ITEM 8A – Cherrywood Pointe

Please make the following changes to conditions to page 4 of the resolution:

   e. Final grading plan must incorporate all proposed changes to the driveway and parking lot on the adjacent property to the north and the 2000 Plymouth Road owner must agree to this plan.

   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 driveway construction and 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.

The city received several comments following publication of the report. These comments are attached.
<table>
<thead>
<tr>
<th>From:</th>
<th>Teresa Gewedik</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sent:</td>
<td>Tuesday, October 13, 2015 9:47 PM</td>
</tr>
<tr>
<td>To:</td>
<td>Susan Thomas</td>
</tr>
<tr>
<td>Subject:</td>
<td>CherryPointe Senior Housing</td>
</tr>
</tbody>
</table>

Hello-
As a concerned resident and proponent of conserving our woodland preserves in Minnetonka, I am sending you this email asking for you to vote no, against the construction of Cherry Pointe Senior Housing, that would destroy any woodland habitats and trees in our city of Minnetonka.

As, I understand it, the proposed CherryPointe Senior Housing plan, would disrupt and destroy some of our natural habitat in Minnetonka. That would be wrong!

Thank you for your consideration of this concerning matter.
Teresa Weum
1500 Fairfield Rd. S.
Minnetonka, MN  55305

Teresa Gewedik Weum
Ms. Susan Thomas,

As a resident and business owner/operator in Minnetonka, I feel compelled to write this letter regarding the Cherrywood Pointe development. To begin with, I am not originally from Minnesota. I grew up in southern Ohio and only moved here 6 years ago due to my husband's career. Growing up outside Minnesota, the only thing I knew about the state was that it was cold, had a lot of lakes and that the people were as my mother called them, "outdoorsy". It's sad to say but I think most of the US still has this limited perspective of our wonderful state. Minnesota is far better than I had ever imagined it to be! So you can understand how shocked I feel and how ironic it is that Minnesotans are the first to want to destroy that which makes them stand out: the environment which makes us famous!

The proposed Cherrywood Pointe development is located on a relatively small parcel, with the topography sloping down into the nearby wetlands. This didn't happen overnight and surely the owner of this real estate noticed the limitations. Furthermore, the parcel contains many mature trees which support the habitat of the area.

It is my understanding that the developers want to create a senior living community. That's great. They also picked a beautiful spot. I hope the elderly individuals who will one day live there enjoy the wonders of nature, which happen to be so close. I also want others living in the area to enjoy the same things. It's only so nice because a large variety of animals and aquatic life can sustainably live there, otherwise it would be a desolate wasteland which would have been developed by now. These wetlands are protected and mature trees are supposed to be saved if possible but I have seen and heard enough from our City Council to know they're more than happy to use whatever loopholes & discretion they have to erase these protections for the benefit of a developer. This is so short sighted!

Once those trees are gone and a huge building is built, it will be there for a long time. Once you damage the ecosystem and habitat, it will never be the same.
I'm a lawyer and in my line of work real estate is seen an asset which is elevated above most others. Each parcel of land is seen as so special and unique that courts have declared money damages to be inadequate. Land is finite and no two pieces are alike. No matter the damage to land, nothing can restore or replace what once was. This is the concept of specific performance. It is a call to either do something which should be done or to stop doing something which shouldn't. No amount of money can make losing or damaging this habitat worth it. These trees shouldn't be cut down and the building should not be permitted to get built so close to the wetlands. Harming the land will be permanently damaging. We have to stop this in its tracks before it begins.

I am voicing my opinion that Cherrywood Pointe not become high density to begin with and that the building be scaled back to align itself within the standards and limitations set out by the Planned I-394 District as described in the Comprehensive Guide Plan. Eliminate the south wing of this building so that we can save as many trees as possible. The Woodland Preservation Area is a crown jewel in this particular area within Minnetonka. People have built neighborhoods around it and there's an extensive trail winding around parts of it for a reason- it's an example of raw nature within reach. By cutting corners and encroaching into its space, we are eroding away a limited and precious resource. I demand specific performance! Do not let them damage the mature trees and Woodland Preservation Area. No money will make it right & no benches or paths will restore it in a meaningful way. This land belongs to all of us in Minnetonka.

