Planning Commission Agenda
April 26, 2018—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: April 12, 2018
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. Conditional use permit for a graduate school within the industrial district at 10225 Yellow Circle Drive.
      Recommendation: Recommend the city council approve the request (4 votes)
      • Recommendation to City Council (Tentative Date: May 14, 2018)
      • Project Planner: Drew Ingvalson
   B. Conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run.
      Recommendation: Recommend the city council adopt the resolution approving the conditional use permit (4 votes)
      • Recommendation to City Council (Tentative Date: May 14, 2018)
      • Project Planner: Susan Thomas
C. Preliminary plat of ARUNDEL ADDITION, a three-lot residential subdivision with variances, at 15500 Minnetonka Blvd.

   Recommendation: Recommend the city council approve the request (4 votes)
   
   • Recommendation to City Council (Tentative Date: May 14, 2018)
   • Project Planner: Drew Ingvalson

D. Items concerning Solbekken Villas, a residential development at 5740 and 5750 Shady Oak Road.

   Recommendation: Recommend the city council approve the request (4 votes)
   
   • Recommendation to City Council (Tentative Date: May 14, 2018)
   • Project Planner: Susan Thomas

E. Items concerning Ridgedale Active Adult Apartments at 12421 Wayzata Blvd.

   Recommendation: Recommend the city council approve the request (4 votes)
   
   • Recommendation to City Council (Tentative Date: May 14, 2018)
   • Project Planner: Loren Gordon

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 and items scheduled for the May 10, 2018 Planning Commission meeting:

   Project Description: Ridgedale Executive Apartments, LLC is proposing to redevelop a portion of the existing property at 12501 Ridgedale Drive. As proposed, the existing, vacant restaurant building and associated parking lot would be removed and a new, four-story, 77-unit apartment building would be constructed. An existing office building and associated parking area on the western side of the property would remain. The proposal requires approval of: (1) rezoning; (2) master development plan; and (3) final site and building plan.
   Project No.: 96104.18a                   Staff: Loren Gordon
   Ward/Council Member: 2—Wagner          Section: 02

   Project Description: Oakcroft One, LLC is proposing to construct a 38-unit condominium building on the property at 300 Parkers Lake Road. The approved Legacy Oaks master development included construction of two, 20-unit condo buildings. The proposal requires approval of: (1) a minor amendment to the existing master development plan; and (2) final site and building plans.
   Project No.: 11003.18a                   Staff: Susan Thomas
   Ward/Council Member: 3—Open Seat        Section: 04

   Project Description: The applicant is requesting a variance for a garage addition at 5053 Woodland Road.
   Project No.: 87055.18a                   Staff: Drew Ingvalson
   Ward/Council Member: 4—Bergstedt        Section: 28

   Project Description: The applicant is requesting a conditional use permit, with a parking variance, to operate a medical clinic for animals at 1700 Plymouth Road.
   Project No.: 87055.18a                   Staff: Drew Ingvalson
   Ward/Council Member: 2—Wagner           Section: 03

   Project Description: TNT Fireworks is requesting an interim use permit for firework sales at Westwind Plaza, 4795 Co Rd 101. The proposal requires approval of: (1) interim use permit.
   Project No.: 88030.18a                   Staff: Susan Thomas
   Ward/Council Member: 3—Open Seat        Section: 29

   Project Description: Dominium is proposing to redevelop the property at 11001 Bren Road E. As proposed, the existing building would be removed and three new apartment buildings would be constructed. In total, the new buildings would contain a total of 482 senior and general occupancy apartments. The proposal requires approval of: (1) a rezoning; (2) a master development plan; and (3) final site and building plans.
   Project No.: 86009.17a                   Staff: Susan Thomas
   Ward/Council Member: 1—Ellingson        Section: 36
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. **Roll Call**

Commissioners Powers, Schack, Sewall, Hanson, and Kirk were present. Knight and O’Connell were absent.

Staff members present: Planner Loren Gordon, Assistant City Planner Susan Thomas, and Natural Resource Manager Jo Colleran.

3. **Approval of Agenda**

   *Sewall moved, second by Schack to approve the agenda as submitted with modifications to the staff reports provided in the change memo dated April 12, 2018.*

   *Powers, Schack, Sewall, Hanson, and Kirk voted yes. Knight and O’Connell were absent. Motion carried.*

4. **Approval of Minutes: March 15, 2018**

   *Powers moved, second by Hanson, to approve the March 15, 2018 meeting minutes as submitted.*

   *Powers, Schack, Sewall, Hanson, and Kirk voted yes. Knight and O’Connell were absent. Motion carried.*

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of April 2, 2018:

   - Adopted a resolution approving items for the concession stand at Hopkins High School.
   - Adopted a resolution approving items for the Creo Art and Dance Studio.
   - Reviewed the concept plan for Morrie’s Ford.
   - Reviewed public realm guidelines for the Ridgedale area.

The comprehensive guide plan steering committee meeting for April 18th is cancelled. The next steering committee meeting is scheduled for June 20, 2018.
Gordon congratulated Thomas for receiving the Spirit of Minnetonka Award.

The next planning commission meeting will be April 26, 2018.

6. Report from Planning Commission Members

Schack reported on the comprehensive guide plan committee meeting where trails and parks were discussed.

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion or separate action.

_Hanson moved, second by Powers, to approve the item listed on the consent agenda as recommended in the respective staff report as follows:_

A. Reaffirming an amendment to the sign plan for Minnetonka Corporate Center at 12800 and 12900 Whitewater Drive.

Adopt the resolution on pages A20-A23 which approves an amendment to the Minnetonka Corporate Center sign plan for wall signs at 12800 and 12900 Whitewater Drive.

_Powers, Schack, Sewall, Hanson, and Kirk voted yes. Knight and O’Connell were absent. Motion carried and the item on the consent agenda was approved as submitted._

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

8. Public Hearings

A. Front and side yard setback variance for an addition to the existing home at 3021 Lake Shore Boulevard.

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

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

Scott Glover, contractor, and Tom Patton, applicant, introduced themselves and stated that they were available for questions. Powers asked if the applicant considered making the proposed garage larger than a two-car garage. Mr. Patton stated that there would not be enough room on the lot.
The public hearing was opened. No testimony was submitted and the hearing was closed.

Chair Kirk asked if there is a minimum driveway requirement. Thomas explained that the minimum parking-stall depth is 18 feet. The driveway would have 22 feet. The Lake Shore Boulevard right of way is pretty wide. It was just redone, so she did not anticipate it being redone again in the near future. Two vehicles have been parking in the proposed garage location. The proposal would allow the vehicles to be enclosed in a garage.

Chair Kirk liked how the living space would be located behind the front face of the garage.

Powers noted that the proposal would not set a precedent and the owners of small lots are continuing to find ways to make them work.

Sewall supported staff’s recommendation because the proposal would be following precedent instead of creating a new precedent.

Chair Kirk concurred. The area is unique.

Schack noted that the homeowners are constrained by the lot sizes. She preferred existing structures being improved rather than completely rebuilt.

*Sewall moved, second by Powers, to adopt the resolution that approves front and side yard setback variances for an addition to the existing house at 3021 Lake Shore Boulevard.*

*Powers, Schack, Sewall, Hanson, and Kirk voted yes. Knight and O’Connell were absent. Motion carried.*

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

**B. Conditional use permit with variances for a daycare center at 14410 Brunsvold Road.**

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

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

Rachel Stavrou, 14410 Brunsvold Road, applicant, stated that Thomas did an excellent job.

Sewall asked for the number of staff that would be at the site. Ms. Stavrou stated that there would five teachers in the morning and four teachers in the afternoon.
The public hearing was opened. No testimony was submitted and the hearing was closed.

**Schack moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit with variance for a daycare facility at 14410 Brunsvold Road.**

*Powers, Schack, Sewall, Hanson, and Kirk voted yes. Knight and O'Connell were absent. Motion carried.*

C. Site plan review to reconfigure the northern pick-up/drop-off area at Glen Lake Elementary at 4801 Woodridge Road.

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

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

Neil Tessier, civil engineer with SAFE Engineering, representing the school district, introduced himself and was available for questions.

Schack asked if there is a landscape plan. Mr. Tessier answered in the affirmative. He provided a landscape plan which is being reviewed by staff.

Chair Kirk asked if the sidewalk would be needed. Mr. Tessier explained the pedestrian traffic pattern. The existing driveway is very narrow. The proposal would expand areas to provide drivers with the ability to go around vehicles waiting for someone. The proposal would address a flow problem and a parking problem. All buses would be in a lot separate from the parent pick up and drop off areas.

The public hearing was opened.

Patricia Norquist, 14000 Brandbury Walk, stated that:

- She appreciated receiving the public hearing notice.
- She questioned how many feet the north parking area would extend into the green space.
- Her kids go to Glen Lake. The parking in the ring is limited. To increase the number of parking spots in that area is wonderful. She asked how many more vehicles the area would hold.
- The bigger problem is where the buses park because walking from the parking lot to the school requires walking behind the parked buses.
- She asked if neighbors could still submit suggestions.

No additional testimony was submitted and the hearing was closed.
Gordon explained that the north parking lot would extend a little further north than the existing sidewalk, approximately 30 feet to 40 feet. The parking in the center would double its number of stalls. The plan would be set if approved by the planning commission. An appeal of the planning commission’s decision may be made to the city council if notice is given in writing within 10 days to planning staff.

Mr. Tessier explained that pedestrians from the south parking lot should walk north up Woodridge Road and east into the school without cutting through the bus lot. Staff are posted outside directing pedestrians. Students exiting a bus walk on a designated sidewalk into school. He agreed that the north lot would be extended 30 feet further north and the lot would increase from 21 stalls to 39 stalls.

*Powers moved, second by Schack, to adopt the resolution approving the site plan for Glen Lake Elementary at 4801 Woodridge Road.*

*Powers, Schack, Sewall, Hanson, and Kirk voted yes. Knight and O’Connell were absent. Motion carried.*

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

9. Adjournment

*Sewall moved, second by Hanson, to adjourn the meeting at 7:30 p.m. Motion carried unanimously.*

By: ____________________________  
Lois T. Mason  
Planning Secretary
Minnetonka Planning Commission Meeting
April 26, 2018

Agenda Item 7

Public Hearing: Consent Agenda
(No Items)
Minnetonka Planning Commission Meeting

April 26, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION  
April 26, 2018

**Brief Description**  
Conditional use permit for a graduate school within the industrial district at 10225 Yellow Circle Drive

**Recommendation**  
Recommend the city council adopt the resolution approving the request

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**Introduction**

The Adler Graduate School, represented by Jeffrey Allen, is requesting a conditional use permit to relocate a graduate school into an existing office building at 10225 Yellow Circle Drive. The Adler School currently operates in Richfield and is a non-profit organization, with 501(c)(3) taxing status. The school offers a Master of Arts Degree in Adlerian Counseling and Psychotherapy and has 311 enrolled students. The applicant projects that the school enrollment would remain the same at the new location. The school would have a total of 22 staff members working onsite at various hours of the day (10 general staff members, 6 staff directors and 6 part-time associate staff members).

As proposed, the Adler Graduate School would host classes in fall, winter, and spring semesters. The majority of classes would occur at night, Monday through Friday, between 6:15 p.m. and 9:30 p.m. However, the applicant has proposed one or two classes each semester that would be held once a week during the day between 9 a.m. and 4:30 p.m. Additionally, there would be weekend classes held Saturday and Sunday, between 8:30 a.m. and 4:00 p.m.

To accommodate the school, the applicant is proposing internal remodeling. No exterior site improvements are proposed at this time. If approved, the applicant wishes to begin construction work this summer so that the building can be used for classes starting in August 2018.

**Staff analysis**

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

1. **Would the proposal meet city code standards?**

   Yes. The conditional use permit request is appropriate and would meet the standards outlined in city code. While the industrial district does not contain any specific provisions for schools, religious intuitions or gathering spaces, the ordinance does allow – as conditionally permitted uses – public buildings and “other uses similar to those permitted in this section, as determined by the city.” As was the case with Eagle Ridge Academy, which operates within the Opus Business District, the city has reviewed schools under the “uses similar to” provision. The city has found that schools operate similarly to public buildings in that they are spaces in which large groups of people gather at specified times for a specific purpose.
The only specific conditional use permit standard required by ordinance for public buildings is that the proposal must receive site and building plan approval. Site and building plan standards are outlined in the “Supporting Information” section of this report. The proposal would meet all of the required standards.

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

**Proposed Use**

Yes, the proposed facility would be appropriate for the site. The subject property is in a mixed-use guided area that is predominately occupied by office buildings. The subject property is currently occupied by Travelliance and Optimization Associated Inc. (OAI). These existing tenants plan to occupy the space until construction would occur this summer, if approved. Another office user, Veracity recently left their space with the subject building.

Typically, schools are not generally considered compatible with industrial districts because of the noise and possible hazards associated with industrial uses. However, the subject area is currently dominated by office users, a permitted use within the industrial district. Staff finds that the proposed use, a graduate school, would be in harmony with the surrounding uses of the area.

**Traffic and transportation**

Student vehicle trips would be concentrated around the proposed school’s hours of operation. Since the majority of classes start at 6:15 p.m. and end by 9:30 p.m., a majority of the students would arrive on site around 6 p.m. and leave significantly after peak travel times.

Within the Opus Overlay District, the city ordinance applies a maximum number of peak p.m. hour trips to each property to avoid overloading the Bren Road and TH 169 Interchange. By ordinance, the property has been allocated a maximum of 15 trips at the subject interchange during the p.m. peak hours of 4 and 6 p.m. The city secured WSB & Associates to review the proposal for potential impacts of the traffic operations within the Opus area. The study found that the school would not have a significant impact on the surrounding area and would generate five peak p.m. trips at the Bren Road and TH 169 Interchanges. This is well under the maximum trip allocated for the property. More information about the trip generation can be found in the “Supporting Information” section of this report. (See attached for the full traffic study.)

**Staff Recommendation**

Recommend that the city council adopt the resolution approving a conditional use permit for Adler Graduate School at 10225 Yellow Circle Drive.

Originator: Drew Ingvalson, Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: ERD Enterprises (office building) zoned industrial and guided mixed use
- Easterly: Multiple office buildings, zoned industrial, and guided mixed use
- Southerly: Hwy 62, City of Eden Prairie
- Westerly: Boveda Inc. (office building), zoned industrial and guided mixed use

**Planning**
- Guide Plan designation: Mixed Use
- Zoning: I-1, Industrial

**Site features and Property**
The subject property is 4.5 acres in size. The site is improved with a 37,500 square foot office building that was built in 1982. In addition to office spaces, the building also has eight underground parking stalls. The property is also improved with a 188-stall parking lot.

**School Operation**
Currently, the Adler Graduate School has 311 students enrolled in their graduate program. The school projects to have similar enrollment sizes at their new location. The Adler Graduate School offers fall, winter and spring semester courses (summer courses not offered currently). The school primarily holds courses during the evenings and weekends to accommodate students that are currently employed full-time. The chart below shows the number of students enrolled in courses during various timeframes.

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*Winter Saturday enrollment combined 1st half (130) and 2nd half (103) of semester courses
**Spring Saturday enrollment combined 1st half (103) 2nd half (73) of semester courses
***Spring Sunday enrollment combined 1st half (52) and 2nd half (47) of semester courses

Per last year’s enrollment data, there were never more than 130 students on campus for courses in any given timeframe. The applicant believes that these enrollment and course numbers will continue in following years and at the new site.
Traffic Generation

To avoid overloading the Bren Road and TH 169 interchange, all non-residential parcels within the Opus District are subject to trip generation requirements. Following the construction of the Bren Road interchange, p.m. peak trip generation numbers were assigned to each parcel based on maximum development potential and current zoning standards. By current ordinance, the subject property is allocated 15 trips during the p.m. peak hours. By ordinance, a site redevelopment which would increase the amount of trips generated to the interchange would be required to “purchase” additional trips to recover the city’s portion of the interchange’s construction costs.

The city secured WSB & Associates to perform a traffic study to determine the amount of traffic the subject proposal would generate at the Bren Road and TH 160 interchange and review for any potential impacts on traffic operations within the Opus District. The review of potential impacts included a review of road changes due to the addition of Southwest Light Rail Transit (SWLRT) (specifically the potential reversal of Red Circle Drive). The full study can be found within the attachments. In summary, the study found:

- The proposed site would generate an average of five trips to the Bren Road and TH 169 interchange. This is well below the site’s current trip allocation of 15 trips.
- The existing roadway system that provides the direct access to the site currently operates at a very good level of service, as there are no conflicting flows. The p.m. peak hour trip generation from this site will have very little impact on the traffic operations on Bren Road or Yellow Circle Drive.
- The implementation of the SWLRT and the future reversal of Red Circle Drive would reduce the number of trips from this site at the Bren Road and TH 169 Interchange from five trips to about three trips. The future roadway system, with the reversal of Red Circle Drive, would continue to operate at a very good level of service with the addition of the proposed Adler Graduate School.

Parking

The subject property has 196 existing parking stalls. This far exceeds the amount of parking required by ordinance (126 spaces) and the anticipated parking needs of the Adler Graduate School.

CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd.2:

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

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

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

**Finding:** The proposed use is consistent with the goals, policies and objectives of the comprehensive plan. The site is part of the Opus 2 development, which is guided for mixed-use. The larger development includes industrial, commercial, office, and residential land uses.

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

**Finding:** The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

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

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

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

**Finding:** The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The applicant is proposing to reuse an existing building without exterior changes. As such, many of the standards are not applicable.

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

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

City Code §300.21 Subd.6(e) requires that public buildings meet site and building plan standards as outlined in City Code §300.27:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
Finding: The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with the city’s development guides.

2. consistency with this ordinance;

Finding: The proposal meets all minimum ordinance standards.

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

Finding: The proposal does not include any changes to the site.

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

Finding: All proposed changes are interior to the building. As such, the proposal would not change the site’s visual appearance.

5. creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

      Finding: The applicant is not proposing any site improvements at this time.

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

      Finding: With no proposed site improvements, the proposal would not negatively impact the location of existing open space on the site.

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

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

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

**Finding:** No changes to the property are being proposed.

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

**Finding:** No exterior building or site changes are being proposed at this time.

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

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

**Neighborhood Comments**

The city sent notices to 28 area property owners and received no comments to date.

**Pyramid of Discretion**

This Proposal

**Motion Options**

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.
2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.

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

**Voting Requirement**

The planning commission will make a recommendation to the city council. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires an affirmative vote of a simple majority.

