would be crucial for the neighborhood, because it would create too much traffic for Clear Spring Road.
- She wants more history on Mr. Schmidt and his developments. The judgements against him are extensive, so she hopes those are looked at.
John Eiden, 16821 Highway 7, stated that:

- He declined selling. He does not think the proposal is a good idea. It would create a dead end. It would not be the best use of the property.
- The 2030 comprehensive guide plan is dedicated to preserving Minnetonka’s natural beauty. This proposal would impact the drainage. He explained the drainage pattern.
- This corridor is a gateway to a section of Minnetonka. The property owners have taken care of the land for decades. Trees help preserve the ozone, reduce emissions, and prevent global warming.
- He supports extending the Purgatory Creek area to the site. All 7 properties drain into Purgatory Creek.
- He does not want to live next to all of the construction.
- His living room faces Highway 7. It does not look pretty and is not quiet. He cannot see people paying $700,000 for property that is not quiet. The builder did not say anything about sound barriers. The project would be a “slow seller.” Neighbors would have to watch the construction unless barriers are provided.
- He understood that the property owners want to sell, but that does not mean that the neighborhood should be turned into a senior living center.
- He reviewed the traffic pattern. He did not think it made sense.
- The best use of the property would be to turn it into open space. It would look good as a corridor and bring up the value of surrounding properties.
- The proposal would be a mistake.

Pam Scherling, 4925 West End Lane, stated that:

- She had the same concerns as the previous speakers.
- There is a heavily used trail located in the front of the property. There are many near misses. Construction equipment would create a lot of traffic.
- Resident surveys show that parks and trails are a main priority. Residents do not want neighborhoods leveled or trees removed.
- The development should be much lower density. There is no walkability to shopping.
- The price point would be too high for a high-traffic area.
Ms. Frost added that the wetlands on the northwest side are connected by a tunnel that travels under Highway 7 and the bike path connects to Purgatory Creek.

Knight asked how the proposal compares to the development on the west in terms of density. Thomson said that the proposal would be 6.5 to 7 units per acre. Medium density zoning allows 4 to 12 units per acre. Thomas calculated that the Carlysle Townhomes next door are 9 units per acre.

Calvert asked what the price point would be. Mr. Eldrich did not know the lot cost yet, so the price has not been determined. The estimate would be $500,000 for one story with 1,400 to 1,700 square feet on the main level and $600,000 for two stories with 1,000 square feet on the main level and 1,500 square feet above. A market study was completed. There is a project in Minnetonka off of County Road 101 and Highway 5 that starts in the upper $700,000 and goes into the $1 million range.

Odland remembered conversations that Groveland Pond would be too big. The proposal looks like 15 lbs. of potatoes would be put into a 5 lb. bag. It would be too large. She thought the price point would be too high for a resident downsizing and considering that the units would be on a highway.

Chair Kirk was concerned that the access on Highway 7 would not be safe. The development would be too dense. The Carlysle development looks fairly dense. Once the driveways and garages were added to the Groveland Pond proposal, commissioners determined it would be too dense. The houses would have been within 15 feet of each other. There must be a market, because developers are proposing the density. Determining whether the residences would sell is up to the developer. The size, density, and safety of the accesses is within the purview of commissioners.

Knight has been on the trail biking. He did not like the steep hills to the Carlysle Townhomes. He stops for the stop sign and nearly hits a cyclist that does not stop at that intersection often. He crosses the path on his way to work. Motorists stop in the middle of the road because bicyclists do not stop.

Calvert noted that it seems that the Carlysle is protected by old trees that provide a buffer. The proposal would have to reduce the number of trees by an enormous amount. That would not be right.
Chair Kirk asked if commissioners would prefer an extension of Carlysle Place. Calvert said that the proposal is hard to visualize. A neighborhood would be significantly changed and commissioners have it in their purview to encourage responsible development that includes meeting demographic need by attracting young people and helping seniors have housing options. She was not convinced if the proposal would achieve either goal. It is hard to see the impact without a tree survey and the actual plans. Minnetonka does not have a lot of the type of housing that Carlysle would provide. There is not a lot of space to build new single-family housing stock in Minnetonka. It is a conundrum.

