Planning Commission Agenda

October 15, 2015—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: October 1, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Conditional use permit, with locational variance, for an accessory apartment at 11816 Karen Lane.

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

      • Recommendation to City Council (Tentative Date: October 26, 2015)
      • Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

   A. Items concerning Cherrywood Pointe of Minnetonka, at 2004 Plymouth Road.

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

      • Recommendation to City Council (Tentative Date: October 26, 2015)
      • Project Planner: Susan Thomas

9. Adjournment
Notices

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

2. Applications scheduled for the November 5, 2015 Planning Commission meeting:

   Project Description: Lakewest Development is proposing to redevelop the properties at 5431 and 5439 Williston Road. As proposed, two existing homes would be removed and six new single-family homes would be constructed. The proposal requires approval of: (1) a rezoning from R-1 to PUD; (2) a master development plan; and (3) final site and building plans.
   Project No.: 15028.15a        Staff: Jeff Miller
   Ward/Council Member:  4—Tim Bergstedt   Section: 33

   Project Description: The property owners are proposing to add a 540 square foot accessory apartment to the rear of the existing home at 3514 Sunrise Drive. The intent of the apartment is to provide independent living space for senior family members. Accessory apartments are allowed by conditional use permit.
   Project No.: 15031.15a        Staff: Ashley Cauley
   Ward/Council Member:  3—Brad Wiersum   Section: 15

   Project Description: The Minnetonka Youth Hockey Association (MYHA) is proposing to expand the Pagel Activity Center on the Minnetonka High School campus. The expansion would consist of a second ice hockey rink, as well as ancillary training, locker and storage rooms. The proposal requires: (1) amendment of an existing conditional use permit; and (2) site and building plan review.
   Project No.: 97001.15b        Staff: Rita Trapp
   Ward/Council Member:  4—Tim Bergstedt   Section: 30
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. **Roll Call**

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

   Staff members present: Community Development Director Julie Wischnack, Principal Planner Susan Thomas, and Planner Jeff Thomson.

3. **Approval of Agenda:** The agenda was approved as submitted with a modification and additional comments provided in the change memo dated October 1, 2015.

4. **Approval of Minutes:** September 10, 2015

   *Odland moved, second by O'Connell, to approve the September 10, 2015 meeting minutes as submitted.*

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

5. **Report from Staff**

   Wischnack briefed the commission on land use applications considered by the city council at its meetings of September 14, 2015 and September 28, 2015:

   - Adopted a resolution approving a two-lot subdivision on Meeting Street.
   - Adopted a resolution approving the final plat for the Buckman Addition.
   - Introduced an ordinance for Williston Woods West.
   - Adopted a resolution approving vacation of right of way and easements for Saville.
   - Adopted a resolution approving items for Marshes of Meadowwoods.
• Adopted a resolution approving a daycare facility on Excelsior Boulevard.
• Adopted a resolution approving items for Ridgemount Avenue with an added house-size restriction.
• Held a concept plan review for Villa West.
• Held a concept plan review for an apartment building on Bren Road.
• Adopted a resolution approving a conditional use permit for Auntie Ruth’s pet boarding business.
• Adopted a resolution approving the watershed management restoration for Purgatory Creek.
• Adopted a resolution approving a dental clinic in Ridge Square North.
• Introduced an ordinance for a senior housing facility, Cherrywood Pointe.
• Adopted a resolution approving an interim use permit for a home occupation on Milbert Road.

There will be a lite rail open house at the Hopkins Fire Station on Wednesday, October 7, 2015 from 6 p.m. to 8 p.m.

Wischnack congratulated Thomson for accepting the Director of Planning and Building position with the city of Wayzata. Chair Kirk congratulated Thomson and thanked him for his good work.

6. Report from Planning Commission Members

Chair Kirk noted that all municipalities have approved the light rail plans; the League of Women Voters held a debate for candidates last night; and he saw coverage of the Nordstrom’s gala on television and feels fortunate that there is reinvestment going on at Ridgedale Center. It allows Minnetonka to be seen as a hub of retail.

Calvert found the bus tour very helpful to see the completed projects. She encouraged that to happen again. Wischnack said it would be an annual event and could be done more often. Odland would like to go on a tour in the spring also.

7. Public Hearings: Consent Agenda: None

8. Public Hearings
A. Setback variances for a detached garage at 12821 Linde Lane.

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

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

Pete Minea, 12821 Linde Lane, applicant, thanked everyone for their time and consideration.

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

*Odland moved, second by Magney, to adopt the resolution approving a setback variance for construction of a detached garage at 12821 Linde Lane (see pages A7-A10) with changes provided in the change memo dated September 9, 2015.*

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

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

B. Expansion permit and front yard setback variance for an addition to the house at 12117 Brenlyn Lane.

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

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

Chair Kirk asked why staff did not support the two-foot overhang on the second story. Thomson explained that the zoning ordinance requires less of a setback for a covered porch than a cantilevered second story. The planning commission may approve a variance to allow the cantilever, but staff felt the plan could be easily modified to meet the ordinance requirement.

Igor Yakovlev, applicant, did not think it would be a big problem to remove the cantilever. It could be reconfigured. He appreciated the consideration.
The public hearing was opened. No testimony was submitted and the hearing was closed.

*Odland moved, second by O’Connell, to adopt the resolution approving an expansion permit and front yard setback variance for an addition to the home at 12117 Brenlyn Lane (see pages A9-A13).*

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

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

C. *Conditional use permit for an educational institution at 5605 Green Circle Drive.*

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

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

In response to Odland’s question, Thomas stated that she believed that the gym would be located in the warehouse.

Todd Kaufman stated that he works for Wellington Management, the proposed buyer. Wellington Management would make significant improvements to the site and lease it to Lionsgate. The white roof is the result of the type of materials used at that time.

Chair Kirk asked about the traffic pattern and busing. Diane Halpin, executive director of Lionsgate Academy, introduced herself and Ron Berger, director of finance and operations, for Lionsgate Academy. Mr. Berger said that half of the students would be transported by a 7-person or 10-person van. There would be a combination of short buses and maybe one regular size school bus. The rest of the traffic would be regular vehicles with students in carpools being dropped off by parents. The school would be moved from Crystal to Minnetonka.

Chair Kirk asked about event parking. Mr. Berger said that there would be parent-teacher nights and a one-act play in the spring. He is weighing the possibility of renting a theater or having the play on site. The proposed site has more parking than the current site and it would be adequate. Opportunity
Partners is a next door neighbor that he will be contacting to work together to provide opportunities for individuals with special needs.

Chair Kirk asked if the lease would be to buy. Mr. Berger said that the applicant would be a good, long-term tenant.

O’Connell asked what made them choose the site and the reason for the move. Ms. Halpin explained that the school began in 2008 with 60 students. There are 160 students enrolled in 2 campuses. There are 160 students on the waiting list. There are 5 current students who live in the Hopkins School District. The school ran out of space to serve the needs of the current students. It is a very therapeutic environment. The old elementary school classrooms are too large for the class sizes. The diagnosis of Autism is now up to 1 in 70. There is a great demand. She has been looking for space for a year and a half. There is not enough of a bank roll to buy a building, but the school is able to pay rent. The site is very attractive.

Odland asked if the space would be large enough for the long term. Ms. Halpin said that other locations would be added to serve the students traveling long distances and prevent the appearance of an institution. They did not want a school with over 200 students. Mr. Berger said that everyone from Lionsgate is passionate about what they do. The facility has had visitors from Japan and Russia to see how it operates.

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

Mike Ramsden, 13627 Inverness Road, stated that he has a grandson who attends Lionsgate and he works there. The current building is dated. Lionsgate is a life saver. It makes a difference for the kids. He encouraged approval of the proposal.

**Odland moved, second by Calvert, to recommend that the city council adopt the resolution approving a conditional use permit for an educational facility at 5605 Green Circle Drive (see pages A13-A17).**

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

Wischnack announced that the city’s open house is October 6, 2015 from 5 p.m. to 8 p.m. and there will be a meeting regarding improvements to Cartway Lane on Monday at 6 p.m. in the community center.
9. **Adjournment**

*Odland moved, second by Calvert, to adjourn the meeting at 7:21 p.m. Motion carried unanimously.*

By: __________________________

Lois T. Mason  
Planning Secretary
Minnetonka Planning Commission Meeting
October 15, 2015
Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION
October 15, 2015

**Brief Description**
Conditional use permit, with locational variance, for an accessory apartment at 11816 Karen Lane.

**Recommendation**
Recommend the city council adopt the resolution approving the permit, with variance.

---

**Background**
In 1991, the owner of the subject property submitted building, electrical, plumbing and mechanical permit applications for construction of an accessory building. The building was to be used as an artist studio/workshop. The proposed structure met all minimum requirements, and the permits were approved.

Nothing in the zoning ordinance prohibits the general installation of electricity, plumbing, or heating/air conditioning in an accessory structure. However, specific installations that is intended to allow for residential occupancy – provision of areas for sleeping, cooking, and sanitation – would not be allowed without special and specific zoning approval.

In 2002, the property owner submitted building, electrical, plumbing, and mechanical permit applications to convert the accessory building into a “guest house.” The permits were reviewed and approved by the building division of the community development department. Unfortunately, the permits were not reviewed by the planning division. Had they been, planning staff would have noted that additional zoning review and approval was required. Both the property owner and planning staff just recently became aware that the existing accessory apartment has not received this zoning approval.

**Request**
The property owner is now requesting approval to continue use of the existing accessory apartment. (See pages A1–A12.) This requires:

- **Conditional Use Permit:** Accessory apartments are conditionally permitted uses within the R-1 zoning district.

- **Variance:** By definition, an accessory apartment is a self-contained housing unit located *within the confines* of an existing single-family house. A locational variance is required as the accessory apartment is a separate structure.
Staff Analysis

Staff finds that the request is reasonable for the following reasons:

1. The property owner responsibly applied for and received building, electrical, plumbing and mechanical permits for creation of the accessory apartment. The permit applications themselves clearly indicated they were for a “guest house.” It would be unreasonable to require disuse of the existing apartment because of an oversight on the part of city staff.

2. The unique shape of the existing property, distance between the home and accessory apartment, and mature vegetation separating both from surrounding properties, combine to form a unique circumstance not common to other residentially-zoned properties. (See page A1).

3. It is unlikely that the existing accessory apartment has negatively impacted the character of the surrounding area. The accessory building has been in place for nearly 25 years and used as an accessory apartment for 13 years. During this time, the city has received no complaints regarding either the building or use.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit, with locational variance, for an existing accessory apartment at 11816 Karen Lane. (See pages A13–A17.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

**Surrounding**

The subject property is surrounded by single-family homes zoned R-1

**Land Uses**

Land Uses: zoned R-1

**Planning**

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

**CUP Standards**

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

The apartment would meet all specific conditional use permit standards for an accessory apartment as outlined in City Code §300.16 Subd. 3(d):

1. To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;
   
   **Finding:** The property is zoned R-1; just one accessory apartment exists on-site.

2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
   
   **Finding:** This has been the historical practice of the property owner and is included as a condition of approval.

3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;
Finding: Both the primary home and the accessory apartment have indoor garage space and paved driveways.

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;

Finding: Both the primary home and the accessory apartment have indoor garage space; the primary a two-stall garage and the accessory a one-stall garage.

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

Finding: The accessory apartment is 779 square feet in size. With the attached garage, the building has a total area of 974 square feet. Given that the city has received no complaints regarding the apartment, staff finds that the additional size does not substantially impact the surrounding area. This has been noted in the approval resolution.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

Finding: No changes were made to the home to accommodate the existing structure.

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

Finding: All required permits were obtained.

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

Finding: Given that the city has received no complaints regarding the existing apartment, staff finds that it has not had an undue adverse impact on adjacent properties or substantially altered the character of the neighborhood.
9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

**Finding:** This finding is met.

**Variance Standard**

The existing accessory apartment is not located within the confines of an existing house. Rather, it is located in a separate building. As such, a locational variance is required. The apartment meets the variances standard as outlined in City Code §300.07 Subd. 1:

1. **PURPOSE AND INTENT OF THE ZONING ORDINANCE:**
   The intent of the zoning ordinance as it pertains to accessory apartments is to ensure that single-family residential properties on which such apartments are created maintain the visual appearance of a single-family property. The existing apartment meets this intent. The unique shape of the existing property, distance between the home and accessory apartment, and mature vegetation separating both from surrounding properties, ensure that the apartment does not seem “out of place.” The visual appearance of the single-family property and neighborhood is not negatively impacted.

2. **CONSISTENT WITH COMPREHENSIVE PLAN:** Accessory apartments are consistent with the housing goals of the Comprehensive Guide Plan, as they add to the diversity of housing types, sizes, and prices in the community.

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

   a) **REASONABLENESS:** The locational variance, which would allow for the existing accessory apartment to remain, is reasonable. The property owner responsibly applied for and received building, electrical, mechanical, and plumbing permits for creation of the accessory apartment. It would be unreasonable to require disuse of the existing apartment because of an oversight on the part of city staff.

   b) **UNIQUE CIRCUMSTANCE:** The unique shape of the existing property, distance between the home and accessory apartment, and mature vegetation separating both from surrounding properties, combine to form a unique circumstance not common to other residentially-zoned properties.
c) CHARACTER OF LOCATILTY: It is unlikely that the existing accessory apartment has negatively impacted the character of the surrounding area. The accessory building has been in place for nearly 25 years and used as an accessory apartment for 13 years. During this time, the city has received no complaints regarding either the building or use.

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 45 area property owners and received no comments to date.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deadline for Decision</td>
<td>December 21, 2015</td>
</tr>
</tbody>
</table>
Location Map

Project: Karen Danielson
Address: 11816 Karen Lane
(09003.15a)
Statement for Conditional Use Permit with Variance
Laura Danielson
11816 Karen Lane, Minnetonka

On or about 2001 or 2002 I hired a contractor to renovate a pre-existing building as a guest house for personal use. Everything was done with proper building permits, as indicated in city records. The original pre-existing building was built in 1991 and was built with proper permits for use as an art studio. It had gas heat, water, and a toilet. I remember the building inspector visiting the property regularly in 1991 to insure it was up to code. The renovations in 2001 (or thereabouts) were substantial and included putting in all new windows, skylights, a new bathroom with shower, full kitchen, furnace, air conditioning, a bedroom, and an office space. (See photos, attached.) These renovations were done with regular inspections by the Minnetonka city inspector at the time. I distinctly remember him requiring larger egress windows in the bedroom and a vapor barrier in the garage because he knew people would sleep there. Over the years it has been home to numerous guests, family (adult children and parents) and close friends. I was never notified until now that I needed a conditional use permit with variance.