**Deadline for Decision**

July 9, 2018
Existing Floor Plan

EXISTING LOWER LEVEL PLAN

SCALE 1/8" = 1'-0"

ADLER GRADUATE SCHOOL

4000 S.W. 7TH STREET
MINNEAPOLIS, MINNESOTA 55408

ARCHITECT: RAPERTY RAFFERTY TOLLISON LINDEKE ARCHITECTS
278 East 7th Street
St. Paul, Minnesota 55101
(651) 224-4831 FAX (651) 228-0264
www.rrtlarchitects.com

Reocred 03-15-2018

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Reocred 03-15-2018
Proposed Floor Plan

FLOOR PLAN LEGEND
EXISTING WALLS
NE/f GYP.
Bil.
ON ~11.
STUD PARTITION
SEE /FALl TYPE SHEET A-501
FOO
SPECIFIC WALL TYPES

WALL TYPE
SYMBOL
SEE SHEET A-501

NE/f DOOR & FRAME OR RELOCATED
EXISTING DOOR & FRAME
NE/f DOOR, FRAME & SIDING
RELOCATED
EXISTING DOOR, FRAME & SIDING

ADLER GRADUATE SCHOOL
5024 YELLON CIRCLE DRIVE
MINNEAPOLIS, MINNESOTA 55403

RAFFERTY RAFFERTY
TOLLEFSON LINDEKE
ARCHITECTS
278 East 7th Street
St. Paul, Minnesota 55101
(651) 224-4831 FAX (651) 228-0264
www.rtfarchitects.com

ARCHITECT:
DATE: REG. NO.:
PRO#:
DATE:
DRAWN BY:
CHECKED BY:

REVISIONS
ISSUE DATE
TITLE
SHEET NUMBER
Reocrded
03-15-2018

SCALE: 1"=1'-0"
March 19, 2018

City of Minnetonka
Attn: Ashley Cauley
Senior Planner
14600 Minnetonka Blvd., Minnetonka, MN 55345

Re: Conditional Use Permit – 10225 Yellow Circle Drive

Dear Ms. Cauley,

Adler Graduate School ("AGS") is a party to that certain Purchase Agreement with LJK Investments, LLC ("LJK") to purchase the property and the improvements located at 10225 Yellow Circle Drive, Minnetonka, MN 55343, referenced as PID # 3611722430025. AGS is currently seeking a Conditional Use Permit to allow for an education facility within the I-1 industrial zoning district.

History of the School

The Minnesota Adlerian Society was founded in 1967 and was inspired by the work of Dr. Rudolf Dreikurs. The Society began in the Twin Cities area as a small movement to introduce Adlerian concepts to the community and provide practical ideas for parenting. Within two years, the Society was marked by broad public exposure and enthusiastic volunteerism. Initially a part of the Society, the School was started by a group of professionals dedicated to teaching the practice of Alfred Adler's "Individual Psychology."

On May 25, 1969, the School was separately chartered and began offering courses as the Alfred Adler Institute of Minnesota (AAIM), an independent, 501(c)(3) tax-exempt organization. The Alfred Adler Institute of Minnesota offered courses for graduate credit beginning in 1972 and course work for graduate degrees beginning in 1977. In 1998 the Institute changed its name to the Alfred Adler Graduate School (AAGS) and, in 2004, the School’s name was further simplified to the Adler Graduate School (AGS).

The Adler Graduate School is a self-supporting, non-profit organization dedicated to fulfilling its commitment to providing quality education, clinical training, research, and public service to the communities of this region. Several factors contribute to the School’s uniqueness. The organization grew out of a recognized community need for assistance in the development of more effective parenting skills. AGS’ subsequent growth has resulted from an on-going effort to address a variety of educational needs in the Twin Cities area, including classes for prospective and practicing human services professionals, educators, and programs for the public. Today, AGS is a widely respected, graduate-level institution, dedicated to preparing students for a wide variety of professional roles and challenges.

The School’s practitioner-based faculty consists of carefully selected, experienced, practicing therapists, counselors, and educators who have a demonstrated talent for inspired teaching. Faculty members share a commitment to enhancing the effectiveness of the human services and education professions by providing exceptional learning opportunities for students. Faculty members’ work is guided by the ideals and philosophy of Individual Psychology. Faculty members are committed to making their community a healthier place in which to live.
The focus on field-based experiential learning, with a strong and carefully supervised internship component and an emphasis on the integration of theory and practice (enabling the student to apply what is being learned during the educational process), results in significant clinical competence. This competence helps AGS graduates as they seek opportunities in the human service fields, both locally and beyond.

The Adler Graduate School offers a Master of Arts Degree in Adlerian Counseling and Psychotherapy with majors in six different emphasis areas and certificates in three areas. AGS' curriculum presents a broad spectrum of current theories of psychology, with an emphasis on Adlerian principles.

**Vision**

"The Adler Graduate School will be a leader in empowering and developing mental health professionals to transform society through social interest in action."

**Mission**

"Preparing mental health professionals with a strong Adlerian foundation to foster encouragement, collaboration, and a sense of belonging to the individuals, families, and the culturally diverse communities they serve."

**Core Values**

- Quality Education
- Adlerian Principles
- Diversity
- Institutional Sustainability

**Operation of the School**

The current and projected enrollment numbers for the school is 311 students with many individuals completing classes online. A copy of the current year's schedule is attached to the Conditional Use Permit application. Classes are regularly held in the evenings during the week and on weekends, with no regular classes being held during the general daytime hours of the weekday. Classes during the week are generally from 6:00 p.m. until 9:30 p.m. and on Saturday classes are from 9:00 a.m. until 4:00 p.m. Classes are rarely held on Sundays, with the last enrollment period containing only 2 total days in which a class was held on a Sunday.

An average evening consists of 9-10 instructors and approximately 83 students on campus. During the peak hours from 4:00 p.m. through 6:00 p.m. it is anticipated that the premise would contain approximately 10 staff, 5 teachers, and 10 students. A copy of an ALTA/NSPS Land Title Survey has been included with the CUP application which identifies 183 standard parking spaces and 5 handicap parking spaces located on the property.

Adler Graduate School is dedicated to providing Master's level Mental Health Classes and Workshops along with the necessary support to help students within the community achieve long-term success working within this profession. Based on the various positive impacts Adler Graduate School will have on the community along with a negligible negative impact affecting the community as a result of the requested use, we request the City of Minnetonka
grant the Conditional Use Permit allowing Adler Graduate School to operate as an education facility within the I-1 industrial zoning district

Sincerely,

Adler Graduate School

By: [Signature]

Jeffrey Allen, President
Memorandum

To: Drew Ingvalson, Planner
   City of Minnetonka
   14600 Minnetonka Blvd
   Minnetonka, MN 55345

From: Anthony Heppelmann, PE

Date: April 16, 2018

Re: Adler Graduate School Traffic Study

Introduction

Adler Graduate School (AGS) is proposing to use the existing building at 10225 Yellow Circle Drive as a graduate school offering a Master of Arts Degree in Adlerian Counseling and Psychotherapy. The site location is shown on Figure 1. Classes during the week are generally held in the evening between 6:15 pm and 9:30 pm. An average evening consists of 9 to 10 instructors with approximately 83 students on campus. The proposed total enrollment is 311 students with many students completing classes online. During the pm peak hour AGS anticipates 10 staff, 5 teachers and 10 students at the school. The purpose of this traffic study is to determine the following.

1. The maximum number of pm peak hour trips at the Bren Road and TH 169 interchange that will be generated by the site between the hours of 4:00 pm and 6:00 pm. The site is located within the Opus Industrial Park which has a trip generation ordinance that requires purchase of additional capacity at the Bren Road and TH 169 interchange if the site will generate more trips to the interchange than is allocated in the ordinance. This site has been allocated 15 pm peak hour trips based on the current zoning of the site. This study estimates the number of pm peak hour trips that will be added to the Bren Road and TH 169 Interchange from the proposed use.

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

Equal Opportunity Employer
wsbeng.com
Figure 1
Project Location
**Projected Trip Generation for Adler Graduate School**

The trip generation for the Adler Graduate School was estimated using two different methods. The first method uses the applicable trip generation rates from the Institute of Transportation Engineers Trip Generation Manual (10th Edition). The second method estimates the trip generation based on the estimated staff, student and teacher count during the pm peak hour.

The average pm peak hour (4 pm to 6 pm) trip generation rate for a University or College based on the Institute of Transportation Engineers (ITE) Trip Generation Manual is 0.15 trips per student. The average trip generation rate in the ITE manual for this use is based on 9 studies. The range in rates varied from 0.05 to 0.77. Based on 83 students and the average of 0.15 trips per student the pm peak hour trip generation for the site would be 12 trips.

Adler Graduate School estimated a total of 25 people on site during the pm peak hour; 10 staff, 5 teachers, and 10 students. Assuming, the 25 people either arrive during the pm peak hour or leave during the pm peak hour would result in 25 trips in the pm peak hour. The teachers and students would likely be arriving prior to the classes starting at 6:15 and the staff may be either arriving or leaving but probably not both.

**Trip Distribution and Estimated Trips to Bren Road Interchange**

The Trip Generation Ordinance for the Opus Industrial Park assumes that 20% of the traffic generated by this site will use the Bren Road and TH 169 Interchange. Assuming 20 percent of the traffic uses the Bren Road and TH 169 interchange and the site pm peak hour trip generation of 25, the site would add 5 pm peak hour trips to the Bren Road and TH 169 interchange, which is 10 trips under the site allocation of 15.

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

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

In the future, with implementation of the SWLRT and the reversal of Red Circle Drive it will be more difficult to get from the Bren Road and TH 169 Interchange to the site. Traffic from the Bren Road and TH 169 Interchange would take Bren Road West to Bren Road East to Red Circle Drive to Yellow Circle Drive to the site. Some of these trips are likely to shift to the Red Circle...
Drive access on Shady Oak Road. Traffic leaving the site would have the same access to the Bren Road and TH 169 Interchange that it had in the past. In the future with the implementation of SWLRT and the reversal of Red Circle Drive it is estimated that only 10 percent of the traffic generated by this site would use the TH 169 and Bren Road Interchange rather than the previous 20 percent. This would cut the number of trips generated by this site at the Bren Road and TH 169 interchange in half, reducing the estimated 5 pm peak hour trips to the interchange to 2 or 3 pm peak hour trips.

Figure 2
Proposed Realignment with SWLRT and reversal of Red Circle Drive
Impact on Yellow Circle Drive Traffic Operations

The proposed land use on this site will generate 25 pm peak hour trips at the driveway access to the site with approximately 20 inbound and 5 outbound. The additional trips at this location will have very little impact on the traffic operations on Yellow Circle Drive.

Conclusions

The following conclusions were reached from the analysis that was conducted for this traffic study of the proposed Adler Graduate School.

- Adler Graduate School (AGS) is proposing to use the existing building at 10225 Yellow Circle Drive as a graduate school offering a Master of Arts Degree in Adlerian Counseling and Psychotherapy. During the pm peak hour, AGS anticipates 10 staff, 5 teachers and 10 students at the school. Based on this it is estimated that the site will generate 25 pm peak hour trips at the site access.

- The site is located within the Opus Industrial Park which has a trip generation ordinance that requires purchase of additional capacity at the Bren Road and TH 169 interchange if the site will generate more trips to the interchange than is allocated in the ordinance. This site has been allocated 15 pm peak hour trips based on the current zoning of the site.

- Using the trip distribution assumption used in the ordinance that 20% of the site generated traffic will use the Bren Road Interchange will result in 5 pm peak hour trips to the Bren Road and TH 169 Interchange, which is 10 trips under the allocation for this site.

- The implementation of the SWLRT and the reversal of Red Circle Drive will reduce the number of trips from this site at the Bren Road and TH 169 Interchange from 20% to 10%. This would reduce the actual number of pm peak hour trips to the Bren Road and TH 169 interchange from 5 to about 3.

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

- The future roadway system with the reversal of Red Circle Drive will also operate at a very good level of service. Again, the proposed land use will have very little impact on the traffic operations for Yellow Circle Drive.
Resolution No. 2018-

Resolution approving a conditional use permit for a graduate school within the industrial district at 10225 Yellow Circle Drive

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

Section 1. Background.

1.01 Jeffrey Allen, on behalf of the Adler Graduate School, has requested a conditional use permit to operate a school within an industrial district.

1.02 The property is located at 10225 Yellow Circle Drive. It is legally described as:

Lot 8, Block 1 Opus 2 Sixth Addition, Hennepin County, Minnesota

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

1.04 City Code §300.20 Subd. 4(l) allows “other uses similar to those permitted within this section, as determined by the city” as conditional uses within the I-1 zoning district.

1.05 The proposed school would be similar to a public building, as it is a place where a group of people would gather at a specified time for a specific purpose.

1.06 On April 26, 2018, 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 commission recommended that the city council approve the permit.

Section 2. General Standards.

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

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

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;

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

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

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

Section 3. Specific Standards.

3.01 City Code §300.21 Subd.6 (e) lists the following specific standards that must be met for granting a conditional use permit for a public building within the industrial district.

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

2. consistency with this ordinance;

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

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

5. creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

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

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

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

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

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

Section 4. Findings.

4.01 The proposal meets the general standards that must be met for granting a conditional use permit as outlined in City Code §300.21 Subd. 2.

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

2. The proposed use is consistent with the goals, policies and objectives of the comprehensive plan. The site is part of the Opus 2 development, which is guided for mixed-use. The larger development includes industrial, commercial, office, and residential land uses.

3. The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff. Staff has determined that it would not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

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

5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The applicant is proposing to reuse an existing building without exterior changes. As such, many of the standards are not applicable.

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

4.02 The proposal meets the specific standards that must be met for granting a conditional use permit for a public building within the industrial district as outlined in City Code §300.21 Subd.6 (e).

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

2. The proposal would meet all minimum ordinance standards.

3. The proposal would have no impact on the site’s existing natural features as the proposal does not include any exterior changes to the site.

4. All proposed changes are interior to the building. As such, the proposal would not significantly alter the site’s visual appearance.

5. With no site or exterior building improvements proposed at this time, the proposal would not negatively impact the existing property or building.

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

Section 5. Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:
   - Narrative date-stamped March 21, 2018
   - Plans dated March 21, 2018

2. This resolution must be recorded with Hennepin County prior to issuance of a building permit.

3. The applicant must inform city staff in writing if any significant changes are made to the schools programming that would increase the p.m. peak trip generation. This includes, but is not limited to, general school programming, course start and/or end times, and summer programming as changes in these areas may require an updated traffic study. If an updated study indicates a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to the city council for further review.

4. A building permit is required for any changes to the building.

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

6. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
7. The property owner must pay 2018 property taxes by the annual property tax due date.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 14, 2018.

Brad Wiersum, Mayor

__________________________

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 14, 2018.

__________________________

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
April 26, 2018

Brief Description
Conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run

Recommendation
Recommend the city council adopt the resolution approving the conditional use permit

Introduction
Chabad Center for Jewish Life is requesting a conditional use permit (CUP) to operate a religious institution from the combined site and 2333 and 2339 Hopkins Crossroad and 11170 Mill Run. As proposed, the three properties would be combined, all but one of the several existing buildings removed, and a new religious building with associated parking lot would be constructed.

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

- **Existing Site Conditions.** The combined site has a total area of 1.95 acres. It contains two houses, three detached garage structures and one large shed. The houses are situated at the highest points of the larger site; grade falls in all directions from these points. There is a roughly 20 foot change in elevation over the entirety of the property. Mature trees are located throughout the site, including several pine, spruce, maple and oak.

- **Proposed Buildings.** As proposed, an existing single-family home located adjacent to Mill Run would be remodeled. The building, which would be accessed via a residential driveway to Mill Run, would continue to be used as a home. A new religious institution building would be constructed at the center of the combined site. The building would have a footprint of roughly 11,000 square feet and total floor area of roughly 15,000 square feet. The building would contain a worship space, social hall, kitchen, offices, classrooms, library, and ritual bath area. The exterior of the building would be comprised of a variety of materials, including glass, limestone, natural wood and terracotta clay. The building would have a code-defined height of 31 feet; in the case of flat roof, height is measured from grade to the highest point of the roof.

- **Proposed Site Design.** As proposed, vehicular access to the religious site would be via a new driveway onto Hopkins Crossroad; the driveway would be located 135 feet north of Mill Run. The primary parking lot for the site – containing 44 striped stalls – would be located north of the building. A smaller parking area – containing 7 striped stalls and unstriped area that could accommodate additional cars – would be located between the new building and the existing home. The plans do not include any vehicular connection between the proposed parking lots and Mill Run; such connection would be limited by the location of the existing home, as well as existing site grades. As proposed, the site
would continue to accommodate a private driveway accessing the private property to the north.

- **General Building and Site Use.** Like other religious institutions in the community, Chabad Center for Jewish Life is intended as a facility for worship, prayer, study, and the celebration of life events. It is anticipated that the building would typically be used as follows.

<table>
<thead>
<tr>
<th>Day</th>
<th>Activity</th>
<th>Attendees</th>
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<tbody>
<tr>
<td>Monday thru Friday</td>
<td>Morning services</td>
<td>10 to 15 people</td>
</tr>
<tr>
<td></td>
<td>Daytime classes</td>
<td>5 to 15 people</td>
</tr>
<tr>
<td></td>
<td>Regular evening classes</td>
<td>5 to 15 people</td>
</tr>
<tr>
<td></td>
<td>Occasional evening classes</td>
<td>30 to 50 people</td>
</tr>
<tr>
<td>Friday</td>
<td>One special service per month</td>
<td>75 to 125 people</td>
</tr>
<tr>
<td>Saturday</td>
<td>Midday service</td>
<td>50 to 100 people</td>
</tr>
<tr>
<td>Sunday</td>
<td>Early morning service</td>
<td>10 to 15 people</td>
</tr>
<tr>
<td></td>
<td>Later morning service</td>
<td>35 to 50 people</td>
</tr>
</tbody>
</table>

**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 and staff findings associated with the proposal.

- **Is the proposed use generally appropriate?**

  Yes. The site is zoned R-1, low-density residential. By city code, religious institutions are conditionally-permitted uses in residential zoning districts. A conditionally-permitted use is one that is allowed if the conditions outlined in code are met.

- **Would the proposed use meet conditional permit standards?**

  Yes. City code outlines several conditions for religious facilities. It is staff's opinion that the proposed Chabad Center for Jewish Life meets the ordinance standards. Some of the CUP standards are objective and compliance with these standards can be specifically measured. Other standards are subjective and require the reasonable exercise of discretion by the commission, based on the facts presented in the record. The following highlights some of the CUP standards. All of the standards are outlined in the “Supporting Information” section of this report.

**Objective Standards.** The objective standards of the code reference access to a collector or arterial roadway, building and parking setbacks, parking numbers, and the percentage of the site covered by hard surfaces. The proposal meets all of these objective measurements.
Meeting of April 26, 2018
Subject: Chabad Center for Jewish Life

<table>
<thead>
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<th></th>
<th>Required</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Building Setback</td>
<td>Minimum 50 ft</td>
<td>50 ft</td>
</tr>
<tr>
<td>Parking Setback</td>
<td>Minimum 20 ft</td>
<td>20 ft</td>
</tr>
<tr>
<td>Parking Stalls</td>
<td>Minimum 40 stalls per city code*</td>
<td>51 striped</td>
</tr>
<tr>
<td></td>
<td>Minimum 55 per ITE**</td>
<td></td>
</tr>
<tr>
<td>Impervious Surface</td>
<td>Maximum 70%</td>
<td>66%</td>
</tr>
</tbody>
</table>

* based on sanctuary seating for 99 persons, as per city code
**based on Institute of Transpiration Engineers (ITE) rate of 2.25 persons per vehicle and 125 attendees

Subjective Standards. Some of the subjective standards of the ordinance require limiting site disturbance to the greatest extent practicable, details of construction being compatible with neighboring and adjacent structures, and protection of neighboring properties. It is important to evaluate compliance with these subjective standards with the understanding that the ordinance contemplates construction of a religious institution on a residentially zoned-property.

- **Site Disturbance.** The proposal would result in alteration of a majority of the site, including changes to grade and tree removal/impact. The subjective standard does not prohibit such alteration, but requires that it be limited to the *extent practicable.* This means that the grading plan, and resulting tree removal/impact, must relate to the building and required parking that is proposed. With some minor modifications to the grading plan – which are included in the staff-drafted resolution as conditions of approval – it is staff’s opinion that site disturbance would be limited to the extent practicable, given construction of a building and parking lot.

