Planning Commission Agenda

January 22, 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: January 8, 2015

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   No Items

8. Public Hearings: Non-Consent Agenda Items

   A. Site and building plans for a condominium building in the LEGACY OAKS development.

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

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

   B. Items concerning Villas at Groveland at 17113 Minnetonka Boulevard.

      Recommendation: Adopt the ordinance and resolution approving the request. (4 votes)

      • Recommendation to City Council (Tentative Date: February 9, 2015)
      • Project Planner: Jeff Thomson
C. Items concerning At Home Apartments, 5709 Rowland Road.

   Recommendation: Adopt the ordinances and resolutions approving the request. (4 votes)
   
   • Recommendation to City Council (Tentative Date: March 23, 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 February 5, 2015 Planning Commission meeting:

   Project Description: Housekeeping ordinance pertaining to grading.
   Project No.: TBD                  Staff: Susan Thomas

   Project Description: The applicant is proposing a two-lot subdivision of the property at 12601 Ridgemount Avenue.
   Project No.: 14029.14a            Staff: Ashley Cauley
   Ward/Council Member: 2—Tony Wagner Section: 2

   Project Description: Ridgedale sign plan review amendment.
   Project No.: 03046.15a            Staff: Susan Thomas
   Ward/Council Member: 2—Tony Wagner Section: 2
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

Roll Call

Commissioners Odland, Rettew, Kirk, and Lehman were present. O’Connell, Knight, and Magney were absent.

Staff members present: Community Development Director Julie Wischack, Principal Planner Susan Thomas, and Natural Resource Manager Jo Colleran.

Approval of Agenda: The agenda was approved as submitted with changes and additions provided in the change memo dated January 8, 2015.

Approval of Minutes: December 11, 2014

Odland moved, second by Kirk, to approve the December 11, 2014 meeting minutes as submitted.

Odland, Rettew, Kirk, and Lehman voted yes. O’Connell, Knight, and Magney were absent. Motion carried.

Report from Staff

Wischnack briefed the commission on land use applications considered by the city council at its meeting of January 5, 2015:

- Introduced an ordinance related to a master development plan amendment for The Villas at Groveland.
- Adopted a resolution with conditions relating to fence design and location and a management plan for Unleased Dog Daycare.
- Entered into a purchase agreement for land on Shady Oak Road that would be impacted by improvements to Shady Oak Road.

The first meeting to discuss the Ridgedale-area vision at the Ridgedale library will be held January 21, 2015.

Report from Planning Commission Members: None
7. **Public Hearings: Consent Agenda:** None

8. **Public Hearings**

   Knight joined the meeting.

   **A. Amendment to the sign plan for Westwind Plaza.**

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

   Thomas reported. She recommended denial of the application based on the findings listed in the staff report.

   Kirk asked for the definition of “logo.” Thomas said that usually a logo is a branding icon. If the applicant states that “Chuck and Don’s Pet Food and Supplies” is the business’ logo, then the argument could be made that it is the logo, but the proposed sign would still be well beyond ordinance requirements for a logo.

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

   *Odland moved, second by Kirk, to adopt the resolution on pages A9-A13 of the staff report with modifications provided in the change memo dated January 8, 2015 which denies an amendment to the Westwind Plaza sign plan for a wall sign for Chuck and Don’s Pet Food Warehouse exceeding 24 inches based on the following findings:*

   1. The proposed amendment is not consistent with the intent of the sign plan. The intent of the sign plan is to adapt the standards of the sign ordinance to the unique characteristics and visibility needs of a development.

   2. There are no circumstances unique to the tenant space which warrant providing an increased wall sign for a tenant of less than 12,000 square feet.

   3. The existing illuminated tenant sign provides the tenant adequate visibility from the adjacent roadway. The proposed sign would more than double the height of the existing sign.

   *Odland, Rettew, Kirk, Knight, and Lehman voted yes. O’Connell and Magney were absent. Motion carried.*
Chair Lehman stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

B. Items concerning One Two One Development located at 14217 Stewart Lane.

Chair Lehman 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.

Wischnack provided an overview of tax increment financing (TIF). Under TIF the difference in tax dollars between the newly developed property the “pre-developed” property are captured and used to pay the costs to do the improvements including property acquisition and clean up, demolition, and relocation. The project and site improvements would not have been done, but for the TIF making the financing possible. The TIF district is eventually eliminated. The EDAC and city council deal with TIF districts.

The public hearing was opened.

Keith Weigel, 14209 Glen Lake Drive, stated that:

• A building should be built that does not need variances.
• Glen Lake Shores, Glen Lake Landing, and The Atrium did not require variances. Beacon Hill did have a variance to allow a setback to be 30 feet instead of 40 feet.

Grace Sheely, 14325 Grenier Road, stated that:

• She was concerned that eminent domain was done to create a park path, but the proposal has the path located in the 40-foot variance for the building. There should be 40 feet for a path that does not involve setbacks. It is still really important.
• A path without stairs is needed. There are 6 senior housing facilities in the area.
• The path belongs on the west side. The Glen Shores building has the right setbacks.
• The original plan included 124 parking stalls. The proposal would have 93. It does not make sense that the number of units increased from 45 to 54 and the amount of parking decreased. There is no
room for parking on Stewart Lane or Excelsior Boulevard. It needs more parking to plan for potential future uses.

- The building should be setback 85 feet due to its size based on what was originally there.

Jim Zachman, 14194 Glen Lake Drive, stated that:

- It seems like the proposal has been driven by TIF. The TIF report he saw at the EDAC meeting shows a $2 million surplus. He did not see a need to push things through that would be contrary to the plan. He heard over and over from the previous city manager that a price had to be paid to take steps forward. The TIF problem has been solved.
- Obviously, the project wants to go ahead. Time is not a big issue. Let’s give the developer another extension. The requirement of tax increment from Site C is not there. The proposal being rammed through gives about 50 percent of the money originally projected.
- Planning staff ought to take a little more time to study the agreements. Commitments were made to a lot of people to get the TIF approved.
- It would cost nothing to do it right and it would benefit a lot of seniors. Seniors need the property values to go up.

No additional testimony was submitted and the hearing was closed.

Chair Lehman noted that staff explained the reasons for the proposed location of the trail in the staff report. Wischnack explained that there is a drop in elevation of 20 feet on the west side. The north side is wider and has a drop in elevation of 14 feet. She was open to suggestions. Commissioners may amend the conditions of staff’s recommendation. For this site, a specific location for the trail should be discussed due to the site’s issues restricting its location. The trail would be located on the west side or north side of the site. Staff has provided their opinion.

Chair Lehman asked staff to address the size of existing R-5 buildings and the previous proposal with the current proposal. Thomas noted that ordinance requirements have changed over time. Some of the buildings were built in the 1970s and 1980s. The proposal’s setbacks would be within the range of setbacks that have been approved for the various sites. There is one setback that is being proposed that would be a foot less than what was previously approved. The other setbacks would be slightly greater than what was previously approved for the
site. Thomas explained that under the R-5 zoning code, side-yard setbacks are required to be equal to 1.5 times the height of the building.

Chair Lehman reviewed the proposed parking provided in the staff report. The staff report also covers future uses and found that the site would be five stalls short for a heavier use. Thomas agreed. The parking ordinance requires two parking stalls per apartment unit. Staff believes the parking code is outdated and requires more parking than necessary. The Institute of Transportation Engineers (ITE) manual is now being used to provide a more realistic approach. Rather than requiring parking stalls per living unit, the number of bedrooms should be used for rental apartment uses to determine the adequate number of parking stalls.

Chair Lehman noted that TIF is not part of the planning commission’s purview. Wischnack noted that the city council is advised by a financial consultant and legal counsel. Both have reviewed the proposal. She has no concerns with the TIF portion of the proposal.

In response to Kirk’s question, Wischnack explained that the city council has control over what type of units would be constructed. A cooperative is a model of ownership like a condominium. Kirk agreed.

Kirk asked if commissioners could require an age restriction. Wischnack answered in the negative. That would be an unfair housing requirement. The owner of the building may require a tenant to be 55 years or older. The city does not enforce building owner’s policies.

Kirk asked what prompted the eminent domain to be done in 2006 and the level of obligation that the community might perceive. Wischnack explained that the city has a deed for the west, skinny parcel that was purchased with the use of eminent domain but it has not been recorded. The city would enter into a contract agreement to deed the parcel to the developer if the proposal moves forward. In 2006, it was designated that the trail would have to be on the development property and connect to Kinsel Park, but the location within the development was not determined at that time. The setbacks have been measured with the assumption that the skinny parcel on the west side would be included in the development site.

In response to Kirk’s question, Wischnack explained that the developer would grant an access easement to the city to allow public use of the trail. Tonka on the Creek is a similar development. Locating that trail was also difficult due to the topography.
Kirk asked if the trail would have to be accessible. Wischnack stated that the north location would have a better slope. Neither trail location would allow the trail to meet ADA accessibility requirements. The city is required to provide accessibility to the park. There are other accessible entrances to the park.

Kirk suggested locating the parking lane on the northeast which would locate the drive lane behind the townhouses. Wischnack said that the developers did provide a drawing of that plan. She would allow the applicant to explain why that would not work. Kirk could think why that would not work, so he concluded that the proposal would be the best location for the site.

Kirk asked if the number of parking stalls would be impacted by the building housing seniors. Thomas explained that a senior development requires fewer parking stalls than a development not designated for seniors. The proposal would meet and exceed the senior development parking requirement. Staff is still comfortable that the site would accommodate parking for a use housing a variety of ages.

In response to Kirk’s request, staff provided a drawing that shows a conforming building. The builder provided the drawing the last time to show what the site would allow from a setback and height standpoint. The drawing has nine floors. Staff drew the 76-foot setback on the drawing with the 46-foot setback. The building would meet all natural resources setbacks on the site. Kirk saw a site benefit to what would be happening in the southeast area where the retainage areas and Glen Lake are located. Based on the height of the buildings, the setbacks seemed tight to the property lines. The variance for the setbacks is somewhat being driven by the 2006 proposal. It was approved in 2006. Thomas explained that the variance standards have stayed the same. In 2006, there were unique circumstances associated with the property. The unique circumstances have not changed. The variance findings would be the same. Commissioners may come to a different conclusion.

Rettew asked if the ITE standards for parking include parking for staff. Thomas answered that an assisted living facility would, but a senior cooperative use would not. There would be one staff member.

Kirk said that it appeared that the building elevation increased in height. Thomas answered that the square footage of the proposed building was decreased. The wing on the north property line shrunk. The proposed building height was 44’8” in 2006 and is now feet 45’7”. Wischnack noted that the height reduction occurred in the rear of the building. The rear of the proposed building in 2006 was 65 feet and now 57 feet. The original building included 2 levels of parking which created
a much higher view shed from the rear of the building. It depends on the side of
the building. The mass of the proposed building is similar in the front and
decreased in the rear compared to the approval from 2006.

Kirk said that the developer of Applewood Pointe was able to sandwich the
building between Minnetonka Boulevard and the trail in a way that was more
empathetic to the environment. Parts of the building were stepped back so it
would not seem so massive. The proposed building seems quite large to him.
The lack of articulation of the building makes the front abrupt architecturally
against the property lines. Wischnack provided that the building would look
similar to the architecture of the Duffy building. It would have four stories over a
parking garage. The Duffy building site has much smaller setbacks than the
proposal. Kirk noted that the adjacent uses are different. Wischnack agreed.

Odland asked Kirk if he felt the building would be too large for the area. Kirk
answered affirmatively. He appreciated the developer reducing the overall square
footage, but the mass has not been reduced enough. A larger retaining wall was
added to the south. The four floors would remain at a similar height. Odland felt
that was a fair statement. She asked how to restate that she would like the
building changed so that it would not appear as large.

Kirk said that the zoning merits R-5. The number of units could be reduced to 45.
That might help. It would not help to have 45 larger units. The overall square
footage of the building could be reduced. He preferred a plan that would not
require variances and fit within the building footprint. He would like to see the
setbacks be more generous or the building articulated or stepped down in a way
that would not create a four-story, abrupt wall next to a walking path or
neighboring properties. The other points made are consistent with the
comprehensive guide plan. He struggled with the mass and size of the building.
He would like the mass of the building reduced. In his mind, it did not help to
remove the lowest floor and add a retaining wall. He did not know if it would be
possible to step the building as it neared Glen Lake.

Rettew felt like the commission would be trying to design the proposal which is
not in its purview. He agreed with Kirk’s sentiments, but was inclined to accept
the proposal before them as “good enough.”

Odland commended Kirk for identifying the problem that the building would be
too massive and suggesting a solution.

Rettew said that requiring a specific design style would be out of the
commission’s purview.
Odland noted that the number of units was decreased, but the mass of the structure did not change. Leaving the wall at the same height is not a solution. The building is too large for the property. The commission does have a duty to set a precedent of what would be appropriate.

Knight agreed that building the retaining wall and keeping the building at the same elevation would not solve anything. He would like to see something a little smaller. He knew nothing of what would be financially feasible. A decrease in the number of units would not change the situation if the units would be made larger.

Chair Lehman never expects a previous commission’s actions to be binding on current or future commissions. He respects the decisions of the 2006 planning commission and city council. He believes strongly that the commission needs to look at all of the factors. He was inclined to support a proposal that was similar to one approved by the city council in 2006 and staff’s recommendation. It was a tough decision.

**Kirk moved, second by Odland, to recommend that the city council deny final site and building plans and associated variances for One Two One Development at 14217 and 14301 Stewart Lane.**

**Odland, Kirk, Knight, and Lehman voted yes. Rettew voted no. O’Connell and Magney were absent. Motion carried.**

Chair Lehman voted to pass the motion to deny to allow the item to move on to the city council for review although he was more inclined to support staff’s recommendation.

9. **Adjournment**

**Odland moved, second by Rettew, to adjourn the meeting at 8:30 p.m. Motion carried unanimously.**

By: ___________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting

January 22, 2015

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)
Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
January 22, 2015

Brief Description
Resolution approving final site and building plans for a condominium building in the LEGACY OAKS development

Recommendation
Adopt the resolution approving the site and building plans

Background
In June 2013, the city council approved the LEGACY OAKS development and adopted a master development plan for general build out of the site. As approved, LEGACY OAKS would include single-family homes, twinhomes, and condominium buildings, townhome units or a combination of both. Final site and building plans were approved for the single-family and twinhome components, with a requirement that site and building plan review be conducted before the Planning Commission for future construction of the condominiums and/or townhomes. (See page A1–A6.)

Proposal
At this time, Ron Clark Construction is requesting approval of final site and building plans for the first of three condominium buildings. The proposed three-story building would have a footprint of roughly 13,000 square feet and total habitable floor area of roughly 39,000 square feet. The building’s proposed 20 units would range in size from 1,325 square feet to 1,885 square feet; each would have a minimum of two bedrooms and baths. Common spaces would be located on each of the floors and would include an exercise room, club room, and library.

The building would be served by an underground garage, which would contain 41 parking stalls, two for each of the building’s units. Visitor parking would be available along the private street which would be constructed directly south of the building, as well as along the development’s public streets. (See pages A8–A20.)

Staff Analysis
Staff strongly supports the proposed plans for the condominium building, finding:

1. The building would increase the diversity of housing options within LEGACY OAKS, consistent with the city’s long term development goals for the site.

2. The building would be consistent with the approved master development plan for the site.

3. In keeping with the approved single-family and townhome plans, the building has been attractively designed and appropriately located.
Staff Recommendation

Adopt the resolution approving final site and building plans for the first of three condominium buildings within LEGACY OAKS. (See pages A21–A25.)