At the time I had this renovation work done I was financed by US Bank based upon an appraisal that gave significant value to this new addition, of approximately $150,000. Recently I decided to refinance my property and I learned from two appraisers that my guest house cannot be given any value over $10,000 because it never got a conditional use permit. This was the very first I had ever learned of this issue, nearly 15 years later! The appraisers raised the issue that I might have difficulty getting the guest house rebuilt if it were ever to be destroyed through fire or natural disaster, which is a horrifying thought, particularly as I have had it insured for all of these years. Additionally, although I don’t plan to resell my property any time soon, I am concerned that in future the property cannot be sold at actual value because a future bank will not be able to appraise the guest house at true value. I don’t understand why I was not told of this need at the time that the Minnetonka inspector approved the building of the guest house, when all proper permits were pulled by my contractor. All that I can surmise is that he may have believed that such permits were acquired in 1991 when the art studio was built. While it was built with the required building permits and full inspections at that time, my friend who built it was never informed that any additional permits were required for conditional use or variance.

My property is unique, as it is the first house to be built in the neighborhood, back in 1943 or so. It is on a very large lot set back from neighbors on a hilltop. In the past nearly 25 years since the art studio was built, I have never received a single complaint from neighbors about the structure. As a private, setback property on a hill, with mature trees, fences, and significant landscaping, there is no reason for complaint.

I built the guest house for personal use only with what I thought was all the proper permits and allowances, and it has been invaluable to my family over the many years since (adult children, their children, and parents). I am still paying the bank for the renovations on this property and it would be a significant hardship to me financially if that value is lost. Therefore I am seeking this variance so that the property can be properly appraised and assessed (which I realize will likely increase my property taxes, as is fair.) There is no harm done to neighbors or anyone else to allow this structure to be granted a conditional use permit and variance so late in the game (15 or 25 years later!)

Thank you for considering my applications.

Laura Danielson
11816 Karen Lane
09003.15a
Conditional Use Request with Variance, photos:

Guest house, built with permits in approximately 2001-2002. Total square footage is 974. On cement slab. Garage is approximately 195 sq feet of that total. Interior has 1 BR, 1 Bath w/shower, one small office/den, and combination living, eating and kitchen area with counter. Photos are labeled:

Front view: south
Side view: west

Garden view: east
Back view: north. Note: setback from neighbors 11.3 feet. Neighbors are on large 1 acre plot and have lots of room (double-drive, etc) so it is still private. There was a tall privacy fence between us until recently that neighbors took down because it was getting old. They have indicated a plan to put it up again but there is no hurry because there aren’t significant privacy concerns.
East side garden and patio: note this is elevated significantly from neighbors to the east, with a fence blocking the property from neighbor’s to north and east. On east side there is also a retaining wall and an area still on my property beneath the retaining wall 9 feet wide which contains raised bed vegetable gardens, with a chain link fence between my property and neighbor’s.
Interior photo of kitchen and counter space

Eating area and east view to garden (note privacy fence above retaining wall)
Living area

Bedroom with egress windows
Office/den overlooking brick patio (south facing window)

Bath
Garage (single car)
Resolution No. 2015-12

Resolution approving a conditional use permit, with locational variance, for an accessory apartment at 11816 Karen Lane

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

Section 1. Background.

1.01 By city code, an accessory living unit/accessory apartment is defined as a self-contained unit of housing located within the confines of an existing single family house and used as a separate housekeeping unit.

1.02 Accessory living units/apartments are conditionally-permitted on single-family residential properties.

1.03 In 2002, the owner of the property at 11816 Karen Lane applied for and received building, electrical, plumbing, and mechanical permits to convert an existing accessory building into an accessory apartment. However, due to an oversight on the part of city staff, a conditional use permit was not applied for or obtained.

1.04 The property owner has now applied for a conditional use permit, with locational variance, to allow for continued use of the accessory building as an accessory apartment.

1.05 On October 15, 2015, 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 §300.16 Subd. 2 outlines the following general standards that must be met for granting a conditional use permit:

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

2.02 City Code §300.16 Subd. 3(d) outlines the following specific standards that must be met for granting a conditional use permit for accessory apartments:

1. To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;
2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;
3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;
4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;
5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the
additional size would not substantially impact the surrounding neighborhood.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

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

Section 3. Findings.

3.01 The existing accessory apartment meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The existing accessory apartment meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(d).

1. The property is zoned R-1; just one accessory apartment existing on-site.

2. Historically, the property owner has resided in the home and family members or guests have resided in the accessory apartment. Owner occupancy has been included as a condition of this resolution.
3. Adequate off-street parking has is provided for both the home and accessory apartment. Both have indoor garage space and paved driveways.

4. The accessory apartment is 779 square feet in size. With the attached garage, the unit has a total area of 974 square feet. The size of the unit does not substantially impact the surrounding area.

5. No changes were made to the home to accommodate the apartment.

6. All applicable building, electrical, plumbing, and heating permits were obtained.

7. The city has received no complaints regarding the existing apartment. Given this, it is unlikely that the apartment has had an undue adverse impact on adjacent properties or substantially altered the character of the neighborhood.

8. All other provisions of this ordinance relating to single family dwelling units are meet.

3.03 The apartment meets the variances standard as outlined in City Code §300.07 Subd. 1.

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The intent of the zoning ordinance as it pertains to accessory apartments, is to ensure that single-family residential properties on which such apartments are created maintain the visual appearance of a single-family property. The existing apartment meets this intent. The unique shape of the existing property, distance between the home and accessory apartment, and mature vegetation separating both from surrounding properties, ensure that the apartment not seem “out of place.” The visual appearance of the single-family property and neighborhood is not negatively impacted.

2. CONSISTENT WITH COMPREHENSIVE PLAN: Accessory apartments are consistent with the housing goals of the Comprehensive Guide Plan, as they add to the diversity of housing types, sizes, and prices in the community.

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

   a) REASONABLENESS: The locational variance, which would allow for the existing accessory apartment to remain, is
reasonable. The property owner responsibly applied for and received building, electrical, mechanical, and plumbing permits for creation of the accessory apartment. It would be unreasonable to require disuse of the existing apartment because of an oversight on the part of city staff.

b) UNIQUE CIRCUMSTANCE: The unique shape of the existing property, distance between the home and accessory apartment, and mature vegetation separating both from surrounding properties, combine to form a unique circumstance not common to other residentially-zoned properties.

c) CHARACTER OF LOCATILTY: It is unlikely that the existing accessory apartment has negatively impacted the character of the surrounding area. The accessory building has been in place for nearly 25 years and used as an accessory apartment for 13 years. During this time, the city has received no complaints regarding either the building or use.

Section 4. City Council Action.

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

1. The property owner must reside in either the home or accessory structure.

2. The accessory structure must be maintained in the same footprint as illustrated on the survey received January 21, 2009.

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

4. Any change to the approved use 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 October 26, 2015.

_______________________________________
Terry Schneider, Mayor
Attest:

_________________________________
David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on October 26, 2015.

_________________________________
David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting
October 15, 2015

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description

Items concerning Cherrywood Pointe of Minnetonka at 2004 Plymouth Road:

1) Ordinance rezoning the property from R-1 to PUD;
2) Master development plan; and
3) Site and building plan review.

Recommendation

Recommend the city council adopt the ordinance and resolution approve the proposal.

Introduction

United Properties is proposing to redevelop the existing three acre residential property at 2004 Plymouth Road. As proposed, a 99-unit Cherrywood Pointe senior rental building would be constructed on the site. Ten of the units, or 10 percent, would be rent and income restricted. A concept for the proposed redevelopment was reviewed by the planning commission in February 2015 and by the city council in March 2015. (See pages A1–A39.)

Proposal Summary

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

- **Existing Site Conditions.**

  The subject property is located on the west side of Plymouth Road, south of its intersection with Ridgedale Drive. The property contains several constructed and natural features. An existing single-family home and various accessory buildings are located in the northeast quadrant, at the highest point of the property. From this point, the property slopes noticeably downward toward two, manage I wetlands to the west and south. Portions of this slope area classified as “steep” by city code definition. Much of the slope is covered by a woodland preservation area (WPA) of the oak woodland brushland variety. (See page A4.)
Existing Zoning and Guide Plan Designation

The property is currently zoned R-1, low-density residential. However, it has been designated for high-density residential use in the comprehensive guide plan for over 30 years. (See page A2–A3.)

Proposed Use.

Cherrywood Pointe is the “brand” of senior rental housing developed by United Properties and operated by Ebenezer. There are currently three Cherrywood Pointe developments in Minnesota – Forest Lake, Roseville, and Savage. As proposed, the Cherrywood Pointe of Minnetonka would include 71 independent/assisted living units and 28 memory care units.

The proposed Cherrywood Pointe building would have a footprint of just under 26,600 square feet and total area of roughly 117,000 gross square feet, excluding underground garage space. The building would have a four-story appearance from the north and northwest and five story appearance from the south and southwest. As designed, underground parking and some memory care suites would be located on the lowest level. Memory care units and large common spaces would be located on the ground floor, with independent/assisted living units and smaller common space occupying the other floors. The building would be served by 53 parking stalls located in the underground garage and an additional 35 surface parking stalls. Access to the site and building would be shared with the office building to the north. (See pages A19–A27.)

Site impacts.

Construction of the building and parking lot would require grading and tree removal. Some fill would be required on the northeast side of the property to accommodate parking lot access, while excavation would be necessary to provide access to the underground parking garage. A large retaining wall would be constructed, with associated excavation and fill, on the south side of the building. This grading and construction of building and parking areas would result in removal of the majority of trees within the east side of the property. However, in locating the building and parking lot primarily on the east side of the site, much of the wooded slope would be preserved. (See pages A16–A18.)

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 proposed Cherrywood Pointe and staff’s findings.
• **Is the proposed high-density residential land use appropriate?**

Yes. General land use planning principles suggest that there should be a direct correlation between intensity of land use and levels of roadway infrastructure. In other words, properties in close proximity to major roadways should have a higher level of development intensity than properties distant from major roadways. This principle has been reflected in each of the city’s successive comprehensive guide plans.

The subject property has been guided for high-density residential use since the early 1980s. This was appropriate at that time and continues to be. The site has direct access to a major arterial road and is located in close proximity to a freeway interchange. Further, the site is bordered by existing high-density residential, office, and commercial uses. (See pages A3.)

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

Yes. Neither the tree preservation nor steep slope ordinances prohibit high-density development of the subject property. Rather: (1) the tree protection ordinance would require certain mitigation for trees removed; and (2) the steep slope ordinance would require certain construction practices, such as use of retaining walls and location and concentration of development on the least sensitive portion of the site. Though these natural resources would not limit development, the proposed building has been designed and located with reference to the natural features. Based on the submitted plans, less than 35% of the woodland preservation area would be impacted and less than 15% of the steep slope. In addition, all minimum wetland and floodplain setbacks would be met.

• **What zoning classification is appropriate?**

PUD. A rezoning is necessary if the subject property is to develop at its high-density land use designation. There are three rezoning options for rezoning: (1) R-5, high-density residential; (2) PID, planned I-394 district; or (3) PUD, planned unit development. A building of the proposed size could be constructed under any of the zoning classifications. However, it is staff’s professional opinion that the PUD classification would best balance the property owners’ reasonable, 30+ year expectation of high-density development with the city’s natural resource and housing goals:

R5 Other than being a “traditional zoning district” – within which development parameters are clearly outlined in code – there is no apparent benefit to development under this zoning classification.

As proposed, the Cherrywood Pointe building would not meet the side yard setbacks required in the R-5 district; two variances would be necessary (north and south). However, these could be eliminated and setbacks met by
either “pushing” the building further into the wooded slope or increasing the number of stories. (See page A43.)

**PID**  
The PID – planned I-394 district – is a combination of both a “traditional zoning district” and a “flexible zoning district.” The ordinance outlines certain parameters for development – including setbacks and maximum floor area ratio (FAR). However, the ordinance also allows for “modification of development standards for developments providing low and moderate cost housing.” (City Code 300.31 Subd.5h) (For more information about the PID district, please refer to the “Supporting Information” section of this report.)

As proposed, the Cherrywood Pointe building would not meet the required setbacks and would exceed the maximum FAR of the PID district. Either three variances would be required or the city could allow for modification of the setback and FAR standards given that 10% of the proposed units would be rent and income restricted.

The setback variances/modifications could be eliminated by “pushing” the building further into the wooded slope or increasing the number of stories. The FAR variance/modification could be eliminated by removing the rent/income restricted units, memory care units, and amenities such as the fitness center, bistro, and salon from the proposal. (See page A44.)

**PUD**  
The PUD – planned unit development – district is a “flexible zoning district” in which flexibility is granted from certain regulations in order that the city may realize public benefits that may not otherwise be achieved through non-PUD development. In using PUD zoning, the city would be granting setback and floor area ratio flexibility from the R-5 and PID regulations. However, the city would realize two important public benefits: (1) greater preservation of the site’s wooded slope than would otherwise be provided under non-PUD development; and (2) provision of affordable housing. The applicant would not have to preserve the wooded slope to the extent proposed or provide affordability if PUD zoning was not used. (See page A45.)