- **Design Compatibility.** Generally, staff does not interpret compatibility to mean that a religious institution located in a residential zoning district be designed to “look like” or be “sized like” a residence. Minnetonka does not have design criteria for single-family homes. Given this, and given that that homes in the area of the proposed Chabad Center were built over several decades, there is no clear design pattern in the area surrounding the subject property. Further, in staff’s opinion, it would be inappropriate to suggest that a building intended for the public assembly of people be of a size similar to a single-family home. There are currently 21 religious institutions in Minnetonka that are located on properties zoned R-1, low-density residential. Staff finds that none of these existing institutions “look like” or are “sized like” a single-family home. Instead, staff interprets design compatibility to mean some level of complementary design features. The façade of the proposed Chabad Center for Jewish Life would be of a neutral color palate and would include natural materials, which are residential in character. Additionally, at a proposed height of 31 feet, the facility would be shorter than the 35 feet permitted for single-family homes. (See attached photos.)

- **Protection of Neighboring Properties.** Generally, any change to the use of a property will bring with it changes to drainage patterns, sounds, and site lines. The objective standards – building setbacks, parking setbacks – as well as conformance with the
stormwater management rules and nuisance regulations regarding lighting and “quiet hours,” are intended to minimize or mitigate for these changes.

The conditional use permit standards for religious institutions are the same standards that are applied to any public building; for instance, city hall or a library. The consistency between these standards is intentional. By federal law, local ordinances must treat religious facilities in the same manner as any place of public assembly. Federal law is discussed in greater detail in the “Support Information” section of this report.

- **Can anticipated traffic and parking be accommodated?**

  Yes. The city commissioned a traffic and parking study for this conditional use permit request. The purpose of any traffic study is to understand: (1) the existing traffic volume and operations; (2) the impact of the proposal on existing traffic volume and operations; and (3) if the proposal impact would be negative, how those impacts could be mitigated. The purpose of a parking study is to determine if anticipated parking demands can be accommodated by the proposed parking supply.

  The traffic study conducted for the proposed Chabad Center included trip data collection for the center’s anticipated “peak hours,” which are associated with anticipated service times: weekday a.m. from 7:15 to 8:15, Friday p.m. from 5:00 to 6:00, and Saturday midday from 12:30 to 1:30. The traffic study concluded:

  ✓ Hopkins Crossroad experiences approximately 14,500 daily vehicle trips. The theoretical capacity of the roadway with its current configuration is 17,000 vehicles trips per day.

  ✓ Based on general activity hours, the proposal would add 36 vehicle trips to Hopkins Crossroad during the weekday a.m. peak hour, 60 vehicle trips in the Friday p.m. peak hour, and 50 trips in the Saturday midday peak hour.

  ✓ The proposal is anticipated to increase the delay at the Mill Run/Hopkins Crossroad by approximately two to three seconds during the a.m. and p.m. peak hours.

  The parking study concluded:

  ✓ The proposed 51 parking stalls is expected to be sufficient to meet parking demand.

  ✓ 13 additional proof-of-parking stalls would be available in the proposed south court.

  Area residents have noted that the study does not specifically look at the Hillside Lane intersection to the north nor take into account the activities occurring at Hopkins school campus. This traffic study was intended to review if the proposed use would negatively impact volume on Hopkins Crossroad and or decrease levels of service in the specific area in which is located, based on current traffic data. On a Friday, the anticipated busiest day at the proposed institution, the proposal would add 96 vehicle trips to Hopkins Crossroad. This would amount to a 0.7% increase in daily traffic.
Is the proposed access consistent with city code?

Yes. By city code, religious institutions must have direct access on a collector or arterial roadway as identified in the comprehensive plan or the access must be located such that it does not conduct significant traffic on local residential streets. The intent of this requirement is to ensure these uses – which generate more traffic than single-family homes – are located on roadways that can accommodate higher traffic volumes. Collector and arterial roadways can see traffic volumes of up to 30,000 vehicle trips per day. Local streets generally experience volumes of less than 1,000 trips per day.

The subject site has frontage on both Hopkins Crossroad and Mill Run, an arterial roadway and local street respectively. Hopkins Crossroad sees an average of 14,500 vehicle trips per day, while Mill Run experiences an average of 100 trips per day. City staff supports the proposed access onto the arterial roadway, as such access is consistent with both the letter and intent of the city code requirement.

The county has informed city staff that it would prefer that the site plan be redesigned to direct all vehicle access to Mill Run and that a variety of turn lanes be added to the county road. The county has driveway permitting authority and has control of the design of Hopkins Crossroad. As with any driveway change on a county road, the applicant would have to obtain a driveway permit from the county. This has been included as a condition of approval.

Summary Comments

Staff acknowledges that the proposed Chabad Center for Jewish Life would visually alter the Hopkins Crossroad/Mill Run area. Further, the proposal would result in a different level of activity than was historically observed while the site contained occupied single-family homes. However, staff recommends approval of the request, as: (1) religious use of the site is contemplated by the zoning ordinance; (2) the proposal would meet CUP requirements; and (3) similar uses exist in residential areas throughout the community.

Staff Recommendation

Recommend the city council adopt the resolution approving a conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run.

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

Surrounding

The site is surrounded by single-family residential homes

Land Uses

Planning

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

Concept Plan Review

In February 2018, the planning commission reviewed a concept plan for a religious facility on the properties at 2339 Hopkins Crossroad and 11170 Mill Run. At that meeting, several area residents addressed the commission. The residents generally expressed concern about the size and design of the proposed building, the possible intensity of the proposed use, and off-site impacts of traffic and parking. The commission expressed similar concerns. (Meeting minutes are attached.)

The formal application includes three noticeable difference from the concept plan.

- Additional property has been incorporated into the redevelopment site.
- The maximum visual height of the building, from grade to highest point of the roof structure has been reduced from 40 feet to 31 feet.
- The home at 11170 Mill Run is proposed to remain.
- No vehicle access to/from the new building to Mill Run is proposed.

Other Facilities

There are 21 religious institutions in Minnetonka located on properties zoned R-1, low-density residential. The facilities are located on county roads and local streets and on lots ranging from 1.9 acres to 25.7 acres in size. The variety in lot size is also reflected in the variety of building size, which ranges from 12,900 square feet to 72,000 square feet. (See attached chart for more information.)

Site and Building Information

The following data is for informational purposes. The ordinance does not have minimum or maximum limits for these.

<table>
<thead>
<tr>
<th></th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Lot Area</strong></td>
<td>85,145 sq.ft.</td>
</tr>
<tr>
<td><strong>Total Floor Area</strong></td>
<td>15,000 sq.ft. (proposed building)</td>
</tr>
<tr>
<td></td>
<td>2,950 sq.ft. (existing home)</td>
</tr>
<tr>
<td><strong>Floor Area Ratio</strong></td>
<td>0.18 (proposed building)</td>
</tr>
<tr>
<td></td>
<td>0.21 (proposed building and home)</td>
</tr>
</tbody>
</table>
Grading

Grading would be necessary to accommodate construction of the proposed facility and associated parking lots. Generally, the area north of the home would be graded flat. Approximately three to ten feet of soil would be removed from the central portion of the site. Roughly, two to four feet of soil would be added near the northwest corner of the site. In this same area, to accommodate an existing private and new parking lot, a retaining wall would be constructed. The wall would range in height from two feet to seven feet.

As a condition of approval some areas of the grading plan must be revised. In particular, along the east property line and south of the existing home. The easterly portion of the site must be graded to direct runoff to the underground storage facility. This may be done via overland flow or piping. Additionally, grading proposed south and southwest of the existing home must be reduced to better protect existing trees.

Trees

The following tree removal/impact is anticipated based on the proposed grading plan. With some modifications to the plan, removal/impact may be slightly lowered. These modifications, noted in the preceding paragraph have been included as conditions of approval in the staff-drafted resolution.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>36</td>
<td>14</td>
<td>39%</td>
</tr>
<tr>
<td>Significant</td>
<td>45</td>
<td>40</td>
<td>89%</td>
</tr>
</tbody>
</table>

* By city code, a tree is considered removed if 30 percent or more of the critical root zone is compacted, cut, filled or paved.

The proposal is for redevelopment of existing, developed lots. As such, the tree ordinance does not establish a maximum threshold for tree removal/impact. The ordinance does require mitigation for removal of trees located outside of proposed building footprints and driveways, and 20 foot and 10 foot perimeters of these respective areas.

Stormwater

The proposal triggers the city’s stormwater management requirements. These requirements include: (1) on-site retention of 1-inch for runoff from the site’s impervious surfaces; (2) limiting peak runoff rate flow to those of the existing condition; and (3) treatment of all runoff for removal of 60 percent of phosphorus and 90 percent of suspended solids.

The applicant proposes construction of an underground stormwater facility to meet these stormwater requirements. As proposed, runoff from the site would be captured through several catch basins and directed to the underground chambers via stormwater pipe. Final plans and soil borings must be submitted for staff review and approval as part of a grading permit application.
Buffering

The applicant proposes to plant 78 arborvitae along the north and east property line to provide a visual buffer to the adjacent single-family homes. As a condition of approval, the plan must be revised to substitute half of these plants with another species to avoid planting a monoculture.

Legal Considerations

The city’s evaluation of the proposed Chabad Center for Jewish Life is subject to both local and federal law. The local law is the conditional use permit standards the city has established in the zoning ordinance. Generally, an applicant is legally entitled to a conditional use permit if the city finds that the request meets the standards of the ordinance. The federal law is the Religious Land Uses and Institutionalized Persons Act (RLUIPA). Generally, RLUIPA requires that religious institutions not be subject to standards that are more restrictive than would be required for any other type of assembly land use, such as a school or community center.

The city attorney has provided an advisory memo regarding RLUIPA. (See attached.)

CUP Standards

The proposed religious facility would be consistent with the general CUP standards as outlined in City Code §300.16 Subd.2:

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

   **Finding:** Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

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

   **Finding:** The goals, policies, and objectives of the comprehensive plan are generally the city’s effort to create a vibrant and resilient community. Religious institutions are a component of such communities.

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

   **Finding:** The proposal has been reviewed by members of the city’s community development, engineering, public works, fire, and legal departments. Staff does not find that the proposed religious institution would have an adverse impact on the provision of government services or infrastructure.

4. The use does not have an undue adverse impact on the public health, safety or welfare.
Finding: The proposed institution would visually alter the Hopkins Crossroad/Mill Run and result in a different level of activity than was historically observed while the site contained occupied single-family homes. Though noticeable, these changes would not be detrimental to the health, safety, or welfare of the community.

The proposal would meet the specific conditional use permit standards for religious facilities as outlined in City Code §300.16 Subd.3(b):

1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

Finding: The proposed facility would have access to Hopkins Crossroad, which is defined as an arterial (minor reliever) roadway in the comprehensive plan.

2. Buildings must be set back 50 feet from all property lines;

Finding: The new facility would meet this setback from east and west property lines and it exceeds it from the north and south.

3. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;

Finding: By ordinance, 1 parking space is required for every 2.5 seats within the main sanctuary of a religious facility. As proposed the sanctuary would regularly have seating for 99 people, requiring 40 parking stalls. 51 parking stalls would be striped on the site. Staff notes additional areas would be available as "proof-of-parking."

4. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

Finding: Staff calculates impervious surface would cover 66 percent of the site.

5. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

Finding: See the “SBP” section of this report.

SBP Standards

The proposal would meet the site and building standards as outlined in City Code §300.27 Subd.5:
1. Consistency with the elements and objectives of the city’s development guides, including the comprehensive plan and water resources management plan.

**Finding:** The proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city’s development guides, including the water resources management plan.

2. Consistency with this ordinance.

**Finding:** Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

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

**Finding:** The proposal would result in significant alteration of the site, including changes to grade and tree removal/impact. However, with some minor modifications to the grading plan – which are included in the staff-drafted resolution as conditions of approval – site disturbance would be limited to the extent practicable, given construction of a building and parking lot.

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

**Finding:** The proposal would appropriately locate constructed features – new building and parking lots – at the center of the site, maintain green space and the opportunity for new plantings at its perimeter.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

- an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community.
- the amount and location of open space and landscaping.
- materials, textures, colors and details of construction as an expression of the design concept and compatibly of the same with the adjacent and neighboring structures and uses.
- vehicular and pedestrian circulation, including walkways, interior drivees and parking in terms of location and number of
access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

**Finding:** The location of buildings relative to open space and paved areas is appropriate. The façade of the proposed center would be of a neutral color palate and would include natural materials, which are residential in character. Additionally, at a proposed height of 31 feet, the facility would be shorter than the 35 feet permitted for single-family homes. Vehicular and pedestrian circulation patterns would be intuitive.

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

**Finding:** As new construction, the building code requires use of energy saving features.

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

**Finding:** Generally, any change to the use of a property will bring with it changes to drainage patterns, sounds, and site lines. The objective standards – building setbacks, parking setbacks – as well as conformance with the stormwater management rules and conformance with nuisance regulations regarding lighting and “quiet hours” are intended minimize or mitigate for these changes.

**County Review**

As the site is located on a county road, the county has permitting authority related to driveways. The county further has authority regarding the configuration of Hopkins Crossroad – number of lanes, turn lanes, etc. As a condition of approval, the applicant must receive all necessary permits from the county prior to issuance of a grading permit.

**Private Driveway**

There is an existing private driveway located on the northwest corner of the subject site. The driveway provides access to the adjacent residence to the north. As proposed, this driveway would be slightly reconfigured. As conditions of approval, a private driveway easement must be recorded to accommodate the reconfigured drive.
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 adopt the resolution approving the request.

2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to how the CUP standards are not met.

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

Voting Requirement

The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of a simple majority.

Neighborhood Comments

The city sent notices to 78 property owners. Several comments were received during the concept plan review and several more following submittal of the formal application. All of the comments are attached.

Deadline for Action

July 9, 2018
Project: Chabad Center for Jewish Life
Address: 2339 Hopkins Xrd
Chabad Center for Jewish Life

The Chabad Center for Jewish Life requires a permit for the allowable conditional use as a religious institution for a facility of approximately 15,000 gross square feet to be constructed at the above captioned address. The center will share the property with a renovated existing residential structure which is planned for use as the rabbi’s family home.

There will be two wings to the new building:

The East Wing will be a two story structure, with elevator, containing:
Ground Floor: Chabad offices, library/study/ daily services, mikveh (ritual bath); Second Floor: Classrooms, mechanical/storage

The West Wing will be a one story structure containing a large assembly space with a moveable partition separating the social hall from sanctuary/presentation/study room. These spaces will be accessible from a pre-function space and will be connected via service hall to storage, kitchen/pantry and loading dock. There will be a small porch west and north of the social hall accessible from three pairs of french doors on the north facade.

BUILDING ACCESS

There will be two entrances to the facility between the East and West Wings - the main entrance from the north and a second entrance from the south side of the building which will also provide secure access to the men’s mikveh and the vessel mikveh. There is a covered, dedicated entrance to the women’s mikveh on the east side of the building (by appointment only) accessible through a secure garden.

HOURS OF OPERATION AND OCCUPANCY LOAD

Monday - Friday
Services in the morning 10-15 people
Some classes throughout the day 5-15 people
Evening classes and lectures. Regular 5-15, 3 courses x 6 up to 30-50 people at any given time

Friday night once a month 75 - 125 people
**Shabbos** 10am - 2 pm 50 -100 people

**Sunday** 8am 10-15 people, 9:45am -12pm 35-50 people

**Mikveh** approximately four people per week by appointment only.

**Holidays**: 75 - 150 people 5-10 times

**NOTE**: On Friday evening and Saturday (Shabbos) and holidays, some of the attendees will arrive on foot so there will be reduced parking demand from what one would typically calculate.

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**LIGHTING**

Site lighting will be guided by two factors:

1) to provide for safety, security and visibility for visitors to the Chabad Center.
2) To limit light spill and glare off site - horizontally, towards neighboring land and vertically, light pollution to the sky. We follow the dictates of the International Dark Sky Association  [www.darksky.org](http://www.darksky.org)
3) Interior lighting will be designed to effectively place light where it is needed for safety and visibility and affect and to limit lighting and energy use where and when not efficacious.

**PARKING**

The property will have fifty-one (51) parking stalls including two HC accessible stalls. Forty-four (44) stalls are arrayed in the main lot along the north property setback; five (5) and two (2) stalls will be located on the southwest and southeast sides of the south entrance, respectively.

There is room on the property for twelve (12) additional vehicles: five (5) in the South Court; two (2) along the west drive; five (5) along the east verge of the north lot. This additional capacity would bring the total to sixty-three (63) vehicles with site access from Hopkins Crossroads.

There is also capacity for five (5) vehicles in the residential driveway (3) and 2-car garage accessible off Mill Run.
SITE ACCESS

The existing curb cut on Hopkins Crossroads must be widened to 26’ to accommodate fire equipment access and the centerline of that drive will be moved approximately fifteen feet (15’) south. This will provide the only vehicular access to the Chabad Center (except for mountain bikes).

The residence on the south portion of the lot will use the existing curb cut off Mill Run to provide vehicular access to the residence.

SITE ORGANIZATION

The Chabad Center building will be located near the center of the property. The existing residence at 11170 Mill Run will be renovated and serve as a residence for the rabbi’s family. The Mill Run house and the dense existing and proposed plantings on the south verge of the site will effectively screen the Chabad Center from view from Mill Run. Between the Chabad Center and the Mill Run house, at an elevation of approximately +956, will be a paved landscaped court enclosed by the facades of the two buildings. The main floor elevation of the new facility will be approximately +957’ above MHW. [NOTE: For reference, the southeast corner of the property on the Mill Run frontage is at El. +972; the main floor elevation of the Mill Run house is +967.5.]

An entry plaza on the north of the Chabad Center connects the north parking lot with the main entrance to the Chabad Center.

LANDSCAPING & GRADING

Existing trees along the perimeter and other trees undisturbed by the construction of the facility will be preserved to the extent possible. The grove on the southwest corner will be tended, restored and limbed up to provide a permeable screened view to motorists traveling north. It is anticipated that the access drive in the north portion of the Hopkins Crossroads frontage will continue to provide access to the property to the subject property’s immediate north. A retaining wall will be required between that drive and the north parking lot. The arborvitae hedge along the west property line will be tended and mended to provide a partial screening from Hopkins Crossroads. Additional plantings will be set judiciously to provide both screening and visual access.

The landscape plan has not been finalized. New plantings will be installed along the north and east property line to screen light and view from residences to the north and east. Species may be a mix of evergreens and, possibly, deciduous plantings with high twig density.
All precipitation falling on the site will be managed on site.

**Trees:**

All Trees in the area of the addition (and parking area)

Trees to be preserved: at least 20 (not including trees to remain south of the north face of the existing Mill Run house).

Trees to be removed: 28

New trees - 134 conifers as screening around the perimeter of the property.

New trees: Deciduous trees: approximately 10 trees.

Additional deciduous trees will be added as appropriate to site plan as the design progresses.

**MATERIALS**

**East Wing**
Exterior walls: Fibre Cement Board (by Equitone or Approved Equal)
Roof: Standing seam metal roof
Fence at mikvah garden: wood

**West Wing - Pre-function Space:**
Walls: Fibre Cement Board (by Equitone or Approved Equal) and Kasota Stone as shown on drawings.
Windowall: Glass set into structural wood frame with exterior sunscreen of medium-density overlay (MDO) laser-cut board
Roof: EPDM

**West Wing - Service Wing:**
Walls: Kasota Stone
Mechanical yard (on roof): Kasota Stone with Medium-density overlay (MDO) laser-cut board screening mechanical equipment on roof.