Originator: Susan Thomas, AICP, Principal Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Surrounding Land Uses
Northerly: single-family homes, LEGACY OAKS
Easterly: Parkers Lake Road, rental apartments beyond
Southerly: condominium building, WYLDEWOOD
Westerly: single-family and twinhomes, LEGACY OAKS

Planning
Guide Plan designation: medium-density residential
Existing Zoning: PUD

Setbacks, Etc.
The existing master development plan serves as the development guide. The proposed site plan is consistent with the master development plan. The following is intended for informational purposed only.

<table>
<thead>
<tr>
<th>MEASUREMENT</th>
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<tbody>
<tr>
<td>SETBACK - North</td>
<td>20 ft</td>
</tr>
<tr>
<td>SETBACK - South</td>
<td>n/a</td>
</tr>
<tr>
<td>SETBACK - East</td>
<td>30 ft</td>
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</tbody>
</table>
| SETBACK - West       | 15 ft to foundation
                       | 14 ft to cantilevered areas on floors 2/3
| HEIGHT*              | 58 ft to peak
                       | 47 ft to midpoint |

* Measured from west elevation, per city code

Construction
Construction is well underway within LEGACY OAKS; grading and utility work has been completed, roadways will be completed in the spring, and building permits have been issued for several single-family and townhomes.

Motion Options
The planning commission has three options:

1) Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the final site and building plans.

2) Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the final site and building plans. This motion should include findings for denial.
3) Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

**Neighborhood Comments**
Notice was sent to 71 area property owners. The city has received no written comments to date.

**Deadline for Action**
April 2, 2015
LOCATION MAP

Project: Legacy Oaks
Address: 100, 116 & 302 Parkers Lake Rd
Applicant: Ron Clark Construction
(11003.14c)

This map is for illustrative purposes only.
APPROVED MASTER DEVELOPMENT PLAN
CURRENT PROPOSAL
LEGACY OAKS 2nd ADDITION
Parkers Lake Road and Legacy Oaks Trail
11003.14d

1 EAST ELEVATION
scale: 1 : 150

2 WEST ELEVATION
scale: 1 : 150

11 DEC 2014

WHITTEN ASSOCIATES, INC.

LEGACY OAKS, MINNETONKA, MN.

RON CLARK CONSTRUCTION
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RESOLUTION NO. 2015-

Resolution approving final site and building plans for a condominium building within the LEGACY OAKS development

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

Section 1. BACKGROUND.

1.01 Ron Clark Construction has requested approval of final site and building plans for the first of three condominium units within LEGACY OAKS.

1.02 The property on which the building would be constructed is legally described as: Lot 1, Block 1, LEGACY OAKS 2nd ADDITION.

1.03 On January 22, 2015, the Planning Commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. GENERAL STANDARDS.

2.01 Ordinance 2014-03 established a master development plan for the LEGACY OAKS development.

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

Section 3. FINDINGS.
3.01 The proposed condominium building would be consistent with the LEGACY OAKS master development plan.

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

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

2. The larger LEGACY OAKS development altered the natural state of the site. However, the level of alteration was necessary to achieve the city’s dual goals of maintaining the site’s medium-density designation and achieving density through a variety of housing types.

3. The proposal would result in a harmonious relationship of buildings and open space. The location of housing types within LEGACY OAKS was carefully considered, with visual density of the site increasing as the development moves from northwest to southeast. The condominium building would be located in proximity to an existing condominium building and across the street from an existing apartment complex.

4. The larger LEGACY OAKS development would result in a functional and harmonious site design. As proposed, streets would provide not only access to new homes, but connectivity between neighborhoods. General planning principals suggest such connectivity benefits vehicle and pedestrian movement, the provision of public services, and sense of community.

5. Energy conservation will be promoted through the southerly exposure enjoyed by many of the proposed units.

6. The larger LEGACY OAKS development visually and physically altered the site. However, appropriate setback, stormwater, and connectivity provisions are in place to mitigate such alteration.

Section 4. PLANNING COMMISSION ACTION.

4.01 The above-described site and building plans are hereby approved subject to 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:

- Preliminary plat, dated December 20, 2013
- Floor plans, dated December 30, 2014
- Building elevations, dated December 30, 2014
- Street and storm sewer plan, dated December 31, 2014
- Grading plan, dated December 31, 2014
- Stormwater pollution prevention plan, dated December 31, 2014

2. Prior to issuance of a building permit:

a) Submit final site, grading, and street and storm sewer plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

1) Final street and storm sewer plans must:

- Clarify the change in street alignment at Oak Croft Place and Bellwether Path.
- Include a pedestrian ramp at the southwest corner of Oak Croft Place and Bellwether Path.
- Confirm casting schedule as it pertains to location within the curb line and necessity for a combined inlet with the curb box.
- Confirm that catch basin manholes and storm sewer manholes are not receiving public drainage and readjust location to within Lot 1 and Outlot B.

2) Grading plan must:

- Confirm location and design of retaining walls associated with the underground parking drive aisle.

b) Submit an encroachment agreement for any segment of private storm sewer located within public right-of-way.
c) Install a temporary rock driveway, erosion control, tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

d) Submit all required hook-up fees.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on January 22, 2015.

__________________________  
Paul Lehman, Chairperson

Attest:

__________________________  
Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 22, 2015.

__________________________  
Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
January 22, 2015

Brief Description

Items concerning Villas at Groveland at 17113 Minnetonka Boulevard:

1) Major amendment to the master development plan;

2) Preliminary plat to subdivide four parcels into 14 lots and one outlot for construction of detached villa homes;

3) Final plat

Recommendation

Recommend the city council approve the proposal.

Background Information

The property has been subject to several development proposals over the past two years. In March 2014, the city approved the Groveland Pond project on the subject properties. Groveland Pond consisted of 17 detached townhomes served by a new public street from Minnetonka Boulevard. The previous applicant is no longer involved in the development. The previous approvals included an amendment to the land use designation in the comprehensive plan to medium density residential, rezoning to PUD/Planned Unit Development, preliminary plat, and floodplain alteration permit. (See pages A17-A27.)

Proposal

The property owner is working with Gonyea Homes on a revised plan for the development. The revised project, Villas at Groveland, would also consist of detached townhomes, and would still be within the medium density residential land use designation. The revised project would also maintain the same street layout. The proposed amendment would reduce the number of townhouse units from 17 to 14. The reduction in units allows for larger lots and buildable areas within each of the lots to accommodate a house prototype developed by Gonyea Homes. (See pages A1-A16.) The following summarizes the proposal:

- **Housing Type:** The revised plans would increase the size of the lots in order to allow for larger buildable areas on each of the lots. The change to the lots would allow for a different housing type than was originally proposed with the Groveland Pond project, which included two story townhouse units on each of the lots. The revised plans would include a mix of one story villa homes with walk-out or look-out basements, and two story units. Each of the homes would be custom designed, so the individual house plans would vary. The applicant would establish a
homeowners association which would provide private design guidelines to ensure consistent design and materials throughout the development.

- **Public Street and Utilities:** The street and utility plans have not changed from the previous Groveland Pond project. A new public street would be constructed from Minnetonka Boulevard, and each of the homes would have access from the new street. The proposed street is designed to meet the city’s public street requirements. A public water main would be extended from Minnetonka Boulevard, and would be looped to Rainbow Drive to the west. The sanitary sewer connection would be provided from Larchwood drive to the east of the site. The sanitary sewer line would be directionally bored from Larchwood Drive to avoid impacting the wetland, floodplain, and trees on the southeast corner of the site. All of the homes would obtain utility connections from the new water and sanitary sewer improvements.

- **Stormwater:** The stormater design is also the same as the previous Groveland Pond project. Stormwater treatment would be provided by an underground stormwater chamber which would be constructed on the northeast corner of the site, behind Lots 13 and 14. Runoff would be directed to the underground chamber via catch basins along the street edge. Individual stormwater management would be required for Lots 7 and 8 since the runoff from these properties would not be captured by the proposed stormwater design. The individual stormwater management plan would be reviewed with each of the respective building permit applications.

- **Grading and Tree Preservation:** The grading limit for construction of the street, utilities, and townhomes is similar to the previous grading limit for the Groveland Pond project. Due to the increase in size of the homes on Lots 1 through 4, the grading limit would extend closer to the west property line than the previous plans. However, the revised grading limit would not result in the removal of any additional trees. Final grading plans would be reviewed with each of the building permits for these lots to ensure the impact to the critical root zone of the trees would not result in removal of the trees. The proposed development continues to comply with the tree preservation ordinance, as it would remove less than 35 percent of the high priority trees on the site.

**Staff Analysis**

Staff finds that the applicant’s proposal is consistent with the previous master development plans. The revised plans would result in a reduction in the number of residential units, and would still be consistent with the previously approved medium density land use designation. Although the house footprints would be larger than the previous plans, there would be no additional site impacts. The grading, drainage, tree removal, and floodplain alteration would be consistent with the previous development plans. There are no additional impacts associated with the revisions to the master development plans. As such, staff recommends approval of the revised project.
Staff Recommendation

1) Recommend the city council adopt the ordinance on pages A28-A31, which amends the master development plan for Villas at Groveland at 17113 Minnetonka Boulevard.

2) Recommend the city council adopt the resolution on pages A32-A44, which grants preliminary and final plat approval to Villas at Groveland, a 14 lot subdivision at 17113 Minnetonka Boulevard.

Originator: Jeff Thomson, Associate Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Applicant
Woodland Office Partnership

Project No.
93020.14b

Property Address
The development site is comprised of four separate parcels. The addresses are 17107 and 17113 Minnetonka Boulevard, and two unaddressed parcels on Minnetonka Boulevard.

Proposal Requirements
The revised development application requires the following:

- **Major amendment to the master development plan:** An amendment to a previously approved PUD that increases or decreases the number of residential dwelling units by more than 5 percent requires a major amendment.

- **Preliminary plat:** The proposed subdivision of the property requires preliminary plat review.

- **Final plat:** The applicant is requesting concurrent review of the final plat with the preliminary plat application.

Surrounding Land Uses
Northerly: Groveland School, Groveland Cemetery, and Gro-Tonka Park, all zoned R-1 with different comprehensive plan designations, including institutional, park, and low density residential.

Easterly: Single-family homes zoned R-1 and guided for low density residential uses

Southerly: Single-family homes zoned R-1 and guided for low density residential uses

Westerly: Single-family homes zoned R-1 and guided for low density residential uses

Planning
Guide Plan designation: The city council previously approved an amendment to the comprehensive guide plan as part of the previous Groveland Pond project. The comprehensive plan amendment changes the land use designation for the properties from office to medium density residential. The land use designation change is effective upon filing of the plat. Since the plat has not been filed, the property remains guided for office uses, but would be changed to medium density residential upon filing of the revised plan for Villas at Groveland.
Zoning: The city council previously approved a rezoning of the site from B-1/Office and R-1/Low density residential to PUD/Planned unit development, which is also effective upon filing of the final plat.

Existing Site Features

The site is located near the Minnetonka Boulevard and County Road 101 village center. The overall site is comprised of four separate parcels with a total area of 5.5 acres and an upland area of 2.9 acres. The site was improved with a 2½-story office building that was demolished in the fall of 2014. The site has the following natural features:

Topography
The site topography slopes from west to east. The highest part of the lot is located at the west property line along Rainbow Drive. From this point, the site slopes down 20 feet towards the floodplain basin which encumbers the east side of the site.

Trees
There are 114 trees on the property, west of the wetland. The trees are classified as high priority and significant under the city’s tree preservation ordinance. The site is not encumbered by a woodland preservation area.

Wetland and Floodplain
There is an existing manage two wetland which completely encumbers the east side of the site. The wetland has an associated floodplain, which is established at the 930.3 elevation.

Development Standards
The following table outlines the development standards outlined in the Planned Unit Development ordinance:

<table>
<thead>
<tr>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Land Use Density</strong></td>
</tr>
<tr>
<td><strong>Exterior Setbacks</strong></td>
</tr>
<tr>
<td>• North (Minnetonka Blvd.)</td>
</tr>
<tr>
<td>• East (Larchwood Dr.)</td>
</tr>
<tr>
<td>• South</td>
</tr>
<tr>
<td>• West (Rainbow Dr.)</td>
</tr>
<tr>
<td>• West (residential)</td>
</tr>
</tbody>
</table>
**Interior Setbacks**

- Front yard
- Side yard
- Rear yard
- 20 ft.
- 3 ft./7 ft.
- N/A

**Landscaping**

The applicant has submitted a preliminary landscape plan for the development. The proposed plan would provide a uniform landscape plan along the new street and front yards of each of the townhouses. Additional trees would be planted on the west side of Lots 1 through 4 to provide buffering from the single family homes to the west. City ordinances do not require screening or buffering between single-family homes. However, there is a provision of the ordinance that allows the city to require buffering between medium density residential developments and single-family residential neighborhoods. As a condition of approval, additional landscaping would need to be provided behind Lots 5 through 8 to provide additional buffering from the neighborhood. The additional plantings behind Lots 5 and 6 would need to consist of shrubs that are no taller than 10 feet due to existing power lines along the west side of the site. Since the landscaping on Lots 5 and 6 would be located in the utility easement, plantings would be subject to pruning or removal by the electric utility company. If this happens, the city would not require replacement or replanting. Deciduous trees would be most appropriate behind Lots 7 and 8 due to the existing site conditions.

**Tree Preservation**

The proposed development would remove 9 high priority trees for construction of the street, utilities, townhomes, and associated grading. There are more than 26 high priority trees on the property when including the trees located on the east side of the wetland near Larchwood Drive. The proposed development would remove less than 35 percent of the site’s high priority trees, and would comply with the city’s tree preservation ordinance.

**Natural Resources**

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

**Approving Body**

The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request.
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 85 area property owners and received no comments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neighborhood Meeting</td>
<td>The applicant held a neighborhood meeting on January 7, 2015. Five neighborhood residents attended and were generally complementary of the proposed development with comments regarding the landscaping along Rainbow Drive and the desire for a crosswalk on Minnetonka Blvd.</td>
</tr>
<tr>
<td>Deadline for Decision</td>
<td>February 17, 2015</td>
</tr>
</tbody>
</table>
LOCATION MAP

Project: Villas at Groveland
Applicant: Woodland Office Partnership
Address: 17113 Minnetonka Blvd.
(93020.14b)

This map is for illustrative purposes only.
December 18, 2014

Re: 17113 Minnetonka Blvd.

Dear Mayor Schneider and Council Members:

We have owned the referenced property since 1988. Until this Fall the property contained an office building that had been a remodeled church. The office building has been removed.

Recently the city approved a final plat for a 17 unit free-standing townhome development. The developer of that project failed to close and we have decided to develop it ourselves.

We are requesting that the property be platted into a 14 lot free-standing townhome project, leaving the perimeter of the lots and the location of the road exactly as approved under the existing plan. We have an agreement with Gonyea Homes to build all townhomes, with construction commencing Spring of 2015.

Very truly yours,

Woodland Office Partnership

By: [Signature]

James D. MacKinnon

A partner
PROPOSED SUBDIVISION
VILLAS AT GROVELAND
SITE PLAN
PRELIMINARY PLAT
Know all men by these presents that Villas at Groveland, LLC, a Minnesota limited liability company, has caused the following described property situated in the County of Hennepin, State of Minnesota, to be conveyed:

Tract herein described:

Lot 1 and 2, Block 8, and Reserve Block C, together with the right of real property in said Reserve Block C, bounded as follows:

Beginning at the northeast corner of said Reserve Block C; thence south along the north line of said Reserve Block C; thence east along the east line of said Reserve Block C to the center line of 17113 Minnetonka Blvd.; thence north along the center line of 17113 Minnetonka Blvd. to the center of the line of 17113 Minnetonka Blvd., Block 8; thence west along the center line of 17113 Minnetonka Blvd., Block 8, and Reserve Block C, to the point of beginning.

The aforesaid tract of land, bounded as above described, and all appurtenances thereunto belonging.