Chair Kirk said that it is nice to have some amenities when adding single-family houses. This is not a great spot. It would not be an easy place to get in and out of. It is not walkable to the store. Carlysle is full, but has the same traffic issues.

Thomson requested direction from commissioners regarding potential future development of the area as a whole. Chair Kirk asked if waiting for other parcels to be included in the development site would be an option. Thomson stated that the comprehensive guide plan guides the area to be considered as a whole for redevelopment. Planning for future connections would be a reasonable approach.

Chair Kirk thought that two additional lots on the east would be an easy extension of the proposal.

Thomson clarified that the comprehensive guide plan calls for an understanding that redeveloping the area in part would have some impact on future redevelopment of two properties on the east and what would ultimately happen to them.

Chair Kirk stated that the commission could request that the developer to create an extension of the proposal that would incorporate those two additional lots.

Chair Kirk wants tree preservation and a buffer to the Clear Spring Road neighborhood taken into account. To go from low density to high density suggests that there needs to be an area of buffer. Commissioners agree that the proposal is too dense and a buffer is needed between the proposal and Highway 7.

Calvert took to heart the comments regarding the wetlands.

Chair Kirk was interested to see how acceleration and deceleration would work with the access points.
Odland requested statistics on the number of accidents at Carlyslle for motor vehicles, bicyclists, and pedestrians. Thomson will request that information from the police department.

O’Connell deferred the access issues to MNDot. He was not so certain that it would not be too dense based on the comprehensive guide plan. The same arguments could be made for Carlyslle, but residents like living there.

Magney agreed that the proposal would not be too dense. The site is awkward. Safety is a big concern, but he would defer to MNDot on that.

10. Adjournment

*Odland moved, second by O’Connell, to adjourn the meeting at 9:20 p.m. Motion carried unanimously.*

By: ____________________________

Lois T. Mason
Planning Secretary
Aggarwal said he would not be back before the council asking for another variance. He asked if it mattered to the council if the homes had a full basement or a lookout. Schneider said it did matter. The way the 3,200 square foot was calculated was on all exposed levels. Wischnack said that would be included in the resolution.

Allendorf moved, Wiersum seconded a motion to adopt Res. 2015-083 approving the preliminary plat including the condition that:

- Plat won't be released until the building plans are submitted that meet the specified criteria – Square foot above ground of 3200 or less; FAR of 0.14
- Building permits won't be approved unless the plans submitted with the building permit application substantially conform to the plans approved prior to release of the final plat

All voted “yes.” Motion carried.

Schneider said if the provision worked there may be other opportunities to do the right thing without making things so complicated.

C. Concept plan review for Villa West

Thomas gave the staff report.

Bob Schmidt, president of RTS Development, said the villa concept was designed for Minnetonka residents looking to downsize or not wanting to do yardwork.

Scott Dahlke, civil engineer of site design, said the biggest challenge was the access. He met with MnDOT staff who provided a recommendation about how to maintain access to the properties. The recommendation was to continue down to the east to the most easterly boundary, come off of Highway 7 and circle back through the site with an exit at the west end. This would provide two exit maneuvers that were in close proximity on to Highway 7. He said all of the properties except the most westerly property were on well and septic. The project would extend sewer and water to all the lots. A survey has been completed and wetland delineation has been done. There is a creek that runs through the center of the site. The development plan would take that into consideration.

Rob Eldrich, of Ridge Creek Custom Homes, said one issue that came up during the neighborhood meeting and the planning commission meeting was the tree canopy and the privacy of the neighboring properties. He said he, Schmidt, and Dahlke went out to the property and were confident that the major woods along the south property line would maintain the privacy.
The goal was to maintain a buffer from between the proposed houses and the existing houses so the woodsy feel remains. He said it was likely that none of the homes would be priced above $750,000. Looking at new construction in the city built during the last two years, there were six homes available under $750,000, five were two stories, one was split level. The median age in the city was 60 years old. He was excited to bring this product to the market.

Schneider asked if the homes would be detached or attached. Eldrich said they would be detached with a rambler style. There were some alternative two story styles for young families looking for new construction.