Words of protection mean nothing if we’re so willing to make exceptions! Allowing developers to evade the rules everyone else has to abide by is a slippery slope. My neighborhood warned City Council of overindulging in variances and zoning changes when Highland Bank was being proposed. Do not negotiate with our protected and preserved areas.

The development won't be a failure if we protect what is unique and special about this real estate. The owners and businesspeople backing the plan will boo hoo about the lost revenue but what we lose if we give in is a lot worse. It's our own ability to connect with the natural world that we don't get to see enough of as it is. Why will kids want to play in the dirt and chase butterflies if we pave and build in a manner which destroys this possibility? Do we really want to build so close to nature, risking the possibility of creating a host of negative unintended consequences?
Do we want these protected wetlands in perpetual shade, surrounded by huge concrete structures? I do not. The residents of this city do not. I want my kids to see a real butterfly, not one on her Ipad. And chances are, if you asked them, I bet the elderly people who will be residents in that building would agree with me. You know I'm right. Do the right thing. Stop overdevelopment before we blur into St. Louis Park & Edina!

Audra Johnson
Attorney-at-Law

The Law Office of Audra Johnson
13419 Larkin Drive
Minnetonka, MN 55305

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.
Please include this message in the packet for the Planning Commission Meeting.

As a close neighbor of the property at 2004 Plymouth Road, I walk past and enjoy looking at the yard of "Acorn Acres" several times a week. The woods, wetland and wildlife of this stretch of Plymouth Road are what drew me to move to the adjacent property (Regency Woods) at 2200 Plymouth Road after selling my late parents' home on Oakland Road. My parents lived out their lives at home, into their late 80's, very much enriched by the same kind of environment we're talking about here - trees, wetlands and abundant wildlife. As their caregiver for more than six years, I have also toured more than my share of senior living facilities in this area. I feel very strongly that there is an enormous and important value in the quality of life that trees, the wetlands and wildlife bring to the elderly, and to all of us.

I sincerely ask the Planning Commission to vote NO on the Cherrywood Pointe proposal, and to tell the developer to adjust their proposal to eliminate the South wing of the building. This can save about 15-20% of the woodland preservation area on this property. Doing this will save a number of significant and protected trees, help reduce erosion, preserve the wildlife habitat, and improve the quality of daily life for the future residents and staff at Cherry Pointe.

Thank you for your consideration.

Anne Lloyd
2250 Plymouth Road - Apt, 201
Minnetonka, MN 55305
WE ASK THE PLANNING COMMISSION TO VOTE NO ON THE CHERRYWOOD POINTE PROPOSAL AND TO TELL THE DEVELOPER TO ADJUST THEIR PROPOSAL TO ELIMINATE THE SOUTH WING OF THE BUILDING IN ORDER TO SAVE ABOUT 15-20% OF THE WOODLAND PRESERVATION AREA ON THIS PROPERTY. DOING SO WOULD SAVE A NUMBER OF PROTECTED TREES WHILE HELPING REDUCE EROSION AND PRESERVE WILDLIFE HABITAT. Thank you.

Julie and Steve Freie
11900 Live Oak Drive
Minnetonka, MN 55305
We ask the planning commission to vote no on the Cherrywood Pointe Proposal and to tell the developer to adjust their proposal to eliminate the south wing of the building in order to save approximately 15-20% of the woodland preservation area on the property. Doing so would save a number of protected trees while helping reduce erosion and preserve wildlife habitat.
Thank you,
Angie Voigt
13748 Green Briar Drive

Sent from my iPad
I am very concerned about the trees that are being taken for this project. I request that you reject this project until and unless protected trees and parkland can be saved. Living in Minnetonka for almost 30 years I have been grateful and proud of the way protection of important wild lands and wildlife habitat has been a priority. Please honor this tradition and deny this development under it's current condition. Thank you for your consideration. Charlie Greenman
11421 Live Oak Drive
Please include this note in the Planning Commission packet. Please vote “no” on the Cherry Pointe development. If the southern wing is deleted many of the trees would be preserved. I believe the density is too high for this sensitive wooded steep slope property.