**West Wing - Social Hall:**
Exterior walls: Fibre Cement Board (by Equitone or Approved Equal)
Roof: Standing seam metal roof

**West Wing - Sanctuary/study room:**
Exterior walls: Kasota Stone
Windows: Clerestory windows on north, south and west. Indirect, deep-cavity windows in thick wall on east facade.
Roof: EPDM

Fibre Cement Board color on East Wing, Pre-Function Space, and Social Hall will vary from one another.
EX 12" STM
EX 18" WMN
EX 8" SAN
RIM: 954.83
INV OUT: 950.67 12" N
RIM: 953.85
INV IN: 947.00 12" S
INV IN: 949.50 12" N
INV OUT: 947.00 15" E
RIM: 953.10
INV OUT: 950.20 12" S
RIM: 954.00
INV IN: 950.27 12" S
INV OUT: 950.27 12" N
RIM: 951.30
INV IN: 942.00 12" E
VERIFY EX. SIZE, LOC & ELEV
133' - 12" RCP @ 2.47%
37' - 12" RCP @ 1.08%
34' - 12" RCP @ 2.08%
48' - 12" RCP @ 12.72%
12' - 15" RCP @ 1.73%
38' - 15" CMP @ 0.53%
FES1
INV:  950.00
FES2
INV:  950.20
EX CMP STM
STORM STRUCTURE SCHEDULE
ID:
100
101
102
103
104
TYPE:
STMH
2x3 CB
CBMH
2x3
2x3
2x3
CASTING:
R1733
R3067L
R3075
R3067L
R3067L
R3067L
RIM EL.:
951.30
953.10
953.85
954.00
954.83
SUMP:
947.30
950.00
947.00
947.90
952.00
BUILD:
4.0
3.1
6.9
6.1
2.8
INV. IN:
942.00
947.00
949.50
950.27
INV. OUT:
950.20
947.00
950.27
950.67
PIPE OUT:
34LF - 12" RCP @ 2.08%
12LF - 15" RCP @ 1.73%
133LF - 12" RCP @ 2.47%
37LF - 12" RCP @ 1.08%
TO STRUCT:
102
102
103
BENCHMARK
SEE SITE SURVEY OR GRADING PLAN
DESIGNED:
LIC. NO.:
DATE:
DRAWN:
CHECKED:
I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED
BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED
PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
CIVIL METHODS, INC.
1551 Livingston Avenue, Suite 104
West St. Paul, MN 55118
DATE / REVISION:
TITLE:
SHEET NO:
PRINT DATE:
FILE LOC:
DRAFT
NOT FOR CONSTRUCTION
OWNER:
CHABAD CENTER FOR JEWISH LIFE
MINNETONKA, MN
UTILITIES
2339 Hopkins Crossroad, Minnetonka, MN
CHABAD CENTER FOR JEWISH LIFE
EXISTING ROAD SURFACE
EXISTING STORM
EXISTING WATERMAIN
EXISTING SANITARY
EXISTING FENCE
EXISTING STORM
EXISTING WATERMAIN
EXISTING SANITARY
DETAIL NO / DETAIL SHEET
LEGEND:
GENERAL NOTES:
1. The subsurface utility location information in this plan is utility quality level D. This utility quality level
was determined according to the guidelines of CI/ASCE 38-02, titled "Standard Guidelines for the
Collection and Deposition of Existing Subsurface Utility Data." Engineer does not guarantee the
accuracy of utility locations or that all existing utilities are shown; Contractor is responsible for
locating utilities prior to digging.
2. Contractor shall coordinate utility connections and street disturbance with City; traffic control
requirements as directed by City.
3. Protect light poles and other existing utilities, signs, trees, etc. Relocation of any private utilities not
directed on these plans shall be coordinated with the utility owner.
4. Damaged items or property shall be repaired or replaced at Contractor's expense.
5. Watermain pipe shall have a minimum of 7.5' cover; maintain 18" separation (min.) at crossings.
6. Pipes shall be extended to within 5.0' of building; coordinate exact location and connection with
building mechanical drawings / contractor.
7. Encase sanitary saddle connection in concrete.
8. All castings to be set 0.05' below final pavement grade.
9. Dual-wall HDPE drainage pipe (N12 or equal) may be substituted for RCP.
10. Contractor to coordinate installation of other private utilities with utility companies as necessary.
CONNECT TO EXIST 8" W/ 8"x6" FERNCO SADDLE
FIELD VERIFY LOC. & ELEV.
6" DIP (CL52) WMN
CONNECT TO EX 18" WMN W/ WET TAP
INSTALL 6" VALVE & BOX
CHABAD CENTER FOR JEWISH LIFE
MINNETONKA, MN
HOPKINS CROSSROAD
MILL RUN
6" PVC, SCH 40. @ 1.0%. 
MID RUN 
6" PVC, SCH 40. @ 2.0%. 
GENERAL NOTES:
DMP
KEB
DAVID M POGGI
44573
03-23-2018
HOPKINS CROSSROAD
MILL RUN
6" PVC, SCH 40. @ 1.0%.
6" PVC, SCH 40. @ 2.0%.
6" PVC, SCH 40. @ 2.0%.
EROSION CONTROL NOTES:
1. See SWPPP sheet for additional information.
2. Install construction entrance and perimeter controls prior to beginning grading operations.
3. Topsoil and erosion control items shall conform to Mn/DOT 2574-2575.
4. A minimum of 6" of topsoil shall be placed in all green space.
5. Inlet sediment control shall be in place during all phases of construction and until site is seeded and mulched.
6. Sod or seed areas to be mowed / maintained with low-maintenance turf, Mn/DOT Mix 25-131 (3876).
7. See Landscape Plan for additional landscaping detail.
8. Erosion control blanket, Mn/DOT Cat. 3 (3885), shall be installed on basin side slopes, swale bottoms, and side slopes at 3:1 or greater.
9. All other green space shall be plantings, sod, or seed with hydraulic mulch matrix (3884.B2), blanket (Cat. 0), or straw mulch, Type 1.
10. Sediment control logs shall be minimum 6" diameter and installed as indicated. Logs may be straw, wood, or fiber (no compost) (3897).
11. Random crushed riprap per Mn/DOT 3601 shall be of class and quantity as indicated, and shall include geotextile fabric (3733).
12. Erosion discovered during construction shall be repaired immediately by the Contractor.
13. Contractor is responsible for preventing sediment transport from site; sediment tracked onto adjacent streets will be swept immediately upon discovery (incidental).
STAFF DRAFT EXHIBITS
WEST FACADE

CONCEPT PLAN REVIEW

FORMAL APPLICATION REVIEW, original submittal

FORMAL APPLICATION REVIEW, revised and current submittal
CONCEPT PLAN REVIEW

FORMAL APPLICATION REVIEW, original submittal

FORMAL APPLICATION REVIEW, revised and current submittal
## EXISTING RELIGIOUS INSTITUTIONS ON R-1 PROPERTY

<table>
<thead>
<tr>
<th>Institution</th>
<th>Address Number</th>
<th>Street</th>
<th>Street Design.</th>
<th>Building Area*</th>
<th>Lot Area*</th>
<th>Acres</th>
<th>FAR</th>
<th>Zoning</th>
<th>Adajcent Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adath Jeshurun</td>
<td>10500</td>
<td>Hillside La W</td>
<td>Collector</td>
<td>72,000</td>
<td>1,119,541</td>
<td>25.70</td>
<td>0.06</td>
<td>R1</td>
<td>R1</td>
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<tr>
<td>All Saints Lutheran</td>
<td>15915</td>
<td>Excelsior Blvd</td>
<td>Arterial</td>
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<td>243,065</td>
<td>5.58</td>
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<tr>
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<td>Orchard Rd</td>
<td>Collector</td>
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<td>363,241</td>
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<td>R1</td>
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<tr>
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<td>4600</td>
<td>Shady Oak Rd</td>
<td>Arterial</td>
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<td>173,369</td>
<td>3.98</td>
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<td>R1</td>
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<td>Local</td>
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<td>R1</td>
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<td>R1</td>
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<td>Collector</td>
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<td>R1</td>
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<tr>
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<td>0.16</td>
<td>R1</td>
<td>R1</td>
</tr>
<tr>
<td>Jehovah Witness</td>
<td>13001</td>
<td>Lake St Extension</td>
<td>Collector</td>
<td>13,228</td>
<td>171,581</td>
<td>3.94</td>
<td>0.08</td>
<td>R1</td>
<td>R1</td>
</tr>
<tr>
<td>Mills Church</td>
<td>13215</td>
<td>Minnetonka Dr</td>
<td>Local</td>
<td>12,288</td>
<td>187,308</td>
<td>4.30</td>
<td>0.07</td>
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<tr>
<td>Minnetonka Lutheran</td>
<td>16023</td>
<td>Minnetonka Blvd</td>
<td>Arterial</td>
<td>33,592</td>
<td>203,861</td>
<td>4.68</td>
<td>0.16</td>
<td>R1</td>
<td>R1</td>
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<tr>
<td>Minnetonka Methodist</td>
<td>17611</td>
<td>Lake St Extension</td>
<td>Arterial</td>
<td>18,861</td>
<td>212,236</td>
<td>4.87</td>
<td>0.09</td>
<td>R1</td>
<td>R1</td>
</tr>
<tr>
<td>Mzizi Church</td>
<td>13207</td>
<td>Lake St Extension</td>
<td>Arterial</td>
<td>11,584</td>
<td>90,092</td>
<td>2.07</td>
<td>0.13</td>
<td>R1</td>
<td>R2</td>
</tr>
<tr>
<td>Old Apostolic Lutheran</td>
<td>5617</td>
<td>Rowland Rd</td>
<td>Collector</td>
<td>23,978</td>
<td>298,492</td>
<td>6.85</td>
<td>0.08</td>
<td>R1</td>
<td>PUD and R2</td>
</tr>
<tr>
<td>Ridgewood Church</td>
<td>4420</td>
<td>Co Rd No 101</td>
<td>Arterial</td>
<td>27,858</td>
<td>371,233</td>
<td>8.52</td>
<td>0.08</td>
<td>R1</td>
<td>PUD and R1</td>
</tr>
<tr>
<td>Slavic Baptist Church</td>
<td>16625</td>
<td>Excelsior Blvd</td>
<td>Arterial</td>
<td>17,191</td>
<td>115,183</td>
<td>2.64</td>
<td>0.15</td>
<td>R1</td>
<td>R1</td>
</tr>
<tr>
<td>St. David's Episcopal</td>
<td>13000</td>
<td>St Davids Rd</td>
<td>Local</td>
<td>14,800</td>
<td>155,116</td>
<td>3.56</td>
<td>0.10</td>
<td>R1</td>
<td>R1</td>
</tr>
<tr>
<td>St. Luke's Presb.</td>
<td>3121</td>
<td>Groveland School Rd</td>
<td>Local</td>
<td>11,605</td>
<td>188,495</td>
<td>4.33</td>
<td>0.06</td>
<td>R1</td>
<td>R1</td>
</tr>
<tr>
<td>West Oaks Community Church</td>
<td>11901</td>
<td>Excelsior Blvd</td>
<td>Arterial</td>
<td>6,622</td>
<td>140,471</td>
<td>3.22</td>
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<td>R1</td>
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<tr>
<td>Woodland Hills Bible</td>
<td>16205</td>
<td>State Hwy No 7</td>
<td>Local</td>
<td>17,091</td>
<td>180,310</td>
<td>4.14</td>
<td>0.09</td>
<td>R1</td>
<td>R1 and R2</td>
</tr>
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</table>

**PROPOSED**

<table>
<thead>
<tr>
<th>Institution</th>
<th>Street</th>
<th>Street Design.</th>
<th>Building Area*</th>
<th>Lot Area*</th>
<th>Acres</th>
<th>FAR</th>
<th>Zoning</th>
<th>Adajcent Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Arterial</td>
<td></td>
<td>15,000</td>
<td>85,160</td>
<td>1.96</td>
<td>0.18</td>
<td>R1</td>
<td>R1</td>
</tr>
</tbody>
</table>

* sq.ft. of religious institution building
EXISTING RELIGIOUS INSTITUTIONS ON R-1 PROPERTY

ADATH JESHURUN
ALL SAINTS LUTHERAN
BET SHALOM
BETHLEHEM LUTHERAN
CROSS OF GLORY BAPTIST
FAIRVIEW EVANGELICAL
FAITH PRESBYTERIAN
GOOD SHEPHERD PRESBY.
IMMACULATE HEART OF MARY
Jehovah Witness
Mills Church
Minnetonka Lutheran
EXISTING RELIGIOUS INSTITUTIONS ON R-1 PROPERTY

MINNETONKA METHODIST

MZIZI CHURCH

OLD APOSTOLIC LUTHERAN

RIDGEWOOD

SLAVIC BAPTIST

ST. DAVID'S EPISCOPAL

ST. LUKE’S PRESBYTERIAN

WEST OAKS COMMUNITY

WOODLAND HILLS
EXAMPLES OF EXISTING SINGLE FAMILY HOMES IN NOTICE AREA

ARCHERS LANE

ARCHERS LANE

FETTERLY ROAD W

FETTERLY ROAD W

HOPKINS CROSSROAD

HOPKINS CROSSROAD

MILL RUN

MILL RUN

VERNON CIRCLE

VERNON CIRCLE
To: Planning Commission Members

From: Corrine Heine, City Attorney

Date: April 20, 2018

Subject: Religious Land Uses and Institutionalized Persons Act of 2000 (RLUIPA)

The Chabad Center for Jewish Life has submitted an application for a conditional use permit to construct a religious institution or facility within an R-1 zoning district. The application is scheduled for a public hearing before the planning commission on April 26, 2018. This memo provides general legal guidance to assist the commission in its review of the application. The intent of the memo is to point out the legal parameters within which the commission must exercise its discretion, not to dictate how that discretion should be exercised.

Members of the planning commission are familiar with the laws related to conditional use permits. To summarize those general requirements:

- If an applicant meets the requirements set forth in the zoning code for the issuance of a conditional use permit (CUP), the applicant is legally entitled to have the CUP approved.
- If the proposed use creates adverse impacts that could cause the CUP to fail to meet a requirement of the ordinance, but the applicant offers to accept a condition that would mitigate that adverse impact, it is arbitrary to refuse to consider the proposed mitigation. However, the city is not required to accept the proposed condition if it is insufficient to mitigate the harm. (For example, assume an application for a gas station CUP, and the evidence shows that lighting and headlights could have adverse impacts on neighboring properties. If the applicant offers to accept conditions that restrict the hours of operation and require fencing around the property, the city must consider whether the conditions will mitigate any adverse impact. The city may reject the condition if it reasonably determines that the harm will still occur, even with the fencing and restricted hours.)

The general laws related to conditional use permits apply to the proposed CUP. In addition to those general requirements, because this application involves a religious institution, the provisions of the federal Religious Land Uses and Institutionalized Persons Act of 2000 (“RLUIPA”) also apply. This purpose of this memo is to provide a general overview of RLUIPA as it relates to land use approvals.

Congress enacted RLUIPA to address concerns that local zoning authorities sometimes discriminated against religious institutions by placing excessive or unreasonable burdens on the ability of congregations and individuals to exercise their faith. RLUIPA provides the following protections for religious freedom of persons, places of worship, religious schools, and other religious assemblies and institutions:
Protection against substantial burdens on religious exercise. RLUIPA prohibits any land use regulation that imposes a “substantial burden” on the religious exercise of a person or institution except where justified by a “compelling governmental interest” that the government pursues in the least restrictive way possible.

- Courts determine whether a zoning restriction constitutes a “substantial burden” on a case-by-case basis. Whether there is a substantial burden depends upon the context, including the size and resources of the burdened institution, the actual religious needs of the institution, space constraints, whether alternative properties are reasonably available, past efforts to locate within a community, and other factors.
- Any of the following could constitute a substantial burden: effectively barring the use of a particular property for religious activity; imposing a significantly great restriction on religious use of a property, or creating significant delay, uncertainty or expense in constructing a religious facility.
- Examples where courts have found a substantial burden: onerous off-street parking requirements; denial of expansion plans for a religious school.
- Examples of no substantial burden: church was denied the amount of off-street parking it preferred because reasonable parking alternatives were available; church was denied ability to demolish a landmarked building for expansion when there was other suitable space on the church property.

Protection against unequal treatment for religious assemblies and institutions: RLUIPA requires that religious assemblies and institutions must be treated at least as well as nonreligious assemblies and institutions.

- When reviewing this application, planning commission members must not treat the use any differently than a non-religious place of assembly, such as a school, places of assembly or community center.

Protection against religious or denominational discrimination. RLUIPA prohibits discrimination against any assembly or institution on the basis of religion or religious denomination.

- It is important for the planning commission to ensure a fair and unbiased hearing. If, for example, a member of the public comments on the religious practices of the applicant’s religious group, the chair should rule such comments out of order and direct planning commissioners to consider only the land use and land use impacts and not the specific religious practices of the applicant.

Protection against total exclusion of religious assemblies: Governments may not totally exclude religious assemblies from a jurisdiction.

- The city does not exclude religious assemblies. They are allowed by conditional use permit in residential zones.

Protection against unreasonable limitation of religious assemblies: Government may not unreasonably limit “religious assemblies, institutions or structures within a jurisdiction.”

While the sheer length of RLUIPA’s title can sound intimidating, compliance with RLUIPA is not complicated. The application must be evaluated based upon the contents of the application, and the requirements of the city’s ordinance. The commission must look at land use impacts, not
specific religious practices. Lastly, the applicant’s proposed use cannot be subjected to standards that are any more restrictive than would be required for any other type of assembly, such as a school or a community center.
Memorandum

To: Susan Thomas, Assistant City Planner  
   City of Minnetonka  
From: Matt Pacyna, PE, Principal  
       Tom Sachi, PE, Senior Engineer  
Date: April 20, 2018  
Subject: Chabad Center for Jewish Life Traffic and Parking Study

Introduction

SRF has completed a traffic and parking study for the Chabad Center for Jewish Life development in Minnetonka, Minnesota (see Figure 1: Project Location). The project site is generally located east of Hopkins Crossroad (County Road (CR) 73) between Mill Run and Hillside Lane. The main objectives of this study are to quantify existing operations, identify traffic and parking impacts associated with the proposed development, and recommend any necessary improvements to ensure safe and efficient operations. The following provides the assumptions, analysis, and study findings offered for consideration.

Existing Conditions

The existing conditions were reviewed to establish a baseline for comparison and to determine potential impacts associated with construction of the proposed Chabad Center development. The evaluation of existing conditions includes various data collection efforts and an intersection capacity analysis.

Data Collection

A vehicular turning movement count was collected by SRF during typical weekday a.m. (7:15 to 8:15), Friday p.m. (5:00 to 6:00), and Saturday midday (12:30 to 1:30) peak hours between April 6, 2018 and April 10, 2018. The timeframes collected correspond to the expected service times for the proposed development. Note that the weekday data collection occurred while area Hopkins Schools were in session, including Tanglen Elementary School (8:58 a.m. start), Hopkins North Junior High (7:47 a.m. start), and Hopkins High School (7:50 a.m. start).

