ITEM 8A – CHUCK AND DON’S

As noted in the packet, staff used approved sign permits of surrounding tenants to estimate the dimension of the proposed sign for Chuck and Don's. After distribution of the packet, on December 31st, the applicant submitted a sign permit application for the currently installed Chuck and Don’s sign.

The city approved and issued the sign permit as the sign meets the current sign plan for Westwind Plaza. The sign dimensions of the currently installed sign are as follows:

ITEM 8B – ONE TWO ONE

Since publication of the packet, staff has redrafted its recommended resolution. There are no substantive changes to the resolution. Rather, the formatting and order of several conditions has been changed. Should the commission recommend approval of the proposal, please reference the attached resolution in the motion.

Staff has received two written comments that were not included in the packet. The comments are attached.
Resolution No. 2015-

Resolution approving a final site and building plan with variances for One Two One Development at 14217 and 14301 Stewart Lane.

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

Section 1. Background.

1.01 On January 23, 2006, the city council approved as master development plan for the Glen Lake redevelopment project. As approved, the redevelopment included three sites: A, B and C.

1.02 Site C, commonly referred to as the Kinsel Site, includes the properties addressed at 14217 and 14301 Stewart Lane. The site is legally described as:

That part of Lot 1 in Glen Lake Park described as follows, to wit: Commencing at the Northwesterly corner of said Lot 1; thence Northeasterly along the Northwesterly line of said Lot a distance of 65 feet; thence Southeasterly along a line parallel with the Southwesterly line of said Lot to the South line of said lot; thence West along the said South line to the Southwesterly corner of said Lot; thence Northerly along the Southwesterly line of said Lot to the point of commencement, Hennepin County, Minnesota, according to the recorded plat thereof.

and,

That part of Lot 1 in Glen Lake Park, Hennepin County, Minnesota, lying West of the East 570 feet thereof and Northeasterly of the Southwesterly 65 feet thereof.

1.03 On January 23, 2006, the city council approved the following land use actions for site C:

1. A comprehensive guide plan amendment to high-density residential;
2. A rezoning to R-5 high-density residential;

3. Approval of final site and building plans with the following variances:

   Building setback variances to:
   • 33 feet from the north property line
   • 40 feet from the southwest property line; and
   • 34 feet from Kinsel Park

   Parking setbacks to
   • 8 feet from the north property line;
   • 15 feet from the northwest property line; and
   • 10 feet from the southwest property line

1.04 The 2006 site and building plan approvals for site C have expired. However, the high-density residential comprehensive guide plan designation and R-5 zoning remain.

1.05 One Two One Development is requesting approval of final site and building plans for construction of a four-story, 54-unit residential senior cooperative building on site C. The request includes the following setback variances:

1. Building setback variances to:
   • 39 feet from the north property line;
   • 43 feet from the southwest property line; and
   • 48 feet from east property line

2. Parking setbacks to
   • 7 feet from the property line adjacent to Stewart Lane;
   • 15 feet from the north property line; and
   • 10 feet from the southwest property line

3. Building Height to 53.5 feet

1.06 On December 11, 2014, the Planning Commission held a hearing on the proposal. The applicant was provided the opportunity to present information and public comments were received by the Planning Commission.

1.07 On January 8, 2015, the Planning Commission continued review of the proposal considering all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city approve the final site and building plans, with variances.
Section 2. General Standards.

2.01 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

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

2. Consistency with the ordinance;

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

4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) the amount and location of open space and landscaping;
   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

2.02 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorize the city to grant variances.

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

1. The proposal is consistent with the high-density comprehensive guide plan designation of the property and with the site and building plans previously approved for the property.

2. The proposal would meet the R-5, performance, and variance standards.

3. The proposal would maintain significant natural features adjacent to the wetland edge of Glen Lake. A city order required the current property owner to replant vegetation at the foot of the slope adjacent to Glen Lake. These plantings were the result of unauthorized site clearing in 2006. This area is illustrated as a preservation area on the current plans. Additional site landscaping will improve the natural amenities and connection to the natural environment surrounding Glen Lake.
4. The building would be situated on the property to allow residents to enjoy site amenities and views of the natural environment surrounding Glen Lake.

5. The site and building would be well organized to provide a desirable place to live. The building is a high quality design which adds value to the living experience for residents. Indoor and outdoor site amenities create an enjoyable environment.

6. The site would contain adequate amount of open space and landscaping. The building footprint impacts 25 percent of the site area allowing a rich landscaping and site amenities.

7. Building materials would be comprised of high quality brick, stone and engineered materials. Colors and textures are compatibly designed with adjacent development the surrounding environment. The building design is similar to the adjacent multi-story condominium buildings.