Schneider asked if there was any effort to cooperatively work with the property to the west of the western exit to have the entrance be combined between the two. The tradeoff would be more setback behind the home. Dahlke said that had been discussed with MnDot and the recommendation was for the exit to be independent.

Allendorf asked for more information about how the circuitous route exiting on the east side would work. Dahlke said traffic coming from the west would go along the entire frontage of the project with a turn lane on Highway 7 coming into the easterly point. Traffic would come back through to the west on the one way private drive that would exit on to Highway 7 continuing to the east. Allendorf asked if there had been any consideration of an internal two way circulation system that would allow entering and exiting on the east to avoid the proximity of the two exits to the west. Dahlke said the limited property boundaries led to the narrower one way configuration. There just wasn't enough space to have a full two way road. Allendorf said that meant no street parking on the property. Dahlke confirmed that was correct. He said more work would be done to look at how to handle the parking.

Schneider said this was less of a concept review and more a reaffirmation of the density of housing. There wasn't enough information to evaluate the pros and cons of the concept.

Wiersum agreed. His natural inclination was to wonder what the houses would look like and that information was not yet available. He recommended that the applicant not come back with an application before doing a more detailed concept review.

Schmidt said the plan began with a single parcel and then the neighbors expressed interest in selling. He said there was a lot of demand and interest for this type of housing. The density would be about half of the density of the neighboring townhouses.
Bergstedt said he attended a neighborhood meeting at the beginning of the process. There were a lot of questions about the concept review process. He noted staff had not seen any type of detailed plans. The area had been planned for medium density since the 1970's so he didn't think anyone should be concerned with a medium density proposal. He said some of the neighbors inquired about the city purchasing the property for park land or open space. This would not happen and he thought the property should be developed but developed sensibly. Along with the existing Carlyle Place townhouses there were six single family parcels, four were under control. Whatever plan that comes forward involving the four parcels should be looked at more broadly to determine how the final two parcels would be integrated in an orderly way. He thought the detached villa townhomes would be very popular but looking at the plan it seemed to be very dense.

Pam Scherling, 4925 West End Lane, said the townhomes were not double the density of the proposed new development. The proposal was for six per acre and the townhomes were nine per acre. She said the proposal had one street while the townhomes had four. The four streets were curved so the townhomes looked like a neighborhood. Because of the amount of open space between the buildings there were mature trees that were able to thrive. This was also where guests parked. One of the association's challenges was the guest parking because many of the residents own boats and sometimes the boat takes up the entire garage space. She said the trees would have to be clear cut in order to get to the proposed density. She questioned who would move into the proposed houses given the pricing.

David Devins, 17100 Sandy Lane, said when he exits his driveway and enters Highway 7, traffic does not yield and he was concerned about an exit on the neighboring property with traffic going out at the same time. He said the density was way out of line. He noted there were serious water and drainage issues when Carlyle Place was built.

D. Concept plan review for redevelopment of the property located at 10101 Bren Road E

Thomas gave the staff report.

Wagner said as the council had discussed the area, the discussion was that it was going to change to a higher density. He thought there was agreement it would be a combination of businesses and residential. It was more logical that the Merchandise Mart area might have more residential, and he had argued for residential on the Datacard site as well but the
Susan Thomas  
Principal Planner  
City of Minnetonka  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345  
email, stthomas@emnnetonka.com

Ms. Thomas  

As we have discussed in our previous meetings, I would like to withdraw the site plan proposed for the properties at 17101, 16913 & 16901 State Highway 7.

After careful consideration I would like to submit for your review the attached concept plan for 16913 State Highway 7 that would result in three, two unit townhomes, along with a ghost plat. The ghost plat shows the same number of units on the adjoining property at 17101 State highway 7 plus 1 additional unit on 16913. In order to meet the guide plan of no fewer than 4 units per acre, I intend to transfer 7,000 sq ft of the 16913 property I have under contract to the owner of the adjoining 17101 property. This is achieved by having the one way exit outbound on the 17101 property in the event I can get control of said property.