The data collected focused on the Hopkins Crossroad (CR 73) and Fetterly Road/Mill Run intersection, which is the closest intersection to the driveway of the proposed development. Existing average daily traffic volumes along Hopkins Crossroad (CR 73) are approximately 14,500 vehicles per day (vpd) within the study area. Note that historically since 1998, average daily traffic volumes along Hopkins Crossroad (CR 73) within the study area have ranged from 11,400 to 15,200 vehicles per day.
Project Location
Chabad Center of Jewish Life Traffic and Parking Study
City of Minnetonka

Figure 1

April 2018
Field observations were also completed to identify roadway characteristics within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Hopkins Crossroad (CR 73) is a Hennepin County facility and is primarily a two-lane undivided urban minor arterial roadway with a 40 mile per hour (mph) posted speed limit within the study area. There are bypass lanes along Hopkins Crossroad (CR 73) at the Fetterly Road/Mill Run intersection. Note that since Hopkins Crossroad (CR 73) is under Hennepin County jurisdiction, the County has permitting controls along the roadway. Fetterly Road and Mill Run are city-owned, two-lane roadways. The Hopkins Crossroad (CR 73) and Fetterly Road/Mill Run intersection is unsignalized with side-street stop control. Existing traffic volumes, roadway geometry, and traffic controls within the study area are shown in Figure 2.

**Intersection Capacity Analysis**

A detailed intersection capacity analysis was conducted for peak conditions to establish a baseline condition to which future operations can be compared. The study intersection was analyzed using Synchro/SimTraffic software (Version 9).

Intersection capacity analysis results identify a Level of Service (LOS) which indicates how well an intersection is operating. Intersections are ranked from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation and LOS F indicates an intersection where demand exceeds capacity. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metropolitan area.

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

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

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the minor approaches. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes. Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the minor approaches. It is typical of intersections with higher mainline traffic volumes to experience increased levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.
Figure 2

Existing Conditions
Chabad Center of Jewish Life Traffic and Parking Study
City of Minnetonka

LEGEND

- Weekday A.M. Peak Hour Volume
- Friday P.M. Peak Hour Volume
- Saturday Midday Peak Hour Volume
- Existing Average Daily Traffic Volume
- Side-Street Stop Control
Results of the existing peak hour capacity analysis, shown in Table 2, indicate that the Hopkins Crossroad (CR 73) and Fetterly Road/Mill Run intersection operates at an acceptable overall LOS A during the peak hours reviewed with the existing geometric layout and traffic control. Average side-street delays from Mill Run and Fetterly Road during both the weekday a.m. and Friday p.m. peak hours are approximately 30 seconds per vehicle. The average number of vehicles waiting to turn from Mill Run and/or Fetterly Road onto Hopkins Crossroad (CR 73) was observed to be approximately one (1) vehicle during the peak hours.

<table>
<thead>
<tr>
<th>Hopkins Crossroad (CR 73) Intersection</th>
<th>Peak Hour Level of Service (Delay)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekday A.M.</td>
</tr>
<tr>
<td></td>
<td>Overall</td>
</tr>
<tr>
<td>Mill Run / Fetterly Road</td>
<td>A (1 sec)</td>
</tr>
</tbody>
</table>

**Proposed Development**

The proposed mixed-use development includes the construction of a 15,000 square foot Jewish Life Center, as shown in Figure 3. The proposed development is expected to contain sanctuary space for services, classrooms, and a social hall. There is expected to be 51 parking stalls on site, three (3) of which are handicapped stalls. Access to the proposed development would be located on Hopkins Crossroad (CR 73) approximately 165 feet north of Fetterly Road/Mill Run.

**Year 2020 Build Conditions**

The proposed development was assumed to be completed by the year 2019. Therefore, traffic forecasts were developed for year 2020 conditions (i.e. approximately one year after opening). Year 2020 build condition traffic forecasts were developed and include both general area traffic growth and trips generated by the proposed development. The following information provides a summary of the year 2020 build conditions.

**Background Traffic Growth**

To account for general background traffic growth in the area, a review of historical ADT volumes was completed. Based on this review, area traffic volumes have grown by approximately one (1) percent per year since 2006, although average daily traffic volumes along Hopkins Crossroad (CR 73) have ranged from 11,400 to 15,200 vehicles per day since 1998. Therefore, existing traffic volumes collected were grown at one (1) percent annually to reflect year 2020 background traffic volumes.

**Trip Generation**

To account for traffic impacts associated with the proposed development, trip generation estimates for the study peak hours were developed. The trip generation estimates were developed using information provided by the Chabad Center and include a comparison with the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition*. The following service attendance information was provided by the Chabad Center and utilized as a base in determining trip generation.
Figure 3

Site Plan Improvements
Chabad Center of Jewish Life Traffic and Parking Study
City of Minnetonka

April 2018
1) Weekday Morning Service Attendance: 10 to 18 guests
2) Friday Evening Sundown Service (Typical Week) Attendance: 10 to 15 guests
3) Friday Evening Sundown Service (Once per Month) Attendance: 75 to 125 guests
4) Saturday Midday (Shabbos) Service Attendance: 50 to 100 guests

Note that other services and classes are expected to occur throughout the day. However, these additional events are expected to have fewer attendees or occur outside of the peak traffic periods along Hopkins Crossroad (CR 73). To help determine the expected trip generation, the average vehicle occupancy for the weekday morning service was assumed to be one (1) attendee per vehicle. During the Friday evening and Saturday midday services, the average vehicle occupancy was assumed to be approximately 2.25 attendees per vehicle. The difference in vehicle occupancy relates to the type of attendees, where the Friday and Saturday services are expected to have more families, which correlates to higher vehicle occupancy. The trip generation estimate, shown in Table 3, includes both the expected vehicle trips using these assumptions, as well as the ITE Trip Generation Manual.

**Table 3. Trip Generation Estimates**

<table>
<thead>
<tr>
<th>Approach Land Use (ITE Code)</th>
<th>Size</th>
<th>Weekday A.M.</th>
<th>Friday P.M.</th>
<th>Friday P.M.</th>
<th>Saturday Midday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In Out</td>
<td>Early Sundown</td>
<td>Late Sundown</td>
<td></td>
</tr>
<tr>
<td>Chabad Center</td>
<td>15,000 sf</td>
<td>18 18</td>
<td>5 55</td>
<td>55 5</td>
<td>5 45</td>
</tr>
<tr>
<td>Synagogue (561)</td>
<td>15,000 sf</td>
<td>23 13</td>
<td>25 19</td>
<td>25 19</td>
<td>24 34</td>
</tr>
<tr>
<td>Difference</td>
<td></td>
<td>+5 (-5)</td>
<td>+20 (-36)</td>
<td>(-30) +14</td>
<td>+24 (-11)</td>
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</tbody>
</table>

(1) The Friday p.m. peak hour exiting trips represent an earlier sundown time and the entering trips represent a later sundown time. These trips are not expected to occur on the same day, however, they are presented for comparison.

Results of the trip generation estimate shown in Table 3 indicate that the proposed development is expected to generate a total of approximately 36 weekday a.m., 60 Friday p.m. (see footnote 1), and 50 Saturday midday peak hour trips using the attendance assumptions previously discussed. However, using the ITE approach for a Synagogue land use results in relatively similar or less overall peak hour trips than the attendance approach and is only based on one (1) study. Therefore, to provide a conservative estimate, the attendance approach was utilized for the future intersection capacity analysis forecasts. Note that the Friday p.m. peak hour trips shown in Table 3 are not expected to occur on a weekly basis, rather the trips shown coincide with the Friday evening sundown service during the peak monthly service, which varies by time of day and is based on the actual sundown timeframe.

The new trips generated by the proposed development were distributed to the study area based on the directional distribution shown in Figure 4. The distribution was developed based on the existing travel patterns in the area and engineering judgement. Traffic forecasts for year 2020 build conditions, which includes historical background growth and trips generated by the proposed development are shown in Figure 5.
Figure 5

Chabad Center of Jewish Life Traffic and Parking Study
City of Minnetonka

Year 2020 Build Conditions

LEGEND

XX - Weekday A.M. Peak Hour Volume
[XX] - Friday P.M. Peak Hour Volume (Arrival)
{XX} - Friday P.M. Peak Hour Volume (Departure)
(XX) - Saturday Midday Peak Hour Volume
X,XXX - Estimated Average Daily Traffic Volume
- Side-Street Stop Control
Intersection Capacity Analysis

To determine impacts associated with the proposed development, year 2020 build conditions were analyzed. Once again, a detailed intersection capacity analysis was completed using Synchro/SimTraffic (Version 9). The Friday p.m. peak hour was analyzed under both late sundown (arrival trips) and early sundown (departure trips) conditions.

Results of the year 2020 build capacity analysis shown in Table 4 indicate that the study intersection and proposed access location are expected to operate at an overall LOS A during the peak hours with the current geometric layout and traffic control. Average delays along Mill Run and Fetterly Road are expected to increase by approximately two (2) to three (3) seconds during the weekday a.m. and Friday p.m. peak hours, as shown in the side-street comparison section of Table 4.

Table 4. Year 2020 Build Intersection Capacity Analysis and Comparison

<table>
<thead>
<tr>
<th>Hopkins Crossroad (CR 73) Intersection</th>
<th>Peak Hour Level of Service (Delay)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Weekday A.M.</td>
<td>Friday P.M.</td>
</tr>
<tr>
<td></td>
<td>Overall</td>
<td>Side-Street</td>
</tr>
<tr>
<td>Mill Run / Fetterly Road</td>
<td>A (1 sec)</td>
<td>D (34 sec)</td>
</tr>
<tr>
<td>Chabad Center Access</td>
<td>A (1 sec)</td>
<td>D (25 sec)</td>
</tr>
</tbody>
</table>

The Mill Run and Fetterly Road approaches are expected to remain similar to existing conditions during the peak hours. The 95th percentile queues at the proposed development driveway are expected to range from one (1) to two (2) vehicles during the Friday p.m. departure peak hour. Note that since departure times will vary throughout the year based on the sundown timeframe, the peak departure period is expected to coincide with the peak period of the adjacent roadway only approximately 25 percent of the year. For the majority of the year, the Friday p.m. arrival and departure services are expected to occur later than the p.m. peak hour of traffic along Hopkins Crossroad (CR 73) due to the varying sundown times.

During the Friday p.m. arrival peak hour, the southbound 95th percentile queues along Hopkins Crossroad (CR 73) are expected to extend approximately 75 feet, which equate to three (3) to four (4) vehicles. No queuing issues during the weekday a.m. peak hour are expected. Therefore based on this analysis, there is minimal overall change in area traffic operations that result from the proposed development and no mitigation is necessary from an intersection capacity perspective. Note that mitigation may become necessary if southbound vehicular queues along Hopkins Crossroad (CR 73) impact traffic operations and safety. However, since Hopkins Crossroad (CR 73) is a Hennepin County facility, any changes to Hopkins Crossroad (CR 73) have to be approved by the county.
Sensitivity Analysis

A sensitivity analysis was conducted to determine the traffic volume threshold along Hopkins Crossroad (CR 73) in which delays along Mill Run and Fetterly Road would reach LOS F operations. Based on the sensitivity test, an additional 250 to 300 peak hour vehicles would need to be traveling along Hopkins Crossroad (CR 73) for the Mill Run and/or Fetterly Road approaches to operate at LOS F. Note that LOS F operations on the side-streets is often common during the peak periods at similar locations and may not warrant any mitigation.

From a daily traffic volume perspective, the projected future 2020 build condition average daily traffic volume along Hopkins Crossroad (CR 73) is approximately 15,000 vehicles per day. The theoretical capacity of Hopkins Crossroad (CR 73) with the current configuration is up to approximately 17,000 vehicles per day. Therefore, average daily traffic volumes along Hopkins Crossroad (CR 73) would need to increase by approximately 2,000 vehicles per day to reach the theoretical capacity of the roadway. Note that since 1998, average daily traffic volumes along Hopkins Crossroad (CR 73) have ranged from 11,400 to 15,200 vehicles per day.

Other Considerations

Based on the intersection capacity analysis, no significant operational issues are expected. However, the 95th percentile queues along southbound Hopkins Crossroad (CR 73) at the proposed development access extend near where the existing southbound bypass lane begins. Therefore, to reduce potential conflicts in this location, restriping should be considered to begin the southbound bypass lane approximately 75 feet north of the current location. However, since Hopkins Crossroad (CR 73) is under Hennepin County jurisdiction, further discussion with the county is needed.

Parking

As noted previously, the proposed development is expected to have 51 off-street parking spaces. The city of Minnetonka code requires religious institutions to provided one (1) parking space for each 2.5 seats based on the design capacity of the main sanctuary or assembly space. Additionally, the city may require additional spaces for offices, classrooms, day care centers or other uses operated on the grounds. The proposed capacity of building is expected to be 125 guests, which would equate to a required parking minimum of 50 spaces. Therefore, the proposed development is expected to meet code requirements with a one (1) space surplus.

In addition, the parking demand for the proposed development was reviewed using both the expected attendance (and vehicle occupancy) used for the trip generation, as well as the ITE Parking Generation Manual, 4th Edition. The peak attendance for a Friday evening service with dinner is expected to be approximately 125 guests. Therefore, this timeframe was reviewed for the peak parking demand, which are presented in Table 5.
Table 5: Parking Demand

<table>
<thead>
<tr>
<th></th>
<th>Chabad Center Information</th>
<th>ITE Parking Manual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friday Evening Service</td>
<td>125 Guests</td>
<td>125 Guests</td>
</tr>
<tr>
<td>Vehicle Occupancy/Rate</td>
<td>2.25 guests per vehicle</td>
<td>0.41 vehicles per guest</td>
</tr>
<tr>
<td><strong>Total Demand</strong></td>
<td>56</td>
<td>52</td>
</tr>
<tr>
<td><strong>Stalls Provided</strong></td>
<td>51</td>
<td>51</td>
</tr>
<tr>
<td><strong>Surplus/(Deficit)</strong></td>
<td>(-5)</td>
<td>(-1)</td>
</tr>
</tbody>
</table>

Based on a review of the parking demand information presented in Table 5, there is expected to be a minor deficit between one (1) and five (5) spaces on site. However, based on observations at other Chabad Centers within the Twin Cities area, during an Orthodox Jewish service, it is typical for approximately 10 to 15 percent of guests at the Friday and Saturday services to not park on-site due to particular religious customs. Thus, if 10 percent of guests voluntarily park off-site or arrive by other modes of transportation (i.e., walk) due to religious reasons, the site parking demand would be reduced by approximately five (5) vehicles. Therefore, the proposed 51 off-street parking spaces is expected to be sufficient.

Note that parking is not allowed along Hopkins Crossroad and that Fetterly Road and Hillside Lane are not expected to have sufficient roadway width to allow parking. Additionally, there are no dedicated pedestrian facilities along Hopkins Crossroad. Therefore, if any on-street parking from the proposed development were to occur, Mill Run would be the most likely roadway utilized for on-street parking, which based on observations, has sufficient parking supply. The city may consider installing no parking signs along Hopkins Crossroad and neighborhood roadways if requested.

**Site Plan Review**

A review of the site plan was completed in regard to parking and circulation for vehicles and pedestrians. Results of the review indicate that appropriate traffic control and signage/striping for the internal driveway aisle should be considered, as shown in Figure 6. This could include signing and striping indicating the one-way configuration shown in the north parking lot. Additionally, there is potential for up to 13 “proof of parking” spaces that could be incorporated into the site plan to accommodate on-site parking during holiday events. This would include two (2) additional spaces in the north parking lot in place of the existing passenger drop-off area and a net of 11 spaces in the south court area. With the south court area configuration, a one-way circulation pattern would be necessary, which would eliminate the first of the five (5) stalls located already in the southern parking lot. This would yield a total of 64 parking spaces on-site, which could accommodate approximately 144 guests.
A preliminary review of sight distance for the proposed access indicates that for a 40 mph roadway, a minimum required sight distance of 305 feet would be necessary based on intersection stopping sight distance. A cursory review of the proposed access sight distance indicates that vehicles utilizing the proposed sight access would have sufficient sight distance of 400 feet or more in both the north and south directions. Therefore, there is not expected to be a sight distance issue at the proposed access location. Landscaping within area should be maintained to allow for adequate sight distance.

**Conclusions and Recommendations**

The following study conclusions and recommendations are offered for consideration:

1. Hopkins Crossroad (CR 73) is a two-lane roadway with bypass lanes under Hennepin County jurisdiction, which has authority over roadway decisions and permitting along the roadway.

2. The existing average daily traffic volume along Hopkins Crossroad (CR 73) is 14,500 vehicles per day. Historically since 1998, average daily traffic volumes along Hopkins Crossroad (CR 73) have ranged from 11,400 to 15,200 vehicles per day.

3. The Hopkins Crossroad (CR 73) and Fetterly Road/Mill Run intersection currently operate at an acceptable overall LOS A during the peak hours reviewed with the existing geometric layout and traffic control.

4. The proposed mixed-use development includes the construction of a 15,000 square foot Chabad Center for Jewish Life.
   a. Access to the proposed development is located along Hopkins Crossroad between Mill Run and Hillside Lane, approximately 165 feet north of Mill Run.

5. Results of the trip generation estimate indicate that the proposed development is expected to generate a total of approximately 36 weekday a.m., 60 Friday p.m., and 50 Saturday midday peak hour trips using the attendance assumptions previously discussed.

6. Under year 2020 build conditions, average daily traffic volumes along Hopkins Crossroad (CR 73) are expected to be approximately 15,150 vehicles per day. Average daily traffic volumes along Hopkins Crossroad (CR 73) would need to increase by approximately 2,000 vehicles per day to reach the theoretical capacity of the roadway.

7. Results of the year 2020 build operations analysis indicate that all study intersections are expected to continue to operate an overall LOS A during the reviewed peak hours.
   a. No significant operational impacts are expected as a result of the proposed development.

8. Further discussions with Hennepin County should occur to determine appropriate modifications to Hopkins Crossroad (CR 73), if any.

9. The proposed development is expected to meet the city code requirement for the minimum amount of parking provided.
10. Based on a review of the parking demand there is expected to be a minor deficit between one (1) and five (5) spaces on site.
   
a. Observations at other Chabad Centers within the Twin Cities area during an Orthodox Jewish service, approximately 10 to 15 percent of guests at the Friday and Saturday services to not park on-site due to particular religious customs.

b. If 10 percent of guests voluntarily park off-site or arrive by other modes of transportation (i.e. walk), the site parking demand would be reduced by approximately five (5) vehicles and the proposed 51 off-street parking spaces would be sufficient.

11. A review of the site plan includes the following considerations:
   
a. Incorporate signing and striping in the north parking lot to identify the one-way circulation pattern.

b. There is potential for up to 13 “proof of parking” spaces that could be incorporated into the site plan to accommodate on-site parking during holiday events. This would include two (2) additional spaces in the north parking lot in place of the existing passenger drop-off area and a net of 11 spaces in the south court area; yielding a total of 64 parking spaces on-site which could accommodate approximately 144 guests.

c. The sight distance at the proposed access is expected to meet the required sight distance of 305 feet. However, landscaping should be maintained to ensure adequate sight distance is provided.
Recommended signing and striping improvements

Potential Proof of Parking and signing and striping improvements
NEIGHBORHOOD COMMENTS
Dear Susan:

In reviewing the scope of the traffic study I am concerned that it may be deficient in a number of areas:

1. I was unable to find reference to Monday-Thursday rush hour traffic counts though we know that Chabad evening prayer services will roughly coincide with rush hour during the fall and winter months.

2. It does not appear that the traffic study accounts for afternoon sporting and cultural events at the high school.

3. I was unable to tell from the language in the letter whether the scope of the study measures the correlation of turns between Mill Run, Fetterly, Hillside, Live Oak, Runnymede and the impact the new development would have on the existing ingress/egress points along that stretch of the road. Please clarify.