Kay D. Johnson
2227 Platwood Road
Minnetonka, MN 55305
As a concerned neighbor I'm less than pleased with the news that the Cherrypoint Retirement community would destroy such a beautiful and historic forest within our Minnetonka community. We only have so much space left within Minnetonka and I strongly believe that we've forever removed enough forest within the Ridgedale area. Please consider relocating this establishment.

- Jessica Toledo
2219 Platwood Rd
Minnetonka, MN 55305
October 15, 2015 comments to Minnetonka Planning Commission on Cherrywood Pointe Proposal – from Essex Hills resident group (presented by Annette Bertelsen, 13513 Larkin Drive, Minnetonka)

PROPOSED USE
Our neighborhood group thanks United Properties for its interest in bringing senior care housing to this area of Minnetonka. High-density residential follows the comprehensive guide plan for this property and senior housing would be a good addition for the neighborhood.

FINDING THE RIGHT BALANCE
As Commissioner Odland pointed out during the concept stage, we need to make sure “that we are not overpopulating this very protected area.”
- A Woodland Preservation Area (native oakwood brushland)
- Two Slopes – one is “Steep Slope”
- 33 High Priority or Significant Trees
- Two Wetlands

PUD ZONING REQUESTED
The developer is asking that the property be rezoned to Planned Unit Development (PUD).

The guidelines for PUD are the SAME numbers as the standards for R-5 zoning. Therefore the developer is asking the City to give them permission to depart from all the yard and parking lot setbacks (5) under PUD/R5 guidelines/standards, as well as to not follow the minimum outdoor recreational area.

City Code Section 300.22 (6a): “The standards outlined in the following code sections serve as development guidelines for structures within PUDs:”

<table>
<thead>
<tr>
<th>PUD Land Use</th>
<th>Development Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>low-density residential</td>
<td>R-1, section 300.10</td>
</tr>
<tr>
<td>medium-density residential</td>
<td>R-3, section 300.12</td>
</tr>
<tr>
<td><strong>high-density residential</strong></td>
<td>R-5, section 300.14</td>
</tr>
<tr>
<td>commercial</td>
<td>B-2, section 300.18</td>
</tr>
</tbody>
</table>
### ZONING STANDARDS/GUIDELINES COMPARISON

<table>
<thead>
<tr>
<th>Required/ Guidelines</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-5</td>
<td>PID**</td>
</tr>
<tr>
<td>Front Yard Setback</td>
<td>50 ft</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>82.5 ft</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>82.5 ft</td>
</tr>
<tr>
<td>Parking Lot Setback</td>
<td>20 ft</td>
</tr>
<tr>
<td>FAR*</td>
<td>1.0</td>
</tr>
<tr>
<td>Building Height</td>
<td>Controlled by setbacks and FAR</td>
</tr>
<tr>
<td>Floodplain Setback</td>
<td>20 ft</td>
</tr>
<tr>
<td>Hardsurface Coverage**</td>
<td>n/a</td>
</tr>
<tr>
<td>Floodplain Vertical Separation</td>
<td>2 ft</td>
</tr>
<tr>
<td>Wetland Setback</td>
<td>35 feet</td>
</tr>
</tbody>
</table>
| Outdoor Recreational Area | 10% | 10% | 10% | 2% | *

*(Section 300.14, 5h): “outdoor recreational area: minimum of 10 percent of the gross project area shall be in private recreational uses for project residents.” We’ve been told by medical experts that outdoor recreation is very important to senior physical and mental health – so for some of us who are in the market for a senior care facility for our loved ones, the miniscule outdoor recreation area would definitely remove the proposed facility from our consideration set.