8. A public trail system would connect the site to Kinsel Park providing opportunities for residents to connect to the natural environment. Stewart Lane provides vehicular and pedestrian connections to the surrounding area.

9. The building has been designed and situated appropriately on the property to take advantage of southern exposure for added winter energy considerations. As site landscaping matures, summer heat gain will be reduced over time.

10. The building has been sited with the consideration of setbacks and views. Proposed landscaping would buffer adjacent properties while allowing views, light and movement of air. Surface water management systems would improve the surface water runoff quality which benefits the natural environment.

3.02 The proposal would meet the variance standard outlined in City Code §300.07 Subd. 1(a):

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The general intent of setback requirements outlined within the zoning ordinance is to maintain appropriate separation between land uses. The proposal would be consistent with this intent. The proposed residential building would be over 67 feet from the closest residential building.
2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposal would be consistent with the high-density residential comprehensive guide plan designation.

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

1) REASONABLENESS: The proposed variances are reasonable. Though less than the code requirement, they would result in greater setbacks than previously approved for development at the site.

2) UNIQUE CIRCUMSTANCE: The irregular, triangular shape of the property is unique and not common to other properties of similar guide plan and zoning designations.

3) CHARACTER OF LOCALITY: There are other high-density residential buildings in the area with similar building and parking lot setbacks.

Section 4. City Council Action.

4.01 The City Council approves the final site and building plans and variances for One Two One Development with the following conditions:

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

   - Site plan dated November 19, 2014
   - Preliminary grading, drainage and erosion control plan, dated November 19, 2014
   - Preliminary utility plan, dated November 19, 2014
   - Preliminary stormwater pollution protection plan (SWPPP), dated November 19, 2014
   - Landscaping plan dated October 20, 2014
   - Building elevations dated November 19, 2014

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 sets of project specifications.

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

   a. Final site plan must:
      • Illustrate that all structures and improvement meet minimum wetland, floodplain, and shoreland setback requirements.
      • Demonstrate that the property would meet impervious surface restrictions as outlined in city code.

   b. Final grading plan must:
      • Demonstrate how proposed grading will minimize impact to neighboring trees
      • Identify the restitution area.
      • Show a reduced trail grade between the two infiltration basins. Maximum allowable grade is 8.3%.
      • Include top and bottom wall elevations for all retaining walls.
      • Include plans prepared by a licensed structural engineer for all retaining walls
      • Illustrate no floodplain fill or alteration. Any grading conducted within the floodplain will required a separate floodplain alteration permit.
c. Final utility plan must:

- Include additional sump pretreatment, such as a SAFL baffle or equivalent sump retrofit.

- Illustrate no conflict between proposed pipe segments and wall elevations.

- Illustrate looped water main service to the site. Two service legs must be extended from the main with valves on each leg and a central valve on the main between the two legs – 3 valves total.

- Illustrate that existing sewer and water services will be removed back to the main, wyes cut out and sleeved, and corporation stops shut off.

- Note that curb and street replacement or restoration associated with connections to water and sewer must match existing.

d. Final stormwater management plan must:

- Include clarification on storm sewer details, including pipe invert elevation and materials. The details must be consistent with the information provided in the HydroCAD model dated October 20, 2014.

- Illustrate a maximum 2 feet depth of the infiltration basins.

- Provide consistent infiltration rates described in the stormwater narrative and used in the model.

- Include results of infiltrometer testing conducted at the bottom elevation of the infiltration basin. The results must confirm infiltration rates.
e. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in ordinance. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

4) Stormwater maintenance agreements for all water quality facilities. The facilities will be considered private and must be privately maintained.

5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, wetland restoration, landscaping and tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

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

7) A copy of the approved MPCA NPDES permit.

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

9) 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.

b) Prior to issuance of a grading permit:

1) This resolution must be recorded at Hennepin County.

2) 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.

3) Submit a full Alta survey to confirm no conflict between existing easements and the proposed building, parking areas, and associated utilities.

4) The following documents must be submitted for the city attorney's review and approval. The documents must be prepared by an attorney knowledgeable in the area of real estate:

   • A public trail easement to replace the temporary trail easement on the 14217 Stewart land parcel.

   • A trail maintenance agreement.

   • A drainage and utility easement over delineated wetland.

   • A conservation easement over the wetland, code-required wetland buffer, and restitution area. The easement must be based on a wetland delineation conducted and approved in 2015.
• A restoration management plan for the restitution area. The plan be recorded against the property ad must include annual submittal for city staff review and approval prior to yearly implementation.