4. The narrative submitted by the applicant is incomplete in two areas that will impact the traffic study and parking: a) Holiday gatherings; and b) Life cycle events.

a) In the Jewish calendar, all holidays actually commence at sundown the day before the date on the calendar. In the fall and winter months, that will impact rush hour traffic because of services at the synagogue. Secondly many holidays span multiple days and almost all holidays involve multiple services/events at the synagogue. For example, Rosh Ha Shanah is a two day holiday. There will be as many as six services at the site over these days. All will involve traffic, turns, pedestrians, parking, congestion and safety issues. Yom Kippur is a one day holiday, but there will be five or six different services throughout the twenty four hour period. Succot is a two day holiday with multiple services. Simchat Torah is a two day holiday with multiple services. Passover has four days when people will gather at the synagogue. Shavuot is a two day holiday when people will gather at the synagogue multiple times. I am attaching the link to the Chabad web site that lists the holiday schedule for the next few years for your review. In my opinion, the section of the narrative that stated there will be 5-10 holiday gatherings a year was incomplete. The Chabad calendar suggests that a more likely scenario is 15-20 days a year where holidays are observed, and many holidays have multiple events per day.

[https://www.chabad.org/holidays/default_cdo/jewish/holidays.htm](https://www.chabad.org/holidays/default_cdo/jewish/holidays.htm)

b) Life Cycle Events: I did not see a reference to life cycle events in the narrative. However, the building has the space to accommodate life cycle events and I think it’s reasonable to suggest that life cycle events will be an important part of the fabric of this proposed center. These events should be addressed from traffic, parking, congestion and neighborhood harmony perspectives. Jewish life cycle events include circumcision ceremonies, baby naming, bar mitzvahs, bat mitzvahs, weddings, funerals. Other life cycle events might include birthday and anniversary celebrations. I think a reasonable initial estimate is ten life cycle events for the first year of the
new building with subsequent growth. Some of these events could take place during the evening rush hour, which impacts the traffic study, and all will impact parking.

All of the aforementioned, as well as the events listed in the narrative, have the potential of creating spillover parking in Mill Run that is well beyond the neighboring precedent of Adath Jeshurun, which has historically been two to three times a year. The spillover parking will come from excess event attendance or people choosing to park in Mill Run because it’s easier than dealing with the parking lot.

5. Because this is a unique development and situation, I am not sure how ITE Trip Generation Manual can accurately project traffic and usage patterns at the development. The lack of specificity in the narrative regarding usage submitted with the application suggests that a careful review with the applicant of daily, weekly and monthly usage and its impact on turn volume and overflow parking is necessary. At this point there is not enough information in the narrative to properly assess how site usage will impact traffic, road capacity, safety, parking and congruity with the neighborhood. It is a 15,000 square foot structure, approximately two and a half times the size of any neighboring structure, that has the capacity to house hundreds of people. That should be examined closely.

I will have more comments at a later time on neighborhood parking impact, the potential use of Mill Run as ingress/egress even under the revised application and turn volume on Hopkins Crossroad.

Thank you for taking the time to review this email and for your work on this project.

Best Regards,

Jim Moscowitz
11120 Mill Run
Minnetonka, MN 55305
Dear Loren:

I reside at 11141 Mill Run. I am one of the closest neighbors to the proposed Chabad center. My property is among the parties most affected by this project. I support the project and the granting of a conditional use permit.

I do not represent Chabad in any capacity. I am fully aware of the nature of the Chabad functions and I am certain that their presence on Mill Run will be an asset to the neighborhood and to the community. I have considered all of the objections that I have heard (and, as an immediate neighbor, I believe I have heard all of them) and I do not share any of the concerns that have been raised.

I am aware of a similar zoning application that was made a number of years ago in another city by another Chabad organization where the objections raised were very similar to the objections here—traffic, lighting, compatibility with the neighborhood. That neighborhood was similar in character to Mill Run and the other site was also at the intersection of a neighborhood residential street and an arterial street. I learned from observing that application process that there are many misconceptions about Chabad’s function and those misconceptions are often magnified in the context of zoning applications. There, the council granted the application (which included variances) over the same objections that are being raised here. Twenty years have passed and none—not one—of the problems that the neighbors anticipated has been realized.

Chabad is an outstanding institutional citizen of Minnetonka. Their building on Hopkins Crossroad and Mill Run should be welcomed.

Dan Rosen
Dear Susan,

We live at 11295 Overlook Drive (you were at our home for the neighborhood meeting) and support the Chabad Center at 2339 Hopkins Crossroad. Having driven Hopkins Crossroad for the last 15 years we look forward to the improvement of the property. We are aware of neighbors concerns but do not share those concerns. The benefits clearly outweigh the concerns. Thank you again, Francie and Barry Ross
Dear Mr. Wagner, Ms. Thomas, Ms. Cauley, Ms. Wischnack, and City of Minnetonka Planning Commissioners,

I am writing today to express my strong concerns pertaining to the Chabad Center for Jewish Life application for a Conditional Use Permit. I regret I will be unable to attend the Planning Commission meeting on April 26 to present these to you in person.

My concerns are as follows:

1. Per Section 300.16 Subdivision 2 a), use of the property as applied for is not consistent with intent the ordinance.
2. Per Section 300.27 Subdivision 1 b), allowing a nonprofit to acquire multiple properties does not maintain and improve the city's tax base.
3. There is uncertainty over future use of the property based on the application.
4. The impact on the 2030 Comprehensive Plan is not known.
5. There is failure to comply with at least one other ordinance.
Concern 1. Use of property is not consistent with the intent of the ordinance.

For reference:
Section 300.16. Conditional Use Permit Standards For Residential Districts
Subdivision 1: Purpose:
   It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this ordinance and the comprehensive plan. The planning commission may recommend and the city council may impose conditions on such uses in order to effect the purpose of this ordinance.
Sub subdivision 2: General Standards:
   No conditional use permit shall be granted unless the city council determines that all of the following standards will be met:
   a) the use is consistent with the intent of this ordinance;
   b) the use is consistent with the goals, policies and objectives of the comprehensive plan;
   c) the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
   d) the use does not have an undue adverse impact on the public health, safety or welfare.

Per b) above, the ordinance was written to review the use of a single property for determining if a conditional use permit should be issued. In this case the applicant has acquired multiple adjacent properties specifically to satisfy conditions that were intended to be applied to a single property. If this this permit is reviewed to see if all conditions are met when applied to multiple properties, the intent will not be satisfied. It would set a dangerous precedent that whenever an applicant wanted to receive a conditional use permit that meets the requirements of the section (including 50 ft. setbacks, sufficient parking, percentage of property covered with impervious surface), all they need do is purchase up adjacent lots until they have sufficient property to meet the requirements that were intended to apply to a single property. That goes counter to the intent of the section that was written to ensure the permit complies with Subdivision 2: paragraphs b) through d). Any application involving multiple properties, when developed as a multi-property location, grouped together to achieve adherence to the standards, is inconsistent with the surrounding residential neighborhood for which the application is made.

Further, per d) above, use of this location as a community center would have an undue adverse impact on the public health, safety or welfare due to the dangerous conditions the additional vehicular traffic would cause to existing vehicular, bicycle and pedestrian traffic. Per my prior email to you:

Undue adverse impact on additional traffic created at the intersection of Mill Run and Hopkins Crossroad
   • With the present heavy traffic flow on Hopkins Crossroad during morning and evening hours, it is already difficult to turn from Mill Run on to Hopkins Crossroad (either direction). With limited visibility to northbound traffic due to the crest in the hill just south of the intersection, a left turn from Mill Run on to Hopkins Crossroad is already difficult. Attracting additional traffic to the intersection will compound the difficulty of successfully completing the turn, potentially causing drivers to turn with less than safe space between their vehicle and oncoming traffic.

Undue adverse impact on bicycle and pedestrian safety
   • Our family enjoys recreational bicycling. Presently our challenge is navigating the traffic on Hopkins Crossroad. With the Center’s ingress/egress as planned, their Saturday (what they refer to as Shabbos) and Sunday programs will result in between 35 and 100 visitors during the times we like to bike to the trails, and we will have unsafe conditions for navigating through their traffic. In addition, given they may attract a large demographic, we have the additional concern of certain drivers who may not be situationally aware of bicyclists in their vicinity.
   • As the Chabad congregation advises that for religious reasons some of their congregants will choose to walk to their site, and given that Hopkins Crossroad has no sidewalks, there will be an increase in pedestrians on
an already busy, narrow roadway with limited visibility due to the crest. Pedestrians may also walk in
the same direction as traffic to avoid having to cross this busy roadway, creating additional unsafe conditions.
Visitors from the west side of Hopkins Crossroad will be crossing under all types of conditions, though especially in the dark, and all throughout the year, including in slippery road conditions.

- There is no provision for additional pedestrian traffic by appropriate separation, even on the site that is causing the additional pedestrian traffic.
- The extensive delays resulting from the increased traffic will likely result in visitors to the Center parking where exiting will be easier, and the natural location is Fetterly Road W. This will result in more additional pedestrian traffic crossing Hopkins Crossroad. With the crest, vehicles traveling north would have very limited time to react in the event pedestrian crosses, in a hurry to make use of limited opportunities due to heavy morning rush hour traffic and slips on the icy conditions due to a recent storm. Under these conditions stopping distance would also be negatively impacted, and compounding the concern is that the hill is at a downward slope.

Concern 2. Approval of this permit would erode the city’s tax base

For reference:
Section 300.27. Site And Building Plan Review.
Subdivision 1: Purpose:

It is the intent of this section to serve the public interest by promoting a high standard of development within the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the city seeks to accomplish the following:

a) implement the comprehensive plan;

b) maintain and improve the city’s tax base to a reasonable extent;

c) mitigate to the extent feasible adverse impacts of one land use upon another;

d) promote the orderly and safe flow of vehicular and pedestrian traffic; and

e) preserve and enhance the natural and built environment.

Per b) above, by approving the conditional use permit for the three properties in the application, the city would lose property tax on two additional tax lots.

Concern 3. Uncertainty over future use of the property based on the application.

As the application includes a playground, and the Chabad Minneapolis Facebook page shows photos of a Hebrew School, will there be a school at the proposed location? If there’s a school, won’t that impact the hours of operation with increased traffic in the morning and afternoon, and for special school events? If so, these impacts are not listed on the conditional use permit application.

In addition, regarding the limited parking available on the site, per Section 300.28, the city may require additional spaces for offices, classrooms, day care centers, or other uses operated on the grounds. I encourage you to consider the minimum necessary number of parking spaces including the operating of a school.


Since the application is for multiple parcels on which the zoning is contrary to the land use designation in the 2030 Comprehensive Plan Guide (Low Density Residential), has an application for an amendment to the comprehensive plan been made and approved?

Concern 5. Failure to comply with other ordinances.

The application fails to comply with other ordinances, for example, 300.27 Subdivision 16: Interior Parking Lot Landscaping.
For reference:

b) **Parking lot landscape areas, including landscape islands, shall be reasonably distributed throughout the parking lot area so as to break up expanses of paved areas.** Parking lot landscape areas shall be provided with deciduous shade trees, ornamental or evergreen trees, plus ground cover, mulch and shrubbery as determined appropriate by the planning commission. Parking lot landscape trees shall be provided at the rate of one tree for each 15 surface parking spaces provided, or major fraction thereof. **Parking lot landscaping shall be contained in planting beds bordered by a raised concrete curb or equivalent approved by the planning commission.**

Compliance will further reduce the number of parking spaces, likely resulting in **overflow parking on neighboring streets not designed for that purpose.** If adequately addressing requirements for on-site parking, a very significant concern raised by a number of neighbors and extensively addressed at the February 15, 2018 Planning Commission meeting has been ignored by the applicant, what else has been ignored, or will be, if this project is approved?

I am not opposed to the project in its entirety. I am concerned about the precedent it would set where a nonconforming applicant could simply buy up additional residences to meet conditional use permit guidelines, which is counter to the intent of the ordinance that was enacted to retain the feel and integrity of the neighborhood. I am also concerned about the numerous other adverse impacts that would result from the project as proposed.

Thank you.

Sincerely,
Stu Silberman
To whom this may concern

As residents of Tanglen Woods, we are concerned with the Chabad proposal. The revised proposal only showed minor improvements in terms of parking spaces and aesthetics. We continue to have the following concerns in terms of standards for conditional use permits.

1. The size and institutional appearance does not provide protection of neighboring properties in terms of sight buffers, privacy, preservation of views, and light. Because security will be important to Chabad, it is a concern if it will be possible to provide sufficient site buffers.
   Chabad has not provided a landscaping or lighting plan. We believe that this development will be an eyesore to our neighborhood.

2. We continue to have concerns with vehicular and pedestrian circulation on County Rd 73, both in terms of traffic and safety. We question the number of congregants and frequency of use sited by Chabad. Although these numbers may reflect current use, it is felt that the expectation would be for the frequency of use and number of congregants would grow with the proposed building. We understand that a traffic study is being done.

Thank you.

Judy and Reid Sandler
2363 Vernon Circle
Minnetonka Mn 55305

Sent from my iPad
April 18, 2018

Minnetonka Planning Commission
14600 Minnetonka Boulevard
Minnetonka MN 55345

Dear Planning Commission members:

I understand that the Chabad Center for Jewish Life is seeking a CUP in my neighborhood and I would like to offer some comments for the Planning Commission’s consideration.

As an avid cyclist, I frequently ride on Hopkins Crossroads. My house is in the Fetterly Woods neighborhood so I have often biked north from my home to the Park and Ride on Co. Rd. 73 where I put my bike on the bus and commute into the city. I choose to use my bike for both recreation and transportation, which means I ride on bike trails as well as city streets. Hopkins Crossroads offers challenges to me as a cyclist and I fear that the addition of Chabad’s driveway and traffic directly onto Hopkins Crossroads will make that worse.

Currently, I no longer even attempt to turn left from Hopkins Crossroads onto Fetterly. Too many cars come too quickly up the hill and the sight lines are not good for drivers to anticipate a bicycle in the lane. But even if I choose to ride on the side of the road, there are places where there is no shoulder or only a right turn lane. What will happen when bicyclists are heading south on Hopkins Crossroads and a vehicle wants to turn left into Chabad’s driveway? Will the cars behind swerve to the right to go around and put bicyclists in danger? Going north on Hopkins Crossroads, can I hope that cars coming from the north and south who want to enter the Chabad lot will yield to me as I begin a downhill descent? Will the vehicles leaving the Chabad Center even see me approaching?

I ask that you keep in mind the safety of bicyclists as your consider a CUP for this project. Adding traffic to this portion of Hopkins Crossroads poses serious issues on a stretch of road that is neither pedestrian- or bicycle-friendly now.

Sincerely,

Sheri Brenden
2317 Archers Lane
Minnetonka, MN  55305
Dear Councilman, Tony Wagner and Project Planner, Susan Thomas,

My wife Cheryl and I live at 11171 Mill Run directly across the street from Chabad’s proposed development. Please seriously consider our concerns to follow;

Though Chabad Community Center in their current proposal has submitted that they intend to retain the residential home/dwelling directly across Mill Run from our property. And that this will make for a more palatable view out of our front windows. It leaves no guarantee that it will remain so in the near term or future should they change their mind. (And we believe once occupying the property, the odds of them transitioning it into an intensified use will only increase exponentially.)

Just as we had assumed we would be living in an established quiet residential neighborhood when we bought and moved into our home on Mill Run, we dare not assume the property across from us will remain a residence as it may change based on their whim as to it’s use at any time once they are in.

This neighborhood that we thought would be peaceful, may now be transformed into what will be to us more like a commercial area due to the highly intensified use that Chabad’s occupancy will create. This due to considerable disturbances in the surrounding area which in turn will diminish the character we’ve experienced and wish to maintain here.

This development will create an increase in visual activities, voice and vehicular noise levels and frequency, light intensities, and no doubt odors from food preparation as they predict at having up to 300 people at times for celebrations. (this they stated in their initial proposal.)

As few if any of Chabad’s attendees live in the neighborhood, this will be fostered upon us by those who will come from elsewhere leaving behind only their affects of their visit as they go home to their own quiet homes and neighborhoods.

Should this development come to fruition, the intensifications of use and disturbance to the peace and character of our neighborhood, (as objectionable as they are,) are the lesser part of our concerns with this project.

Our first and foremost concern revolves around the affects this will have with traffic on Hopkins Crossroads, particularly with regard to intersections of the side access roads of Feterly, Mill Run, Overlook, and Hillside Ln W.

As I read the proposal from SRF, for a traffic study in conjunction with Chabad’s proposal, as approved by Susan Thomas, under it’s “Scope of Services” it speaks to collecting data around the intersection of “Hopkins Crossroad and Mill Run.”

Perhaps erroneously, but we find this disconcerting as this development will drastically affect the accessibility of the other intersections mentioned in close proximity to this development, as well, not to mention traffic far beyond the immediate area due to the added use and delays created which will be inherent to this project once it’s functionally complete.

As I appeared and previously stated before the Planning Commission, we find this development and the affects of it’s intensified use of area very intrusive. We further believe it will prove highly detrimental to the character of our neighborhood!

It would be our sincerest request that City Staff would prevent the Chabad development from going forward in our neighborhood.

Further that City Staff would assist Chabad in locating an alternative property that is better suited to the intensified use they have proposed. Please share this with your peers. Thank you for your consideration.

Respectfully submitted,

David and Cheryl Carlson
Mr. Wagner and Ms. Thomas

I would like to submit some comments with regard to the proposed Chabad development on Hopkins Crossroad.

Pedestrian Safety - It is true that Chabad welcomes those who are less observant of the Sabbath than the rabbi's family but the fact remains that folks will be walking to and from the new synagogue. The fact also remains that there are no sidewalks along Hopkins Crossroad nor are there any easements/rights of way on public property that allow folks to gain access from the back of Mill Run. I have noticed how hard it is to see folks dressed in black when they are walking up Hopkins Crossroad.

Vehicular Safety - No one can doubt that Hopkins Crossroad is not designed to meet the current and planned vehicle load. There are no stop signs between Wayzata Boulevard and Cedar Lake road and entering traffic at high volume times is very difficult, at best. Additional high volume parking entry and exit will only make matters worse with regard to traffic density and we have yet to see the results of the traffic study.

Public Safety - It is difficult to imagine emergency vehicles maneuvering in the parking lot as shown in the proposed drawings and one wonders if there are too many parking spaces for to allow such movement.

Property Safety - The following image is taken from the Minneapolis Star Tribune web site. It shows the incidence of Bias Incidents targeting Jews in Minnesota from 2009 - 2016. This does not include all the phone in bomb threats from last year. Please note that this chart does not include the anti-Islam/Muslin data. That was on a separate image.
My point here really has to do with lighting and sight lines. Neighbors of this property are rightfully concerned about lighting coming into their windows at night. Chabad's proposed use of buffer trees is contrary to schools of thought that advise to limit areas of shadow in which people will hide and increase sight lines to the building. It is my understanding that Chabad has not responded with questions about lighting with any specific information.

Usage Data - The Applicant's Narrative states the following: "Holidays: 75 - 150 people 5-10 times"
The following spreadsheet contains a list of holidays observed among the Orthodox community across a calendar year. This was taken from the Chabad web site https://www.chabad.org/holidays/default_cdo/year/2019/jewish/holidays-2019.htm. Holidays start at sundown of the day before the holiday in Jewish tradition. Evening services to observed these holidays (as well as Friday night Sabbath Services) are expected. Some holidays last for 24 hours. Some last for 8 days. Those that last 8 days have services each day though those on the first two days (and evenings) and the last two days and evenings often see more congregational participation. So the 5 - 10 times suggested in the submittal expands to 31 evenings and 33 day time services in addition to daily services (morning and evening) weekly Saturday morning services, and monthly Friday evening services that one would guess will include dinner afterwards. Please keep in mind that on Rosh Hashana and Yom Kippur days the building will be in relatively heavy from 8:00 or 9:00 am through to deep twilight (services do not end until 3 stars may be seen in the sky). It must certainly be Chabad's goal, as it would reasonably be for any organization building such a large community center, to have nearly full utilization nearly every day of the week. Chabad currently teaches some classes at Hopkins High School and one wonders if there is any intention to move those over to the new facility at a different time.