**Summary Comments**

Staff acknowledges that the proposed Cherrywood Pointe of Minnetonka would result in significant physical changes to the subject property. The single-family home would be removed, as would the majority of trees outside of the site’s WPA. These changes would alter the visual character of Plymouth Road in the immediate area. However, such alteration would occur with any redevelopment consistent with site’s the high-density residential land use designation. In the opinion of planning staff, since the concept plan review the developer has improved the location and design of the proposed building specifically to protect the property’s existing wooded slope and wetlands.
Staff Recommendation

Recommend the city council adopt the following:

1. Ordinance rezoning the property from R-1 to PUD and adopting a master development plan. (See page A88–A91.)

2. Resolution approving final site and building plans. (See page A92–A101.)

Originator: Susan Thomas, AICP, Principal Planner
Through: Julie Wischnack, AICP, Community Development Director
Supporting Information

Surrounding Land Uses
- Northerly: Office property; guided office
- Easterly: Multifamily housing; guided medium-density
- Southerly: Multifamily housing; guided high-density
- Westerly: Multifamily housing; guided high-density and open space

Planning
- Guide Plan designation: high-density residential
- Existing Zoning: R-1, low-density residential

Concept Plan
In March 2015, the city council conducted concept plan review for redevelopment of the existing residential property. The plan contemplated construction of a four-story, senior rental building. The building would contain approximately 129 units and include a mixture of independent, assisted, and memory care units. The building was proposed to be served by a surface parking lot adjacent to Plymouth Road, as well as underground parking. At that time, the council generally expressed that the land use may be appropriate, but that preservation of the site’s wetlands, woodlands, and slopes would be of significant importance. (See pages A6–A13.)

Introduction
In September 2015, the city council introduced the ordinance rezoning the subject property from R-1 to PUD. At that time, the council generally noted that the formal proposal seems to reflect many of the comments made during the previous concept review. However, the council also noted that the use of PUD zoning and natural resource preservation should be carefully considered during the formal review process.

City Actions
The Cherrywood Pointe proposal necessitates the following applications:

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

- **Master Development Plan.** By city code, review and approval of a master development plan is required in conjunction with a rezoning to PUD. The planning commission makes a recommendation to the city council,
which has final authority to approve or deny the master development plan.

- **Site and Building Plan Review.** By city code, site and building plan review is required in conjunction with construction in a PUD. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the site and building plan.

**Stormwater**

As proposed, drainage from the site would be managed via a “typical” underground chamber facility, as well as a rainwater reuse system. This system would capture rainwater for irrigation reuse. As a condition of approval, a final stormwater management plan and specifications must be submitted prior to issuance of a grading permit. The plans must meet the standards of the city’s Water Resources Management Plan, incorporating rate control, volume control, and water quality treatment.

**Utilities**

Public water, sanitary, and storm sewer facilities are available to the site from Plymouth Road.

**Trails**

As proposed, an internal sidewalk would connect outdoor patios on the south side of the building with the existing sidewalk on Plymouth Road. In addition, as conditions of approval: (1) a secondary, handicap accessible connection must be made to the sidewalk; and (2) a trail easement must be dedicated upland of the large wetland on the west side of the site. This easement could provide future trail connection between the Cherrywood Pointe site – and Regency Woods Apartment building to the south – and the commercial properties to the north.

**Traffic**

The city commissioned a traffic study to understand:

1. Anticipated vehicle trip generation associated with the proposed Cherrywood Pointe;

2. Existing and anticipated intersection operations; and

3. Parking supply and demand.

In evaluating each of these items, the city’s traffic engineering consultants drew on general engineering principles, as well as specific observations of the existing site and existing Cherrywood Pointe projects in the Twin Cities area. (See pages A47–A59.) The study concluded:
1. The proposal is anticipated to generate 25 p.m. peak hour trips and 396 daily drips. This volume of traffic would have little to no impact on the levels of service of area intersections.

2. Minor modifications should be made to parking lot design and signage to reduce on-site vehicular conflicts. However, no changes to Plymouth Road would be necessary.

3. The proposed parking is expected to be adequate to meet parking demand.

**Parking**

The city code parking requirements do not differentiate between types of senior housing. Specifically, there is no distinction made for assisted living or memory care units. By code, Cherrywood Pointe would be required to provide 99 parking stalls. However, the Institute of Transportation Engineers suggest that 53 parking stalls would meet the demand of Cherrywood Pointe. The proposed 88 stalls are anticipated to exceed demand.

<table>
<thead>
<tr>
<th></th>
<th>Number of Stalls Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underground</td>
<td>53</td>
</tr>
<tr>
<td>Surface</td>
<td>35</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>88</strong></td>
</tr>
</tbody>
</table>

**Building Design**

The proposed Cherrywood Pointe would have a four-story appearance from the north and northwest and five story, with underground garage, appearance from the south and southwest. (See pages A23–A27.) The proposed Cherrywood Pointe building would have a code defined height of 55 feet.

<table>
<thead>
<tr>
<th></th>
<th>Code-Defined</th>
<th>To Peak*</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Ridge</td>
<td>49 ft</td>
<td>49 ft</td>
</tr>
<tr>
<td>Applewood Pointe</td>
<td>50 ft</td>
<td>60 ft</td>
</tr>
<tr>
<td>Cherrywood Pointe</td>
<td>55 ft</td>
<td>72.5 ft</td>
</tr>
<tr>
<td>The Overlook</td>
<td>62 ft</td>
<td>72 ft</td>
</tr>
<tr>
<td>The Exchange</td>
<td>61.5 ft</td>
<td>85.5 ft</td>
</tr>
<tr>
<td>St. Therese</td>
<td>55.5 ft</td>
<td>81 ft</td>
</tr>
</tbody>
</table>

* measured from south facade
Building materials would include lap siding with stone accents, and asphalt shingles. As a condition of approval, a final materials and color palate board must be submitted for staff review and approval.

**PID Ordinance**

The PID ordinance was adopted in 1988. The primary purpose of the ordinance was to “responsibly manage corridor growth.” (City Code 300.31 Subd.1) To that end, the ordinance established several traffic analysis districts (TADs). These TADs limit p.m. peak hour traffic generation from individual properties based on roadway capacity. The subject property is located just outside of the PID district. However, due to its proximity to the district and anticipated future redevelopment, it was included in a TAD. The proposed use does not exceed the planned p.m. peak hour trip as described in city code.

The PID ordinance notes that, “the planned I-394 district has been uniquely developed for properties located in the I-394 corridor. This section has been developed to regulate corridor growth within the capacity of public facilities. No property in the traffic analysis districts identified in Subdivision 13 which is designated for a use other than low density residential in the guide plan may be rezoned to a zoning classification other than planned I-394 district. A contrary rezoning will be permitted only if it is demonstrated that the planned I-394 district incorrectly applies to a specific property.” (City Code 300.31 Subd.11b)

In the past, staff has received questions from members of the public regarding this provision. In the case of the subject property, it has been suggested that because of this provision the city cannot rezone the property to PUD. This suggestion is not accurate for two reasons:

1. The provision was adopted by the city council in 1988. The provision essentially attempts to bind the decision-making of current and future councils. The provision is inappropriate as the decisions of one council cannot bind the decisions of another council.

2. Rezoning is a legislative function granted by state statute to the city council. The council has broad discretion in rezoning. Much like PUDs are allowed in place of other traditional zoning districts (R-1, B-1, etc.), the council can choose to allow a PUD in the PID district.
NR Ordinances

The city has several natural resource protection ordinances, including: shoreland, wetland, and tree protection, and steep slope regulations. These ordinances attempt to balance the community benefit of preserving natural resources with private development rights. The subject property is subject to the regulations of the wetland, tree, and steep slope ordinances.

1. **Wetland.** The ordinance regulates wetland setback and alteration. The proposed building would meet and exceed required setbacks and would not alter the adjacent wetlands.

2. **Trees.** The ordinance regulates tree removal and mitigation. The highest level of protection is provided to WPAs and high-priority trees during subdivision of property. In such cases, just 25% of WPA and 35% of high-priority trees may be removed or impacted. The Cherrywood Pointe proposal does not include a subdivision of property. As such, these removal/impact thresholds do not apply. Rather, the ordinance requires mitigation for high priority and significant trees removed outside of the building and parking lot footprints, and a 20 foot and 10 foot perimeter respectively. The ordinance further requires mitigation for WPA and high-priority trees removed for stormwater ponding.

   Based on plans provided, it appears that construction of the building and parking lot would result in removal or significant impact to roughly 35% of the WPA. Further, 15 of 16 high priority trees outside of (north and east) the WPA would be removed and all of the significant trees. For the most part, these high priority and significant trees would be located within the footprint of the building and parking lot or within the 20/10 foot perimeter. The removal would not be prohibited.

3. **Steep Slopes.** The ordinance does not prohibit development on or around steep slopes. However, it does require that:

   - The property is physically suitable for the design and siting of the proposed development. The proposed development must preserve significant natural features by minimizing disturbance to existing topographical forms.
   - The development must not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.
• The proposed development must provide adequate measures to protect public safety.

Further, the ordinance notes that “the city may require that a property be rezoned and developed as a planned unit development to utilize flexible development standards to preserve steep slopes.” (City Code 300.28 Subd.20(b)1)

**Affordable Housing**

United Properties has agreed to place income and base rent restrictions on 10% of the units within Cherrywood Pointe, as follows:

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number Units</th>
<th>Income Restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>3</td>
<td>60% of area median</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>5</td>
<td>60% of area median</td>
</tr>
<tr>
<td>1+ Den</td>
<td>2</td>
<td>80% of area median</td>
</tr>
</tbody>
</table>

A unit provided at 60% area median income (AMI) would have a monthly rent roughly $700 less than a market rent unit. Similarly, a unit provided at 80% AMI would have a rent $500-$600 less.

**Outside Agencies**

The applicant’s proposal has been submitted to various outside agencies for review, including Hennepin County and Minnehaha Creek Watershed District.

**Motion Options**

The planning commission has four options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the rezoning ordinance and site and building plan resolution.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the requested rezoning, master development plan, and final site and building plans. This motion must include a statement as to why denial is recommended.

3. Concur with some of staff’s recommendations and disagree with the others. In this case a motion should be made recommending approval of the some and denial of the others. This motion must include a statement as to why denial is recommended.
4. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Neighborhood Comments**

The city received 19 comments during the concept plan review. At the time of publication of this report, the city has received two comments regarding the formal application. (See pages A61–A86.) Notices were sent to 2,657 Minnetonka property owners.

**Deadline for Action**

December 4, 2015
Location Map

Project: Cherrywood Pointe
Applicant: United Properties Residential
Address: 2004 Plymouth Rd
(15002.15b)

This map is for illustrative purposes only.
EXISTING NATURAL CONDITIONS

Legend

- Streets
- Parcels

Natural Communities

**DESCRIPTION**
- Floodplain forest
- Lowland hardwood forest
- Maple-basswood forest
- Oak forest mesic subtype
- Oak woodland-brushland
- Willow swamp

**Wetlands**
- <all other values>

**CLASS**
- Manage 1
- Manage 2
- Preserve
- Wetlands (NWI)
CONCEPT PLAN
Cherrywood of Minnetonka

2004 Plymouth Road

Developement Summary
Option 6 / 5 Story U Shape

- 157,688 Finished SF
- 27,179 Garage SF
- 129 Units / 132 Beds
- 97 Total Parking
- 1,222 sf/unit Avg.

- Garage 27,179 sf
- LL Floor 18,652 sf
- 1st Floor 40,528 sf
- 2nd Floor 32,508 sf
- 3rd Floor 33,000 sf
- 4th Floor 33,000 sf

Unit Summary

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>LL</th>
<th>1st</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>MC Single</td>
<td>10</td>
<td>21</td>
<td>31</td>
</tr>
<tr>
<td>MC Double</td>
<td>1</td>
<td>2</td>
<td>3/6</td>
</tr>
<tr>
<td>Care Suite</td>
<td>5</td>
<td>-</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>23</td>
<td>39 Rms / 42 Beds</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>24</td>
<td>27%</td>
</tr>
<tr>
<td>1 Bed + Den</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td></td>
<td>36</td>
<td>40%</td>
</tr>
<tr>
<td>2 Bed</td>
<td>7</td>
<td>8</td>
<td>8</td>
<td></td>
<td>25</td>
<td>28%</td>
</tr>
<tr>
<td>Studio</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>4%</td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>26</td>
<td>30</td>
<td>30</td>
<td>90</td>
<td></td>
</tr>
</tbody>
</table>

Site Plan - Option 5

Scale 1" = 50'-0"
Cherrywood of Minnetonka
2004 Plymouth Road

2nd Floor Summary

Total SF: 32,508 sf
26 Units

8 - One Bed Units
10 - One Bed + Den Units
7 - Two Bed Units
2 - Studio

3rd-4th Floor Summary

Total SF: 33,000 sf
30 Units

8 - One Bed Units
12 - One Bed + Den Units
8 - Two Bed Units
2 - Studio

(c) 2015 TUSHIE-MONTGOMERY & ASSOCIATES, INC.

Option 6
P5
Jan. 8, 2015
only plats half of the lots now. He hoped the same types of analysis that goes into an R1 development would eventually be applied and acted upon.

Reid Schulz, Landform Professional Services, said he was speaking on behalf of the applicant, Lakewest Development. Last year the applicant came forward with a 22 lot proposal for the same seven parcels. The revised 12 lot proposal addressed some of the concerns that were raised. He said at the December neighborhood meeting the neighbors were generally very supportive of the plan based primarily on the reduction of the number of lots.

Bergstedt said the proposal was in his ward and when the concept plan was discussed last year, he thought it was way too dense for the property. He commended the applicant for revising the proposal and listening to comments that were made. He said this was a big step because it was the first time the city used the R1A zoning. He agreed the ordinance may need to be tweaked in the future as necessary but he thought this was a very good first project.

Bergstedt moved, Wiersum seconded a motion to adopt Ordinance No. 2015-08 rezoning portions of the properties at 5290 and 5300 Spring Lane, 5325 Co Rd 101, 5301 and 5311 Tracy Lynn Terrace, and two properties with unassigned addresses from R-1 to R-1A. All voted "yes." Motion carried.

B. Concept Plan for Cherrywood Pointe Senior Cooperative at 2004 Plymouth Road

Gordon gave the staff report.

Brian Carey, United Properties, said there was a tremendous growth in the senior population. The city’s seniors are very committed to the city and want to remain living in Minnetonka. By moving into the cooperative, it would free up housing for younger families. The younger families are more apt to invest long term in the homes. By allowing the seniors to turn over their homes the city would be fostering a lot of families with younger kids coming into the city. This would increase the number of school aged children. He showed photos of other Applewood Pointe facilities. Although the facility was not in the Ridgedale visioning area, he said his company very much embraces that vision.