In witness whereof, Villas at Groveland, LLC, a Minnesota limited liability company, has caused the same to be sealed and signed as aforesaid, and does hereby dedicte to the public for public use forever the Public Ways, and the drainage and utility easements as shown on the plan.

Villas at Groveland LLC, a Minnesota limited liability company

By _________________________________, Chief Manager

STATE OF ________

COUNTY OF Hennepin

The foregoing instrument was acknowledged before me this ______ day of ________ , 20__ , by _________________________________, Chief Manager, of Villas at Groveland, LLC, a Minnesota limited liability company, on behalf of the company.

Notary Public, County of Hennepin

My commission expires ________

1. Mark S. Groveland, as hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly licensed land surveyor in the State of Minnesota; that the plat is a correct representation of the property described and that the boundaries and lines are correctly delineated on this plat and that the areas, dimensions and other data are in accordance with the law of Minnesota and that the plat is true and correct to the best of my knowledge, information, and belief.

Mark S. Groveland, Land Surveyor and Engineer

Notary Public, County of Hennepin

My commission expires ________

GRONBERG & ASSOCIATES, INC.  ENGINEERS, LAND SURVEYORS, PLANNERS

CITY COUNCIL OF THE CITY OF MINNETONKA, MINNESOTA

By ________, Mayor

By ________, Clerk

RESIDENT AND REAL ESTATE SERVICES, HENNEPIN COUNTY, MINNESOTA

I hereby certify that true copies of this plat and its description have been filed with the Clerk of the City Council of the City of Minnetonka, Minnesota.

MARK V. CHAPIN, HENNEPIN COUNTY AUDITOR

By ________, Deputy

SURVEY DIVISION, HENNEPIN COUNTY, MINNESOTA

Pursuant to Minn. Stat. Sec. 383B.55, I certify that this plat has been approved this ______ day of ________, 20__ , by ________.

CHRISS P. MAIER, HENNEPIN COUNTY SURVEYOR

By ________, Deputy

REGISTRY OF TITLE, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the written plat of VILLAS AT GROVELAND was filed in this office this ______ day of ________, 20__ , in book ______, page ______.

MARTIN MCCORMACK, REGISTRAR OF TITLES

By ________, Deputy

COUNTY RECORDER, HENNEPIN COUNTY, MINNESOTA

I hereby certify that the written plat of VILLAS AT GROVELAND was recorded in this office this ______ day of ________, 20__ , in book ______, page ______.

MARTIN MCCORMACK, HENNEPIN COUNTY RECORDER

By ________, Deputy

GROOVES AND ASSOCIATES, INC.  ENGINEERS, LAND SURVEYORS, PLANNERS

SHEET 1 OF 2 SHEETS
Previously Approved
Groveland Pond Project
PROPOSED SUBDIVISION
GROVELAND POND
GRADING, DRAINAGE AND EROSION CONTROL

Villas at Groveland
17113 Minnetonka Blvd.

CIVIL ENGINEERS, LAND SURVEYORS, LAND PLANNERS

DATE

SCALE IN FEET

0 30 60 120

EXISTING CONTOUR LINE
PROPOSED CONTOUR LINE
TREE PROTECTION
SET BACK

Floodplain Mitigation Area

VOLUME OF FILL BELOW 930.3 CONTOUR LINE IS 90 C.Y.

WETLAND AS DESIGNATED BY OTHERS

POTENTIAL RETAINING WALL

WATER - CROFT

PROPOSED RETAINING WALL

SATIONAL CONTOUR ELEVATIONS

SCALE IN FEET

Floodplain Fill

Floodplain Fill

Floodplain Fill

Floodplain Fill
SITE PLAN DESIGN NOTES
1) All houses have full basements and 9'-0" to 10'-0" ceilings on the first floor.
2) The houses on Lots 1 and 16 are 21'-0" wide, all other houses shown are 20'-0" wide.
3) The siding colors and materials on the facades of the houses vary from house to house.
4) Some garages are stepped back 4'-0" to create visual interest and variety.
5) All houses have a 3rd parking stall and can park up to 3 cars on 1 lot.
6) All houses must be 3'-0" off the side property line as required by building code. Therefore side setbacks are 3'-0" and 7'-0", the front setback is 15'-0".
Example House Elevations

**DESIGN NOTES**

1. All houses have full basements.
2. The houses on lots 1 and 1B are 27' wide, all other houses shown are 30' wide.
3. The siding colors and the materials on the houses vary from house to house. The style of the houses will vary.
4. Some garages are stepped back 4'-0" to create visual interest and variety. The garage door style changes from house to house.
5. All houses have a 3rd parking stall in front of the house.
6. All houses must be 3'-0" off the side property line as required by building code, therefore side yard setbacks are 3'-0" and 7'-4". The front setback is 15'-0".
3 - BEDROOM FLOOR PLAN:

A variety of 3 bedroom floor plans are available. The floor plan below shows one example with a Prairie style exterior.

Second floor: 1,200 gross square ft
First floor: 1,000 gross square ft
Basement: unfinished
Total: 2,200 finished gross square ft above grade.

The 3 bedroom home is designed to be more affordable and will range from 2,000 - 2,400 gross square ft above grade.

Example Floor Plans

4 - BEDROOM FLOOR PLAN:

A variety of 4 bedroom floor plans are available. The floor plan below shows one example with a Craftsman style exterior.

Second floor: 1,400 gross square ft
First floor: 1,100 gross square ft
Basement: unfinished
Total: 2,500 finished gross square ft above grade.

Additional features:
- Upgrades to finishes in all bathrooms and kitchens.
- 9' and 10' ceilings, vaulted ceilings in the master bedroom.
- Possible screen porch on the back of the house.

Villas at Groveland
17113 Minnetonka Blvd.
Heine gave the staff report.

Schneider opened the public hearing at 7:24 p.m. No one spoke.

Schneider closed the public hearing at 7:24 p.m.

Wiersum moved, Wagner seconded a motion to introduce the ordinance. All voted “yes.” Motion carried.

14. Other Business:

A. Ordinances pertaining to taprooms:
   1) Ordinance amending liquor code to allow licenses for off-sale brewpubs, off-sale small brewers, and on-sale taprooms
   2) Ordinance amending the zoning code regarding microbreweries and taprooms as a conditional use

Wischnack gave the staff report.

Schneider clarified that the ordinance did not just apply to Lucid Brewing but other businesses wanting to do a taproom. Wischnack said that was correct.

Wagner noted earlier he asked staff why this ordinance was excluded from the PUD ordinances. He said staff had told him because PUDs were part of the underlying zoning. Wischnack said the council was unlikely to approve a taproom in a residential PUD so the underlying connection would ensure the taproom was in the right zoning district.

Bergstedt moved, Wagner seconded a motion to:
   1) Adopt Ordinance No. 2014-06 amending liquor code to allow licenses for off-sale brewpubs, off-sale small brewers, and on-sale taprooms
   2) Adopt Ordinance No. 2014-07 amending the zoning code regarding microbreweries and taprooms as a conditional use

All voted “yes.” Motion carried.

B. Items concerning Groveland Pond, located at 17113 Minnetonka Boulevard

Thomas gave the staff report.
Wagner noted in previous proposals there were areas of pavers that could also accommodate parking. He asked if that still existed in this proposal. Thomas confirmed they did still exist.

Allendorf asked if the proposal was for parking only on the east side before arriving at the bulb. Thomas said the proposal was for a 26 foot wide public street that would allow for parking on both sides.

Wiersum said the two properties on the sides of the bulb were the most challenging. He asked if the bulb was as small as it could get or was there flexibility to modify it. Gustafson said the cul-de-sac was as small as it could be to still accommodate public safety.

Wagner noted neighbor comments about walkability. He said he was surprised there wasn’t a condition for a sidewalk where the trail easement was or next to the street that would allow someone to walk to Rainbow Drive. Wischnack said the city was taking the easement so there would be space to do a trail. The issue was to the west where a transformer box was located. Wagner said he was looking at where the entrance was to the corner. The trail could be built as the development happened. Wischnack said staff was OK adding that condition.

Schneider said there was a nice sidewalk across the street so people would likely cross the street to get to that trail. It was better to have people cross at a public street rather than the middle of a block. Now there would be two public streets. Wagner said he was thinking it would work to align it with the school. Gustafson said people generally cross at the closest path. He said the sight lines were fairly good at both locations.

Wiersum said he thought it would be great to have a trail up to the crosswalk. However there would not be a crosswalk at the new street or one at Rainbow Drive because those areas did not qualify as appropriate locations according to the county. He was concerned with the optics and public safety. He agreed that even with a nice circuitous path to a crosswalk, human nature was a person would not walk half a block to cross the street.

Bill Claflin, 3410 Rainbow Drive, said if the Sanctuary was any example it would take years to fill this 17 unit development. He asked the city to guarantee site maintenance free of construction debris, equipment, and all the other clutter that would take place over the long term development. He also asked the city to require the developer to have a bond to pay for the maintenance. He said neighbors needed some protection from the development. He also wanted to see vegetative screen along Rainbow Drive. He said the city had already removed a beautiful pine tree at the
intersection even though it didn’t impair anything. He wanted a line drawn prohibiting any more removal of trees. The development was for too many people in too small of an area. This winter there was no room for two cars to park on Rainbow Drive next to the development property and still allow plows to go by.

Schneider asked staff to provide information about management agreements that takes place with any development. Wischnack said the process that was used for the medical facility on Highway 7 would be a good one to use for this project. What happened with the medical facility was staff went out before construction started to look at the staking and to see what was going to be removed. Construction hours and property maintenance were discussed. A security is required from the developer that is used to resolve issues. She said staff would meet with the neighborhood prior to construction beginning.

Schneider said typically the city does not require screening between single family houses. Thomas confirmed that was correct. She said it was the intention of the developer to preserve trees if possible along the westerly edge. Some retaining walls would be needed.

Holly Godfrey, 3509 Lilac Lane, thanked the city for looking at the walkability issue. She said it was a difficult issue with the utility box location. The problem would only get worse with more people. She said it was an opportunity for the village center to be a model for other village centers in terms of walkability and connectivity.

Schneider said even though it was a short distance from the trail to the Rainbow Drive intersection, the fact the majority of people will be walking in that direction led him to believe people would walk half a block to crossover because of the school. He said for a little extra cost it would be a good requirement to have the trail sidewalk. He asked if a special permit would be required because of the county road. Gustafson said he thought the developer would need a single permit from the county. An access permit was required because there was a proposed change. Schneider said he was open to adding that as a condition for approval. Acomb asked who would be responsible for maintenance of that small piece. Schneider indicated it would be the responsibility of the homeowners association.

Wiersum said the small trail segment would be an amenity but he still wanted to see the trail to the west. This would provide the opportunity to walk to the nearby businesses. Schneider said there would be people who not only want to walk to the businesses but take walks in the neighborhood. The trail would allow them to get to Rainbow Drive.
Wiersum said providing access to the crosswalk was important for safety reasons.

Curt Fretham, 14525 Highway 7, said he felt the trail to the west that was being discussed was needed. He would like to see the trail extend further and asked for the city for assistance.

Schneider said although it was unknown how long it would take for the development to be completed, he had more people ask him where they could buy a small town home in the city than he had heard for many years. The type of product being proposed with its modest price would likely sell quickly.

Wiersum said by and large as he looked at the project and the possible alternatives, he thought the development was a good one. The product would be in demand. He said some of the neighbors were frustrated with the project because they thought it was denser that what currently exists in the neighborhood. This was not a situation where R1 lots were being looked at versus an alternative. This project was actually downzoning from a more intense use to a less intense use. He said this was dramatically better than the senior living facility that did not come forward. Even though it was not perfect it was a good project. He said he did have some concerns with lots six and seven and the proximity of the house pads to the lot line. He would like to find a way to get 10 feet farther away from the lot line on lots six and seven.

Thomas said staff looked at the issue and came up with three options but thought none of the options were great. The first option would require a reduction in home size on lot six and seven. This would result in a first floor area of a 22 x 23 foot garage and a 19 x 27 foot living space. This would be pretty tight given the relatively small size of the home to begin with. The second option was to get the 10 feet from the front and back with a five foot reduction in the footprint and a five foot reduction in the required setback. This would get into the issue of a parked car hanging off the property into the right of way. The final option was to shift the cul-de-sac bulb to the east. This would run into lots 10 and 11 where there was a wetland setback that was to the rear of the building footprints. She said staff looked at what the actual required rear yard setback on a standard lot in the city. The minimum lot depth was 125 feet for an R1 home with a minimum rear yard setback of 40 feet or 20 percent of the lot depth whichever was less. This meant there could be a home with a 25 foot rear setback that would meet minimum standards. Wischnack said to address Wiersum's concern a lot would have to be removed to shift things and have enough room.
Wiersum said there were four lots that were challenging in the neighborhood. He asked if those lots were redone as zero lot line homes, would there be enough distance from the lot line in the back while recovering some buildable area to allow for a greater setback to the west. Wischnack said having a zero lot line setback for either pair of lots would not gain a lot in terms of getting a larger setback. She didn’t think anything was possible without removing a lot from the proposal.

Wagner said one option was to fill part of the wetland. This was not typically done. Wischnack said that had not been considered.

Schneider said the backyards of lots six and seven had a generous perception of a backyard because there was not a home between the lots and the street. He said he didn’t share Wiersum’s concern.

Wiersum agreed there was not a reasonable solution for his concern. Acomb asked if some screening might help address some of the concern. Wiersum said some screening paid for by the developer might be beneficial. Schneider said typically the city did not require buffering between single family homes. If the homeowner felt it would help, it was his/her responsibility to plant the vegetation.

Allendorf moved, Wagner seconded a motion to:
1) Adopted Resolution No. 2014-028 approving amendment to the land use designation in the comprehensive plan from office and low density residential to medium density residential
2) Adopted Ordinance No. 2014-08 Rezoning from B-1/Office to PUD/Planned Unit Development
3) Adopted Resolution No. 2014-029 approving preliminary plat to subdivide four parcels into 17 lots for construction of detached townhomes that includes the in-development trail
4) Adopted Resolution No. 2014-030 approving floodplain alteration permit

All voted “yes.” Motion carried.

C. 2014 Assessment Report

City Assessor Rebecca Malmquist gave the report.

Allendorf noted contrary to the perception that Minnetonka only has expensive houses the information indicated that over half of the houses that were sold were in the $200,000 to $350,000 range. This was the range the council had discussed when looking at bringing young families to the city. Schneider said the caveat was that a lot of those homes were
Ordinance No. 2015-

An ordinance amending the master development plan for Villas at Groveland, a 14-unit detached townhouse development at 17113 Minnetonka Boulevard

The City of Minnetonka Ordains:

Section 1. Background

1.01 On March 24, 2014, the city council adopted Ordinance No. 2014-08 rezoning the properties at 17113 Minnetonka Boulevard from office to planned unit development, adopting the master development plans, and approving final site and building plan review.

1.02 The properties are located at 17113 Minnetonka Boulevard, and are legally described on Exhibit A.

1.03 The property owner is requesting an amendment to the master development plans.

Section 2. Action

2.01 This ordinance is hereby adopted based on the following findings:

   a. The proposal is consistent with the 2030 Comprehensive Guide Plan.

   b. The proposal would not negatively impact the public health, safety or general welfare.

   c. The proposal meets the PUD ordinance standards.

Section 3. Conditions
3.01 This ordinance is subject to the following conditions:

a. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

- Preliminary plat dated December 15, 2014
- Grading, drainage, and erosion control plan dated December 15, 2014
- Utility plan dated December 15, 2014
- Tree preservation plan dated December 15, 2014
- Landscape plan dated December 15, 2014
- Final plat dated December 15, 2014
- Floor plans dated December 16, 2014
- Front building elevations dated December 16, 2014

The above plans are hereby adopted as the master development plan and as final site and building plans.

b. The development must be constructed and maintained only in compliance with City Council Resolution No. 2015-___, which approves the preliminary plat of Villas at Groveland.