In designing the layout of the roads and townhomes, the existing entrance(s) to the property was utilized. The homes were positioned to maximize views and stay outside the required setbacks and high priority was given to tree preservation.

House plans start just under 1,500 sq ft, with optional sunroom and loft they increase to 2,223 of above ground finished square footage. The market I am targeting is Empty Nesters who want to stay in Minnetonka but can't (or won't) pay the high prices for existing newly constructed one-level, maintenance free homes. I anticipate the base price will be $489,900.

I look forward to working with you on this project and hope we can get it through all the required steps for full entitlement.

If you have any thoughts or questions, Please give me a call.

THANK YOU

Robert T Schmidt  
612-812-0000 cell

See Attached:

Proposed site plan on 16913, Ghost Plat continuing onto 17101, Front elevation of Twin Home  
First floor plan and loft floor plan.
Land Use Category

- Municipal Boundary
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Office
- Service Commercial
- Commercial
- Mixed Use
- Industrial
- Institutional
- Open Space
- Parks
- Right of Way
- Lakes
- Wetlands

2030 Land Use Plan

Map prepared by: City of Minnetonka
Section F  Land Use Plan Implementation

The following land use implementation section describes the methods that the City of Minnetonka will utilize to initiate the implementation of the Minnetonka 2030 Vision according to the planning strategies for the growth strategy themes listed in Section B of this chapter. The implementation methods also consider the conditions and policies established in the other chapters of the 2030 Comprehensive Guide Plan.

This section establishes the land use categories and review criteria to guide private and public decisions regarding development and redevelopment in accordance with the targeted planning areas (residential neighborhoods, villages, regional areas/corridors, and transportation/natural area corridors) within the city. The implementation methods include:

- the 2030 land use definitions;
- the 2030 land use plan map;
- the 2030 population, household and employment forecasts;
- the overall development review criteria, including those established in Sections C and D of this chapter, to determine consistency of development and redevelopment projects with the land use plan; and
- implementation procedures that include city regulations (the zoning and subdivision ordinances) and specific 2030 Comprehensive Guide Plan amendment criteria that pertain primarily to the land use chapter text and 2030 land use map.

2030 Land Use Definitions

The land use districts should not be confused with the zoning designations of property. The land use districts describe general land uses and may include other criteria to be considered when development and redevelopment projects are reviewed by the city to ensure that the project meets the 2030 Comprehensive Guide Plan policies and the appropriate policies and strategies of other chapters of the plan. The corresponding zoning designation and associated performance standards describe specific criteria that must be met before development can occur on property.

The city’s land use definitions follow, according to the general land use category. Appendix IV-A of this chapter provides illustrative examples of the specific types of uses found within each land use category.

1. Residential Land Use Districts

Prior to 1979, the medium- and high-density residential definitions restricted densities to five to eight, and nine to 12 units per acre, respectively. The definitions were changed, as part of a comprehensive planning effort, to allow a greater density to provide more opportunities for housing choice (variety and cost), recognition of the rising cost of land in Minnetonka, and to bring the density standards more in conformance with other metropolitan area communities and Metropolitan Council policies.
The density definitions are expressed in terms of ranges to allow for development flexibility and compatibility with natural resource and other site specific characteristics of property. Therefore, an appropriate density for a particular use may be at the lower end of the density range rather than the higher end.

Further, the density definitions do not specify the type of housing; rather, the zoning ordinance specifies the type of housing and specific standards that must be met by a particular development. The decision regarding the specific density for a particular property is made during the development review process, where the following conditions are considered by the city:

- The existing environmental conditions of the property including wetlands, floodplains, steep slopes and the quality of existing vegetation;
- the specific site plan including the type of housing units proposed and requirements for development facilities such as stormwater ponding, municipal sewer and water, etc.;
- the existing and requested zoning classification for the property; and
- the surrounding neighborhood characteristics.

A. Low-density residential: development that ranges in density from two to four dwelling units per acre.

Most residential neighborhoods that contain existing single-family homes in the city are designated for low-density residential uses. Although low-density uses include detached single family housing types other residential housing types such as duplexes and attached townhomes are included provided that the overall density does not exceed four units per acre. This land use district is established to recognize the primary residential development pattern in the city and accommodate housing goals, including affordable and mid-priced housing.