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

3. Prior to issuance of a building permit:
   a) Submit the following items for staff review and approval:
      1) 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.
      2) 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.
      3) An electronic CAD file or certified as-built drawings in microstation or DXF and PDF format.
      4) An illumination plan.
b) Submit all required hook-up fees.

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

5. All rooftop and ground-mounted mechanical equipment, and exterior trash and recycling storage areas, must be enclosed with materials compatible with the principal structure, subject to staff approval. Low profile, self-contained mechanical units that blend in with the building architecture are exempt from the screening requirement.

6. Construction must begin by December 31, 2016, unless the city council grants a time extension.

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

__________________________________________
David E. Maeda, City Clerk
I am here tonight to ask the Planning Commission to review the variances and the size of a new project. I am certain many of you are not aware of Glenhaven TIF project and its many condominiums that will never be built. Tonight’s proposal seems to be dictated by the City’s attorney determination that you can only consider if the number of units and the variances for this project are following City codes. I am going to ask you to support my belief that the units on this site are approved at a maximum of 45 units and that the variances are not appropriate or warranted for this R5 building. I also ask you to review the public trail that is a requirement within this proposal.

Tonight’s variances are supported in your packet in part 3:

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:
   a. REASONABLENESS: The proposed variances are reasonable. The proposed variances for the building are less than what was approved in 2006 for a similar building at the same location.
   b. UNIQUE CIRCUMSTANCE: The property is unique in shape and location. The irregular shape makes the design and placement of a more commonly designed building difficult.
   c. CHARACTER OF LOCALITY: There are other high density residential buildings on Stewart Lane with similar building and parking lot setbacks.

   a. REASONABLENESS: It is not reasonable to allow an R5 building to exceed 50% of its setback variances. And relevant to tonight’s review, I can lead you through a discussion of how such large setbacks were allowed in 2006. None of the 2006 setback reasoning applies today. I suggest that you ask again. Why are the variances reasonable?
   b. UNIQUE CHARACTER is not a hardship. I have two examples that outline an R5 building site on the property with both 100 and 75 foot setbacks depending on the height of the proposed building. A buildable pad for R5 housing exists on this unique 3.2 acre triangular site. I have a concept plan to share with you. It was considered by a 2002 Glen Lake focus group with a high density building very similar to the design of its neighbor Glen Lake Shores.
   c. CHARACTER OF LOCALITY: The setbacks for the other high density neighbors are not similar. I have a diagram of the 3 small setbacks that were given for the Lakeside Condominiums R3 development. Each was for a corner of a 2 story building in a development that was required to have an affordable unit. The Glen Lake Shores R4 building appears to meet its 50 foot setbacks and even the Planning Department’s documents state no variances were required at the time of project approval. The setback variances proposed are not similar to its high density neighbors.

The ONE TWO ONE proposal before you tonight differs from the project approved for the Glenhaven TIF district’s Site C with variances in 2006. The specific differences are as follows:
1) Most significant difference is the 2006 approval was to build high end ($505K per unit) condominiums. This proposal is a mid-range cooperative with an average estimated value of $250K per unit. The words “high end condominiums” are mentioned in both the condemnation documentation for this location and in the TIF financials.
2) The 2006 approval was for 45 units on Site C. The council specifically reduced the density of this building during their approval meeting (01/23/06) from 50 units to 45 units by removing the affordable housing component within Site C. This 5 unit reduction came through the loss of 5 affordable units and it was intended to reduce some of the building’s mass and density. This proposal is for 54 units and these 9 additional units represent more than a 15% increase in unit density. The variances were given for a 45 unit building.
3) The 2006 approval was for condominium individual ownership. This proposal is for cooperative ownership.
4) The 2006 approval was not restricted to senior buyers. This proposal is for a restricted market to seniors, 55 years and older.

The TIF contractual agreements on this project suggest that a maximum of 50 units could be considered for this site. I would like to read you part of John Gunyou, our past city manager, 2006 explanation of Site C. He states, “Like all major projects, the Glen Lake redevelopment is not without controversy. Most of the concern has been over the Site C condos. Building size is a legitimate issue, but the interrelated nature of the project makes it impossible to consider the density of this one site in isolation. All the...
project components, Site A, B and C, are integral to its overall feasibility." And then he continues later, "I'm pleased to report that the developer has agreed today to additional concessions that address two major areas of concern. First, the size of the Site C condo building will be reduced from 50 units to 45. The leg closest to the new townhomes will be shortened by 18 feet so that the benefit of the size reduction will accrue to those homeowners. He concludes, "We are hopeful that this response to the main concerns about the project will be viewed positively. With this compromise, staff believes that the project represents our best last chance for a quality, comprehensive redevelopment of the Glen Lake area."