Susan Farr with Ebenezer said the company loved the location and when seniors give up their homes they want to move to a location close to their church and their bank. The proximity of retail and restaurants in the area
makes the location attractive for the cooperative. Seniors want to remain active and give back to the community. The children visiting their parents would also benefit from the businesses in the area.

Carey showed slides indicating the proposed building’s proximity to neighboring properties. There would be shared access with the drive to the north to address traffic issues on Plymouth Road. A right turn exit only lane would be added. The building footprint would be 40,500 square feet. There would be a 5,750 square foot courtyard in the center and green space around the building. Neighbors expressed preference for a classical design to the building. He said there were concerns about the natural landscape, the quality of the wetlands and the runoff. Complete below grade stormwater retention would be included. Peak runoff rates would be controlled and sediment and phosphorus removal would be provided. The 25 foot buffer area on the west side of the property would be filled with wetland buffer material.

Wagner said the comments he received indicated an understanding the area was zoned R5 but there also was a woodland preservation area. He asked how that impacted staff’s opinion about the project. This would be an issue that would have to be dealt with during the planning commission and council process. Gordon said consideration of any of the site’s features would be part of any zoning review. There appeared to be some steep slopes on the property. There was a number of layers of environmental information. There was a tree inventory completed, but city staff had not confirmed all of the trees, the species and the health to be fully informed about a woodland preservation area. All this would have an influence on where the building was sited and how much of the slopes and trees would be impacted. Wagner noted the level of detail would be provided if an application comes forward. Gordon said that was correct.

Wagner said the staff report indicated the zoning would probably be PUD. The city did not have a lot of R5 guided properties that had not been developed. He asked staff what some of the considerations were related to R5 zoning versus a PUD. Gordon said although there was not an application the assumption was the zoning would not be R5 because the building would not fit where the R5 envelope would be on the property. If an application came in, it would be reviewed under R5 zoning. Even with R5 zoning all the environmental factors have to be considered in siting the building. Last year the city adopted a new PUD ordinance that included a public benefits provision that was required to qualify for a PUD. The applicant would have to demonstrate that there was something publically valuable to qualify for a PUD. This had not been defined. Wischnack said a PUD proposal might help protect more of the trees and the wetlands on the site. She said it was sometimes misunderstood that a PUD was used
to help avoid something like setbacks. Typically staff applies a PUD to do as much preservation as possible. This was why staff indicated in its report that a PUD might be possible. Wagner said his biggest concern was the number of steep slopes on the property and how the woodland preservation area would be considered with the R5 zoning.

Wiersum said if the process proceeds he would like some guidance about density in this type of development. There were 93 memory care rooms with a size of 490 square feet including the bathroom. One bedroom units average about 750 square feet. Two bedroom units average about 1,000 square feet. If this was an apartment or condominium proposal the building would likely be twice as big because the square footage for each unit would be much greater. He said he would like to better understand the impact of this type of facility. The number of parking stalls wasn’t very many compared to the number of units. A lot of the residents would not be driving or driving daily. He would like some context when considering the proposal. He believed this type of housing was needed in the city but he wanted to understand the impacts.

Schneider said the idea of having an assisted living facility in the Ridgedale area made good sense. Traffic issues on Plymouth Road are sensitive and he couldn’t think of a lower traffic generator than an assisted living facility. For other senior facilities adequate surface level guest parking was a concern. Having a management plan if the surface level parking wasn’t adequate was important. He said the use was not a big concern for him but the more significant issue was how the building’s footprint would fit into the topography. A much more detailed analysis of the grading, buffer zones, etc. was needed. More time would need to be spent on site impacts, grading, tree preservation and steep slopes. Understanding the tradeoffs would probably be a major focus of the discussion as the plan goes through the planning process.

Allendorf said if the site issues could be addressed he thought the location was a good one for the facility. He agreed with the comments about the benefits of the residents getting out to the nearby amenities. He compared this to the Rowland Road proposal that wasn’t near anything.

Annette Bertelsen, 13513 Larkin Drive, said there was not a lot of discussion at the planning commission meeting about the unique natural features of the property. In addition to the wetlands, there is native oak woodland brushwood on an area of the property. The tree ordinance indicates if the continuous area outside of the subject property is at least two acres it is a woodland preservation area. One and a half acres of the subject property is a woodland preservation area. This is a key thing to consider. The quality of the woodlands should also be considered. There
are at least five different species of trees including two different types of oak. There is a fairly dense understory throughout. Another thing to consider is the slope. The southern part definitely is a steep slope and the western side may qualify under the ordinance. She said it was better to clarify this sooner rather than later. The combination of the oak preservation area adjacent to wetlands and on a steep slope is important to note because there is a lot of references to the interplay in the city's ordinances. The ordinances also provide a lot of subjectivity for the council to make its decision. She noted the difference between natural and native vegetation. A smaller scale development concentrated on the north and east parts of the property might be more in the city's best interests.

Kay Johnson, 2227 Platwood Road, said she was very concerned about the natural resources of the site and the density of the plan. The area to the south has about 15 units per acre and this plan would have around 45 units per acre. She questioned what would happen if the assisted living units were not built but became apartments instead. The property is sandwiched between two properties with three story buildings. She would like to see this building be three stories high as well. Wischnack said staff runs the numbers if the building were converted to an apartment building at some point. The reason this is done is to ensure there is enough site area and to consider either parking or amenities if the building transforms someday.

Wagner noted he received a number of letters and a few calls indicating a strong passion about the natural resources.

15. Appointments and Reappointments:

A. Appointment of advisors for the 2015 Local Board of Appeal and Equalization

Schneider moved, Bergstedt seconded a motion to appoint Mr. Powers, Mr. Johnson, Mr. Kriedberg and Ms. Miller as advisors for the 2015 Minnetonka Local Board of Appeal and Equalization. All voted “yes.” Motion carried.

16. Adjournment

Wiersum moved, Wagner seconded a motion to adjourn the meeting at 8:13 p.m. All voted “yes.” Motion carried.

Respectfully submitted,
CURRENT APPLICATION
Cherrywood of Minnetonka
2004 Plymouth Road

UNIT SUMMARY

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>UNIT TYPE</th>
<th>COUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 - Garage</td>
<td>Care Suite</td>
<td>6</td>
</tr>
<tr>
<td>1st Floor</td>
<td>1 Bed</td>
<td>1</td>
</tr>
<tr>
<td>1st Floor</td>
<td>2 Bed</td>
<td>2</td>
</tr>
<tr>
<td>1st Floor</td>
<td>MC Unit</td>
<td>21</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>1 Bed</td>
<td>7</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>1 Bed + Den</td>
<td>6</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>2 Bed</td>
<td>6</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>Guest Suite</td>
<td>1</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>Studio</td>
<td>1</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>1 Bed</td>
<td>7</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>1 Bed + Den</td>
<td>8</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>2 Bed</td>
<td>7</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>Studio</td>
<td>2</td>
</tr>
<tr>
<td>4th Floor</td>
<td>1 Bed</td>
<td>7</td>
</tr>
<tr>
<td>4th Floor</td>
<td>1 Bed + Den</td>
<td>8</td>
</tr>
<tr>
<td>4th Floor</td>
<td>2 Bed</td>
<td>7</td>
</tr>
<tr>
<td>4th Floor</td>
<td>Studio</td>
<td>2</td>
</tr>
</tbody>
</table>

MC Unit and Suite Mix

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>UNIT TYPE</th>
<th>COUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>4th Floor</td>
<td>Care Suite</td>
<td>6</td>
</tr>
<tr>
<td>4th Floor</td>
<td>Guest Suite</td>
<td>1</td>
</tr>
<tr>
<td>4th Floor</td>
<td>MC Unit</td>
<td>28</td>
</tr>
<tr>
<td>1st Floor</td>
<td>1 Bed</td>
<td>22</td>
</tr>
<tr>
<td>1st Floor</td>
<td>1 Bed + Den</td>
<td>22</td>
</tr>
<tr>
<td>1st Floor</td>
<td>2 Bed</td>
<td>22</td>
</tr>
<tr>
<td>1st Floor</td>
<td>Studio</td>
<td>5</td>
</tr>
</tbody>
</table>

Assisted Living Mix

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>UNIT TYPE</th>
<th>COUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd Floor</td>
<td>1 Bed</td>
<td>21</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>1 Bed + Den</td>
<td>8</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>2 Bed</td>
<td>7</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>Studio</td>
<td>2</td>
</tr>
</tbody>
</table>

FINISHED SF

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>LL SF</td>
<td>7,500</td>
</tr>
<tr>
<td>Level 1 SF</td>
<td>28,810</td>
</tr>
<tr>
<td>Level 2 SF</td>
<td>26,880</td>
</tr>
<tr>
<td>Levels 3 &amp; 4 SF</td>
<td>27,430</td>
</tr>
<tr>
<td>Total Finished SF</td>
<td>117,260</td>
</tr>
</tbody>
</table>

UNFINISHED SF

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garage SF</td>
<td>20,090</td>
</tr>
<tr>
<td>Total SF</td>
<td>137,350</td>
</tr>
<tr>
<td>Total Units</td>
<td>Approx. 99</td>
</tr>
<tr>
<td>Garage Parking</td>
<td>Approx. 53</td>
</tr>
<tr>
<td>Surface Parking</td>
<td>Approx. 35</td>
</tr>
<tr>
<td>Total Parking</td>
<td>Approx. 88</td>
</tr>
</tbody>
</table>

FAR= TOTAL SF / SITE = 117,260 SF / 152,460 SF = 0.77
3.5 ACRES = 152,460 SF

4-Story With Garage
*Rear and side yard setbacks based on 1.5 x the height of the 4-story building.

Approx. FFE = 972'

Radial Design

Cherrywood of Minnetonka
2004 Plymouth Road

08/21/2015

4-STORY - Site Plan | A1 |
3rd Floor
- 1 Bed: 7 units
- 1 Bed + Den: 8 units
- 2 Bed: 7 units
- Studio: 2 units

4th Floor
- 1 Bed: 7 units
- 1 Bed + Den: 8 units
- 2 Bed: 7 units
- Studio: 2 units

LEVELS 3-4 SUMMARY

<table>
<thead>
<tr>
<th>LEVEL</th>
<th>UNIT TYPE</th>
<th>COUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>3rd Floor</td>
<td>1 Bed</td>
<td>7</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>1 Bed + Den</td>
<td>8</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>2 Bed</td>
<td>7</td>
</tr>
<tr>
<td>3rd Floor</td>
<td>Studio</td>
<td>2</td>
</tr>
<tr>
<td>4th Floor</td>
<td>1 Bed</td>
<td>7</td>
</tr>
<tr>
<td>4th Floor</td>
<td>1 Bed + Den</td>
<td>8</td>
</tr>
<tr>
<td>4th Floor</td>
<td>2 Bed</td>
<td>7</td>
</tr>
<tr>
<td>4th Floor</td>
<td>Studio</td>
<td>2</td>
</tr>
</tbody>
</table>
Cherrywood of Minnetonka
2004 Plymouth Road

1 PRELIMINARY PERSPECTIVE
2 3D View 4

3-D PERSPECTIVE 1 | A6 | 08/21/2015
R-5 ZONING
6 story with garage

112,000 Finished s.f.
18,000 s.f. Garage

50 surface parking
50 garage parking

Garage 18,000 s.f.
LL Floor 4,000 s.f.
1st Floor 18,000 s.f.
2nd Floor 18,000 s.f.
3rd Floor 18,000 s.f.
4th Floor 18,000 s.f.
5th Floor 18,000 s.f.
6th Floor 18,000 s.f.
Total 130,000 s.f.
**TREE PRESERVATION & REPLACEMENT SUMMARY**

**TOTAL WPA CALIPER INCHES IMPACTED OR REMOVED:** 98 cal. inches

<table>
<thead>
<tr>
<th>Replacement Trees (see landscape plan):</th>
</tr>
</thead>
<tbody>
<tr>
<td>6) 3&quot; B&amp;B Quaking Aspen - 18 cal. inches</td>
</tr>
<tr>
<td>6) 3&quot; B&amp;B Bur Oak - 18 cal. inches</td>
</tr>
<tr>
<td>8) 3&quot; B&amp;B Red Oak - 24 cal. inches</td>
</tr>
<tr>
<td>6) 3&quot; B&amp;B Swamp White Oak - 18 cal. inches</td>
</tr>
<tr>
<td>4) 2.5&quot; B&amp;B Autumn Brilliance Serviceberry</td>
</tr>
<tr>
<td>4) 2.5&quot; B&amp;B Thornless Hawthorn</td>
</tr>
</tbody>
</table>

**TOTAL HIGH PRIORITY TREE INCHES IMPACTED OR REMOVED:** 66 cal. inches

<table>
<thead>
<tr>
<th>Replacement Trees (see landscape plan):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) 3&quot; B&amp;B Red Maple - 3 cal. inches</td>
</tr>
<tr>
<td>1) 3&quot; B&amp;B Kentucky Coffee Tree - 3 cal. inches</td>
</tr>
<tr>
<td>10) 3&quot; B&amp;B Quaking Aspen - 30 cal. inches</td>
</tr>
<tr>
<td>1) 3&quot; B&amp;B Red Oak - 3 cal. inches</td>
</tr>
<tr>
<td>3) 3&quot; B&amp;B Swamp White Oak - 9 cal. inches</td>
</tr>
<tr>
<td>4) 3&quot; American Linden (Basswood) - 12 cal. inches</td>
</tr>
<tr>
<td>1) 2.5&quot; B&amp;B Autumn Brilliance Serviceberry</td>
</tr>
<tr>
<td>1) 2.5&quot; B&amp;B Blue Beech - 2.5 cal. inches</td>
</tr>
<tr>
<td>1) 1.5&quot; B&amp;B Pagoda Dogwood - 1.5 cal. inches</td>
</tr>
</tbody>
</table>