B. Medium-density residential: residential density ranges from more than four to 12 units per acre.

Typically, this land use district includes attached housing types such as small-lot single family developments (“zero lot line”), duplexes, townhouses, “quads,” and low-rise multiple family buildings. This land use designation is used to:

- Encourage and allow the opportunity for residential project design techniques that incorporate natural resource protection and open space preservation techniques such as “clustering”.
- Create appropriate transitions between different and more intense land uses and low-density areas.
- Encourage opportunities for residential development near and within village and regional centers, employment centers or major transportation corridors.
- Broaden housing choice, especially with an increasingly aging population and accommodate housing goals, including affordable and mid-priced housing.

Development within medium-density residential areas should incorporate:

1. Design techniques that facilitate natural resource protection and open space preservation; and
2. Buffers and/or transitions between more intense land uses and low-density areas.
Environmental features such as wetlands, floodplains, steep slopes, and heavily vegetated areas should be used, as available, as buffers. Developments should incorporate appropriate transitions, such as landscaping and other land use or design features between non-residential and residential uses of a lower density.

C. High-density residential: residential developments with densities above 12 units per acre.

Typical high density residential development consists of apartment or condominium units in multistory buildings. The intent of this district is to provide the opportunities for residential developments that:

- serve a wide range of income group and changing lifestyles;
- are in close proximity to services, employment centers and transportation corridors, especially transit routes; and
- broaden housing choice, especially with an increasingly aging population and accommodate housing goals, including affordable and mid-priced housing.

As is the case with medium-density residential development, development within high-density residential areas should incorporate:

1. Design techniques that facilitate natural resource protection and open space preservation, and buffers and/or transitions between more intense land uses and low-density areas.

2. Buffers and/or transitions between more intense land uses and lower density areas. Environmental features such as wetlands, floodplains, steep slopes, and heavily vegetated areas should be incorporated, as available, within buffers. Developments should incorporate appropriate transitions, such as landscaping and other land use or design features between non-residential and lower density residential uses.

High-density residential development projects should occur in a planned manner, with specific consideration given to all uses within an area and also to impacts on adjacent developments, services and transportation. Development will not be encouraged to occur until appropriate services and infrastructure are available or programmed.

2. Business Land Use Districts

Business land uses typically include categories of uses that are measured by the intensity of development and off-site impacts. These uses are found in the village areas, regional areas and corridors of the city. Additionally, business land use districts apply to several planned corporate campuses such as the Cargill and Welsch developments in the city.

The following describe the categories of business uses in the city.

A. Office

The office land use district provides locations for administrative, executive, professional or other offices and related service uses, such as financial institutions, lodging, day care and similar uses. It is not intended for retail uses that serve the general public. The office designation can be used, if designed appropriately, as a transitional use between residential and more intense commercial districts.

B. Service commercial

The service commercial land use district is a land use district used in the I-394 Corridor and other specific areas. It is considered a tool that increases flexibility in siting uses that
Brief Description

Concept Plan for Highview Villas, a residential development of properties at 4301 Highview Place and an adjacent, unaddressed parcel.

Action Requested

Discuss concept plan with the applicant. No formal action required.

Background

In 2014, Whitten Associates submitted a concept plan contemplating the redevelopment of the property at 4301 Highview Place and an adjacent, unaddressed parcel. Cumulatively the two properties, zoned R-1, have an area of approximately 4.5 acres. The concept plan included six lots of single-family detached homes around a newly constructed cul-de-sac. The plan met all R-1 district standards. At that time, Whitten Associates had not partnered with a builder.

In late 2015, Whitten Associates and Ridge Creek Custom Homes submitted a revised concept contemplating the redevelopment of the properties with 10 villa style homes around a newly constructed cul-de-sac. The council generally was supportive of smaller lots with price points in the range of $450,000 to $650,000 in the area. However, the council expressed concern regarding the concept's proposed density.