<table>
<thead>
<tr>
<th>Evening Before</th>
<th>Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tu b Shevat</td>
<td>1</td>
</tr>
<tr>
<td>Purim</td>
<td>1</td>
</tr>
<tr>
<td>Passover</td>
<td>8</td>
</tr>
<tr>
<td>Lag b'Omer</td>
<td>1</td>
</tr>
<tr>
<td>Holiday</td>
<td>Days</td>
</tr>
<tr>
<td>--------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Shavuot</td>
<td>1</td>
</tr>
<tr>
<td>Fast of 17th of Tammuz</td>
<td></td>
</tr>
<tr>
<td>fast of Tish A'Av</td>
<td>1</td>
</tr>
<tr>
<td>Rosh Hashana</td>
<td>1</td>
</tr>
<tr>
<td>Yom Kippur</td>
<td>1</td>
</tr>
<tr>
<td>Sukkot</td>
<td>8</td>
</tr>
<tr>
<td>Shemini Atzeret</td>
<td>incl</td>
</tr>
<tr>
<td>Simcha Torah</td>
<td>incl</td>
</tr>
<tr>
<td>Channuka</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total Number of Holiday Usage</strong></td>
<td>31</td>
</tr>
</tbody>
</table>

Building Size - A major concern was that of the mass of the building. One wonders if the neighborhood concerns about the height of the roof line might be addressed simply by digging down rather than building up. Why not put the lower floor below grade. This might reduce building height by as many as 10 feet. One must ask also, if the feel of the building fits the neighborhood. As I will not be looking at it all day the way the closer neighbors will, that is more for them to address than for me.

Thank you for your consideration in this matter.

I may be reached at this email address or at my office phone of 952-513-0116

David Abrams
11501 Fetterly Road West
Dear Ms. Thomas and Mr. Wagner,

I am writing to express the concerns of myself and my husband over the revised proposal by the Chabad Center which is scheduled for a hearing before the Planning Commission on April 26.

Our concerns are centered predominantly in two areas: traffic and parking and size and scope of the project.

As background, my husband and I reside at 11155 Mill Run. We have owned our home since 2002 when we moved to Minnesota. At that time we looked in many areas of the Twin Cities and chose our home in Minnetonka both for the proximity to the University of Minnesota where we were both employed (my husband retired a few years ago; I still work full time) and for the quality of the neighborhood. Our home was built in 1922 and is the original house in the Mill Run neighborhood. It fronts on Hopkins Crossroad but sits on about 2 acres and is separated by a fence, trees and a very large front yard from that busy highway. Our property is heavily wooded with well over 100 trees and we have enjoyed the fact that all the houses on Mill Run are surrounded by trees and seem to fit well into the wooded settings. We enjoy the birds and wildlife that this neighborhood attracts, even the deer, and have red foxes and other small animals frequently in our yard. We have had a great horned owl family a few years ago which was a delight and owls still are on our property each year. So we have loved our home and the neighborhood where we live.

As to our concerns, first traffic and parking. We have observed how the traffic on Hopkins Crossroad has increased considerably in the 15 years we have lived on Mill Run. There is now often considerable delays in getting into and out of Mill Run, particularly on weekdays but even on the weekends. It is almost impossible to make a left hand turn up the hill from Mill Run so often we resort to turning right and then going to Hillside and trying to get either back on Hopkins Crossroad or take the long way around to get south of our neighborhood. The situation in the morning is made worse by school buses and more traffic out of Fetterly when we find ourselves in competition with our neighbors. It used to be that when I left for work at 6 or 6:30 am that traffic was lighter but that is often no longer the case. We are concerned not only by the increased traffic the Chabad Center will cause but particularly by the turning traffic into the Center from Hopkins Crossroad at a point just below Mill Run where there are no turn lanes and where the road is narrow. We are also worried because increased pedestrian traffic will only compound these problems due to the lack of sidewalks or bicycle lanes on Hopkins Crossroad. We believe that the project has underestimated the numbers of people who will attend the Center on holidays and festivals—a project of this scope and size is obviously being built with the aim of increasing participation and there are not enough parking spaces in the plans for the property. Furthermore the revised plans which call for the single family home on the Mill Run side of the property to remain as a home for the rabbi, note that there will be a few parking spaces as well as handicapped spaces adjacent to the driveway of the home which exits onto Mill Run. So we believe that there will be increased traffic onto Mill Run to access those spaces and that this situation will also lead to increased parking on Mill Run particularly during holiday and festival events. We now seldom have parking on Mill Run. When we do or when service vehicles park there, it makes entrance into our driveway (which is close to the entrance of Mill Run onto Hopkins Crossroad) extremely difficult.

Our second concern is the scope and size of the proposed Center. The building proposed is very large and also very tall and being situated on an elevated piece of land it will tower over the neighborhood. The proposal states that 28 trees will be cut down to make room for the building and parking. The plans look like an industrial facility, very out of keeping with the surrounding homes of this residential area. There are many details which are not clear from the plans such as lighting and signage. At 15,000 square feet, the size seems very large for the property. Our home is long and low and a little over 5000 sq ft on a property which is a little larger in size than that proposed for the Chabad Center. It is difficult for me to even conceive the size of this facility in the proposed area. It will certainly be very different than the synagogue which is to the north on Hopkins Crossroad on the west side of the street, which fits so well and so unobtrusively into the surroundings.
We believe that the revised proposal is still too large and will be singularly non-harmonious with the surrounding setting as designed. Thank you for permitting us to express our concerns for the project.

Deborah and Ralph Powell

Deborah E. Powell, MD
Dean Emerita and Professor of Laboratory Medicine and Pathology
University of Minnesota Medical School
Dear Council Members, Planning Commission and City Planners;

This letter is in response to the Concept Plan Review submitted to the City of Minnetonka Planning Commission by Chabad Lubavitch of Minneapolis to build a Chabad Center for Jewish Life at 2339 Hopkins Crossroads. We own an adjacent property to the proposed Center and we are very concerned with the submitted project. The following are our reasons why we feel this is the wrong location for the proposed project:

1. **Building design**
   - The proposed Center does not fit the character of the neighborhood and does not have a harmonious relationship relative to the neighborhood
   - **Mass/Size:**
     - The proposed 15,000 sq. ft. Chabad Center, together with the existing 11170 Mill Run residential building is not a reasonable use of the property lot, pushing it to the maximum limits. It is too big for the lot and in comparison to surrounding neighbors. The table below shows the size of the proposed Center, in comparison to neighboring houses
     - The proximity of a building this size to neighboring homes is too close, making the 50’ setback inadequate
     - It has been indicated that the level of usage was supposed to be small. Planning practice is not to build a parking lot to capacity for the after Thanksgiving sale. The same reasoning would apply to not building a facility to high usage capacity
     - Moving from the current 2,000 sq. ft. (guesstimate) location into a 15,000 sq. ft. location does not make sense for the stated level of activity
     - The east side of the complex would have approximately 110 ft. of 29 ft. high walls facing our property and our neighbor’s making it feel like a huge wall in our backyard
     - The project needs to be a much smaller one-level Center, with a bigger buffer/setback space between building and neighboring homes

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<td>4.3 times larger</td>
</tr>
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<td>4.1 times larger</td>
</tr>
<tr>
<td>11171 Mill Run</td>
<td>4,404</td>
<td>3.4 times larger</td>
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The table below shows that the proposed Center has a building size relative to its property lot ratio that is 2 to 3 times larger than neighboring houses, and 2 to 5 times larger than other houses of worship in Minnetonka!

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<td>16.48%</td>
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<tr>
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<td>31,256</td>
<td>14.09%</td>
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<tr>
<td>Minnetonka Seventh-day Adventist Church</td>
<td>40,000</td>
<td>861,717</td>
<td>4.64%</td>
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<td>Unitarian Universalist Church of Minnetonka</td>
<td>11,000</td>
<td>170,354</td>
<td>6.46%</td>
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<tr>
<td>Wooddale Baptist</td>
<td>97,600</td>
<td>1,343,927</td>
<td>7.26%</td>
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<tr>
<td>Adath Jesherun</td>
<td>72,000</td>
<td>1,119,376</td>
<td>6.43%</td>
</tr>
<tr>
<td>Bet Shalom</td>
<td>43,000</td>
<td>362,018</td>
<td>11.88%</td>
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Windows
- The existing house currently has 3 windows facing our house. The proposed building will have 24 windows facing our house. Evening classes and lectures with 30-50 people nightly will be in these rooms, and able to look out these windows into our house.
- Daily activities begin from at least 6.00 am for the first scheduled activity at 6.30 am to around 9.00 pm or later. There will no longer be privacy for our home.
- There will be light pollution from these windows.
There is no proper transition between the proposed Center and neighboring homes

The building needs to be much lo

2. Activities

- This Center is designed to be a large community center, one that is more appropriately located at Minnetonka Villages. The City should not approve a community center of this size on this lot. A community center means classes, events, weddings, lectures, etc. that would include visitors that are not members to the institution.
- The stated classes and lectures ensure constant activities throughout the day. Celebrations and lifecycle and other special events were not mentioned. The level of increased activity is very concerning and is not suitable for this site

3. Buffering space and screening

- With the level of increased activity for a 150 or more capacity building, there will be a lot more light and noise pollution from cars, security lighting and general activity, beginning from at least 6.00 am for the first scheduled activity at 6.30 am to around 9.00 pm or later.
- With windows at least 24 ft. high above main level, none of these trees would be able to provide proper screening for the building and its associated activities
  - Arbor Vitae: Mature height: 14 ft.
  - Spruce: Height: 60 – 200 ft. tall. Grows 6-11 inches per year. If you were to plant a 12 ft. tall spruce, it’ll take 12 years to start screening the 2nd floor windows

- Safety and Security
  - Currently, there are good sight lines to enable proper awareness of activities around our home. Increased screening, would remove these sight lines, allowing for areas in which intruders could hide, just steps away from most of our doors and windows

- Light and Noise pollution
  - Per www.darksky.org, there would still be harmful upward reflecting light\(^1\), and to adjacent properties. We would need to see the placement of lights and kind of lights on the building exterior and the parking lot. A light distribution plan is needed, in accordance with City ordinance (Ord. 2012-20)
  - In addition to celebrations and events inside the building, Chabad had indicated that events could be held outside the building. All these events would produce noise concerns
  - What about lighting for signage?
  - Noise from a large HVAC system serving a 15,000 sq. ft. building is also a concern

4. Water runoff and environmental

- This property lot will become roughly 70% or more hardscape (roofs, asphalt and concrete) compared with less than 20% hardscape presently. This change in hardscape will cause substantial run off
- Chabad is also planning on removing 28 trees, reducing shade and increasing heat absorbing asphalt. The 53 parking lots, south and north courtyard would be a huge heat sink, increasing heat retention and could increase the local temperature by 4°F to 6°F\(^2\)

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\(^1\) http://www.darksky.org/wp-content/uploads/2014/09/Light_Pollution_Diagram_680px.jpg

\(^2\) http://www.purdue.edu/uns/x/2007b/070911PijanowskiParking.html
Pollution due to parking lot run off (pollutants such as salt, oil, grease, heavy metals and sediment – that cannot be absorbed by the impervious surface) is a concern. The risk of these pollutants entering the soil and into our backyard is unacceptable.

The plan does not show mitigation strategies for water runoff and how it will be managed on site. The plan also does not show how sewage be handled.

5. Traffic & Safety

- Chabad’s Mission Statement is: “To strengthen and enhance Jewish life through Torah education, quality programs in the areas of Jewish religion and spirituality, social services and community events. To serve individuals and families with a joyful, accepting and personalized Jewish experience. To be a home away from home for every man, women and child who walks through our doors, regardless of background, philosophy or level of commitment.”

- The Center is designed for a lot more activity than stated in the application. As stated in Chabad’s mission statement, the Center will cater to more people than its registered members. And these visitors, be it for weddings, lectures, social services or other community events, will mean more disruptive activities and increase the parking requirements.

- The plan states “On Friday evening and Saturday (Shabbos) and holidays, some of the attendees will arrive on foot so there will be reduced parking demand from what one would typically calculate”
  - What would be the route of the pedestrian traffic?
  - How are overflow parking handled?
  - Where would attendees of events (wedding, lectures, etc.) park their vehicles?
  - Where would event service vehicles and event employees park their vehicles?

- There are currently no controlled turn lanes, and there’s no room to add any on Hopkins Crossroads.

- Pedestrian access is challenging, with no sidewalks for pedestrian safety, and with no room to add any on Hopkins Crossroads.


- The garden fence will extend out and be just 20 ft. away from property boundary. The garden would have activities with a revolving door of strangers, just steps away from our home.

7. Questions to Applicant

- Where is the 3D modeling for the east side where neighbors would be looking at the Center all the time?
- What is the maximum capacity/total potential use of the proposed building?
- What is the operating budget for maintenance? What kind of protection does the neighborhood have to ensure the property is well maintained?
- How will snow be removed and what’s the plan for melting snow?
- Special events and number of people were not stated. What kind of events would the Center accommodate?
- What are the considerations for increase in activities as the organization grows?
- Would the building serve as temporary housing, per Chabad’s mission “To be a home away from home for every man, women and child who walks through our doors”
8. Minnetonka Standards for Review of Conditional Use Permit
a) City Code 300.16, Conditional Use Permit Standards for Residential Districts

2. General Standards
No conditional use permit shall be granted unless the city council determines that all of the following standards will be met:

a) the use is consistent with the intent of this ordinance
b) the use is consistent with the goals, policies and objectives of the comprehensive plan
c) the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
d) the use does not have an undue adverse impact on the public health, safety or welfare.

(Plan does not meet: traffic & pedestrian safety, as well as neighborhood safety due to drastically reduced sight lines)

3. Specific Standards
b) Religious institutions and facilities:
   1. direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; (Plan does not meet: Increase in significant traffic safety concerns)
   2. buildings set back 50 feet from all property lines; (For a building this size, a 50 feet set back is not enough)
   3. parking spaces and parking setbacks subject to section 300.28 of this ordinance; (City needs to carefully study this plan to ensure that this is met)
   4. no more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and (The plan looks like it will exceed the 70 percent threshold)
   5. site and building plan subject to review pursuant to section 300.27 of this ordinance.

b) City Code 300.27 Subd. 1. Purpose
It is the intent of this section to serve the public interest by promoting a high standard of development within the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the city seeks to accomplish the following:

a) implement the comprehensive plan;
b) maintain and improve the city's tax base to a reasonable extent;
c) mitigate to the extent feasible adverse impacts of one land use upon another;
d) promote the orderly and safe flow of vehicular and pedestrian traffic; and
e) preserve and enhance the natural and built environment.

(Plan does not meet (300.27 Subd. 1. (c), (d), (e))

c) City Code 300.27 Subd. 5. Standards
Section 300.27 states that “no conditional use permit shall be granted unless the city council determines that all of the specific standards contained in this subdivision will be met.”
The proposed Center is not consistent with the standards for religious institutions and facilities City Code requirements as highlighted in bold text.

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
2. Consistency with this ordinance; (Plan is not consistent with this ordinance)
3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing areas; (Plan does not meet: It was indicated at the neighborhood meeting that 28 trees will be removed. There will be excavation done to the site, and there could be hazardous material (i.e. motor oil), due to the previous land usage as a garage. The proposed building does not keep with the general appearance and character of the neighborhood)
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development; (Plan does not meet: The proposed building creates a hostile environment and relationship with neighboring buildings. The plan also removes a lot of green spaces, replacing it with a large building footprint, courtyard and parking lot)
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following: (Plan does not meet several - highlighted)
   a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b. the amount and location of open space and landscaping;
   c. materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d. vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses. (Plan does not meet)

Sincerely,

Jo Soo - 2391 Vernon Circle
A. Appendix

**Adath Jesherun:**
1. Plenty of green space
2. No traffic safety issues
3. No pedestrian safety issues
4. Much more buffer with neighbors
   1. Runnymede Lane
   2. Trees
5. Ample parking
6. 72,000 sq ft (in 1,119,376 sq ft/25.7 acres). Ratio = 6.43%

**Bat Shalom:**
1. Plenty of green space
2. No traffic safety issues
3. No pedestrian safety issues
4. Much more buffer with neighbors
   1. Orchard Road
   2. Interstate 494
   3. Lots of trees
5. Ample parking
6. Height is 27 feet
7. 43,000 sq ft (in 962,018 sq ft/8.31 acres). Ratio = 11.87%
8. Neighbors were favorable
9. 41% hard surface cover
Sharei Chesed:
1. Plenty of green space
2. Access to four lane County 73, though still heavily trafficked
3. Access to sidewalk
4. Much more buffer with neighbors
   1. County 73
   2. Lots of trees
5. Ample parking

Chabad Shul of St Louis Park:
1. Access to four lane Minnetonka Blvd, though still heavily trafficked
2. Access to alleyway
3. Access to sidewalk
4. Much more buffer with neighbors
   1. Alleyway—physical barrier
   2. Lots of trees
5. Enough parking
6. Structure is inline with surrounding structures
Chabad - Lubavitch of Greater St. Paul:
1. Plenty of green space
2. Access to Stratford Road
3. Much more buffer with neighbors
   1. Lots of trees
4. Structure is in line with surrounding structures

Chabad - Lubavitch of Mikvah:
1. Plenty of green space
2. Access to Stratford Road
3. Much more buffer with neighbors
   1. Lots of trees
4. Structure is in line with surrounding structures

Chabad - U of M – The Rohr Center:
1. In dense 47,364 student University campus area
2. Structure is in line with surrounding structures
First of all I would like to say I have lived on Cedar Hills Drive, south of this project, for 18 years. Many of the concerns I mention below are issues that have been building exponentially in recent years.

Are there any plans for accommodating the extra traffic? Does the county plan to widen the road? I live at Cedar Hills Drive one block south on Hopkins Crossroads. It is already difficult enough to make a left turn on to my street with the existing traffic. Also, when I am heading south on Hopkins Crossroads, trying to make a left turn on to my street people pass me on the shoulder because there is no left turn lane and I am occupying the entire south bound lane. There is a bus stop near the end of Cedar Hills Drive/Crossroads. More than once I have seen people on the shoulder too close to people waiting for the bus.

It is already difficult for me to turn left (south) or right (north) on to Hopkins Crossroads from Cedar Hills Drive. Numerous cross streets have the same issue with people speeding on Crossroads. A building with 63 parking spots, used multiple days a week will add that many more people turning left or right onto Hopkins Crossroads. Has there been any study done to determine how this will affect the traffic flow? Or better yet - will Minnetonka police the speed at rush hours?

The safety of foot traffic on Hopkins Crossroads has been an issue for the 18 years I have lived on Cedar Hills Drive. In spring 2017 I turned on to Cedar Hills Drive just as the HS girl's running team was running up the hill. I asked them if they thought it was safe to run on Hopkins Crossroads with so many people speeding and passing on the shoulder.

At certain times of the day there are numerous school busses in the area. The double line down the center of Hopkins Crossroads does not keep people from going around a school bus. Will Minnetonka police these issues? Will Chabad have a school that will add busses to the area?

Will 63 parking spots be enough for Chabad on the Jewish Holidays? Or will we have the same problem with people parking on Hopkins Crossroads that we do with the synagogue that currently occupies the Shelter Corporation building (1600 Hopkins Crossroads)? Winter High Holidays, snow pushing cars over the line on the shoulder and occupants walking from the road to the synagogue. A pedestrian waiting to be hit.