Section 4.

4.01 This ordinance is effective only upon filing of the final plat for VILLAS AT GROVELAND at Hennepin County.

Adopted by the city council of the City of Minnetonka, Minnesota, on February 9, 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: 
Voted in favor of: 
Voted against: 
Abstained: 
Absent: 
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on February 9, 2015.

__________________________
David E. Maeda, City Clerk
Exhibit A

Torrens portion:

Lots 1 and 2, Block 24, and Reserve Block “C” together with that part of vacated Groveland Terrace, dedicated in “Staring’s Tonka Wood-Croft, Hennepin County, Minn.” lying between the Westerly extensions across it of the North line of Reserve Block “C” and a line described as follows: Beginning at the curve point on the Southwesterly line of Reserve Block “C” thence Southwesterly at a right angle to said Southwesterly line to the center line of vacated Groveland Terrace; thence Northwesterly along said center line to a line extending from the Southeasterly corner of Lot 2, Block 24 to the center of the circle of the curve on the Easterly line of Lot 2, Block 24; thence Southwesterly to the Southeasterly corner of Lot 2, Block 24, and there terminating, all in “Staring’s Tonka Wood-Croft, Hennepin County, Minn.”

Abstract portion:

That part of the Northeast Quarter of the Southwest Quarter of Section 17, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows: Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section; thence running East along the North line of said Northeast Quarter of the Southwest Quarter a distance of 264.00 feet; thence at right angles South 165.00 feet; thence at right angles West 264.00 feet; thence at right angles North 165.00 feet to the point of beginning,
Resolution No. 2015-

Resolution approving the preliminary and final plat of Villas at Groveland located at 17113 Minnetonka Boulevard

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

Section 1. Background.

1.01 Woodland Office Partnership is requesting preliminary and final plat approval for VILLAS AT GROVELAND. (Project No. 93020.14b)

1.02 The properties are located at 17113 Minnetonka Boulevard. The properties are legally described on Exhibit A.

1.03 On January 22, 2015, the Planning Commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The Commission recommended that the City Council grant preliminary plat approval.

Section 2. General Standards.

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

Section 3. Findings.

3.01 The proposed preliminary and final plat meets the design requirements as outlined in City Code §400.025.
Section 4. City Council Action.

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

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

- Preliminary plat dated December 15, 2014
- Grading, drainage, and erosion control plan dated December 15, 2014
- Utility plan dated December 15, 2014
- Tree preservation plan dated December 15, 2014
- Landscape plan dated December 15, 2014
- Final plat dated December 15, 2014
- Floor plans dated December 16, 2014
- Front building elevations dated December 16, 2014

b. The following items must be completed before the city releases the final plat for recording at Hennepin County:

1. Submit revised final plat drawing that provides the following:

   a. Minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way, and minimum 7-foot wide drainage and utility easements along all lot lines around the perimeter of the development.

   b. Utility easements over existing or proposed public utilities, as determined by the city engineer. The utility easements must be a minimum of 20 feet in width over all proposed public underground utilities.

   c. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities, as determined by the city engineer.

2. Submit the following documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
(a) Title evidence that is current within thirty days before release of the final plat.

(b) Conservation easements over the required wetland buffer which must extend a minimum of 16.5 feet upland of the delineated wetland edge, and a drawing of the easement area. The easement may allow removal of hazard, diseased, or invasive species.

(c) Trail easement over the westerly 264 feet of the property line along Minnetonka Boulevard. The trail easement must be a minimum of 6 feet in width.

(d) Snow storage easement extending a minimum of 10 feet along the property lines adjacent to the public right of way for the new street.

(e) Private driveway easements for all lots that have a shared driveway.

(f) Documents establishing a homeowners association. The association must be responsible for construction, maintenance, and replacement of (1) underground stormwater systems, (2) wetland and buffer area, and (3) all landscaping located along the public street and front yards of each townhome. The homeowners association documents must provide specific design standards which regulate architectural style, exterior materials, massing, building orientation, and setbacks. The homeowners association must also provide maintenance standards for each of the townhomes, landscaping, garbage and snow removal.

(g) A Contract for Residential Development (or Developers Agreement) if the applicant or developer is constructing any public improvements. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.

(3) Submit an electronic CAD file of the plat in microstation or DXF.

c. 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.

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

(a) Final site, grading, drainage, utility, stormwater, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval. The plans must be consistent with the master development plans and must provide the following changes:

(i) The water main connection to Minnetonka Boulevard must be located at the intersection of Minnetonka Boulevard and Groveland Pond Drive.

(ii) The water main connection between Rainbow Drive and the new street should be located between Lot 3 and 4. The water line must be directionally drilled, and the directionally drilled portion should be HDPE. Specify the connection type to the existing water main on Rainbow Drive and provide a plan sheet for the work. During the connection at Rainbow Drive, a detour shall be set up. The road shall be closed and traffic directed either to the north or to the south from the work. Half road closure should be avoided to ensure that properties are not driven across.

(iii) Show watermain in the profile on sheet 10 to identify if there are any utility conflicts and insulation needs.

(iv) The sanitary sewer must be directionally drilled from Lot 9 to The Strand. The final utility plan must show all sanitary sewer structures to be installed outside the wetland. No wetland impacts are allowed during installation of the sanitary sewer line. Clarification of the sewer connection at Larchwood needs to be provided.
Information for new manhole to be clarified. Show connection to MCES manhole. Provide plan for utilities that are impacted by excavation for sewer connection at Larchwood. Services from Groveland Terrace must be tied into the directionally drilled main.

(v) Utility services should be located outside of the driveway and proposed driveway bump-out stalls. Consider locating services closer to the right of way.

(vi) Existing sanitary sewer and water services that will not be used must be removed in their entirety to their respective mains. Wyes must be cut out and the main must be sleeved, water services must be removed back to the corporation, and the corp must be turned off.

(vii) No retaining wall or other structures can be located within public easements.

(viii) The proposed curb and gutter must adhere to the city standard, which is type B612.

(ix) The vertical curves must be shown for the street grades. Grades in the profile do not match the grades shown on the plan view. The street centerline grade extending 30-feet from an intersection cannot exceed 3%.

(x) The design of the underground stormwater facility is inconsistent between the project plans and previously submitted shop drawings. The final design must be confirmed and the plans updated to reflect it.

(xi) Once the final stormwater facility is confirmed, a revised stormwater management plan must be submitted for the development indicating conformance with the city’s rate control, water quality control, and 1-inch volume retention requirements. The revised management plan
must also contain pre- and post-project subwatershed drainage delineations, soil boring data with a map showing the boring locations, and a narrative describing the stormwater management system.

(xii) A pretreatment structure must be installed at the street to remove sediment prior to discharge into the underground facility. A standard sump catch basin will not be considered adequate for pretreatment purposes. The pretreatment structure shown in the plans as CB4 with a SAFL baffle is not capable of sediment removal and does not meet the city’s requirements for pretreatment. An alternative design is required and design details must be included in the project plans.

(b) Maintenance agreement for the underground stormwater facility. The homeowners’ association must be responsible for the comprehensive maintenance of the system.

(c) Submit evidence of MCES permit for connection to sanitary sewer interceptor.

(d) 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. The plans must include landscape templates for individual home sites. The plans must also include additional landscaping along the west and south sides of the development to provide buffering to surrounding single-family residential properties. In the event that power utility company removes plantings in the future, the city will not require them to be replaced. All trees must be planted at least 15 feet from the road edge (20 feet for coniferous/evergreen trees).

(e) 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, 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.

(f) 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.

(g) A copy of the approved MPCA NPDES permit.

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

(i) All required administration and engineering fees.

(j) 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 amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.

(k) 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.

(2) Prior to issuance of the grading permit:

(a) Submit evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(b)(2) of this resolution.

(b) 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) Permits may be required from other outside agencies including, Hennepin County, the Riley Purgatory Bluff Creek Watershed District, MPCA, Metropolitan Council Environmental Services, and Minnesota Department of Health. It is the applicant’s and property owner’s responsibility to obtain any necessary permits.

d. Prior to issuance of a building permit for the first new house within the development, submit the following documents:

(1) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.

(2) Proof of subdivision registration and transfer of NPDES permit.

(3) An electronic CAD file of certified as-built drawings for public infrastructure and floodplain alteration in microstation or DXF and PDF format.
e. Prior to issuance of a building permit for any of the lots within the development:

(1) Pay park dedication fee of $5,000 per lot.

(2) Submit the following items for staff review and approval:

(a) Stormwater management plan for Lots 7, 8, and 9. Individual stormwater treatment is required prior to discharge into the wetland.

(b) 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.

(c) Final grading and tree preservation plan for the lot. The plan must:

   (i) Be in substantial conformance with grading plan and tree preservation plan dated December 15, 2014. No trees may be removed within the 35-foot setback from Rainbow Drive.

   (ii) Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.

(d) A tree mitigation plan. The plan must meet minimum mitigation requirements as outline in ordinance. However, at the sole discretion of staff, mitigation may be decreased.

(e) 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.

(3) 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.

(4) Install heavy duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.

(5) Submit all required hook-up fees.

f. All lots and structures within the development are subject to the following standards:

(1) Minimum lowest floor elevation is 932.3

(2) All townhomes must comply with the following setback requirements:

<table>
<thead>
<tr>
<th>Lot</th>
<th>North</th>
<th>East</th>
<th>South (a)</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>35 ft.</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>35 ft.</td>
</tr>
<tr>
<td>2</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>35 ft.</td>
</tr>
<tr>
<td>3</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>35 ft.</td>
</tr>
<tr>
<td>4</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>35 ft.</td>
</tr>
<tr>
<td>5</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
</tr>
<tr>
<td>6</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
</tr>
<tr>
<td>7</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>30 ft.</td>
<td>3 ft. (a)</td>
</tr>
<tr>
<td>8</td>
<td>20 ft.</td>
<td>3 ft. (a)</td>
<td>30 ft.</td>
<td>3 ft. (a)</td>
</tr>
<tr>
<td>9</td>
<td>3 ft. (a)</td>
<td>(b)</td>
<td>3 ft. (a)</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>
(a) All townhomes must be set back minimum of 3 feet from side property lines and at least 10 feet from adjacent townhouse.
(b) All townhomes must meet floodplain and wetland setback requirements.

(3) All structures must be located outside all public easements.

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

g. All development signs must meet the requirements outlined in the city’s sign ordinance. The signs may not be located in a public easement.

h. 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.

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

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

k. The final plat must be filed within one year of final plat approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on February 9, 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 February 9, 2015.

________________________________
David E. Maeda, City Clerk
Exhibit A

Torrens portion:

Lots 1 and 2, Block 24, and Reserve Block “C” together with that part of vacated Groveland Terrace, dedicated in “Staring’s Tonka Wood-Croft, Hennepin County, Minn.” lying between the Westerly extensions across it of the North line of Reserve Block “C” and a line described as follows: Beginning at the curve point on the Southwesterly line of Reserve Block “C” thence Southwesterly at a right angle to said Southwesterly line to the center line of vacated Groveland Terrace; thence Northwesterly along said center line to a line extending from the Southeasterly corner of Lot 2, Block 24 to the center of the circle of the curve on the Easterly line of Lot 2, Block 24; thence Southwesterly to the Southeasterly corner of Lot 2, Block 24, and there terminating, all in “Staring’s Tonka Wood-Croft, Hennepin County, Minn.”,

Abstract portion:

That part of the Northeast Quarter of the Southwest Quarter of Section 17, Township 117 North, Range 22 West of the 5th Principal Meridian described as follows: Beginning at the Northwest corner of the Northeast Quarter of the Southwest Quarter of said Section; thence running East along the North line of said Northeast Quarter of the Southwest Quarter a distance of 264.00 feet; thence at right angles South 165.00 feet; thence at right angles West 264.00 feet; thence at right angles North 165.00 feet to the point of beginning,
Brief Description

Items concerning At Home Apartments at 5709 Rowland Road:

1) Major amendment to an existing master development plan;

2) Floodplain alteration permit;

3) Site and building plan review, with floodplain setback variances; and

4) Comprehensive plan consistency review for TIF District Plan

Recommendation

Recommend the city council approve the proposal.

Background

In 2007, the city approved construction of a four-story Applewood Pointe senior cooperative building on the property at 5709 Rowland Road. As approved, the four-story building would contain 61-owner occupied units; of these, 10% would have been affordable and mid-priced units. The Applewood Pointe residence was never constructed. However, given that the high-density residential designation, planned unit development (PUD) zoning, and approved master development plans for the property remain, an owner of the property would have the right to develop the site as approved in 2007. (See pages A46–A48.)

Proposal

At Home Apartments, LLC. is proposing to develop the 5709 Rowland Road property with a four-story apartment building. Of the 106 units proposed, 21 would be income and rent restricted. As the proposal differs from the 2007 approval in both housing type and unit count, an amendment to the existing master development plan and approval of final site and building plans is necessary. (See pages A1–A24.)

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

• Existing Site Conditions.

The 3.27-acre, triangular-shaped property is located on the north side of Rowland Road, just east of the Soo Line railroad right-of-way. The highest point of the
property is a knoll located near the southeast corner the site; from this point, the site slopes downward in all directions. The property contains a variety of natural features including wetland, floodplain, and a floodplain forest woodland preservation area (WPA). The WPA is dominated by box elder, cottonwood, and birch. (See page A48.)

• **Proposed Use.**

The proposed apartment building would have a footprint of roughly 27,000 square feet and a total habitable space of 105,040 square feet. The building would be four-stories, with the fourth story “stepped back” from the stories below. Common spaces would be located on the first and fourth floor; the fourth floor would contain a roof deck overlooking Lone Lake Park to the northeast. The building would be served by 116 parking stalls located in an underground garage and an additional 54 surface parking stalls. (See pages A2–A16.)

• **Site impacts.**

To accommodate the building, parking lot, and stormwater management facilities, the existing knoll would be removed and the site made “level.” This grading activity would result in removal or significant impact to 16% of the site’s WPA. (See pages A44–A45.)

**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 At Home Apartments proposal and staff’s findings.

• **Is a high-density residential land use generally appropriate for the site?**

Yes. The property is currently designated for high-density residential use. High-density is defined as any density over 12-units per acre. This designation was established by the city council in 2007 in conjunction with the previous development proposal for the site. At that time, the council found that high-density residential was appropriate for several reasons, including:

1. **Rowland Road accesses a variety of land uses: single-family houses, several medium-density residential projects, and an office/industrial park. Given this existing mix of uses, a high-density residential project would not impact the character of the area.**

2. **Rowland Road could accommodate a high-density residential development. A traffic study was conducted in conjunction with the current proposal. The 2014 study confirmed that a residential development of the proposed**
density would “not cause traffic operations to degrade to unacceptable levels.” (See pages A26–A42.)

- **Is the increase in residential density reasonable?**

  Yes. In 2007, the city approved development of the site at a density of 18.7 units per acre. The current proposal would result in a density of 32.4 units per acre. The change in density is not based on an increase in the building size or mass. In fact, the building approved in 2007 had a larger total square-footage and floor area ratio than the building currently proposed by At Home Apartments. The density change is based solely on the decrease in the size of living units and in commensurate increase in their number.