Mr. Gunyou's statements were not all incorporated into the ordinance but they all should have been. The setback change was made. The affordable housing was removed. The 45 unit maximum was not included as a number in the ordinance but is reflected in the floor plan that was submitted during final approval. Only 45 units exist on the approved floor plan.

I would also like to further quote directly from the January 23, 2006 approval meeting notes. The head city planner, Geoff Olson admitted that if he looked at Site C by itself, he would view it differently. He read the criteria in the guide plan for review. He said that the changes to Site A and B would not be dramatic, but they would be for Site C. That site is incredibly increased in terms of density and mass. He said that the guide plan said that the change should provide a transition from one use to another. That argument was used for the townhouses on the Mason property (note now Lakeside Condominiums). The criteria cut both ways, and we are ignoring the planning related criteria in favor of economic considerations.

I must emphasize that the City no longer needs to consider the economic considerations to the TIF as a package. The package has changed. The TIF is working. Can we please stop ignoring the planning related criteria? Specifically, what is the justification for each setback? What does the City code allow for this specific new R5 proposal? Is this building too dense in mass and units? Does the building transition well with its neighbors? Where is the 65 feet for the creation of a public trail?

The language for the variances needed to build the 45 unit high end condominiums was distributed to the public as part of the standard City Council packets on the Friday prior to their 01/23/06 meetings as follows:

(1) There is a unique hardship to the property caused by the triangular shape of the lot and the shoreland setback.
(2) The variance would meet the intent of the ordinance because it allows reasonable development that is creative and attractive and that is similar to other high density developments in the area.
(3) The parking lot setback variances are for minor point intrusions into the required setback area.
(4) The city approved two setback variances for the townhouses to the north to allow setbacks of 20 and 25 feet from the park. As in this case, justification for the variances is based on the fact that the adjacent land is park and there are no buildings that would be affected by the variances.
(5) Economic consideration is not the sole basis for the variances. Although the size of the building is generated by the financial needs of the tax increment district, there are significant public benefits that result from the coordinated development of the three sites and that serve as justification and trade offs for the variances.

On 01/23/06, the night of the Council meeting, the public was presented with an addendum to the packet with new language supporting the need for the variances as follows:

(1) The unique hardship to these properties is the deteriorated nature of the Glen Lake commercial area.
(2) An additional hardship is that the zoning code was developed before the "new urbanism" concept became prominent and therefore does not accommodate the reduced setbacks and mixed uses inherent in that planning technique. The Glen Lake area has been identified by the Economic Development Authority as an area where more dense development is appropriate to encourage affordable housing. The planning concept of "new urbanism" is on way to implement more dense development.
(3) Neither of these hardships was created by the landowner.
(4) The variances would meet the intent of the ordinance and would not alter the essential character of
the neighborhood because they allow reasonable development that is creative and attractive and that
is similar to other high density developments in the area.

(5) The variances on Site C are further justified by the fact that the parking lot setback variances area for
minor point intrusions into the required setback area. Also, the reduced setback toward the park is
appropriate because there are no buildings that would be affected and it is consistent with the
variances granted to the adjacent townhomes.

(6) Economic consideration is not the sole basis for the variances. Although the sizes of the buildings
are generated by the financial needs of the tax increment district, there are significant public benefits
that result from the coordinated development of the three sites and that serve as justification and
trade-offs for the variances. These public benefits area discussed in the staff report. The economic
impact on the developer is only one consideration in the analysis.

The approval of a similar building on this site which had many “justifications and trade-offs,” many of
which no longer apply, and applied only to original plan for 45 high end condominiums to which the
variances were directly given. Many changes have occurred within the Glenhaven TIF district since 2006.
First, it has none of the planned condominium ownership on Site A, B or C and instead has 52
apartments on Site A and 150 units of memory care, assisted living and senior units on Site B. Second,
the TIF district financing was extended from 16 years to 23 years (2029). The 2006 TIF numbers and the
Site C variances were all dependent on a 45 unit high end condominium building set on Site C; no other
size modifications could meet the demands of the TIF and no affordable units could be placed within Site
C for the accounting to work. My review of the current Glenhaven tax increment district’s financing from
the report filed with the State of MN (August, 2014) suggests that without significant economic downturns,
the City may possibly collect $1 million extra in funding from the TIF district even if nothing is built on this
proposed Site C.