**TOTAL SIGNIFICANT TREE INCHES IMPACTED:** 0 cal. inches

**WOODLAND PRESERVATION AREA:**

- **TOTAL EXISTING WPA AREA ON SITE:** 57,662.15 SF
- **IMPACTED WPA AREA:** 13,243.14 SF or 22.97%
- **REMAINING UNDISTURBED WPA AREA:** 44,419.01 SF or 77.03%

**TREES REMOVED:**

- Texas & WI Building Permits (127):
  - Aug 06
  - Oct 06
  - Nov 06
  - Dec 06
  - Feb 07
  - Mar 07
  - Apr 07
  - May 07
  - Jun 07
  - Jul 07
  - Aug 07
  - Sep 07
  - Oct 07
  - Nov 07
  - Dec 07
  - Jan 08
  - Feb 08
  - Mar 08
  - Apr 08
  - May 08
  - Jun 08
  - Jul 08
  - Aug 08
  - Sep 08
  - Oct 08
  - Nov 08
  - Dec 08
  - Jan 09
  - Feb 09
  - Mar 09
  - Apr 09
  - May 09
  - Jun 09
  - Jul 09
  - Aug 09
  - Sep 09
  - Oct 09
  - Nov 09
  - Dec 09
  - Jan 10
  - Feb 10
  - Mar 10
  - Apr 10
  - May 10
  - Jun 10
  - Jul 10
  - Aug 10
  - Sep 10
  - Oct 10
  - Nov 10
  - Dec 10
  - Jan 11
  - Feb 11
  - Mar 11
  - Apr 11
  - May 11
  - Jun 11
  - Jul 11
  - Aug 11
  - Sep 11
  - Oct 11
  - Nov 11
  - Dec 11
  - Jan 12
  - Feb 12
  - Mar 12
  - Apr 12
  - May 12
  - Jun 12
  - Jul 12
  - Aug 12
  - Sep 12
  - Oct 12
  - Nov 12
  - Dec 12
  - Jan 13
  - Feb 13
  - Mar 13
  - Apr 13
  - May 13
  - Jun 13
  - Jul 13
  - Aug 13
  - Sep 13
  - Oct 13
  - Nov 13
  - Dec 13
  - Jan 14
  - Feb 14
  - Mar 14
  - Apr 14
  - May 14
  - Jun 14
  - Jul 14
  - Aug 14
  - Sep 14
  - Oct 14
  - Nov 14
  - Dec 14
  - Jan 15
  - Feb 15
  - Mar 15
  - Apr 15
  - May 15
  - Jun 15
  - Jul 15
  - Aug 15
  - Sep 15
  - Oct 15
  - Nov 15
  - Dec 15
  - Jan 16
  - Feb 16
  - Mar 16
  - Apr 16
  - May 16
  - Jun 16
  - Jul 16
  - Aug 16
  - Sep 16
  - Oct 16
  - Nov 16
  - Dec 16
  - Jan 17
  - Feb 17
  - Mar 17
  - Apr 17
  - May 17
  - Jun 17
  - Jul 17
  - Aug 17
  - Sep 17
  - Oct 17
  - Nov 17
  - Dec 17
  - Jan 18
  - Feb 18
  - Mar 18
  - Apr 18
  - May 18
  - Jun 18
  - Jul 18
  - Aug 18
  - Sep 18
  - Oct 18
  - Nov 18
  - Dec 18

**WPA TREES REMOVED:** High Priority Trees Removed

- Oak 5
- Oak 5
- Maple 6
- Cherry 6
Cherrywood of Minnetonka
2004 Plymouth Road
Landscape Enlargement 'A' | L3.0 | 08/21/15
## Cherrywood of Minnetonka

**2004 Plymouth Road**

### Landscape Notes

**L6.0**

08/21/15
SHREDDED WOOD MULCH:
Shredded wood mulch shall be installed at a 4" compacted depth placed to the edge of the planting bed. Plants not in a planting bed shall have a 4' dia. mulched area. Mulch shall be pulled away from direct contact with the tree trunk or plant stem. Mulched area shall form a well around plants or planting beds.

SPRING TO MID-SUMMER PLANTING:
Fertilize at the time of planting with a slow-release, balanced fertilizer. Use according to manufacturer’s instructions. Mix fertilizer in with backfill or broadcast in a diameter around the plant.

LATE SUMMER TO FALL PLANTINGS:
Use a fertilizer without nitrogen for deciduous trees. Do not apply any fertilizer to evergreen trees and shrubs planted in late summer or early fall.

CONTAINER STOCK:
Dig the planting hole two to three times wider than the size of the container, or to the edge of the planting bed as indicated on the plans, and at the same depth at which they grew in the nursery. Scrape the sides and bottom of the planting pit.

Place plant in planting pit and set plants vertically. When moving plants, lift from beneath the root ball, do not lift or loosen the rootball.

Set plants on solid, undisturbed soil or thoroughly compacted backfill soil so the top of the root ball is slightly above finished grade to expose rootflairs on all b&b trees to prevent "stem girdling".

Backfill planting pit with original soil, half way to the top of the root ball. Break up clogs of soil. If soils are poor (i.e. heavy clays, sand, or compacted), backfill can be a mixture of 1/3 soil amendment mixed with 2/3 original soil. Do not use peat as part of backfill in clay soils. Remove all rocks and debris from backfill and then water plant and backfilled area so as to settle plants and fill voids.

Backfill planting pit with original soil half way to the top of the root ball. Break up clogs of soil. If soils are poor (i.e. heavy clays, sand, or compacted), backfill can be a mixture of 1/3 soil amendment mixed with 2/3 original soil. Do not use peat as part of backfill in clay soils. Remove all rocks and debris from backfill and then water plant and backfilled area to settle plants and fill voids.

BALLED AND BURLAPPED STOCK:
Roots of all balled and burlapped stock shall fill the soil ball, be free of kinks, circling, and girdling, and the uppermost roots shall not be more than four inches below the top of the soil ball. Transport roots shall be symmetrical around the trunk / stem of the plants. Soil balls must be centered or no more than 10% off center.

Dig the planting pit two to three times wider than the size of the rootball and at the same depth at which they grew in the nursery. Scrape the sides and bottom of the planting pit.

Cut and remove all tie around the trunk. Pull burlap away from trunk so that no burlap remains in the top three inches of the soil surface. Removing burlap shall be slit at six inch intervals around the circumference of the rootball.

Backfill planting pit with original soil, half way to the top of the rootball. Break up clogs of soil. If soils are poor (i.e. heavy clays, sand, or compacted), backfill can be a mixture of 1/3 soil amendment mixed with 2/3 original soil. Do not use peat as part of backfill in clay soils. Remove all rocks and debris from backfill and then water plant and backfilled area to settle plants and fill voids.

Remove all wire baskets from the top 1/2 of the rootball and continue backfilling remaining planting pit with original soil.

Water thoroughly a second time to settle plants and fill voids within two hours of planting. Place specified mulch within 48 hours of the second watering. Provide support if necessary.

5. CONTRACTOR SHALL FIELD STAKE PLANTING ACCORDING TO PLAN. OWNER / LANDSCAPE ARCHITECT SHALL APPROVE ALL PLANT LOCATIONS PRIOR TO INSTALLATION. OWNER RESERVES THE RIGHT TO REVISE PLANTING LAYOUT AT TIME OF INSTALLATION.

4. OWNER RESERVES THE RIGHT TO REVISE QUANTITIES TO SUIT BUDGET LIMITATIONS. CONTRACTOR'S UNIT BID PRICES SHALL PREVAIL FOR ANY CHANGES IN QUANTITIES.

1. ALL PLANTING BEDS SHALL BE PREPARED IN THE FOLLOWING MANNER:
- Remove existing vegetation, especially groundcover
- Rototill to a depth of 12 inches and incorporate fertilizer
- Trench the edge of the planting beds and install edging where applicable
- Remove all rocks and debris
- Install plants as per plant detail and specifications
- Install specified mulch to specified depth
- Soil shall be pulled away from stem/trunks of all plants
- Water as per detail and specifications

2. CONTRACTOR SHALL NOT PLANT TREES OR SHRUBS IN PLANTING PITS WHERE HIGH WATER OR OTHER UNFORSEEN CIRCUMSTANCES ARE ENCOUNTERED. CONTRACTOR SHALL NOTIFY OWNER/LANDSCAPE ARCHITECT IMMEDIATELY IN SUCH INSTANCES.

3. ALL PLANT MATERIALS SHALL BE TRUE TO THEIR SCIENTIFIC NAME AND SIZE AS INDICATED IN THE PLANT SCHEDULE.

4. OWNER RESERVES THE RIGHT TO REVISE QUANTITIES TO SUIT BUDGET LIMITATIONS. CONTRACTOR'S UNIT BID PRICES SHALL PREVAIL FOR ANY CHANGES IN QUANTITIES.

5. CONTRACTOR SHALL FIELD STAKE PLANTING ACCORDING TO PLAN. OWNER / LANDSCAPE ARCHITECT SHALL APPROVE ALL PLANT LOCATIONS PRIOR TO INSTALLATION. OWNER RESERVES THE RIGHT TO REVISE PLANTING LAYOUT AT TIME OF INSTALLATION.
STAFF EXHIBITS AND STUDIES
BUILDABLE AREA: R-5 ZONING

- REQUIRED SETBACKS
- WETLAND
- WPA
- STEEP SLOPE

For illustration purposes only
REQUIRED SETBACKS

STEEP SLOPE

WETLAND

WPA

BUILDABLE AREA: PROPOSED PUD ZONING

For illustration purposes only
## REQUIREMENTS BY ZONING CLASSIFICATION

<table>
<thead>
<tr>
<th></th>
<th>REQUIRED</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front Yard Setback</strong></td>
<td>R-5 50 ft</td>
<td>PID 55 ft</td>
</tr>
<tr>
<td><strong>Side Yard Setback</strong></td>
<td>R-5 82.5 ft</td>
<td>PID 55 ft</td>
</tr>
<tr>
<td><strong>Rear Yard Setback</strong></td>
<td>R-5 82.5 ft</td>
<td>PID 55 ft</td>
</tr>
<tr>
<td><strong>Parking Lot Setback</strong></td>
<td>R-5 20 ft</td>
<td>PID 20 ft</td>
</tr>
<tr>
<td><strong>FAR</strong>*</td>
<td>R-5 1.0</td>
<td>PID 0.75</td>
</tr>
<tr>
<td><strong>Building Height</strong></td>
<td>Controlled by setbacks and FAR</td>
<td>Controlled by setbacks, FAR and hardsurface coverage</td>
</tr>
<tr>
<td><strong>Floodplain Setback</strong></td>
<td>R-5 20 ft</td>
<td>PID 20 ft</td>
</tr>
<tr>
<td><strong>Hardsurface Coverage</strong></td>
<td>R-5 n/a</td>
<td>PID 60%</td>
</tr>
<tr>
<td><strong>Floodplain Vertical Separation</strong></td>
<td>R-5 2 ft</td>
<td>PID 2 ft</td>
</tr>
<tr>
<td><strong>Wetland Setback</strong></td>
<td>R-5 35 feet</td>
<td>PID 35 ft</td>
</tr>
</tbody>
</table>

**Tree Protection**

No maximum removal. However, mitigation is required for removal outside of building foot print and 20 ft perimeter and parking lot footprint and 10 ft perimeter.

**Steep Slopes**

- The city may require that a property be rezoned and developed as a planned unit development to utilize flexible development standards to preserve steep slopes.
- The property must be physically suitable for the design and siting of the proposed development. The proposed development must preserve significant natural features by minimizing disturbance to existing topographical forms.
- The development must not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.
- The proposed development must provide adequate measures to protect public safety.

---

**Footnotes:**

* based on 2.9 acres of upland area.

** Within the PID District: "The city may utilize incentives to encourage the construction of projects which are consistent with the city's housing goals. Incentives may include modification of development standards for developments providing low and moderate cost housing. Incentives may be approved by the city only after the developer and city have entered into an agreement to ensure that the low and moderate cost units remain available to persons of low and moderate income for a specific period of time." (City Code 300.31 Subd.5h)
Introduction

As requested, SRF has completed a traffic study for the proposed Cherrywood Pointe assisted living and memory care development located at 2004 Plymouth Road in the City of Minnetonka (see Figure 1: Project Location). The main objectives of this study are to review existing operations, evaluate potential traffic and parking impacts of the proposed developments, and recommend improvements to provide acceptable traffic operations and safety, if necessary. This study includes an evaluation of existing and future intersection operations, trip generation, site access/circulation, and a review of the proposed parking supply and demand. The following information provides the assumptions, analysis, and study recommendations offered for consideration.

Existing Conditions

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

Data Collection

Weekday a.m. and p.m. peak period intersection turning movement counts were collected at the following study intersections in September 2015:

1) Plymouth Road and Ridgedale Drive
2) Plymouth Road and Hennepin County Library/NovaCare Access
3) Plymouth Road and Sherwood Place

Observations were completed to identify various roadway characteristics within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Plymouth Road is primarily a four-lane divided roadway with turn lanes and a posted speed limit of 35 miles per hour (mph). Ridgedale Drive is a three-lane roadway west of Plymouth Road and a four-lane roadway east of Plymouth Road, while Sherwood Place is a two-lane roadway. Both Ridgedale Drive and Sherwood Place have a 30 mph posted speed limit. The Plymouth Road intersections at Ridgedale Drive and Sherwood Place are signalized and the library/NovaCare access is unsignalized with side-street stop control. Existing geometrics, traffic controls, and volumes within the study area are shown in Figure 2.
**Legend**

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>XX</td>
<td>A.M. Peak Hour Volume</td>
</tr>
<tr>
<td>(XX)</td>
<td>P.M. Peak Hour Volume</td>
</tr>
<tr>
<td>Stop</td>
<td>Side-Street Stop Control</td>
</tr>
<tr>
<td>Sx</td>
<td>Traffic Signal Control</td>
</tr>
</tbody>
</table>

**Figure 2**

Cherrywood Pointe Traffic and Parking Study
City of Minnetonka

Cherrywood Pointe
2004 Plymouth Road
Intersection Operations Analysis

An operations analysis was conducted to determine how traffic is currently operating at the study intersections. All intersections were analyzed using Synchro/SimTraffic software (V8) and the Highway Capacity Manual (HCM). Capacity analysis results identify a Level of Service (LOS) which indicates how well an intersection is operating. Intersections are ranked from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation and LOS F indicates an intersection where demand exceeds capacity. Overall intersection LOS A through LOS D is considered to be acceptable traffic flow conditions in the Twin Cities metropolitan area.