<table>
<thead>
<tr>
<th></th>
<th>Applewood Pointe</th>
<th>At-Home Apartments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Footprint</strong></td>
<td>28,905 sq.ft.</td>
<td>27,000 sq.ft.</td>
</tr>
<tr>
<td><strong>Total Habitable Space</strong></td>
<td>115,595 sq.ft.</td>
<td>105,040 sq.ft.</td>
</tr>
<tr>
<td><strong>Floor Area Ratio</strong></td>
<td>0.81</td>
<td>0.74</td>
</tr>
<tr>
<td><strong>Average Size of Units</strong></td>
<td>1,330 sq.ft.</td>
<td>760 sq.ft.</td>
</tr>
<tr>
<td><strong>Number of Units</strong></td>
<td>61</td>
<td>106</td>
</tr>
<tr>
<td><strong>Stories</strong></td>
<td>4 stories</td>
<td>4 stories</td>
</tr>
<tr>
<td><strong>Density</strong></td>
<td>18.65 units/acre</td>
<td>32.42 units/acre</td>
</tr>
</tbody>
</table>

* does not include underground parking
Area numbers rounded up to nearest 5 sq.ft.

The change in density cannot be visually tied to -- or perceived by – a change in building mass. As such, neither can the reasonableness of the increase density be judged based on visual mass. Rather, staff finds that the reasonableness should be evaluated based on the anticipated impacts to the surrounding area, specifically to the adjacent roadway system. The city-commissioned traffic study indicates that Rowland Road has ample capacity to accept vehicle trips generated by the proposal and that surrounding intersections would continue to operate at an acceptable level of service.

- **Is the proposed site design reasonable?**

  Yes. The existing master development plan establishes minimum setbacks and construction limits on the subject property. The applicant’s proposal meets and exceeds the setbacks from property lines. However, unlike the existing master development plan, the proposal includes floodplain alteration and a horizontal floodplain setback variance. The alteration and setback variance are reasonable as:
(1) As proposed, roughly 600 cubic feet of floodplain would be filled and 1,300 cubic feet would be created, resulting in an increase in flood storage.

(2) The intent of the horizontal setback is to provide visual separation from floodplain areas and structures. It is the vertical separation that provides physical flood protection. The proposed building would exceed the required two-foot vertical separation from the floodplain elevation.

**Summary Comments**

The applicant’s proposal is consistent with the high-density comprehensive plan designation for the site. Nevertheless, staff acknowledges that the proposal differs from existing master development plan in four primary ways: (1) building design aesthetic; (2) owner-occupied units vs. rental units; (3) number of units; and (4) percentage of affordability. Of these, the only difference that can be perceived visually is the building design. All other differences occur with the confines of the proposed building. Given this, staff supports the proposal.

**Staff Recommendation**

1. Recommend the city council adopt the following for the property at 5709 Rowland Road:
   
   a) An ordinance amending the existing master development plan. (See page A59–A68.)
   
   b) An ordinance approving the floodplain alteration permit. (See pages A69–A71.)
   
   c) A resolution approving final site and building plans, with floodplain setback variances. (See pages A72–A82.)

2. Adopt a resolution finding the At Home Apartments Housing Tax Increment Financing District Plan conforms to the general plan for the development and redevelopment of the city. (See pages A83–A84.)

**Originator:** Susan Thomas, AICP, Principal Planner

**Through:** Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Lone Lake Park, city-owned property
- Easterly: Lone Lake Park, city-owned property
- Southerly: City fire station and office properties
- Westerly: railroad right-of-way and religious institution beyond

**Planning**
- Guide Plan designation: high-density residential
- Existing Zoning: PUD

**History**
In 2007, the city approved construction of a four-story Applewood Pointe senior cooperative building on the property at 5709 Rowland Road. As approved, the building would contain 61-owner occupied units; of these, 10% would have been affordable and mid-priced units. In addition, the approved plan included a public trail system linking the private Applewood Pointe property with Lone Lake Park to the north and east. (See pages A1–A4.)

City approvals included:
- Comprehensive guide plan amendment from low-density residential to high-density residential;
- Rezoning from R-1 to PUD;
- Master development plan; and
- Site and building plan review, with several setback variances.

The Applewood Pointe residence was never constructed. Nevertheless, many of the 2007 approvals have no “expiration date” and serve as the guiding development plan for the property. Specifically, the property is guided high-residential, it is zoned PUD, and future development must be consistent with the adopted master development plan. After going through basic planning commission site and building plan review, any owner of the property would have the right to develop the site as approved in 2007.

**Setbacks, Etc.**
The existing master development plan serves as the development guide/regulation for construction on the site.

<table>
<thead>
<tr>
<th></th>
<th>Approved</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North property line</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>South property line</td>
<td>45 ft</td>
<td>51 ft</td>
</tr>
</tbody>
</table>
East property line | 20 ft | 23 ft  
West property line | 60 ft | 60 ft  
Floodplain | 20 ft | 0 ft  
Wetland | 35 ft | 35 ft  

**Parking Lot Setbacks**  
North property line | n/a | n/a  
South property line | 20 ft | 20 ft  
East property line | n/a | 62 ft  
West property line | n/a | n/a  

**Floor Area Ratio**  
0.81 | 0.74  

**Impervious Surface**  
35% | 39%  

**Density**  
18.65 units/acre | 32.42 units/acre  

**Height**  
46 ft (55 ft to peak) | 50 ft (56 ft to peak)  

**Natural Resources:** To accommodate the proposal significant site changes will be necessary.

- **Topography and Grading.** As proposed, grading would occur to accommodate the residential building, associated parking lot, and stormwater facility. In some areas on the north side of the site there would be approximately ten feet of excavation. On the southeast side, there would be approximately six feet of fill. City engineering staff has reviewed the proposed grading plan and finds it to be generally acceptable. (See page A3.)

- **Trees.** The tree protection ordinance establishes minimum tree removal thresholds for high-priority trees and woodland preservation areas when a subdivision occurs. As no subdivision is proposed, the thresholds do not apply. Nevertheless, for information purposes staff notes that outside of the WPA:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removal</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>11</td>
<td>5</td>
<td>45</td>
</tr>
</tbody>
</table>
Significant 102 88 86%

This level of tree removal would be permitted under the tree protection ordinance.

- **Wetland.** The proposal would not impact the location, shape, or size of existing wetlands on the site.

- **Floodplain.** There is an area of 100-year floodplain surrounding the wetland on the north side of the property. As proposed, roughly 600 cubic yards of floodplain would be impacted to accommodate the proposed building and 1300 cubic yards would floodplain would be created. City engineering staff has reviewed the proposed fill and mitigation and finds it to be generally acceptable.

**Stormwater**

The city’s water resources engineer has reviewed the plans associated with the proposal and finds them to be generally acceptable. The plans would meet the standards of the city’s Water Resources Management Plan, incorporating rate control, volume control, and water quality treatment.

Under current conditions, the majority of stormwater runoff from the undeveloped property flows to wetland areas north and east of the site. Under proposed conditions, runoff from the “front” of the site would be captured and directed via stormwater pipe to a new treatment pond north of the building. Runoff from the “back” of the building would flow overland to the same ponding area or to the wetland complex east of the site. (See page A4).

**Traffic**

The city commissioned a traffic study to understand:

1) The proposed building’s impact on the roadway capacity and intersection function; and

2) Parking supply and demand.

In evaluating each of this items, the city’s traffic engineering consultants drew on general engineering principals, as well as specific observations of the adjacent roadway and area intersections. (See pages A26–A42.) The study concluded:

1) The proposed development would not cause traffic operations to degrade to unacceptable levels.
2) The proposed parking would be consistent with the Institute of Transportation Engineers (ITE) guidelines. However, parking above and beyond these guidelines is recommended.

The study was based on the applicant’s original proposal consisting of 112 units and 140 parking stalls, rather than the currently proposed 106 units and 158 parking stalls. Given that the current proposal would reduce the number of units – and presumably trips – and increase parking supply, staff did not find it necessary to update the study.

Parking

Within a traditional zoning district, a parking ratio of two parking stalls per living unit is required. Within a PUD this is not a standard, but can serve as a guideline. Recently, the city has approved various parking ratios for PUD rental apartment buildings, ranging from 1 parking stall per bedroom to 2 parking stalls per unit.

As proposed, 170 parking stalls would be provided. Of these 116 would be underground. The parking ratio would be 1.34 parking stalls per bedroom and 1.6 stalls per unit. This is over the range suggested by the Institute of Transportation Engineers (ITE) and is similar to other recently approved apartment buildings.

<table>
<thead>
<tr>
<th></th>
<th>Stalls per Bedroom</th>
<th>Stalls per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>TRADITIONAL STANDARD</td>
<td>n/a</td>
<td>2</td>
</tr>
<tr>
<td>PROPOSED</td>
<td>1.34</td>
<td>1.60</td>
</tr>
<tr>
<td>ITE</td>
<td>n/a</td>
<td>1.10-1.37</td>
</tr>
<tr>
<td>Tonka on the Creek</td>
<td>1.15</td>
<td>1.49</td>
</tr>
<tr>
<td>Carlson Island</td>
<td>1.03</td>
<td>1.55</td>
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<tr>
<td>The Ridge</td>
<td>.93</td>
<td>2</td>
</tr>
<tr>
<td>Highland Bank</td>
<td>1.2</td>
<td>1.78</td>
</tr>
</tbody>
</table>

Residential Units

The proposed building would include 106 dwellings. The units would range in size from 600 square feet to roughly 1,100 square feet. (See pages A12–A14.)

Park Dedication

Park dedication is required. By city code, the city may determine whether to receive this dedication in the form of cash or land dedication, or may credit work that creates a public benefit. In
several recent approvals the city has used a combination of these options. For instance, developers have agreed to install and maintain trails or other public facilities; the costs associated with such are essentially deducted from the otherwise required cash donation.

At the time of publication of this report, the city has not determined what option is appropriate for the current proposal. Installation of a loop trail system on the city-owned property to the east could be considered a public benefit if that trail could ultimately be connected to other existing trails within Lone Lake Park. However, the cost and feasibility of such connection has not been determined. Staff recommends a condition of approval requiring a cash contribution “minus” any facilities that the park board and/or city council deem appropriate.

**TIF**

The applicant has requested tax increment financing (TIF) in order to accommodate 21 affordable rental units. The Economic Development Advisory Committee (EDAC) reviewed the proposal and generally responded that it would be a good candidate for the use of TIF. The final EDAC review of the TIF contract will occur on March 23, 2015. The use of TIF is not the purview of the planning commission. However, in conjunction with action on TIF contract, the planning commission is required to determine that the redevelopment of the property is consistent with the city’s comprehensive plan.

**Motion Options**

The planning commission has three options:

1) Concur with the staff recommendation. In this case a motion should be made recommending the city council approve the proposal.

2) Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the proposal.

3) Table the proposal. In this case, a motion should be made to table the item. The motion should include a statement as to why the proposal is being tabled with direction to staff, the applicant, or both.

**Neighborhood Comments**

Notice was sent to 367 area property owners. The city has received four written comments to date. (See pages A53–A57.)

**Deadline for Action**

The applicant has waived the 120-day statutory deadline.
Location Map

Project: At Home Apartments
Address: 5709 Rowland Rd
(07023.14b)

This map is for illustrative purposes only.

City of minnetonka

At Home Apartments
5709 Rowland Rd
07023.14b
Residential Units

- 17 UNITS FIRST FLOOR
- 31 UNITS SECOND FLOOR
- 31 UNITS THIRD FLOOR
- 27 UNITS FOURTH FLOOR
- 106 TOTAL UNITS

Bedrooms:
- 1 BR = 85
- 2 BR = 21
- TOTAL BEDROOMS: 127

Parking

- 116 Interior parking stalls
- 54 Exterior parking stalls
- 170 TOTAL STALLS
GARAGE FLOOR PLAN
1" = 30'

Parking
- 76 Parking Stalls
- 7 Tandem Stalls
- 83 Total Stalls
Units
17 Units
1 BR: 14 Units
2 BR: 3 Units
Units

31 Units / Floor = 62
1 BR: 22 Units (44)
1+ BR: 3 Units (6)
2 BR: 6 Units (12)

SECOND AND THIRD FLOOR PLAN
1" = 30'
Units
27 Units
1 BR: 20 Units
1+ BR: 1 Units
2 BR: 6 Units
Collage | architects
Minnetonka, MN
JAN.13.2015
ROWLAND

EAST ELEVATION

SOUTH ELEVATION

ELEVATIONS: 1" = 20'

MATERIAL INDEX

01  BRICK
02  MASONRY FOUNDATION
03  CEMENT LAP SIDING #1
04  CEMENT LAP SIDING #2
05  CEMENT PANEL #1
06  CEMENT PANEL #2
07  STONE SILL
08  VINYL WINDOWS TYPICAL
09  WOOD TRELLIS
10  ASPHALT SHINGLE ROOF
11  METAL FLASHING

Roof Height - 60'-7 3/4" Above First Floor

At Home Apartments
5709 Rowland Rd
07023.14b
Mike Cashill and Alan Spaulding started At Home Apartments in 1992 when they bought two 14-unit apartment buildings on Grand Avenue in St. Paul. This was the beginning of a new company, which today offers a wide variety of rental housing in a number of different markets. Currently, At Home Apartments owns and manages over 4,500 apartment units located in the Minneapolis-St. Paul metro area, St. Cloud, Minnesota and Kansas City, Kansas.

Management Philosophy

At Home Apartments is and has always retained complete focus on being an apartment living specialist. Our primary goal is to be the best rental housing provider in each market we serve. We strive to provide the highest quality and best value to each resident in every apartment within our portfolio of Properties. Our approach is simple, but proven. First, we acquire structurally solid apartment properties in good locations. Secondly, we make appropriate improvements to the property, implement sound management policies, and invest in physical and aesthetic improvements designed to attract residents who appreciate and value a well cared for home. And we continually strive to provide clean, quiet, well-maintained apartments to every resident, while offering excellent customer service and attention to detail, to promote long-term, satisfied residents.

Our Direction

At Home Apartments is constantly seeking opportunities in the rental housing market. In the past we have capitalized on opportunities such as the resurgence of city living and the increased popularity of classic turn of the century buildings. We also update 1970s vintage buildings to compete with newer properties. In recent years we built new apartment communities in response to a high level of housing demand in urban in-fill locations, we have expanded into new markets, using our proven ideas as opportunities for new acquisitions. At Home Apartments has more owner involvement in the day-to-day operations than the average apartment management company. This level of involvement combined with our highly qualified staff ensures an exceedingly committed team dedicated to serving our resident’s needs.
At Home Apartments

Offering ‘condo-quality’ rentals

In 1992, former college classmates Mike Cashill and Alan Spaulding pooled their skills in property management and building maintenance and launched a fledgling rental apartment business with just two 14-unit buildings on St. Paul’s Grand Avenue. Today, their 5,000-unit rental apartment business employs more than 150 people with properties spread throughout the Twin Cities, St. Cloud and Kansas City.

Cashill and Spaulding’s At Home Apartments, which is headquartered at 616 Lincoln Ave., manages 1,000 apartments in St. Paul alone, in Highland Park, Merriam Park, Macalester-Groveland, Summit Hill and Ramsey Hill.

Their apartments range from 600 to 1,800 square feet, at rental rates from $695 to $2,000 per month.

According to company president Cashill, At Home Apartments offers “condo-quality” apartment units featuring historic updates, unique lighting and lots of granite and stainless steel. “We provide the very best windows, heating, plumbing and customer service,” Cashill said.

The company’s clubhouse at 1274 Grand Ave. is available for use by residents of its apartment buildings and includes a fitness studio, lounge and weekly social events.

Cashill said it is “passion and involvement” that distinguish At Home Apartments in the apartment rental industry. Former caretakers and maintenance technicians themselves, the owners know what makes good apartment living. “Excellent customer care, service and safety make the difference,” Cashill said.

Shifting demographics will continue to shape At Home Apartments’ future, according to Cashill. “Colleges can’t build campus housing fast enough,” he said. “Millennials, at 80 million strong, as well as the Baby Boomers will increasingly be our focus and the next big wave for our industry.

“We’re poised and ready to meet the evolving needs of those populations,” he said.