### SITE IMPACTS OF PROPOSED BUILDING DEPARTURING FROM STANDARDS

The proposed building, which does not follow PUD/R5 guidelines/standards results in the destruction of:

- 35% of the Woodland Preservation Area
- 100% of the High Priority trees
- 100% of the Significant trees
- 12% of the Steep slope
COMPARISON TO A PUD- OR R5-COMPLIANT BUILDING

The Minnetonka Natural Resource Department estimates that if the building complied with PUD/R-5 guidelines/standards, it would:

- SAVE 15-20% of the Woodland Preservation Area

Note that on the side that faces the Meadow Park trail system and our single family homes, the building would then be 6 stories rather than 5 stories, but it’s a much smaller “building face” in that direction than the proposed building. The larger setbacks on the south side would also mitigate the height appearance for the adjacent residential property.
ACCORDING TO MINNETONKA ORDINANCE, PID IS THE ALLOWED REZONING

The developer is asking for permission to NOT follow two parts of the Planned I-394 (PID) ordinance, the primary purpose of which is to "responsibly manage corridor growth" in Minnetonka.

City Code: “All property in a traffic analysis district which is not yet zoned Planned I-394 distribute shall become part of the associated separate zoning district upon rezoning.”

City Code 300.31 subd. 11b. “No property in the traffic analysis districts identified in Subdivision 13 which is designated for a use other than lower density residential in the comprehensive 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.”

Not following the ordinances presents several risks:
- If someone challenges this rezoning in court, the court could rule against the city, as it has in at least one other lawsuit.
- Regardless of final decision, city resources would be wasted.
- If a credible legal issue is presented, the court can issue an injunction, disrupting the project timeline.

A PID-COMPLIANT BUILDING WOULD HAVE DIFFERENT SETBACKS AND SCALE

The primary difference between the PID standards and the PUD/R-5 standards/guidelines is that the PID setbacks are smaller (giving the developer more room to strategically place the building to minimize impact on natural features) and the maximum floor area ratio (FAR) is 0.75.

The proposed building, under PID zoning, would mean the developer is asking the City to give them permission to depart from all the yard and parking lot setbacks (5) under PUD/R5 guidelines/standards AND to exceed the FAR by 20%, as well as to not follow the minimum outdoor recreational area.

The proposed building results in the destruction of:
- 35% of the Woodland Preservation Area
- 100% of the High Priority trees
- 100% of the Significant trees
- 12% of the Steep slope
REZOGING PID COULD SAVE SIGNIFICANT WOODLAND PRESERVATION AREA

Under the standards for PID, the building FAR would need to be reduced 20%.

The Minnetonka Natural Resource Department estimates that if the south wing was removed, we would:
- SAVE 15-20% of the Woodland Preservation Area

This option would require the city to grant the developer some setback variances.

In consideration for those setbacks, the city could ask the developer to: a) look for creative solutions for saving some of the High Priority or Significant trees (feasible since parking needs decrease), b) agree to a conservation/trail easement and/or c) provide some low-income housing units.
CONCLUSION

We are very excited about the prospect of having senior housing in our neighborhood.

We ask the Planning Commission to:

- **Vote to deny the current proposal.**
- **Direct the developers to bring back a proposal requesting PID zoning, in accordance with Minnetonka Code.**
- **Ask them to remove the south wing of the building, in order to preserve 15-20% of a Woodland Preservation Area on a Steep Slope adjacent to wetlands and to the Meadow Park area.**
- **Include wording in the trail easement that prohibits building a private access to the trail in this very protected area.**

Doing so will save trees and understory in a Woodland Preservation Area, preserve wildlife habitat, reduce erosion, control runoff quality and protect a Steep Slope – which follows the principles outlined in the 2030 Minnetonka Comprehensive Guide Plan (Natural Resources Plan chapter VI and Land Use Plan chapter VI).

Thank you.