Table 1. Level of Service Criteria for Signalized and Unsignalized Intersections

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

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.

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

Results of the existing operations analysis shown in Table 2 indicate that all study intersections currently operate at an acceptable overall LOS C or better during the a.m. and p.m. peak hours with the existing traffic controls and geometric layout. Although the library and NovaCare access approach operates at LOS D during the p.m. peak hour, this delay is common and does not warrant mitigation. No other significant delay or queuing issues were observed in the field or traffic simulation at the study intersections.
## Table 2. Existing Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>Plymouth Road/Ridgedale Drive</td>
<td>B</td>
<td>17 sec.</td>
</tr>
<tr>
<td>Plymouth Road/Sherwood Place</td>
<td>A</td>
<td>5 sec.</td>
</tr>
</tbody>
</table>

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

## Proposed Development

As currently proposed, the Cherrywood Pointe development located at 2004 Plymouth Road, consists of a 99-unit (121-bed) assisted living center. The development plans to provide a combination of assisted living care (71-units) and memory care (28-units) type services. It should be noted that a single-family residence is currently located at this site, which has driveway access on Plymouth Road south of the library/NovaCare access. However as part of this project, the single-family residence and Plymouth Road driveway access will be removed.

Access to the proposed Cherrywood Pointe development will be provided via a shared-access with the adjacent NovaCare medical office development (see Figure 3). As part of the proposed development, the existing access to Plymouth Road will be widened to include an eastbound right-turn lane. A total of 88 parking spacing are proposed, which includes 35 surface parking spaces and 53 garage parking spaces.

## Traffic Forecasts

The proposed development is expected to be constructed in the year 2016. Therefore, traffic forecasts were developed for year 2017 conditions (one year after construction). To account for general background growth in the area, an annual growth rate of one-half percent was applied to the existing peak hour traffic volumes to develop year 2017 background traffic forecasts. This growth rate is consistent with historical growth rates in the area.

To account for traffic impacts associated with the proposed development, trip generation estimates for the weekday a.m. and p.m. peak hours and a daily basis were developed using the *ITE Trip Generation Manual, 9th Edition*. Driveway counts were also collected at a Cherrywood Pointe facility in Roseville to more accurately identify the expected trip generation for the proposed development. These driveway counts were then compared to the ITE trip generation estimates for validation. A summary of the trip generation comparison is shown in Table 3.
Table 3. Trip Generation Estimates

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td>ITE Trip Generation Manual</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cherrywood Pointe Assisted Living (254)</td>
<td>121 Beds</td>
<td>11</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Locally Developed Trip Generation Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cherrywood (Roseville)</td>
<td>121 Beds</td>
<td>17</td>
<td>9</td>
<td>11</td>
</tr>
<tr>
<td>New Site Trips</td>
<td></td>
<td>17</td>
<td>9</td>
<td>11</td>
</tr>
</tbody>
</table>

Results of the trip generation comparison between the ITE and locally collected approaches indicate that the local data generates approximately nine (9) additional a.m. peak hour trips and two (2) less p.m. peak hour trips. Therefore, to provide a slightly conservative trip generation estimate, the local trip generation rate was utilized to generate trips for the proposed development. Results of the trip generation estimate, shown in Table 3, indicates that the Cherrywood Pointe development is expected to generate 26 a.m. peak hour, 25 p.m. peak hour, and 369 daily trips.

Trips generated by the proposed redevelopment were distributed throughout the study area based on the directional distribution shown in Figure 4. The directional distribution was developed using a combination of existing travel patterns within the area and engineering judgment. The resultant year 2017 traffic volumes, which account for general background traffic growth and new trips generated by the proposed development are shown in Figure 5.

Year 2017 Conditions

Intersection Operations Analysis

To determine if the existing roadway network can accommodate the year 2017 traffic forecasts, a detailed traffic operations analysis was completed. Once again, the study intersections were analyzed using the Synchro/SimTraffic software.

Results of the year 2017 operations analysis shown in Table 4 indicate that all study intersections are expected to continue operating at an acceptable overall LOS C or better during the a.m. and p.m. peak hours with the existing geometric layout and traffic control. Average side-street delays at the NovaCare access are only expected to increase by a few seconds due to the proposed development. This marginal increase in delay is primarily a result of the widened driveway, which will reduce the likelihood of right-turning vehicles having to wait for left-turning vehicles to access Plymouth Road. No other significant operational issues are expected within the study area along Plymouth Road.
Figure 5
Cherrywood Pointe Traffic and Parking Study
City of Minnetonka

Year 2017 Conditions

Cherrywood Pointe
2004 Plymouth Road

LEGEND
XX - A.M. Peak Hour Volume
(XX) - P.M. Peak Hour Volume
- Side-Street Stop Control
- Traffic Signal Control
Table 3 Year 2017 Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>Plymouth Road/Ridgedale Drive</td>
<td>B</td>
<td>17 sec.</td>
</tr>
<tr>
<td>Plymouth Road/Sherwood Place</td>
<td>A</td>
<td>5 sec.</td>
</tr>
</tbody>
</table>

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

Although not a significant issue, minor eastbound queues at the shared-access to Plymouth Road are expected, which have the potential to impact the proposed assisted living access. Based on the intersection capacity analysis, eastbound queues in this location are expected to be approximately 35 feet during the a.m. peak hour and 65 feet during the p.m. peak hour (i.e. two to three vehicles). These queues would extend beyond the proposed development driveway. Therefore, to minimize impacts with vehicles entering/exiting from Plymouth Road, shifting the proposed development access at least 50 feet west of Plymouth Road should be considered.

Site Review

A review of the proposed development site plan was completed to identify any issues with regard to intersection sight distance, traffic control, and circulation. Based on this review, the site distance at the proposed development access to Plymouth Road is considered adequate. However, special consideration should be made to limit any sight distance impacts from future landscaping and signing, particularly as part of the proposed development.

State law requires vehicles to yield on driveway approaches and does not require traffic controls to be installed. However, installing stop control at both the proposed development access to the shared access, as well as the shared access to Plymouth Road should be considered. This type of signing could minimize driver confusion and provide consistency with the east approach of this intersection.

As noted earlier, minor queuing is expected at the shared access to Plymouth Road. To address this issue and limit potential conflicts, shifting the proposed development access at least 50 feet west of Plymouth Road should be considered. This will help reduce potential conflicts between entering and exiting vehicles at the shared access. By shifting this access, additional site plan modifications to parking, driveway aisles, and retaining walls are likely to be necessary. A summary of the site plan improvements offered for consideration are shown in Figure 6.

Finally, all truck turning movements and parking/loading areas should be reviewed to ensure delivery vehicles have adequate accommodations to prevent impacts to internal circulation.
Parking Review

As previously mentioned, the Cherrywood Pointe development is planning to provide a total of 88 parking spaces. This includes a combination of 35 surface parking spaces and 53 garage parking spaces. The garage spaces are located in a weather controlled structure that is underneath the proposed development. To determine if the proposed parking supply will meet the demand for the site, a detailed parking review was completed using both the Minnetonka City Code as well as the ITE Parking Generation Manual, 4th Edition. The following information summarizes the parking review.

The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for a senior citizen housing development, the minimum number of parking spaces required is one space per unit. The code also requires that at least 50 percent of the required parking spaces be provided in an enclosed weather controlled structure connected to the principal structure, such as the proposed parking garage. Additional parking should be provided for visitors based on the “anticipated demand for visitor spaces as determined by the City”. Based on this guidance, the Minnetonka City Code requires 99 spaces, which results in an 11 space deficit. However, the code does not differentiate between senior housing and assisted living land uses. Therefore based on project experience, an assisted living facility is expected to have a lower parking demand than senior housing.

Since the ITE Parking Generation Manual, 4th Edition does differentiate between an assisted living facility and senior housing, this methodology is considered more appropriate given the proposed land use. The ITE Parking Generation Manual method estimates an 85th percentile parking demand based on comparable study sites and includes key inputs such as facility size and travel behavior. The 85th percentile is a statistical measure that represents the point at which 85 percent of the study sites had an observed peak period parking demand equal to or less than the value. ITE estimates the parking demand for the proposed development is 53 spaces, which is a 35 space surplus from the proposed supply. The proposed development parking supply and demand based on these two methodologies is summarized in Table 4.

<table>
<thead>
<tr>
<th>Land Use Code</th>
<th>Size</th>
<th>Rate</th>
<th>Demand</th>
<th>Surplus/ (Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>City Parking Requirement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Citizen Housing Developments (Ch. 3, Section 300.28)</td>
<td>99-Units</td>
<td>1 space per unit</td>
<td>99 spaces (1)</td>
<td>(-11)</td>
</tr>
<tr>
<td><strong>ITE Parking Demand Rate – 85th Percentile Demand</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assisted Living (254)</td>
<td>99-Units</td>
<td>0.54 space per unit</td>
<td>53 spaces</td>
<td>+35</td>
</tr>
</tbody>
</table>

(1) Does not include additional required parking for visitors.

Although the proposed parking supply does not meet the City Code requirements, the proposed parking supply is expected to be adequate to meet the parking demand of the development based on the comparable parking data from ITE.
Summary and Conclusions

Based on the analysis, the following summary and conclusions are offered for your consideration:

1) Results of the existing operations analysis indicate that all study intersections currently operate at an acceptable overall LOS C or better during the a.m. and p.m. peak hours. Although the library and NovaCare access approach operates at LOS D during the p.m. peak hour, this delay is common and does not warrant mitigation.

2) The proposed development consists of a 99-unit (121-bed) assisted living center, which includes a combination of assisted living care (71-units) and memory care (28-units) type services.

3) Access to the proposed Cherrywood Pointe development will be provided via a shared-access with the adjacent NovaCare medical office development.

4) The proposed development is expected to generate 26 a.m. peak hour, 25 p.m. peak hour, and 369 daily trips.

5) Results of the year 2017 operations analysis indicate that all study intersections are expected to continue operating at an acceptable overall LOS C or better during the a.m. and p.m. peak hours with the existing geometric layout and traffic control. Average side-street delays at the NovaCare access are only expected to increase by a few seconds due to the proposed development.

6) Special consideration should be made to limit any sight distance impacts from future landscaping and signing, particularly as part of the proposed development.

7) Consider installing stop control at both the proposed development access to the shared access, as well as the shared access to Plymouth Road to reduce driver confusion.

8) Shift the proposed development access at least 50 feet west of Plymouth Road to reduce potential conflicts between entering and exiting vehicles at the shared access. By shifting this access, additional site plan modifications to parking, driveway aisles, and retaining walls are likely to be necessary.

9) All truck turning movements and parking/loading areas should be reviewed to ensure delivery vehicles have adequate accommodations to prevent impacts to internal circulation.

10) A total of 88 parking spacing are proposed, which includes 35 surface parking spaces and 53 garage parking spaces.

11) Although the proposed parking supply does not meet the City Code requirements, the proposed parking supply is expected to be adequate to meet the parking demand of the development based on the comparable parking data from ITE.
COMMENTS RECEIVED:
CONCEPT PLAN
<table>
<thead>
<tr>
<th>From:</th>
<th>Dee Thibodeau &lt;...&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sent:</td>
<td>Friday, February 20, 2015 4:15 PM</td>
</tr>
<tr>
<td>To:</td>
<td>Susan Thomas</td>
</tr>
<tr>
<td>Subject:</td>
<td>concerned person</td>
</tr>
<tr>
<td>Importance:</td>
<td>High</td>
</tr>
</tbody>
</table>

I want the Cherrywood Pointe proposal to be scaled back to preserve more woodlands is sufficient!!!
This is my home address: 2504 Cherrywood Road, Minnetonka, MN 55305.

I am going to try and make the Mar 2 meeting to make sure this is scaled back, please listen to the neighbors for once! Dee
Is it wise to have a 129 unit building at this location.
Traffic in the area is all ready congested at times.
Couldn't be scaled back to 40 or less to preserve trees, Wet lands and space

Sent from my jPad
I am writing to ask that this project be scaled BACK to include a smaller number of units to protect the wetlands and woodlands that would be adversely affected by a possible higher number of units proposed.

Respectfully,
-Jennifer Indermaur
3822 Huntingdon Drive
Minnetonka, MN 55305
To: Susan Thomas and Tony Wagner

I am writing to ask that you take all steps possible to limit the size of this development and scale it back from the proposed 129 units - I do NOT support rezoning the property to planned unit development. The current proposal fills the site with structure and parking, leaving only minimal setbacks, especially on the south and west sides.

The wetlands and woodlands that make Minnetonka such a wonderful place to live are a precious resource that should be preserved and protected as much as possible.

I look forward to seeing the results of your negotiations with the developers.

Best regards,

Kurt Indermaur
3822 Huntingdon Drive
Minnetonka, MN 55305
Dear Susan,

I have lived on Cherrywood Road for 37 years, valuing and taking advantage of Meadow Park and the adjacent wetlands. I understand that Cherrywood Pointe qualifies as “high-density residential” housing and accept a development with limited units. The developer’s proposal of 129 units far exceeds the 36 unit “high-density” threshold. I ask that you DO NOT rezone this property to a PUD and that the city council require the developer to scale back the proposal to preserve trees and protect more of the wetland-adjacent woodlands.

Appreciation of our natural resources defines Minnetonka and sets us above and apart from adjacent suburbs!

Pam Kaufman
2505 Cherrywood Road
Minnetonka, MN 55305
February 22, 2015

To: Mayor Schneider and City Council Members

From: Kamel Aossey

Reference: Cherrywood Pointe

I would like to propose that representatives of United Properties meet with some of the residents living west of Ridgedale to discuss the Cherrywood Pointe project, at a date and time agreeable to both parties. I have noted that United Properties is a well respected and reasonable developer. They seem to be open to neighborhood suggestions and concerns with regard to the height, setbacks and preservation of the natural environment such as the wetlands and existing trees which offer a natural buffer.