I cannot get past the simple facts that tonight’s proposed development is not the 2006 development that
was given excessive variances that today do not follow our city codes for a 45 unit high end (luxury)
condominium. I believe that I represent my community of Glen Lake (and several council members have
publicly concurred) if I say that the Exchange building (Site A) and the Glenn building (Site B) are too
large and could have been improved if they had not been given “new urbanism” as part of their setback
justifications. I believe that the Planning Department must also agree because the language for “New
Urbanism” as setback justifications is not detailed in the City Code eight years later.

Denying variances is often the best mechanisms for making neighbors happy. In Minnetonka,
homeowners are often denied 2 feet into their setbacks for home or garage building variances. An
example is the million dollar home that the commission denied variances to just this evening. Each foot
matters to someone. Developers and developments need to be held to the same standards as
homeowners.

I care deeply about each variance to an established setback. Allowing a variance to park land reduces
my sense of open space. A good neighbor would not be 40 feet from my park land when his house should
be more than 70 feet. I would like to point out where the picnic table at this park is now situated. If the
table can be seen in this aerial view, how will private will its space feel with a 5 story building façade a
mere 50 feet away from it. At 100 feet with full variances from both the park setback and the building’s
setback, is each then a better less intrusive neighbor? Allowing variance to the lake side setback places
impervious surfaces closer to the Lake. I care about the lake as I am both a Minnehaha Creek
Watershed water steward and as I live on Glen Lake.

I ask that you consider the location and width for the trail. The smaller lot seen in green was acquired by
the City together with the EDA through eminent domain for an expressed public purpose of a trail. While
the trail may be placed on either side of the proposed building, the documentation within the eminent
domain proceedings state that the excess property (25 feet) not needed for the trail may be used by the
development. This excess 25 feet of property was purchased by the EDA. No document states that the
development may instead allow its setback space to be used as the trail. The trail property purchased by
the City provides 40 feet of buffered open space. The proposed building tucks the trail into the 40 feet of
its reduced setback variance. If the side setback were placed correctly at 75 feet, the trail would have 115 feet of open space that it rightfully earned through eminent domain and it might truly be a valued public amenity. Please examine carefully both the physical width of the public trail and the width of its setback placement.

Finally, I would like to allay any concerns you may have that by denying these variances, there is not a reasonable use for this property. I showed you diagrams supporting a buildable plat on this R5 site with both 75 and 100 foot variances indicated. These diagrams are away from the lake and the park land; each restricts fewer of its neighbor's views. A building that followed the City Code for variances would also be less visible across the lake. You do not have to over build to use this property. This site has a buildable pad and if it were correctly placed with all City Codes met, it will make a better neighbor. I am explaining to you that there is no justification for each of these setback variances and I am asking you to deny your approval of the variances for this specific new project that exceeds the approved 45 unit maximum.

Thank you each for your time and consideration.

Grace Sheely
952-974-1286
14325 Grenier Road
Minnetonka, MN
Heather Odland  
15112 Glen Oak St.  
Minnetonka, MN 55345  

January 4, 2015  

RE: Glen Lake proposed Senior Condominium project  

Mrs. Odland,  

PUBLIC WALKING PATH: At the December 11, 2014 planning commission meeting it was stated the proposed public walking path western option wouldn’t work because it was too steep a grade for easy usage. With very little effort the one and only portion of the path in question can easily be designed to provide the grade desired.  

A simple solution of INCLUDING A “SWITCH BACK” (ZIG ZAG, SERPENTINE) portion of the path would achieve the desired goal of a proper grade. [Much like the paved public path currently located on the eastern side of Kinsel Park]  

If a multimillion dollar five level building including underground parking can be achieved, a simple, minor adjustment to the grading of a public path is surely possible?  

When the approximately 75 foot wide piece of property on the western side of the proposed senior condominium project was acquired by the city through EMINENT DOMAIN, the stated rationale included providing some public benefit. If the proposed public path is placed along the eastern edge of the property adjacent to Kinsel Park and running between the condominiums and the town homes, that “public benefit” will vanish. All visible access to Glen Lake would evaporate because the path would be hidden behind the condominiums.  

REQUEST: Please maintain the intent of “public benefit” of the original Eminent domain action by having the public path with switch backs run along the western side of the project.  

USE OF PROPERTY: Since the previous zoning variances and tax incentives granted to the Tom Wartman project have expired after repeated extensions, please reconsider a more appropriate use of the property, i.e. extend Kinsel Park; build high end town homes or other smaller footprint structures to reflect a more proportional relationship to the surrounding structures.  

Thank you,  

Randall Neal  
14203 Glen Lake Dr.  
Minnetonka, MN  
952/933-5614