At Home Apartments
616 Lincoln Ave., St. Paul
651-224-1234
athleteapartments.com
Quality employees are attracted to At Home Apartments by our impressive growth record, the opportunity for advancement, and our industry leading benefits package.

Our Team

We have the best employees in the business!

At Home Apartments attracts the best property management professionals. We offer great economic benefits combined with a vibrant environment that promotes growth opportunities. Our company will double in size and likely double again. We are looking for motivated individuals who want to learn our business, take advantage of career opportunities that arise with our successes, and who seek greater challenges and responsibilities.

We utilize a mentoring-style training program, and promote creative thinking and new ideas. New employees are thoroughly coached on all issues of the multi-housing industry. Once training is completed each member of our team has a thorough understanding of management policies and procedures, financial reports, industry best practices, company philosophy, and excellent customer service.

Training and Education

Training never ends for At Home Apartments employees. Our team benefits from in-house programs as well as those offered from sources such as the Minnesota Multi-Housing Association or The Institute of Real Estate Management. All employees are encouraged to increase their knowledge in property management, maintenance, brokerage, and other areas.

Come join our team!
Our Residents

Clean, quiet...

“We are your source for a clean, quiet, and well-maintained apartment home. Although we can’t provide everything for every resident at every property, each of our residents appreciates an attractive building with clean common areas, a well-maintained apartment with updated kitchen and bath, and the security of knowing that a capable staff will be available to tend to their needs. We offer a wide variety of apartments and buildings, in many different locations, with varying levels of amenities; but they all have this common theme.”

-Mike Cashill, President

Reviews

“At Home Apartments is a one-stop shop! They have apartments in many different areas of St. Paul and different price ranges. Their friendly staff helped me find the apartment that met all our needs.”

-retired couple

“At Home Apartments made finding an apartment so easy. They are open 7 days a week and they met me after work to show apartments. They understand their renters are busy people too!”

-college senior

“I’ve been a renter for many years, but I’ve never received as much service as the last two years with At Home Apartments. From the property manager to the maintenance staff, they’re a team to take care of where I live.”

-single professional woman

It all starts with our residents

Some people may think our business begins with the apartment buildings we acquire or develop. We believe our business starts with our residents and prospective residents. Our decisions, from acquisition to renovation to everyday management and repairs, are made to satisfy the needs and preferences of the residents.

We take pride in understanding what rental customers are looking for in their next apartment home. We provide the desirable community, the character and charm, the apartment layout and design, and the preferred amenities and conveniences. We also offer smoke-free and pet-free housing options; all offered with the level of service our renters have come to expect.

Green Initiative

We believe that it is our collective responsibility to preserve our planet through conservation of our natural resources. At Home Apartments is committed to providing a quality living experience for our residents while promoting an eco-friendly environment by increasing energy efficiency at all of our buildings. When replacing building materials and appliances we choose environmentally friendly and energy efficient upgrades. We provide recycling centers at all of our buildings, use technologically advanced boilers for heating, and install low flow toilets and shower heads where possible.

We go the extra mile to reduce our carbon footprint!
We look for...
- Older, historical apartments
- Mid 1970s – 1980s apartments
- Newer apartments

Our Process
Our company is very involved with the daily operations of our properties, thus we are able to project how contemplated acquisitions will operate after making renovations and operational improvements. When we make an offer on a property, we base our purchase price offer on projections of how the property will perform once we have made some initial property improvements, implemented our management system, and adjusted the rent levels to market rates.

Investing in an apartment building is like any other investment – what we are seeking is an income stream. A major benefit of investing in apartment buildings is that we can enhance the income stream after property has been acquired by implementing proper improvements and sound management. It is our job to identify the potential of a property, accurately project the income stream, enhance the cash flow, and effectively manage the property to realize the full potential of the asset.

What We Look For
We apply our asset management techniques to three principal types of buildings: turn of the century Brownstones, mid 70s-80s apartments, and newer apartments. A common denominator of these building types is our ability to maximize the potential of each of the products with effective management and maintenance programs.

Whether we are bringing out the charm in historical buildings, updating kitchens of a 1970s building, or adding washers and dryers to private entry townhomes, it is our goal to improve the financial operation of our buildings by making them more desirable to our client base.

We’re Structured Regionally
Our portfolio consists of medium-sized apartment properties (30-120 unit) primarily due to the opportunity of property acquisition in this size range. Many apartment buildings simply require more maintenance and property management than one individual owner/investor can provide; but, on the other hand, these investments may not be large enough for the institutional investor.

To capitalize on this niche, At Home Apartments manages and maintains our portfolio from regional offices, averaging around 300 units per office. Our regional offices provide excellent economies of scale, allow for succession planning for staffing, and create a team dynamic. Essentially each group of properties within a given region is treated like one large property cared for by a management and maintenance team. This allows us to manage the properties as efficiently as we could a larger property, except we are able to acquire them at better pricing. Also, by focusing on these regions rather than a much larger overall market, we become experts in the real estate market of each of these geographic areas, and can therefore better identity value in our “backyard.”
Sites we are looking for...

- Urban & first tier suburb
- Close to public transportation
- Close to parks, amenities, shopping, schools
- Strong & upcoming communities
- Sites as small as double lots
- Sites as large as whole blocks
- Grand Avenue/Uptown/Urban neighborhoods

Mission and Trends

*At Home Apartments* is committed to providing new apartment housing in those areas where the demand for housing warrants new construction, preferably where we currently have regional property management offices in place. We are particularly attracted to the challenge of offering new urban housing alternatives, and we feel the demand for urban and first tier suburban development and redevelopment will continue to increase substantially in the coming years.

Housing demand within the Twin Cities core will continue to rise as people increasingly put a premium on proximity to work, closeness to area attractions, and desire for the diversity of urban culture. Despite the obstacles of high land prices, suitable site availability, and rising construction costs, we feel strongly the demand for housing, and corresponding rent levels, more than justifies new housing alternatives within Minneapolis-St. Paul and first tier suburbs of the Twin Cities.

Our Development Team

*At Home Apartments* is well positioned to pursue development and redevelopment opportunities with the intention of long-term ownership. Although development has its own set of challenges, we are confident that by basing our developments around the same core principles that *At Home Apartments* has used in successfully operating our existing portfolio of properties, we can attract and maintain a resident base at rent levels that warrant new development. Our focus is to find under-valued sites, or sites overlooked by large development firms due to their smaller size. We also target those areas where we have market expertise and established property management offices. Unlike most development firms, we develop only for long-term ownership, and our niche in the development market is similar to our acquisition philosophy of operating mid-sized properties of 40-120 units.
The partnership of The Lander Group, investors, and At Home Apartments will bring three new developments into the Twin Cities metro area for a total of 174 new luxury apartments units.

**Parkway West Apartments | 4556 46th Street East | Minneapolis**

It’s the majesty and beauty of Minnehaha Park and the Mississippi River just steps from your front door couples with the convenience of services and light rail just blocks away. It’s a blending of the rich history of the established Longfellow neighborhood with the convenience of the modern city. It’s the walking and the bike trails of West River Parkway combined with the major shops and fine dining of Highland Park. It’s located in the heart of... well, everything.

**EastRiver Apartments | 2318 Marshall Avenue | Saint Paul**

The story of EastRiver Apartments will rewrite how you view urban living. It begins when forward-thinking design meets one of the most beautiful locations on the Mississippi River bluffs – and gets better from there. Sitting near Mississippi River Boulevard in the Merriam Park Neighborhood, EastRiver Apartments finds the balance between active and resting, bold and refined. Open floor plans provide efficient sanctuaries. An impressive location brings the history of Saint Paul and the action of Minneapolis at your doorstep.

**The BoatWorks Commons | Lake Ave South | White Bear Lake**

A new multi-family community on the shores of White Bear Lake offering a central green space, lakeside dining, dock access and more. The complex will consist of an 85-unit market-rate apartment building, a 120 seat full-service restaurant, 1,625 square feet of retail, a 232-stall shared public/private parking garage tucked under the apartment building, a 2,000 sq. ft. community room, a 15,000 square foot public plaza, and year-round public restrooms. The apartment building will consist of 61 one-bedroom units, and 24 two-bedroom units.
“We look for investment partners with the same long-term goals as ourselves.”

-At Home Apartments Owners

**We Share Our Success**

Another secret to *At Home Apartments*’ success is that we share it, whether it is in acquisition, renovation, or new development. We typically acquire/develop investment properties with partners by forming a new single asset entity for each new acquisition/development. This way, investors interested in the various benefits of real estate ownership can identify a certain segment of the real estate market (or a product type), invest in it, and actually track the progress of the property.

Investors can be as involved as much or as little as they desire. *At Home Apartments* does the work to understand the market, address the labor and knowledge intensive aspects of property management, and insure profitability.

**The At Home Apartments Perspective**

We look for partners with the same long-term goals as ourselves. To promote quick results, our partnerships are formed in a manner where the principals of *At Home Apartments* don’t receive any payment of any kind until the investors have recouped their entire initial investment – with interest.

Real estate investment is a stable long-term investment, and an excellent tool for diversification in an investment portfolio. A wise choice in real estate acquisition coupled with professional management and maintenance will invariably yield successful returns over the long run, and usually in the short run as well.

**Benefits of Real Estate Ownership:**
- Cash Flow
- Tax Benefits
- Appreciation
- Principal Reduction
- Inflation Resistant
- Annuity
- Tangibility, Pride of Ownership
- Professional Management
TRAFFIC STUDY
This technical memorandum is intended to document the impact of the development of the proposed At Home Apartments located at 5709 Rowland Road in the City of Minnetonka. This report will document the existing conditions of the roadways in the area, the trip generation and distribution of the proposed development, the operations of the area roadways with the proposed development constructed, and the parking needs generated by the development.

Existing Conditions

The proposed development site of the At Home Apartments is located at 5709 Rowland Road in the City of Minnetonka. The development site is approximately 0.5 miles southeast of the intersection of Rowland Road and CSAH 60 (Baker Road) and approximately 0.2 miles northwest of the intersection of Rowland Road and Clearwater Drive.

Traffic turning movement counts were collected at the intersections of Rowland Road/CSAH 60 (Baker Road) and Rowland Road/Clearwater Drive in October 2014. Average Daily Traffic (ADT) volumes were taken from the Minnesota Department of Transportation (MnDOT) traffic volume maps. Both the existing turning movement counts and the ADTs for area roadways are shown on Figure 1. Turning movement counts are provided in the Appendix.
Traffic Impact Study

At Home Apartments (5709 Rowland Road)

City of Minnetonka, Minnesota

LEGEND

- Thru-Stop Intersection
- 50 (75) AM (PM) Turning Movements
- Existing Lane Geometry
- 17,000 Average Daily Traffic Volume
Traffic Operations Analysis – Existing Conditions

Intersection operations are evaluated in terms of average seconds of delay per vehicle for the intersection, and for each approach and turning movement. The average number of seconds of delay is broken into six ranges assigned letter grades A through F defining each level of service (LOS) as shown in Figure 2. The ranges for unsignalized intersections are narrower than the ranges for signalized intersections. This is because many factors including the intangible factors of driver discomfort and frustration are considered. A one-minute delay at a red light is perceived as being more tolerable than one minute waiting for a gap in traffic at a stop sign, especially when there are vehicles queued behind. It is generally recognized that LOS D is the lowest acceptable LOS for urban intersections. Intersection capacity is also defined in terms of queue lengths of stopped vehicles. A 100-foot queue is approximately equal to four cars.

Figure 2: Level of Service Guidelines

Synchro / SimTraffic software was used to simulate existing and future traffic operations at the intersections in the study area. Synchro is a macroscopic software application used for optimizing traffic signal timing and performing capacity analysis of roadway networks consisting of stop, yield, and signalized traffic control conditions. The underlying equations are based on Highway Capacity Manual procedures. SimTraffic is a microscopic software application that performs simulation and animation of vehicular traffic based on Synchro inputs. SimTraffic follows individual cars and uses a wide variety of variables (including some random variables) to simulate real-world driver behavior.
The traffic operations of the existing conditions are summarized in Table 1. Detailed delay and queuing information is provided in the Appendix.

### Table 1: Summary of Operations for Existing Conditions

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control</td>
<td>Location</td>
<td>Approach</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thru-Stop</td>
<td>CSAH 60 (Baker Road) &amp; Rowland Road</td>
<td>NB 0 A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WB 6 A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SB 3 A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EB 0 A</td>
</tr>
<tr>
<td>Thru-Stop</td>
<td>Clearwater Road &amp; Rowland Road</td>
<td>NB 4 A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WB 2 A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SB 0 A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>EB 1 A</td>
</tr>
</tbody>
</table>

The operational analysis shows that no operational deficiencies are present with the existing conditions. All intersections and intersection approaches operate at LOS B or better, which indicates that there is adequate capacity at these intersections.

### Proposed Build Conditions

The proposed site development consists of a three- to four-story apartment building with 112 total units (90 one-bedroom units and 22 two-bedroom units). The site is proposed to have two accesses onto Rowland Road from the parking area.

### Trip Generation

The amount of trips coming into and out of the proposed development was estimated using trip generation rates from the ITE Trip Generation Manual, 9th Edition. Trip generation was estimated for the AM and PM peak hours as well as for daily trips. Table 2 shows the trip generation for the site.

### Table 2: Trip Generation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Total Land Use Units</th>
<th>Time of Day</th>
<th>Trip Generation Rate (1)</th>
<th>Trips Generated</th>
<th>% Internal Trip Reduction</th>
<th>% Pass-By / Diverted Link Trip Reduction</th>
<th>Net Trips Generated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Total</td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td>In</td>
</tr>
<tr>
<td>Apartments</td>
<td>112 units</td>
<td>Daily</td>
<td>6.65</td>
<td>3.33</td>
<td>3.33</td>
<td>744</td>
<td>372</td>
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<tr>
<td></td>
<td></td>
<td>AM Peak Hour</td>
<td>0.51</td>
<td>0.10</td>
<td>0.41</td>
<td>57</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM Peak Hour</td>
<td>0.62</td>
<td>0.40</td>
<td>0.22</td>
<td>70</td>
<td>45</td>
</tr>
</tbody>
</table>

(1) Trip generation rate based on ITE Trip Generation, 9th Edition rates per dwelling unit
Trip Distribution

Trips were distributed on the roadway network according to the existing ADTs on the roadways in the area. Figure 3 shows the trip distribution along Rowland Road, CSAH 60, and Clearwater Road.

Build Condition Traffic Volumes

The build condition traffic volumes were derived from the following:

- Background traffic: The existing traffic volumes were multiplied by 1.05 to add a 5% background growth. This background growth is meant to account for any other additional development that will occur in the area before the At Home Apartments site is constructed.
- Trips from development: The trips from the At Home Apartments site were added on top of the background traffic to come up with the build conditions traffic volumes.

The build traffic turning movements and ADTs are provided in Figure 4.
Traffic Impact Study
At Home Apartments (5709 Rowland Road)
City of Minnetonka, Minnesota

Figure 3
Trip Distribution
Traffic Impact Study
At Home Apartments (5709 Rowland Road)
City of Minnetonka, Minnesota

Figure 4
Build Condition Traffic Volumes
07023.14b
Traffic Operations Analysis – Build Condition

Synchro / SimTraffic was again used to analyze the traffic operations at the intersections of interest. The build condition traffic operations are summarized in Table 3. Detailed delay and queuing information is provided in the Appendix.