I am asking the City Council to note the above for the record and to enforce their own stated mission and goals concerning the natural environment of our community. The city’s statement reads, in part, “We will protect and enhance the unique natural environment of our community by carefully balancing growth and development with preservation efforts that protect the highly valued water and woodland resources of our community.”

We, in the community of Minnetonka, want to strategically help guide the redevelopment of the Ridgedale area, particularly the southwest quadrant of Ridgedale Drive and Plymouth Road. Our suggestions and concerns have been well documented and we will continue to positively interact with the city and future developers when we see that the community needs are incorporated in this process.

We believe United Properties will respect our concerns as citizens and neighbors and we very much want them to continue their good stewardship in our area.

CC: Brian Carey, Executive Vice President, United Properties
3600 American Blvd. West, Suite 750
Minneapolis, MN 55431
I am a Minnetonka resident who is passionate about keeping our city in line with its commitment to wetlands & green space. It is my understanding that this development is wanting to expand as much as possible to take advantage of every square inch available however the wetlands abutting the property line is presenting challenges. As a resident who honest to god has wetlands or rather what I call a bayou (mosquito breeding ground) in my backyard, I ask you to fight to urge to feel the need to develop, develop, develop. I see our city eroding away as I type this. I only moved to Minnesota 5 years ago and am absolutely shocked to see how people here talk about caring for nature, green space and wetlands and seconds after making these remarks, turns around and works towards the opposite goals. I know there is no money in protecting green space and wetlands but I care and so do a lot of people. If protecting wetlands and the surrounding land around them are a priority for you too, please think twice before allowing just another building to encroach upon its uniqueness for ease of construction.

Audra Johnson
Attorney-at-Law

CONFIDENTIAL COMMUNICATION
E-mails from this firm normally contain confidential and privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited, and may be a violation of law. If you believe that you received this e-mail in error, please do not read this e-mail or any attached items. Please delete the e-mail and all attachments, including any copies thereof, and inform the sender that you have deleted the e-mail, all attachments and any copies thereof.
Dear Ms. Thomas,

As project planner for the Cherrywood Pointe development, I would like to address you with concerns regarding the redevelopment and rezoning of the existing property at 2004 Plymouth Road. Please take note that I am opposed to any site and plan that will reduce the woodlands on that property. As you are aware, woodland is essential to the wetland ecosystem. Since there are regulations limiting the negative impact on wetlands in Minnetonka, reduction of woodlands must be considered in the environmental impact on wetlands. In fact, that combined impact is the reason you cannot drain the wetlands to the east of Ridgedale and must develop to the west, as was not the case when Ridgedale was built on wetlands the 1970’s.

Please strongly consider reducing the size of the complex and the number of units/parking so as not to impact the woodlands on land for the proposed Cherrywood Pointe project and register my objection to the potential impact on the ecosystem.

Regards,
Margaret Krieser
13417 Tudor Road
Please forward my comments to the City Council.

Having reviewed the concept plan before you, having watched the Planning Commission meeting on Feb. 19, being a neighbor across the impacted wetland and having been a Minnetonka resident for 24 years, I urge you to direct United Properties to reduce the footprint of this project in order to save more trees adjacent to the wetland as an important buffer. Minnetonka needs to carefully balance growth and development with preserving shared natural resources. A much lower density development, commensurate with neighboring properties, is needed to protect our wetlands.

Gernot Langle
13509 Larkin Dr
I would like to voice my opinion in the concern of the Cherrywood Pointe proposal being too many units. I think it should be scaled back to preserve as much woodlands (and wetlands) as possible. I live in the Larkin Circle neighborhood and would be directly impacted when wildlife/animals are displaced.

Sincerely,

Lesley Doehr
13434 Larkin Circle
Minnetonka, MN 55305
To: Minnetonka City Council

From: Robert Bertelsen, 13513 Larkin Dr, Minnetonka

Date Feb 26, 2015

Subject: Cherrywood Pointe Project

With permission obtained through United Properties, I recently walked the property at 2004 Plymouth Road.

Based on those observations, and my review of the submitted details/plans, I think the footprint for the proposed Cherrywood Pointe development is too big.

- **How much of the property is woodlands? What percentage of the woodlands acreage will be lost?** There is close to one-and-a-half acres of oak woodland-brushland on the property. The concept plan shows removal of about 25 percent of those woodlands.

- **How much additional woodland-brushland acreage will be disturbed?** Since grading and construction typically extend about 20 feet outside of the footprint of the building, the impacted zone is greater than the footprint alone would convey. The concept plan also shows a sidewalk that would disturb the wetland and building setback areas.

- **Does the proposal allow for both the 35-ft wetland setback for the building, and the 25-ft wide wetland buffers required upslope of the two wetlands?** It doesn’t appear that it does.
• **Are the buffer zones large enough to protect all of the trees and vegetation on the property’s steep wetland slopes?** No, much of the western wing of the building would be on a steep slope. Minnetonka’s steep slope ordinance says to “concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features” and “to design the scale of development so that it does not overwhelm the natural character of the steep slope” (300.28, 20).

• **What is the quality of the native oak woodlands?** The oakwood forest has a mix of trees (which are at the top of the scale for preventing runoff and erosion) as well as a fairly dense understory, including cattails that act as a biological filter for organic pollution (including pollution generated by this type of development).

Please ask the developer to either provide a smaller concept with a different/innovative building configuration that protects the wetlands, woodlands and steep slope on the west end of this property, or to find a less vulnerable site.
Dear Ms. Thomas,

Although I’m not a resident of Minnetonka, I have always admired the beauty of your city because of its natural resources. I think it is probably one of the loveliest suburban cities in the Twin Cities area!

Therefore, I urge you not to vote for the proposal to build 129 units on the Cherrywood Pointe property. Please protect those precious and necessary woodlands.

Sincerely,

Lilly Perry
502 Lanewood Lane North
Plymouth, MN
55447
To: Minnetonka City Council

From: Jim Olson – 13420 Larkin Drive Minnetonka

Date: February 26, 2015

Subject: Cherrywood Pointe Concept Plan

Although I think United Properties has identified a desirable use for the 3+ acre site and has proposed a building footprint that works for them, I don’t think the city should approve their request without careful scrutiny.

Why is PUD zoning necessary? Why doesn't their concept fit into established residential zoning categories?

Just because the developer wants to provide 129 units, please do not be afraid to tell them to scale back their concept to a smaller number that will better fit the size and sensitive terrain of the parcel.

I have watched the Planning Commission turn down single-family development requests that do not fit residential ordinance requirements with the admonition to come back with a proposal that fits completely within established zoning ordinances. A multi-family project should also comply with multi-family zoning standards.

I understand that PUD zoning provides a proper approval process in cases where traditional zoning may not apply. However, to “fall in love” with a project to such a degree that you are willing to grant variances without regard to the environmental and precedent-setting implications of that action may be short-sighted.

The developer’s site plan diagram shows west side building footprint and sidewalk construction near and in the wetland setback area. Does that also mean some amount of understory would need to be removed on the slope leading to the wetlands themselves? It seems prudent to request the developer to replace and even augment valuable understory plantings to help filter herbicide, pesticide and fertilizer runoff into the wetlands. If understory is removed to make room for wetland views from the lower level living units, then some alternative absorption plantings should be requested, recognizing that they might not function as well as native growth does.

Thank you for addressing these concerns.
To: City Planner, Loren Gordon, Principal Planner, Susan Thomas, Mayor Terry Schneider, Councilpeople, Patty Acomb, Dick Allendorf, Tony Wagner, Bob Ellingson, Brad Wiersum, and Tim Bergstedt

Copy to: Planning Commission: Deborah Calvert, Brian Kirk, David Knight, Mark Magney, Sean O’Connell, Heather Odland, Jim Rettew

From: Kay Johnson, 2227 Platwood Road, Minnetonka, MN 55305

Date: February 27, 2015

I attended the meeting with the neighborhood, Wednesday, February 18, as well as the meeting with the Planning Commission the next day for the Cherrywood proposal on Plymouth road. There was little time to absorb the presentation because it was just a drawing on a piece of paper. We could not see how the building was going to relate to the topography. It was unclear how many trees and what species were going to be saved or destroyed. There was no information on the density of the adjacent property, Regency Woods.

Upon reflection, I now realize that this project is proposed to be 129 units on approximately 2.9 acres or 45 units per acre. It is my understanding that Regency Woods, the next door property that is also guided “high density”, is about 15 units per acre. The two properties on either side of the proposal are 3 stories tall. Therefore, I believe that the proposal should be scaled back to be no more than 15 units per acre and no more than three stories tall so that it fits in with the surrounding development. Also, it should not be zoned “PUD” which seems to be a “back door” way to get around restrictive ordinances to protect the trees and wetlands.

This property consists of steep slopes, wetlands, and mature trees. It borders Meadow Park, a primarily wildlife refuge. This wetland is a special amenity for the City of Minnetonka that is part of the Minnehaha Watershed district. As such, any development abutting the wetland has to be done with sensitivity to the environment. The Metropolitan guidelines indicate that steep slopes are to be preserved.

Therefore, I would urge the council to direct the developer to come back with a greatly reduced proposal, not to exceed 15 units per acre and not to be taller than 3 stories. I would request that the developer use sensitivity in preserving the natural amenities on the site as well as protect the surrounding wetlands.

Sincerely,

Kay D. Johnson
Ms Thomas and Mr. Wagner,

Although I have not been able to attend the session about the proposed project, I strongly support the preservation of the woodlands and support of the wildlife that inhabits this area. Please seriously consider reducing the size of this project from 129 units to 80.

The beauty and attractiveness of this part of Minnetonka is at risk of being replaced by increased density. Speaking for myself, one of the reasons I chose to live here was that there was a sense of a neighborhood and community. Little by little that feeling is being replaced by a preponderance of planned buildings that make living here feel more like a city environment.

Thank you for considering my request.

Susan Hayes

12700 Sherwood Pl, #311

Minnetonka, MN 55305
Sorry, I typo'd your address on my first try. I hope that this can make the change memo for Monday 3/2.

Thanks!!

---------- Forwarded message ----------
From: Jayme Neary
Date: Sun, Mar 1, 2015 at 12:53 PM
Subject: Cherrywood Pointe Comments
To: Loren Gordon <lgordon@eminnetonka.com>, sthomas@emmintonka.com, tschneider@eminnetonka.com, bellingson@eminnetonka.com, dallendorf@eminnetonka.com, Patty Acomb <pacomb@eminnetonka.com>, bwiersum@eminnetonka.com, tbergstedt@eminnetonka.com, Tony Wagner <twagner@eminnetonka.com>

Since this is a concept review and there is not a lot of detail yet regarding this proposal, I do not have any specific comments yet. However, from the high level information I have seen and talking to neighbors, I may have potential concerns regarding zoning, density, traffic, and natural resource preservation.

Following are some questions I’d like to see staff/the developer answer during the March 2nd city council discussion:

- I understand this area is guided as high density? What all does that entail?
- What are the zoning differences going from R1 to R5? What about R5 to PUD?
- Why is it "likely" that this property will need to be rezoned to PUD? What are the specific reasons for this?
- Based on the preliminary drawings, do the setbacks the developer is proposing fit R5?
- I see setback numbers on the drawings of 10, 40 and 50? Can those be explained further?
- What is the proposed density of this project in comparison to Regency Woods? In comparison to other developments like this? (Units/acre, height, footprint/setbacks, FAR, etc.)
- What will the footprint of the building look like on this lot? What will it look like in comparison to the buildings next to it?
- What is the buildable acreage? I have seen "almost 4 acres", 3.4 and heard 2.9 from staff. Can someone clear this up and talk about the real number and why there are different ones in different documentation?
- What is the height of the building going to be, both in number of stories and number of feet? I have heard rumors that the developer first talked about a 2-3 story building, then a 3-4 story building then now 5 is being discussed?
- Regarding traffic: will a study be done? will the study take into account the increased traffic for the Highland project? is it likely another variance for p.m. trips will be required? what is staff's gut feel on whether the current road infrastructure can handle another project in the area before road improvements are done? Remember, residents, employees, and visitors will be traveling to/from the SW quadrant as a result of this development.
• It looks like two access points off Plymouth Road are being designed. Does this meet Hennepin County standards for proper spacing on a county road?
• Will this development be protecting our natural resources? I understand there are steep slopes involved with this property and might add complications. Can someone explain that further?
• Do we have a preliminary estimate of trees saved vs. trees destroyed? What are the rules?
• How do we ensure that this will adhere to all of Minnetonka's wetland ordinances? Can at a high level the ordinance(s) be explained and a determination made if this abides by our rules or not?
• The developer’s narrative seems more concerned about capturing views for the residents of the new building rather than preserving Minnetonka's wetlands. Can council please direct the developer to pay close attention to Minnetonka's natural resources values if they do a next iteration?

My hope is that if these questions and others are asked and answered then there will be a common sense direction that the developer can be given if they want to move forward with a more detailed proposal.

Thank you for your consideration.

Jayme Neary
13537 Larkin Drive
Minnetonka, MN 55305
Hello,

My property is adjacent to the wetlands and it seems Minnetonka has always been concerned about each and every tree remaining undisturbed. Not only is it important to protect our wetlands, but it is equally critical to protect the woodlands adjacent to those wetlands as they provide a natural filter to keep harmful substances from the wetlands, they help prevent erosion of the wetlands, and they provide critical habitat for the wildlife population of the wetlands.

Please consider scaling back the Cherrywood Pointe proposal to preserve more woodlands.

Sincerely,

Linda Rodrigues
13531 Essex Place
Minnetonka, MN
Folks, I have to voice my opposition to the elements of the 2004 Plymouth Road project that would result in the destruction of the existing woodland preservation area on and around the property. I find it very frustrating that many other projects are stalled or denied when these issues are on the table, yet other ones - such as this - seem to move forward with little concern or opposition from the local zoning and governmental agencies. We believe that it is imperative that the existing woodland and wetland areas be preserved, especially in this area of town where we are so fortunate to have the amount of undeveloped area that currently exists.