Revised Concept

Whitten Associates and Ridge Creek Custom Homes has submitted another revised concept for the redevelopment of the two properties and is requesting further comments from the planning commission and council. The current concept includes nine new lots of detached villa style homes around a newly constructed cul-de-sac.

If a formal application were submitted it would likely include: (1) rezoning to planned unit development; and (2) preliminary and final plats.

Review Process

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted and no formal action is required.

- Neighborhood Meeting. The developer held a neighborhood meeting on January 13, 2016. Three people attended the meeting and raised concerns similar to those submitted for the previous concept related to traffic and construction noise. In addition, the neighbors raised additional questions regarding:
• Rationale for rezoning the property to PUD;
• Size and Density of the homes, particularly around the cul-de-sac;
• Project timing.

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

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

Staff Recommendation

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

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

For the revised Highview Villas concept, it would be useful if the commissioners would provide their reaction and general comments related to the contemplated density and general site design of the previous concepts and the current 9-lot concept.

Originator: Ashley Cauley, Senior Planner
Through: Susan Thomas, Principal Planner
ADDITIONAL INFORMATION

Next Steps

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

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

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

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

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.

- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.
• **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

• **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map
Project: Highview Concept Plan
Applicant: Ridge Creek Custom Homes
Address: 4301 Highview Place

This map is for illustrative purposes only.
Current 9-lot Proposal

Highview Villas
4301 Highview Place
Highview Villas
4301 Highview Place
Hi Ashley,

It was nice meeting you last night. Thanks for listening to my concerns, I really enjoyed having the time with you, the builder and the owner of the land to discuss this development. I’m not sure if my involvement can move the needle as much as a powerful developer that thanks for listening.

My takeaway from the evening was that with how expensive the creation of the cul de sac will be for the builder, 9 homes is what he believes is worth his time and effort, and of course he will try to argue it’s also best for the neighborhood. But although 9 homes would be best for him I don’t see how 9 homes is what’s best for the neighborhood in the long term. I understand his obligation to his company as his motivation for 9 homes but I also understand that the cities obligation is to the current homeowners on Maple lane to not disrupt the neighborhood too dramatically. I know this isn't the first project you and the city have seen nor will it be the last so I am confident that you will make a good chose that balances the needs of the neighborhood with the desires of the builder.

I was looking at a map of the area and it looks like Christy Lane which runs parallel to Maple lane to the West would be the best model for how this development should be laid out. Christy lane has 7 homes on a street with a cul du sac about the size of the one proposed. Although unlike the proposed development there aren’t 6 homes crammed on the cul du sac itself. With Christy lane as a reference this project would only have 5 new homes because of the proximity of two of the existing homes.

I can understand that the builder is going to use the lower limit of lot sizes in the area as support for his project. But what might be a better reference is the median lot size on Maple Lane or the distance between the existing homes on Maple Lane or at the very least another cul du sac in the area like Christy lane.
Just because 5 homes might not be best for the developer doesn’t mean it’s not what’s best for the neighborhood. I’m sure that if this builder passes on the project there will be another builder or builders that would be happy to build 5 homes.

I understand that from the builders prospective, as the number of homes decreases the size and price of the homes must increase but that also makes the homes difficult to sell given the proximity to the highway. I don’t mean to sound insensitive but that’s not the neighborhoods problem. Just because the market isn't there for the homes now doesn't mean it won’t be there in the future.

In terms of the added traffic that this project could cause in the long term, in my opinion there’s a reason that the road from highway 7 was removed from Maple Lane and that’s because all the thru traffic was dangerous especially given the intersection at Lake Street. So from a traffic stand point 5 is much safer than 9 as well.

I know I can’t stop this project and even though ideally I would rather it not happen at all but it seems very obvious that 5 homes would be much better for the health of the neighborhood aesthetically and from a traffic standpoint in the long term than 9 homes.

The last comment I have and I’m not sure if I mentioned it last night but once new homes have been built so close to a busy highway and from the sounds of it they will be in the $500,000 range how long will it be before the people living in those homes demand that a wall be built (at the cities expense no doubt) to mitigate the road noise.

Thanks again for the time last night and if you have any questions please let me know.

Leif
4214 Maple Lane
Minnetonka, MN 55345