Table 3: Summary of Operations for Build Conditions

<table>
<thead>
<tr>
<th>Control</th>
<th>Intersection</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Location</td>
<td>Approach</td>
<td>LOS by Approach (Sec/Veh)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Delay</td>
</tr>
<tr>
<td>Thru-Stop</td>
<td>CSAH 60 (Baker Road) &amp; Rowland Road</td>
<td>NB</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WB</td>
<td>7</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SB</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>EB</td>
<td>0</td>
</tr>
<tr>
<td>Thru-Stop</td>
<td>Rowland Road &amp; West At Home Apartments Access</td>
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<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>WB</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>SB</td>
<td>3</td>
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<tr>
<td></td>
<td></td>
<td>EB</td>
<td>1</td>
</tr>
<tr>
<td>Thru-Stop</td>
<td>Rowland Road &amp; East At Home Apartments Access</td>
<td>NB</td>
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<td></td>
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<td></td>
<td></td>
<td>EB</td>
<td>0</td>
</tr>
<tr>
<td>Thru-Stop</td>
<td>Clearwater Road &amp; Rowland Road</td>
<td>NB</td>
<td>5</td>
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<td></td>
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<td>WB</td>
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</tbody>
</table>

The operational analysis shows that no operational deficiencies are present with the build conditions. All intersections and intersection approaches operate at LOS B or better, which indicates that there is adequate capacity at these intersections.

Parking Analysis

The preliminary site plan for the At Home Apartments development (dated 09/29/2014) shows 140 proposed off-street parking stalls, of which 73 would be underground and 67 would be ground level. Three of the ground level parking stalls are proposed to be designated as handicapped spaces, and 12 ground level parking spaces are proposed to be designated as compact.

City of Minnetonka Requirements

The City of Minnetonka code of ordinances section 300.28 provides specifications on the minimum number of parking stalls required for multiple family dwellings. The city code requires:

- Two parking spaces per dwelling unit, one of which must be completely enclosed.
- Additional spaces for visitor parking shall be provided based on specific characteristics of a development and the anticipated demand for visitor spaces as determined by the city.
• Up to 25% of the total number of required spaces may be for compact cars.

ITE Parking Generation Needs

The ITE Parking Generation Manual, 4th Edition was also used to determine what rate of parking demand is expected to be generated based on other similar developments around the nation. For a Low/Mid-Rise Apartment land use, a peak parking generation of 1.10 to 1.37 vehicles per dwelling unit was found on a typical weekday in a suburban location.

Determination of Parking Adequacy

With the parking spaces provided, the following standards are or are not met:

City of Minnetonka:
• Two parking spaces per dwelling unit, one of which must be completely enclosed. At least 224 spaces would be needed, 112 of which would need to be fully enclosed. As proposed, 140 spaces are provided, 73 of which would be fully enclosed. NOT MET
• Additional spaces for visitor parking shall be provided based on specific characteristics of a development and the anticipated demand for visitor spaces as determined by the city. There are no additional spaces provided for visitor parking demand. NOT MET
• Up to 25% of the total number of required spaces may be for compact cars. The preliminary layout did not provide the number of compact spaces available in the underground parking area. However, based on the 140 spaces proposed, 12 compact spaces would equate to 8.5% of the total spaces. A maximum of 35 compact spaces would be allowed for a 140 space lot to meet city code, and a maximum of 56 spaces would be allowed for a 224 space lot.

ITE Parking Generation:
• 1.10-1.37 spaces per dwelling unit per ITE guidance results in a total of 123-153 spaces needed. The 140 spaces proposed falls in that range.

There is not enough shoulder width along Rowland Road to provide on-street parking for this proposed development and therefore there will be no place for overflow parking if the on-site parking is not adequate. Reconstruction of Rowland Road to add on-street parking is not proposed as a part of this development.

Conclusions

Based on the analysis, the following conclusions can be made:
• The proposed development as shown on the preliminary site plan will not cause traffic operations to degrade to unacceptable levels. The traffic operations analysis shows that plenty of additional capacity is available at the studied intersections to accommodate the proposed development and other potential developments in the area.
• There is not enough proposed parking to satisfy the City of Minnetonka zoning code. Additional spaces are needed in both enclosed parking areas and ground level parking.
areas for resident and visitor use. We recommend that a total of 112 enclosed parking spaces be provided for the development. WSB would also recommend providing the 67 above ground parking spaces for a total of 179 parking spaces. This would be slightly less than the Minnetonka zoning ordinance but exceed the ITE Parking rates and provide some parking spaces for visitors. Proof of parking up to the 224 parking space requirement should be provided to make sure there is room to add parking if demand should exceed expectations.
Appendix

Turning Movement Counts
Traffic Operations Analysis Results
### Data Table

**Site Code**: Rowland Road at Clearwater Drive

<table>
<thead>
<tr>
<th>Start Time</th>
<th>Rowland Road From North</th>
<th>Clearwater Drive From East</th>
<th>Rowland Road From South</th>
<th>Rowland Road From West</th>
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**Start Date**: 10/29/2014  
**Start Time**: 6:00:00 AM  
**Site Code**: Rowland Road at Clearwater Drive  
**From North**  
**From East**  
**From South**  
**From West**

---

**At Home Apartments**  
5709 Rowland Road  
07023.14b
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</table>
### SimTraffic Simulation Summary

**Existing AM Peak Hour Measures of Effectiveness**

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<th>Intersection</th>
<th>Appr</th>
<th>Forecast Volumes</th>
<th>Total Delay by Movement (Sec/Veh)</th>
<th>Level of Service by Movement</th>
<th>LOS by Approach (Sec/Veh)</th>
<th>LOS by Intersection (Sec/Veh)</th>
<th>Average &amp; Maximum Traffic Queueing (feet)</th>
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<td>Delay</td>
<td>LOS</td>
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**At Home Apartments**

5709 Rowland Rd

07023.14b
### SimTraffic Simulation Summary

**11/12/2014**

**Existing PM Peak Hour**

**Measures of Effectiveness**

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<th>LOS by Approach (Sec/Veh)</th>
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<td>L    T    R</td>
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- **Average & Maximum Traffic Queueing (feet)**
- **Appr**
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    - WB: 67,156
    - SB: 24,75
    - EB: 5,49
  - **Through**
    - NB: 30,67,380
    - WB: 5,49
    - SB: 24,75
    - EB: 5,49
  - **Right-Turn**
    - NB: 30,67,380
    - WB: 5,49
    - SB: 24,75
    - EB: 5,49
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<th>LOS by Approach (Sec/Veh)</th>
<th>LOS by Intersection (Sec/Veh)</th>
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**SimTraffic Simulation Summary**

11/12/2014
Build AM Peak Hour
Measures of Effectiveness

Average & Maximum Traffic Queueing (feet)

- **Left-Turn**
  - Ave Queue
  - Max Queue
  - Storage
- **Through**
  - Ave Queue
  - Max Queue
- **Right-Turn**
  - Ave Queue
  - Max Queue

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<td></td>
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<td>Storage</td>
<td>Ave Queue</td>
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**At Home Apartments**
5709 Rowland Rd
07023.14b
### SimTraffic Simulation Summary

**Build PM Peak Hour**

**Measures of Effectiveness**

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<tr>
<th>Location</th>
<th>Control Appr</th>
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<th>Through</th>
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| **2: Rowland Road & West At Home Apartments Access** | | | | |
| NB       | 0 0 0 0 | 0 0 0 | A A A | 0.0 | A | 0.7 | A |
| WB       | 0 246 6 252 | 0 0.2 0 | A A A | 0.2 | A | | |
| SB       | 3 0 10 13 | 5.3 0 3.1 | A A A | 3.4 | A | | |
| EB       | 17 103 0 120 | 3.1 1.2 0 | A A A | 1.5 | A | | |

| **13: Rowland Road & East At Home Apartments Access** | | | | |
| NB       | 0 0 0 0 | 0 0 0 | A A A | 0.0 | A | 0.7 | A |
| WB       | 0 243 6 249 | 0 0.6 0.5 | A A A | 0.8 | A | | |
| SB       | 3 0 9 12 | 7.2 0 3.1 | A A A | 3.8 | A | | |
| EB       | 16 90 0 106 | 2.4 0.2 0 | A A A | 0.5 | A | | |

| **3: Clearwater Road & Rowland Road** | | | | |
| NB       | 86 0 71 157 | 6.4 0 2.5 | A A A | 4.5 | A | 2.0 | A |
| WB       | 40 163 0 203 | 2.2 0.5 0 | A A A | 0.8 | A | | |
| SB       | 0 0 0 0 | 0 0 0 | A A A | 0.0 | A | | |
| EB       | 0 68 25 93 | 0 0.6 0.3 | A A A | 0.5 | A | | |
MISC. INFORMATION
0.8 acres on property

3.6 acres total floodplain forest

0.13 acres removed (16%)
AREA REQUIRING VARIANCE

ROWLAND ROAD
AT HOME APARTMENTS
MASTER DEVELOPMENT PLAN
GRADING, DRAINAGE & EROSION CONTROL PLAN

233 Park Ave S, Ste 300
Minneapolis, MN 55415
612.758.3080 612.758.3099
www.alliant-inc.com

GRADED EROSION CONTROL PLAN

20.15 ft

AREA OF CONSTRUCTION

NOTE TO CIVIL: Tie all proposed elevations to the existing site

AREA REQUIRING VARIANCE

BROWEN, CONTROLS, NOTIONS

At Home Apartments
5709 Rowland Rd
07023.14b
2007 APPROVED BUILDING ELEVATION

Applewood Pointe
#07023.07a

At Home Apartments
5709 Rowland Rd
07023.14b
PROPERTY OWNER FEEDBACK
Project feedback: At Home Apartments

Response sent    Thursday, June 26, 2014

5487 Butternut Circle
Minnetonka, MN 55343

General comments
We have owned our townhouse near the site for 24 years. In 2007 we were asked to comment on the Applewood Senior Housing project. Many of our comments made at that time now apply to the new At-Home Apartments &; are included below.

Specific issues or concerns
We believe the density, height, & massing of the new proposal is out of scale with our neighborhood. A two story building with fewer units would more acceptable. We have full view of the adjacent Church from our second floor bedroom &; the new building beyond will loom at least two stories above the Church roof. We are also concerned about the additional traffic volume on Rowland Road that is already loaded during morning &; evening rush hours. A more modest building approach would provide a better asset to our community in our opinion.

Response sent    Thursday, June 26, 2014

5487 Butternut Circle
Minnetonka, MN 55343

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Response sent    Monday, December 29, 2014

5944 Lone Lake Loop
Minnetonka, MN 55343

Specific issues or concerns

General comments
With the recent completion of the Lone Lake Highlands single family development and the 25+ children living in that development and with the potential addition of these apartments - what is the city going to do about a lack of safe way to walk on Bren / Rowland towards Shady Oak Rd? There is a significant safety risk walking towards Shady Oak and why would there not be a sidewalk in the plans to connect Lone Lake Park, Bryant, Bren, Rowland, Shady Oak Road?
Hello Mr. Ellingson,

I am writing to express my concern regarding the above project being considered by the Planning Commission and the City Council.

I live just west of the proposed project off Rowland and Jorissen. The upper floor of the building will be seen from our bedroom windows. If we can see the building, they can see us as well.

More important is my concern for the traffic on Rowland which has already increased greatly and once the United Health campus is up and running you can be sure Rowland will be used as a shortcut to other roadways. The intersection at Rowland and Baker Rd is not the safest now due to the hill coming over Baker but at 4:00pm the traffic on it is bumper to bumper. Adding the apartment building will make it even more difficult to get through this intersection. A traffic light may become necessary. The noise level in front of our townhomes facing Rowland is very bad now. If you are out on the property you have to contend with the noise to have a conversation.

I am also concerned about the flood plain in our community. Some of our homes on Butternut Circle are close to the flood plain if not in it. Would construction of this magnitude affect the flood plain? Lone Park and trails are so close could they be affected as well?

I would appreciate your support to deny this project. 114 apartments is just too big for our neighborhood.

Many thanks.
Bonnie Carlson
5487 Butternut Circle
Minnetonka, MN 55343
Ms. Thomas,

I reside at 5938 Lone Lake Loop, Minnetonka, MN 55343. I request that the comments in this email be included in the record presented to the Planning Commission and City Council at the upcoming meetings. I tried to submit comments through the City's electronic system, but was unsuccessful.

I am opposed to the project because the proposed density of 112 units is well beyond the character of the neighborhood and beyond the capacity of the neighborhood's amenities.

A 112-unit apartment building will be larger, in terms of density, than anything else in the immediate area. The neighborhood is a mix of residential and light commercial uses. For residential, while there are some small one and two-story town home projects, none are of the scope or size of the proposed project in terms of density.

I am particularly concerned about traffic and parking. The developers have proposed to have enough parking for one-car-per-unit. The developers claim that this is sufficient because they anticipate that residents will utilize public transportation, including the as-yet-finalized light-rail. Please be aware that this property is not proximate to any public transportation. No metro transit busses service Rowland or surrounding streets. The nearest bus stop is several miles away, on Excelsior Blvd. Likewise, the projected location of the light rail stop is several miles in the other direction, towards Shady Oak Rd. From a pedestrian standpoint, neither option is safe because neither has side walks. There, this is a very different cite that the other apartments owned and operated by this developer, which are in Minneapolis and St. Paul respectively.

Furthermore, the increased traffic that will be created by the project on Rowland is of particular concern to those of us with small children. My family uses the bike path off of Rowland frequently. There are no side walks from our street to those paths, and therefore, use of Rowland for biking is already a bit perilous. Adding a minimum of 112 more cars frequently using that streets, including on nights and weekends, will add to the risk. Please remember that, while there are light commercial uses along this road, they do not increase traffic on nights and weekends, which are the times when families use the road. However, the proposed project will clearly increase traffic at those times. Unless the city is prepared to remedy the issue of pedestrian safety by adding sidewalks on Rowland and Bren Roads, then the City should not consider dramatically increasing the vehicular traffic on that road.

--

Rob Shainess
5938 Lone Lake Loop
Minnetonka, MN 55343
Thank you for returning my phone call. I was at a previous planning meeting and spoke of my concerns at that time.

They are:
- the density of the units planned,
- the limited parking,
- flood plain,
- and traffic, especially at the intersection of Rowland and Baker Road.

That intersection is now troublesome because as you exit Rowland onto Baker there is a hill to your right that blocks your view of oncoming traffic. We are already seeing additional traffic from the new United Health Campus nearby, and that is almost complete. Eventually a traffic light will be required at the intersection.

The flood plain was mentioned as being effected. Our townhouse sits just inches above the minimum, so that is a real danger. I am well aware of this as when we bought our townhouse I had to prove to Wells Fargo Mortgage we were just above the minimum so as to not require flood insurance.

Thank you,

Terry Thomas
5455 Butternut Circle
Minnetonka, MN. 55343

Sent from my iPad

On Jan 14, 2015, at 12:28 PM, Susan Thomas <stomas@eminnetonka.com> wrote:

Terry,

I am sorry that your email “bounced back” previously. Please feel free to respond to this email address.

Susan Thomas

Susan M. Thomas, AICP | Principal Planner | City of Minnetonka
14600 Minnetonka Blvd | Minnetonka, MN 55345 | 952-939-8292
ORDINANCES AND RESOLUTIONS
Ordinance No. 2015-

Ordinance repealing and replacing the master development plan for the property at 5709 Rowland Road

The City Of Minnetonka Ordains:

Section 1.

1.01 The existing master development plan for the property at 5709 Rowland Road, a copy of which is attached as Exhibit A, is repealed. The following plans are hereby adopted as the new master development plan for the site:

- Site plan, dated December 31, 2014
- Grading, drainage, and erosion control plan, dated December 31, 2014
- Utility plan, dated December 31, 2014
- Tree preservation plan, dated December 31, 2014
- Landscape plan, dated December 31, 2014
- Photometric plan, dated January 7, 2015
- Building renderings and floor plans, dated January 13, 2015

1.02 The site must be developed and maintained in substantial conformance with the preceding plans.

1.03 Development must further comply with all conditions as outlined in City Council Resolution No. 2014-XX, adopted by the Minnetonka City Council on March 23, 2015.

Section 2. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 23, 2015.
Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on the Ordinance:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on March 23, 2015.