We recognize the desire and potential long-term need for a facility such as the one being proposed, but why is it acceptable to approve a project of this size when this level of density is not necessary.....except when a developer says so? I don't need to regurgitate the reasons why the wetlands and natural habitat areas are so important; the City has made this one of their focal points for many years.

I strongly encourage you to reconsider the size of this project, and require that it be scaled back significantly from the proposed plan.

Regards

Rey Freeman
13517 Larkin Drive
Minnetonka
Dear Minnetonka City Council,

Growing up in Minnetonka, my family has for many years appreciated the woodlands and green space the city offers, along with the proximity to conveniences. Minnetonka is a special place! In 2013 my husband and I bought our first home together in Minnetonka and we look forward to raising our 2 boys in this great city.

We are concerned about the size of the proposed senior development at 2004 Plymouth Rd., as it will affect about 1-1/2 acres of woodland preservation area. Our city has ordinances for a reason and we understand there are ordinances in place that require the building be smaller than proposed. We highly recommend this development be scaled back to a building with fewer units to preserve more trees, protecting more of the wetland-adjacent woodlands.

Thanks for your attention,

Tami & Mark Decker
13514 Larkin Drive, Minnetonka
COMMENTS RECEIVED:
FORMAL APPLICATION
Susan Thomas

From: Geralyn Barone  
Sent: Monday, September 28, 2015 2:46 PM  
To: Julie Wischnack; Susan Thomas  
Subject: FW: cherrywood point

Please include in tonight’s addendum. Thanks!

From: Tony Wagner  
Sent: Monday, September 28, 2015 2:45 PM  
To: Geralyn Barone <gbarone@eminnetonka.com>  
Subject: Fwd: cherrywood point

FYI

Tony Wagner  
Council Member, Ward 2  
Minnetonka, MN  
612-382-5212

Sent from my iPhone, please excuse my brevity.

Begin forwarded message:

From: chancerama  
Date: September 28, 2015 at 12:59:59 PM CDT  
To: Tony Wagner <twagner@eminnetonka.com>  
Subject: Re: cherrywood point

Your welcome..Yes that would be fine! Thank you janice Docherty

Sent on a Virgin Mobile Samsung Galaxy S® III

-------- Original message --------
From: Tony Wagner  
Date: 09/28/2015 12:29 PM (GMT-06:00)  
To:  
Subject: Re: cherrywood point

Janice ...

Thank you for your note and thoughts on the proposal. Would you like me to share your feedback with staff and the other council members so that is part of the public record?

Tony

Tony Wagner
Council Member, Ward 2
Minnetonka, MN
612-382-5212

Sent from my iPhone, please excuse my brevity.

On Sep 28, 2015, at 10:20 AM, wrote:

-----Original Message-----
From: chancerama
To: twager <twager@eminnetonka.com>
Sent: Mon, Sep 28, 2015 10:18 am
Subject: cherrywood point

Dear Tom Wagner
I live in Sherwood court across from the property you plan to build on
I am not able to attend meeting but want you to know that I do not agree with this idea at
all.
To increase traffic and also also an increase of fire trucks and ambulances in this area
which increase with the elder
would really change the peacefulness of the area which is why we moved here!
Thank you!
Janice Docherty
From: Geralyn Barone  
Sent: Wednesday, September 30, 2015 9:05 AM  
To: Julie Wischnack; Susan Thomas  
Subject: FW: Cherrywood Pointe

Please include with the upcoming reports. Thanks!

Geralyn

From: Tony Wagner  
Sent: Tuesday, September 29, 2015 5:37 PM  
To: Geralyn Barone <gbarone@eminnetonka.com>  
Subject: Fwd: Cherrywood Pointe

Tony Wagner  
Council Member, Ward 2  
Minnetonka, MN  
612-382-5212

Sent from my iPhone, please excuse my brevity.

Begin forwarded message:

From: Robert St.Clair  
Date: September 29, 2015 at 3:27:05 PM CDT  
To: Tony Wagner <twagner@eminnetonka.com>  
Subject: Re: Cherrywood Pointe

We would appreciate your doing that for us.  
Thanks,  
Joanna and Bob St.Clair

On Sep 28, 2015, at 12:34 PM, Tony Wagner <twagner@eminnetonka.com> wrote:

Robert ...

Thank you for your note and thoughts on the proposal. Would you like me to share your feedback with staff and the other council members so that is part of the public record?

Tony
On Sep 26, 2015, at 3:41 PM, Robert St.Clair wrote:

Dear Mr. Wagner,

We are very interested in the Cherrywood Pointe Project and encourage you to lend it your support. We live very close to that property and rather than being upset by the environmental impact, we are excited by the possibility that we might be able to continue to live in an area that has so many conveniences. The property is situated between a medical building and an apartment complex. We understand that developers have already altered and reduced their plans in consideration of environmental issues. The project as currently designed strikes us as a substantial upgrade to the present site and addresses a growing need in our community. We need to leave our townhoe in the near future because Joanna suffered a stroke last November and is currently learning to deal with dementia.

Thanks for your consideration.

Joanna & Bob St.Clair
ORDINANCE AND RESOLUTION
Ordinance No. 2015-  

Ordinance rezoning the existing property at 2004 Plymouth Road from R-1, low density residential, to PUD, planned unit development

The City Of Minnetonka Ordains:

Section 1.

1.01 The property at 2004 Plymouth Road is hereby rezoned from R-1, low density residential, to PUD, planned unit development.

1.02 The property is legally described in EXHIBIT A.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would provide public benefit, as:
   a) Greater preservation of the site’s wooded slope than would otherwise be provided under non-PUD development; and
   b) Provision of affordable housing.

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

3. The rezoning would be consistent with the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:
1. The site must be developed and maintained in substantial conformance with the following plans:

   • Civil site plan, dated August 21, 2015
   • Utility plan, dated August 21, 2015
   • Grading and Drainage plan, received October 8, 2015
   • Building elevations, dated August 21, 2015
   • Overall landscape plan, dated August 21, 2015

   The above plans are hereby adopted as the master development plan for CHERRYWOOD POINTE OF MINNETONKA.

2. Development must further comply with all conditions as outlined in City Council Resolution No. 2015-XXX, adopted by the Minnetonka City Council on October 26, 2015.

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

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on October 26, 2015.

________________________________________
Terry Schneider, Mayor

ATTEST:

________________________________________
David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on October 26, 2015.

______________________________
David E. Maeda, City Clerk

Date:
EXHIBIT A

That part of the Northeast Quarter of the Northeast Quarter, Section 10, Township 117, Range 22, described as commencing at the Northeast corner of said Northeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 88 degrees 47 minutes 45 seconds West, along the North line of said Northeast Quarter of the Northeast Quarter, a distance of 118.72 feet; thence South 10 degrees 22 minutes West a distance of 315.75 feet to the actual point of beginning; thence North 10 degrees 22 minutes East, a distance of 256.43 feet; thence Northerly along a tangential curve to the left having a radius of 184.95 feet, a distance of 58.41 feet, more or less to the North line of said Northeast Quarter of the Northeast Quarter; thence South 88 degrees 47 minutes 45 seconds West along said North line a distance of 683.26 feet to a point 711.31 feet West from the Northeast corner of said Northeast Quarter of the Northeast Quarter; thence South 1 degree 12 minutes 15 seconds East, a distance of 310 feet; thence North 88 degrees 43 minutes 25 seconds East, a distance of 529.27 feet, more or less to the point of beginning, located in Hennepin County, Minnesota.

Torrens Property – Certificate of Title No. 457296.
Resolution No. 2015-
Resolution approving final site and building plans for Cherrywood Pointe of Minnetonka at 2004 Plymouth Road

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

Section 1. Background.

1.01 United Properties has requested approval of final site and building plans for Cherrywood Pointe of Minnetonka.

1.02 The property is located at 2004 Plymouth Road. It is legally described on EXHIBIT A of this resolution.

1.03 On October 15, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site and building plans.

Section 2. Site Plan Standards and Findings.

2.01 City Code §300.28 Subd.20 (b)(3) outlines several findings that must be met for construction on steep slopes. These findings are incorporated by reference into this resolution.

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

2.03 The proposal would meet the steep slope findings outlined in the City Code §300.28 Subd.20 (b)(3):
1. The property is physically suitable for the design and siting of the proposed development. Based on submitted plans, the proposal will impact just 15 percent of the steep slope.

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

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

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

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

2. The proposal is consistent with zoning ordinance standards.

3. The proposed building and parking lot would be appropriately located with reference to both existing constructed and natural features. The building and surface parking lot would be located on the eastern portion of the site, adjacent Plymouth Road and the more intense land uses to the north and south. Much of the wooded slope to the west would be preserved.

4. As new construction, the building code would require use of energy saving features. In addition, water reclamation and irrigation sensors would be considered to promote water conservation.

5. The proposal would visually and physically alter the site and Plymouth Road corridor. However, any redevelopment of the subject property consistent with its high-density residential designation would result in such changes.

Section 3. City Council Action.

3.01 The above-described site and building plans, with variances, are hereby approved subject to the following conditions:
1. Subject to staff approval, Cherrywood Pointe of Minnetonka must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

- Civil site plan, dated August 21, 2015
- Utility plan, dated August 21, 2015
- Grading and Drainage plan, received October 8, 2015
- Building elevations, dated August 21, 2015
- Overall landscape plan, dated August 21, 2015

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

   a) The following must be submitted for the grading permit to be considered complete.

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

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

      3) Final site, grading, stormwater management, utility, landscape, tree mitigation, and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

         a. Final site plan must:

             1. Include a handicap accessible sidewalk connection from the building to the existing sidewalk on Plymouth Road.

             2. Indicate minimum horizontal and vertical setback from 100-year floodplain.

             3. Incorporate parking lot modifications as outlined on Figure 6 of SRF Cherrywood Pointe Traffic and Parking study dated October 8, 2015.

             4. Include an exhibit illustrating truck turning movements/templates.
b. Final stormwater management plan that meets the requirements of the city’s Water Resources Management Plan, Appendix A. Design. The plan must include a narrative, impervious surface information, soil boring data, and modeling demonstrating rate control and water quality treatment.

c. Final utility plan must:
   1. Include a parallel water main connection to provide a back-up feed to the building.
   2. Note that the 24-inch trunk water main on Plymouth Road is subject to blackout dates and times. Shut downs must occur after hours and may not occur between May 15 and September 15 without special city permission.

d. Final landscaping and tree mitigation plans must:
   1. Meet minimum landscaping and mitigation requirements as outlined in city code. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.
   2. Include an itemized plant material list to illustrate that the landscape value will meet city code requirement.
   3. Ensure all deciduous trees are located at least 15 feet from Plymouth Road and conifers at least 20 feet.
   4. Include rain sensors on any irrigation systems.

4) A sequencing plan for review and approval of the city engineer. The plan must notate the series of construction events that will occur involving sanitary sewer and water main connections and disconnections. The number of events in which
disturbances to the street and utilities occur must be minimized. For example, multiple crews may be required to disconnect water services simultaneously.

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

a. Drainage and utility easements up to and over the 935.8 foot and 942.0 foot elevations.

b. A shared access agreement or easement over the existing driveway at 2000 Plymouth Road. The agreement/easement must state the maintenance responsibilities of each owner. (Any Hennepin County permits are the responsibility of the applicant.)

c. A conservation easement. The easement must cover the site wetlands, required wetland buffers as outlined in city code, and remaining woodland preservation areas. The easement may allow for location of city approved recreational facilities.

d. A trail easement. The easement must cover the woodland preservation area on the west side of the site. This easement will be reduced in total area upon construction of a city approved tail.

e. Stormwater maintenance agreements over all stormwater facilities.

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

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

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

• Vegetated ground cover has been established; and

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

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

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

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

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

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

11) All required administration and engineering fees.

12) Park dedication fees in the amount of $495,000. City staff are authorized to reduce this amount commensurate with the cost of trail easement and associated construction.

b) Prior to issuance of the grading permit:

1) Obtain and submit a permit from the Minnesota Department of Health.

2) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency.

3) Obtain and submit a right-of-way permit from Hennepin County.

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

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

4. Prior to issuance of a building permit:

a) Submit the following documents:

1) Proof of subdivision registration and transfer of NPDES permit.

2) A snow removal and salting application rate plan.

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

b) Submit a final material and color palate board for staff review and approval.

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

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

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

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

d) Submit all required hook-up fees.

e) Enter into a legal agreement with the city providing the following base rent and income controlled units for 15 years.

<table>
<thead>
<tr>
<th>Type of Unit</th>
<th>Number Units</th>
<th>Income Restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>3</td>
<td>60% of area median</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>5</td>
<td>60% of area median</td>
</tr>
<tr>
<td>1+ Den</td>
<td>2</td>
<td>80% of area median</td>
</tr>
</tbody>
</table>

5. Retaining walls over four feet in height must be engineered and must include guard rails.

6. The city may require installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.
7. During construction the street must be kept free of debris and sediment.

8. The property owner is responsible for replacing any required landscaping that dies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on October 26, 2015.

________________________
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 October 26, 2015.

________________________
David E. Maeda, City Clerk
EXHIBIT A

That part of the Northeast Quarter of the Northeast Quarter, Section 10, Township 117, Range 22 described as commencing at the Northeast corner of said Northeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 88 degrees 47 minutes 45 seconds West, along the North line of said Northeast Quarter of the Northeast Quarter, a distance of 118.72 feet; thence South 10 degrees 22 minutes West a distance of 315.75 feet to the actual point of beginning; thence North 10 degrees 22 minutes East, a distance of 256.43 feet; thence Northerly along a tangential curve to the left having a radius of 184.95 feet, a distance of 58.41 feet, more or less to the North line of said Northeast Quarter of the Northeast Quarter; thence South 88 degrees 47 minutes 45 seconds West along said North line a distance of 583.26 feet to a point 711.31 feet West from the Northeast corner of said Northeast Quarter of the Northeast Quarter; thence South 1 degree 12 minutes 15 seconds East, a distance of 310 feet; thence North 88 degrees 43 minutes 25 seconds East, a distance of 529.27 feet, more or less to the point of beginning, located in Hennepin County, Minnesota.

Torrens Property – Certificate of Title No. 457296.