David E. Maeda, City Clerk

Date:
ORDINANCE NO. 2007-32

ORDINANCE REZONING THE PROPERTY AT 5709 ROWLAND ROAD AND ADJACENT RAILROAD RIGHT-OF-WAY FROM R-1, LOW DENSITY RESIDENTIAL, TO PUD, PLANNED UNIT DEVELOPMENT, AND ADOPTING A MASTER DEVELOPMENT PLAN WITH FINAL SITE AND BUILDING PLANS, WITH VARIANCES, FOR THE APPLEWOOD POINTE SENIOR COOPERATIVE BUILDING

The City Of Minnetonka Ordains:

Section 1.

1.01 The property at 5709 Rowland Road and the adjacent railroad right-of-way is hereby rezoned from R-1, low density residential, to PUD, planned unit development, based on the following findings:

Section 2.

2.01 This ordinance hereby adopts a planned unit development master development plan for Applewood Pointe at 5709 Rowland Road and adjacent railroad right-of-way. (Project 07023.07a). Adoption is based on the findings in the July 26, 2007, staff report. Approval includes the following variances:

- Front yard setback variance from 50 feet to 45 feet.
- Side yard setback variance from 50 feet to 20 feet.

The stricken language is deleted; the double-underline language is inserted.
Section 3.

3.01 The property is legally described as follows:

That part of the West Half of the Southwest Quarter of the Northwest Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota lying southerly of the southeasterly right-of-way line of the Chicago, Milwaukee, St. Paul & Pacific Railroad and lying northerly of the northeasterly right-of-way line of Rowland Road as delineated on the recorded plat of said Rowland Road.

Section 4.

4.01 This ordinance is based on the following findings:

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

2. The rezoning would have little impact on area roadways or intersections.

3. The rezoning would have little impact on the character of the surrounding area, which includes a variety of land uses: single-family houses, several medium density residential projects, and an office/industrial park.

4. The rezoning is consistent with the purposes of the PUD district, particularly the provision of affordable housing, and sensitive development in transitional areas located between different land uses and along significant corridors within the city.

5. The proposed variances associated with the development are reasonable and appropriate:

   a. There are several practical difficulties impacting reasonable development of the site:

      (1) Though providing a visual and environmental benefit, the wetland and floodplain on the site present a practical difficulty. The property is 3.27-acres in total size. However, the buildable area of the property is less than 1-acre; 30 percent of the total site area.

The stricken language is deleted; the double-underlined language is inserted.
(2) The requested side yard setback variance is required due to the PUD zoning classification. This PUD zoning is required during the current development moratorium. If a standard residential zoning category were used, no variance would be required.

(3) The requested front yard setback variance is for a point intrusion; 336 square feet or less than 0.3 percent of the total square footage of the building. From Rowland Road, there would be little to no visual difference between the required 50-foot setback and the proposed 45-foot setback.

b. The Applewood Pointe is bounded unique properties, none of which are in constant and/or consistent use. As such, the situation of the applicant's property is a unique and not common to every R-1 or PUD zoned property.

c. There are no structures on the properties immediately adjacent to subject property. As such, the front yard setback variance would have little to no impact on area site lines or area standards.

Section 5.

5.01 The rezoning, master development plan, and final site and building plans are subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

   • Site plan date-stamped June 13, 2007
   • Grading plan date-stamped June 13, 2007
   • Landscaping plan date-stamped November 18, 2005
   • Building elevations date-stamped June 13, 2007
   • Utility plan date-stamped June 13, 2007

   The above plans are hereby adopted as the master development plan and as final site and building plans.
2. The building must include at least 2 units priced at no more than $187,875, and 4 units priced at no more than $206,800.

3. The building must include at least 28 mid-range units priced as follows:
   - up to $263,475 (4 units)
   - up to $282,375 (4 units)
   - up to $284,175 (2 units)
   - up to $289,800 (1 units)
   - up to $290,700 (6 units)
   - up to $298,595 (7 units)

4. The final utility plan must correctly identify existing conditions, as well as proposed conditions. Water must be wet taped in the same area as the sanitary sewer connection.

5. 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) The following documents for the city attorney's review and approval:

         (a) A construction and restoration agreement. The agreement must stipulate that United Properties Residential, LLC and the Applewood Pointe Homeowners' Association are responsible for:

            • Construction of the full trail; and

            • Restoration of the woodland area through the removal of buckthorn and other invasive species.

The stricken language is deleted; the double-underlined language is inserted.
(b) A maintenance agreement. The agreement must:

- Grant city staff the right to monitor/inspect the trail and require any safety improvements as necessary; and
- Provide for an annual meeting between the Applewood Pointe Homeowners' Association and city staff to discuss maintenance issues.

(c) A public trail easement over the portion of the public trail on the Applewood Pointe property.

(2) Final site, grading, drainage, utility and erosion control plans for staff approval.

(a) The proposed trail on city property must be specifically located to minimize tree loss. The final location is subject to review and approval of natural resource staff.

(b) Final plans must meet all the requirements of the city engineer.

(3) A stormwater pollution prevention plan for staff review and approval.

(4) A letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost to comply with grading permit requirements and restore the site.

(5) A construction management plan. The plan must indicate: (1) how equipment will avoid roots of trees to be saved; (2) location for stockpiling of earth and construction materials and equipment; and (3) how contractors will prevent tracking of earth onto the street.

The stricken language is deleted; the double-underlined language is inserted.
b. Prior to issuance of a grading permit:

(1) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for natural resources staff inspection. These items must be maintained throughout the course of construction.

(2) The final plat must be released by the city and filed with the Hennepin County for recording.

c. Permits may be required from other outside agencies, including but not limited to Nine Mile Creek Watershed District. It is the applicant's and/or property owner's responsibility to obtain any necessary permits.

6. Prior to issuance of a building permit, the following must be submitted:

a. A park dedication fee of $144,875.

b. A final landscape and irrigation plan. The final plan must meet minimum value as outlined in city code and is subject to the review and approval of natural resources staff.

c. A letter of credit or cash escrow for 150% of the estimated cost or 125% of a bid cost of all required landscaping.

d. An illumination plan for staff review and approval.

e. All required hook-up fees.

f. Submit proof of having recorded this ordinance with the county.

7. The building must include six affordable units, as defined by the Metropolitan Council.

8. The property owner is responsible for replacing any required landscaping that dies.
9. 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.

10. The existing trail must be maintained through the driveways.

11. Stop signs must be installed at the drive exit.

12. Curbing must be replaced upon removal of the existing driveway.

13. Approval does not include the signs shown on the drawings. Separate permits are required from staff.

14. Construction must begin by December 31, 2008, unless the planning commission grants a time extension.

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 September 24, 2007.

[Signature]
James A. Callison, Mayor

ATTEST:

[Signature]
David E. Maeda, City Clerk

The stricken language is deleted; the double-underlined language is inserted.
ACTION ON THIS ORDINANCE:

Date of introduction: July 23, 2007  
Date of adoption: September 24, 2007  
Motion for adoption: Wagner  
Seconded by: Thomas  
Voted in favor of: Thomas, Allendorf, Ellingson, Wagner, Wiersum, Callison  
Voted against:  
Abstained:  
Absent: Schneider  
Ordinance adopted.  

Date of publication: 10/24/07  

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 September 24, 2007.

__________________________  
David E. Maeda, City Clerk  

The stricken language is deleted; the double-underlined language is inserted.
Ordinance No. 2014-

An ordinance removing area from the floodplain overlay district
at 5709 Rowland Road

The City Of Minnetonka Ordains:

Section 1.

1.01 Floodplain areas on the properties hereby removed from the floodplain overlay zoning districts. This action is based on the following findings:

1. The removal of the area from the overlay district would not compromise the public health, safety, and welfare.

2. Floodplain storage volume will be recreated on-site within the existing and contiguous floodplain area.

Section 2.

2.01 The area to be removed from the overlay districts is depicted on EXHIBIT A of this ordinance.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on March 23, 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:
Voted in favor of:
Voted against:
Abstained:
Absent:

Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on March 23, 2015.

______________________________
David E. Maeda, City Clerk

Date of publication:
Resolution No. 2015-
Resolution approving final site and building plans for At Home Apartments at 5709 Rowland Road

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

Section 1. Background.

1.01 At Home Apartments, LLC has requested approval of final site and building plans for an apartment building on the property at 5709 Rowland Road. The property is legally described as:

Parcel 1:

All that part of the West Half of the Southwest Quarter of the Northwest Quarter of Section 35, Township 117, Range 22 lying south of the Chicago, Milwaukee and St. Paul Railway right-of-way and lying northerly of Rowland Road as established in Document No. 3806560, according to the United State Government Survey thereof and situated in Hennepin County, Minnesota.

Parcel 2:

That part of the Chicago, Milwaukee and Pacific Railroad right-of-way in the West Half of the Southwest Quarter of the Northwest Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, which lies southeasterly of a line parallel with and distant 75.00 feet southeasterly from the centerline of said railroad right-of-way and which lies northeasterly of the northeasterly right-of-way of Rowland Road, on file and of record in the Office of the Hennepin County Recorder.
1.02 The proposed site and building plans include a floodplain setback variance from 20 feet to 0 feet.

1.03 On January 22, 2015, the Planning Commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The Planning Commission recommended that the City Council approve the request.

Section 2. General Standards.

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

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

2. The proposal would alter the natural state of the site. However, the level of alteration would generally occur with any high-density development of the site.

3. The proposal would result in a harmonious relationship of buildings
and natural spaces. The design of the building has been carefully considered to take advantage of views of Lone Lake Park, adjacent public property.

4. The proposals would include a functional and harmonious design for structures and site features, providing a desirable environment for occupants, visitors and the general community.

5. Energy conservation will be promoted through the southerly exposure enjoyed by many of units within the building.

6. The proposal would visually and physically alter the site. However, appropriate provisions are required as conditions of approval to mitigate such alteration.

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

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The general intent of the horizontal floodplain setback requirement is to ensure visual separation between structures and the floodplain. The requested variance would meet this intent. The variance would apply to just 5% of the footprint of the building; this area located at the rear of the site. The variance would have little impact on the visual perception of the area.

2. CONSISTENT WITH COMPREHENSIVE PLAN: One of the primary goals of the comprehensive plan is to balance natural resource protection efforts with individual property rights. The requested variances area consistent with this goal. The variances would represent an intrusion into the floodplain setback, but allow for a high-density development complying with comprehensive guide plan designation of the property.

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

a) REASONABLENESS: The proposed setback variance is reasonable as it is required for just 1,265 square feet or 5% of the footprint of the building. This represents a point intrusion.

b) UNIQUE CIRCUMSTANCE: The subject property is a designated for high-density residential development and is encumbered by wetland, floodplain, and woodland.
preservation areas. This is a unique circumstance not common to other similarly designated properties.

c) CHARACTER OF LOCALITY: The proposed setback would not negatively impact the character of the area, as they would be applied to newly building on a vacant lot.

Section 4. City Council Action.

4.01 The above-described site and building plans, with variances, are hereby approved subject to the following conditions:

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

   • Site plan, dated December 31, 2014
   • Grading, drainage, and erosion control plan, dated December 31, 2014
   • Utility plan, dated December 31, 2014
   • Tree preservation plan, dated December 31, 2014
   • Landscape plan, dated December 31, 2014
   • Photometric plan, dated January 7, 2015
   • Building renderings and floor plans, dated January 13, 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 sets of project specifications.

   3) A revised existing conditions survey locating all existing public and private easements.

   4) A conservation easement over all existing wetlands and required wetland buffers. The easement must be based on a wetland delineation field confirmed during
the 2015 growing season. The easement must be prepared by an attorney knowledgeable in the area of real estate and is subject to the review and approval of the city attorney.

5) 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:

- Illustrate that the building meets all minimum access requirements as outlined in Minnesota State Fire Code.
- Include all existing drainage and utility easements.
- Include turning templates to verify moving trucks and fire engines can navigate the parking lot.
- Include valley curb in the concrete drive. The gutter cannot be integral to the apron.
- Include curb cuts and pedestrian ramps for trails behind the curb at both driveway entrances.

b. Final grading plan must:

- Include additional spot elevations at the radii and curb corners to ensure proper drainage of the parking lot.
- Not including any retaining walls within existing drainage or utility easements.

c. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A.
d. Final utility plan must:

- Include extension of the existing sanitary sewer to the northwest and illustrate actual connections to the main.
- Verify the elevation of the existing hydrant lead. The lead may need to be lowered.
- Illustrate an added valve to the trunk water main on Rowland Road.
- Verify the elevation of the existing water and sanitary sewer lines, as well as sanitary sewer inverts, in Rowland Road.
- Include a looped water main service to the site so as to maintain service to the building in the event of a break.
- Call out the type of connection to the trunk water main.

e. Final tree mitigation plans must meet minimum mitigation requirements as outlined in city code. This includes:

- 184, two-inch trees, mitigating inch for inch loss of 25 trees within the floodplain forest.
- 6, six-foot evergreens, mitigating foot for foot loss of one 40-foot evergreen.

At the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

f. 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.

- Illustrate that all deciduous trees meet a 15 feet setback from the curb of Rowland Road and all evergreens meet a 20 foot setback.

- Show appropriate species in infiltration and ponding areas, based on site conditions and locations. Species lists must be provided.

- Include native plantings only in wetland and wetland buffer areas.

6) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct utility improvements, comply with grading permit, tree mitigations, and 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 illustrating substantial consistency with the approved grading plans;

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

- A letter certifying that the utilities have been completed according to the plans approved by the city has been submitted;

- Vegetated ground cover has been established; and
• Required landscaping or vegetation has survived one full growing season.

7) 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.

8) A copy of the approved MPCA NPDES permit.

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

10) All required administration and engineering fees.

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

12) 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 the grading permit:
1) 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.

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

3) Any grading proposed in within required wetland buffer must be field reviewed and approved by city staff.

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

d) No grading work is permitted on the adjacent, publically owned property. As separate grading permit is required in the event that specific, park-related improvements are approved on the adjacent city-owned property.

e) The watermain under Rowland Road is a trunk main and therefore subject to “blackout” dates. The water cannot be shut down between May 1 and September 15.

3. Prior to issuance of a building permit, submit the following:

a) All required hook-up fees.

b) A directional sign package for the parking lot.

c) A park dedication fee in the amount of $530,000. In the event that specific improvements are proposed and approve on the adjacent city-owned property, the city may appropriately reduce this amount.

d) 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.

4. 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.

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

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on March 23, 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: Wagner
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 March 23, 2015.
David E. Maeda, City Clerk
Planning Commission Resolution No. 2015-

Resolution of the City of Minnetonka Planning Commission finding the At Home Apartments Housing Tax Increment Financing District Plan (“TIF District”) conforms to the general plan for the development and redevelopment of the city

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

Section 1. Background.

1.01. The Minnetonka Economic Development Authority (the "EDA") and the City of Minnetonka (the "City") have proposed the creation of a Housing Tax Increment Financing District ("TIF District") and adopted a financing plan ("TIF Plan") for the TIF District in order to facilitate development of the At Home Apartments property in the Redevelopment Project and promote the development of affordable housing within the City, all pursuant to Minnesota Statutes, Sections 469.174 to 469.179 and have submitted the Plans to the City Planning Commission ("the Commission") pursuant to Minnesota Statutes, Section 469.175, Subd. 3(b)(3).

1.02. The Commission has reviewed the Plans to determine their conformity with the general plans for the development and redevelopment of the City as described in the comprehensive plan for the City.

Section 2. Planning Commission Action.

2.01. The Commission finds that the Plans conform to the general plans for the development and redevelopment of the City as a whole.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on January 22, 2015.

______________________________
Paul Lehman, Chairperson
Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 22, 2015.

Kathy Leervig, Deputy City Clerk