The plan states the home at 11170 Mill Run will remain a single family home. The rendering photos show the building bordering Mill Run and no single family home. The rendering does show two driveways to Chabad on Hopkins Crossroads. Also, will there be an entrance on Mill Road?

Respectfully,
Teresa Maki
2533 Cedar Hills Drive
Minnetonka, MN  55305

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Teresa

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Teresa
April 19, 2018

Council Members, Planning Commission and City Planners
City of Minnetonka

Regarding: Planning Commission Public Hearing
Chabad Center for Jewish Life
2333, 2339 Hopkins Crossroad
11170 Mill Run

This letter is in response to the Concept Plan Review submitted to the City of Minnetonka Planning Commission by Chabad Lubavitch of Minneapolis to build a Chabad Center for Jewish Life at 2333, 2339 Hopkins Crossroad and 11170 Mill Run. We own an adjacent property to the proposed Center and are very concerned with the submitted project. The following are our reasons why we feel this is the wrong location for the proposed project:

Building Design
The proposed Center does not fit the character of the neighborhood and does not have a harmonious relationship relative to the neighborhood.

- Mass and Size
  - The proposed 15,000 sq. ft. Chabad Center, together with the existing 11170 Mill Run residential building is not a reasonable use of the property, pushing it to the maximum limits. It is too big for the lot and in comparison, to surrounding neighbors. The table below shows the size of the proposed Center, in comparison to neighboring houses.
  - The proximity of a building this size to neighboring homes is too close, making the 50’ setback inadequate.
  - It has been indicated that the level of usage was supposed to be small. City Planning practice is not to build a parking lot to full capacity like the “after-Thanksgiving sale”. The same reasoning should apply to building a facility to its highest usage capacity.
  - Moving from the current 2,000 sq. ft. (guesstimate) location into a 15,000 sq. ft. location does not make sense for the stated level of activity (Chabad proposal) and suggests that there are longer term plans that have not been shared with the neighbors and city.
  - The east side of the complex would have approximately 110 ft. of 29 ft. high walls facing our property and our neighbor’s that will make it feel like a huge barrier in our backyards.
  - The project needs to be a much smaller one-level Center, with a bigger buffer/setback space between building and neighboring homes.

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<td>3,500</td>
<td>32,242</td>
<td>10.86%</td>
</tr>
<tr>
<td>2391 Vernon Circle</td>
<td>3,625</td>
<td>22,000</td>
<td>16.48%</td>
</tr>
<tr>
<td>11171 Mill Run</td>
<td>4,404</td>
<td>31,256</td>
<td>14.09%</td>
</tr>
<tr>
<td>Minnetonka Seventh-day Adventist Church</td>
<td>40,000</td>
<td>861,717</td>
<td>4.64%</td>
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<tr>
<td>Unitarian Universalist Church of Minnetonka</td>
<td>11,000</td>
<td>170,354</td>
<td>6.46%</td>
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<tr>
<td>Wooddale Baptist</td>
<td>97,600</td>
<td>1,343,927</td>
<td>7.26%</td>
</tr>
<tr>
<td>Adath Jesherun</td>
<td>72,000</td>
<td>1,119,376</td>
<td>6.43%</td>
</tr>
<tr>
<td>Bet Shalom</td>
<td>43,000</td>
<td>362,018</td>
<td>11.88%</td>
</tr>
</tbody>
</table>
• **Windows**
  o The existing house currently has 3 windows facing our house and is set much farther from the property line. The proposed building will have 24 windows facing our house. Evening classes and lectures with 30-50 people nightly will be in these rooms, and able to look out these windows into our home and yard
  o Daily activities begin from at least 6:00 am for the first scheduled activity at 6:30 am to around 9:00 pm or later. There will no longer be privacy for our home
  o There will be light pollution from these windows
  o There is no proper transition between the proposed Center and neighboring homes
  o The building needs to be much lower in height to fit into the neighborhood

**Activities**
- This Center is designed as a large community center, one that is more appropriately located at one of Minnetonka’s Villages. The City should not approve a community center of this size on this lot. A community center means classes, events, weddings, lectures, etc. that would include visitors that are not members to the institution
- The stated classes and lectures ensure constant activities throughout the day. Celebrations and lifecycle and other special events are not mentioned in the Chabad proposal. The planned level of increased activity is very concerning and is not suitable for this site

**Buffering Space and Screening**
- With the level of increased activity for a 150 person or more-capacity building, there will be a lot light, noise and exhaust pollution from cars, security lighting and general activity. This activity will begin at least at 6:00 am as the first scheduled daily activity is scheduled at 6:30 am and will continue through the day until roughly 9:00 pm or later
- With windows at least 24 ft. high above ground level, no trees may be planted would be able to provide proper screening to the east side of the building year-round and its associated activities
  o Arbor Vitae: Mature height: 14 ft.
  o Spruce: Height: 60 – 200 ft. tall. Grows 6-11 inches per year
    ▪ If you plant a 12 ft. tall spruce, it’ll take 12 years to start screening the 2nd floor windows
- **Safety and Security**
  o Currently, there are good sight lines to enable proper awareness of activities around our home. Increased screening, would remove these sight lines, allowing for areas in which intruders could hide, just steps away from our front door
- **Light and Noise Pollution**
  o The Dark Sky organization www.darksky.org, says of a building of this size “there will be harmful upward reflecting light¹, and to adjacent properties. We need to see the placement of lights and kind of lights on the building exterior and the parking lot but this has not been provided by Chabad. A light distribution plan is needed, in accordance with City ordinance (Ord. 2012-20)
  o In addition to celebrations and events inside the building, Chabad had indicated that events could be held outside the building. All these events would produce noise that will

intrude on our outdoor activities at a much louder and more frequent level than a single-family home or an appropriately sized Center

- **Signage**
  - Signage has not been presented to the neighbors or the City to evaluate
  - What size, placement on property, number of signs, type of illumination, hours of illumination are they planning

- **Noise**
  - Noise from a large HVAC system serving a 15,000 sq. ft. building is a concern
  - Human interaction outdoors at 6:00am and 9:00pm are a concern

**Water Runoff and Environment**

- This property will become roughly 70% hardscape (roofs, asphalt and concrete) This amount in hardscape will cause substantial run off that can affect the neighbors and County Road 73/Hillside intersection
- Chabad is also planning on removing 28 trees, reducing shade and increasing heat absorbing asphalt. The 53 parking lots, south and north courtyard would be a huge heat sink, increasing heat retention and could increase the local temperature by 4°F to 6°F
- Pollution due to parking lot run off (pollutants such as salt, oil, grease, heavy metals and sediment – that cannot be absorbed by the impervious surface) is a concern. The risk of these pollutants entering the soil and into our backyard is unacceptable
- The plan does not show mitigation strategies for water runoff and how it will be managed on site. The plan also does not show how sewage be handled

**Traffic and Safety**

- Chabad’s Mission Statement is: “To strengthen and enhance Jewish life through Torah education, quality programs in the areas of Jewish religion and spirituality, social services and community events. To serve individuals and families with a joyful, accepting and personalized Jewish experience. To be a home away from home for every man, women and child who walks through our doors, regardless of background, philosophy or level of commitment.”
- The Center is designed for a lot more activity than stated in the application. As stated in Chabad’s mission statement, the Center will cater to more people than its registered members. And these visitors, be it for weddings, lectures, social services or other community events, will mean more disruptive activities and increase the parking requirements.
- The plan states “On Friday evening and Saturday (Shabbos) and holidays, some of the attendees will arrive on foot so there will be reduced parking demand from what one would typically calculate”
  - What would be the route of the pedestrian traffic
  - How is overflow parking going to be handled
  - Where would attendees of events (wedding, lectures, etc.) park their vehicles and get to the Center
  - Where would event service vehicles and event employees park their vehicles
- **Currently no controlled turn lanes exist on County Road 73 and there’s no room to add any**
- **Pedestrian access is dismal, with no sidewalks for pedestrian and driver safety, and no room to add any on County Road 73 in its current state.**

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Mikvah Garden – Structure at the back of the East side of the building
• The garden fence will extend out and be just 20 ft. away from our neighbor’s property boundary. The garden would have activities with a revolving door of strangers, just steps away from our home and we suspect we will be able to hear much of what is vocalized.

Questions for the Applicant
• Why has a rendering of east side of the complex not been provided? The neighbors on the east side are physically the closest to the buildings and would be looking at the Center all the time.
• What is the maximum human capacity of the proposed building for events
• What is the operating budget for maintenance
• What protection does the neighborhood have to ensure the property is well maintained
• How will snow be removed and what’s the plan for melting snow
• What time of day will snow be removed – is 4:00AM with beeping machines possible
• Special events and number of people is not stated in the application, what kind of events would the Center accommodate
• What considerations for increased activities are planned for the next three years
• Would the building serve as temporary housing, as Chabad’s mission statement says “To be a home away from home for every man, women and child who walks through our doors”

Minnetonka Standards for Review of Conditional Use Permit
City Code 300.16, Conditional Use Permit Standards for Residential Districts
2. General Standards
No conditional use permit shall be granted unless the city council determines that all of the following standards will be met:

a) the use is consistent with the intent of this ordinance
b) the use is consistent with the goals, policies and objectives of the comprehensive plan
c) the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
d) the use does not have an undue adverse impact on the public health, safety or welfare.
(Plan does not meet: traffic and pedestrian safety, as well as neighborhood safety due to drastically reduced sight lines)

3. Specific Standards
b) Religious institutions and facilities:
1. direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; (Plan does not meet: Traffic hazards will increase significantly because of many additional turns on County Road 73)
2. buildings set back 50 feet from all property lines; (For a building this size, 50 feet set back is not enough and the Mikvah has only a 20’ set back)
3. parking spaces and parking setbacks subject to section 300.28 of this ordinance; (City needs to carefully study this plan to ensure that this is met. City Staff has indicated that only the Sanctuary will be included for this measure as that is how 300.28 has been applied to other religious organizations and Staff wants to be fair. The fact is that the
Social Hall is contiguous to the Sanctuary and will most certainly be used as part of the Sanctuary on many occasions throughout the year. Our belief is that City Staff is being unfair to the neighborhood to have a “once size fits all” approach to this issue. Every proposal is unique and should be considered on its merits. In this case the size of the building versus the size of the lot is vastly different from every other religious site in the City of Minnetonka as shown in the graph earlier in this letter. Staff should be looking at this issue with an open mind.)

4. **No more than 70 percent** of the site to be covered with impervious surface and the remainder to be suitably landscaped; and (The plan looks like it will exceed the 70 percent threshold)

5. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

**City Code 300.27 Subd. 1. Purpose**

It is the intent of this section to serve the public interest by promoting a high standard of development within the city. Through a comprehensive review of both functional and aesthetic aspects of new or intensified development, the city seeks to accomplish the following:

- a) implement the comprehensive plan;
- b) maintain and improve the city's tax base to a reasonable extent;
- c) mitigate to the extent feasible adverse impacts of one land use upon another;
- d) promote the orderly and safe flow of vehicular and pedestrian traffic; and
- e) preserve and enhance the natural and built environment.

(Plan does not meet (300.27 Subd. 1. (c), (d), (e))

**City Code 300.27 Subd. 5. Standards**

Section 300.27 states that “no conditional use permit shall be granted unless the city council determines that all of the specific standards contained in this subdivision will be met.”

- The proposed Center is not consistent with the standards for religious institutions and facilities per City Code requirements as highlighted in bold text below

  1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;
  2. Consistency with this ordinance; (Plan is not consistent with this ordinance)
  3. Preservation of the site in its natural state to the extent practicable by **minimizing tree and soil removal** and designing grade changes to be in **keeping with the general appearance** of neighboring developed or developing areas; (Plan does not meet: It was indicated at the neighborhood meeting that 28 trees will be removed. There will be excavation done to the site, and there could be hazardous material (i.e. motor oil), due to the previous land usage as a garage. The proposed building does not keep with the general appearance and character of the neighborhood)
  4. Creation of a **harmonious relationship** of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development; (Plan does not meet: The proposed building creates a hostile environment and relationship with neighboring buildings. The plan also removes a much green space, replacing it with a very large building footprint, courtyard and parking lots)
5. Creation of a functional and harmonious design for structures and site features, with special attention to the following: (Plan does not meet several - highlighted)
   a. an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b. the amount and location of open space and landscaping;
   c. materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d. vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

Sincerely,

Michael Leirdahl & Susan Flint
2290 Vernon Circle
Minnetonka, MN 55305
Appendix

Adath Jesherun:
1. Plenty of green space
2. No traffic safety issues
3. No pedestrian safety issues
4. Much more buffer with neighbors
   1. Runnymede Lane
   2. Trees
5. Ample parking
6. 72,000 sq ft (in 1,119,376 sq ft/25.7 acres). Ratio = 6.43%

Bet Shalom:
1. Plenty of green space
2. No traffic safety issues
3. No pedestrian safety issues
4. Much more buffer with neighbors
   1. Orchard Road
   2. Interstate 494
   3. Lots of trees
5. Ample parking
6. Height is 27 feet
7. 43,000 sq ft (in 362,016 sq ft/8.31 acres). Ratio = 11.87%
8. Neighbors were favorable
9. 41% hard surface cover
**Sharei Chesed:**
1. Plenty of green space
2. Access to four lane County 73, though still heavily trafficked
3. Access to sidewalk
4. Much more buffer with neighbors
   1. County 73
   2. Lots of trees
5. Ample parking

**Chabad Shul of St Louis Park:**
1. Access to four lane Minnetonka Blvd, though still heavily trafficked
2. Access to alleyway
3. Access to sidewalk
4. Much more buffer with neighbors
   1. Alleyway—physical barrier
   2. Lots of trees
5. Enough parking
6. Structure is inline with surrounding structures
Chabad - Lubavitch of Greater St. Paul:
1. Plenty of green space
2. Access to Stratford Road
3. Much more buffer with neighbors
   1. Lots of trees
4. Structure is inline with surrounding structures

Chabad - Lubavitch of Mikvah:
1. Plenty of green space
2. Access to Stratford Road
3. Much more buffer with neighbors
   1. Lots of trees
4. Structure is inline with surrounding structures

Chabad - U of M - The Rohr Center:
1. In dense 47,364 student University campus area
2. Structure is inline with surrounding structures
Dear Susan and Tony:

We are writing to express our opposition to the Chabad for Jewish Life application for the following reasons:

1. Traffic: We are not traffic safety experts, but we estimate that use and growth of the synagogue will lead to several thousand turns per month along Hopkins Crossroad, a road that is already at peak capacity and that lacks the infrastructure to handle additional active ingress/egress points. Adding additional ingress/egress with thousand of turns per month to a short stretch that already includes Hillside, Mill Run, Fetterly and Overlook Pass where cars already travel at high speeds at a high volume over a large hill, often in inclement weather, is risking the safety of motorists, bicyclists, pedestrians and homeowners in the area. We don’t think additional turn lanes will remove the safety concerns given the traffic and congestion along that stretch and there does not appear to be available land on the west side of the guardrail. As stated in the CUP, the additional turns will create undue impact on public health, safety and welfare.

2. Pedestrian Traffic: Hopkins Crossroad has no pedestrian infrastructure. At least some of the attendees will be walking to the synagogue on Saturdays and holidays, many with small children. Adding more pedestrian traffic on Hopkins Crossroad creates undue impact on public health, safety and welfare.

3. Building: We concur with the email sent by Jo Soo that clearly demonstrates the ways in which the proposed facility would not have a harmonious relationship, in size or appearance, with neighboring structures.

4. Usage: We concur with the email sent by David Abrams regarding holiday frequency. Thirty three holiday days a year, with multiple events per day, far exceeds the applicant’s estimate of 5-10 days per year. In addition, the narrative was silent about life cycle events. As previously stated in an earlier email, Jewish life cycle events can include, but are not limited to, circumcision ceremonies, baby naming ceremonies, bar mitzvahs, bat mitzvahs, weddings, funerals. Also, the community center’s kitchen and social hall would make it an obvious choice for birthday and anniversary celebrations. All of the aforementioned events are often well attended. It is reasonable to project that there will be ten life cycle events the first year and it will grow from there. It is likely that there will be a major, well attended event at the synagogue multiple times a month in addition to what is referenced in the narrative. That will cause undue impact on public health, safety and welfare (privacy) of the neighborhood because of traffic, parking and noise issues.

5. Parking: The applicant failed to provide data in its narrative regarding how many people will walk and how many people will drive to synagogue on Saturdays, holidays and social events, so we have made some estimates based on reasonable assumptions. Our assumptions are based on a small Orthodox Jewish community located within walking distance of the facility, the lack of an eruv (a overhead wire designating an area that allows religious Jews to carry on the Sabbath and holidays) in the neighborhood, Chabad’s ethos of being welcoming and non judgmental across all denominations of Judaism.

We are assuming that eighty percent of attendees will drive to the site for Friday night, Saturday and all holiday services. We are assuming that about 100% of attendees will drive to all other events. We assume that attendees will not choose to park in the rabbi’s driveway because of the risk of being blocked in or not wanting to block others in, especially when Mill Run is a convenient alternative. We are assuming that the average passenger load per vehicle will be 1.5 persons.
When factoring all of the above, any event that exceed an attendance of 120 people will lead to overflow parking in the neighborhood. Chabad’s narrative indicates there will be one Friday night gathering a month of 75-125 people and holiday gatherings of 75-150 people “5-10 times.” As David Abrams noted, the Chabad web site lists thirty three observance days during the year (some will fall on Saturdays, depending on the year). Most, if not all, will have services/activities on site. In addition, as previously stated, we anticipate ten life cycle events per year, plus growth. (Everything about the physical facility supports these estimates.)

When factoring in all of the aforementioned, we estimate the likelihood of overflow parking in the neighborhood of thirty to forty times a year. That well exceeds the precedent of Adath Jeshurun of two to three times per year. As stated in the CUP, we believe this cause an undue impact on the public health, safety and welfare of the surrounding neighborhood.

6. The Human Behavior of Parking: People tend to park where it is easiest and most convenient, not where they are instructed to park and not based on designated availability. Even though the applicant has increased its parking capacity, we believe that many people will still park in Mill Run because it is the first turn in for north bound drivers coming over the hill and the driver can avoid the hassle of circling the parking lot. One example of this kind of behavior in the neighborhood took place on April 12th when we walked by the new Hopkins Girls’ Varsity Softball field on Hillside at 4pm, just before the start of a game. There were approximately 40-50 spectators in the stands. Several cars were parked on Hillside with an extensive amount of additional availability and a few cars were parked in the Tanglen lot, with many open spaces. We also counted six cars parked in the Hillside Circle cul de sac with people leaving their cars, walking across Hillside toward the softball field, directly opposite the cul de sac. There was plenty of available parking in the public areas (Hillside and Tanglen) but several spectators parked in a residential area because it was easier. The same thing will likely happen on Mill Run, whether or not the Chabad lot is full. If our projection is correct, it will have an undue impact on public health, safety and welfare because Mill Run vehicle traffic will come around a semi blind curve, which will put people crossing the street at risk, and because it is a recurring violation of the privacy of neighborhood residents.

7. Site Maintenance: Chabad does not charge dues and, according to its website, runs its operations solely on donations. If there is no dues structure, it will be difficult to budget for proper upkeep, management, maintenance and capital repairs of a large facility. The new tax law has created an economic disincentive for charitable contributions. An economic recession can also negatively impact donations. Does the applicant’s team have any experience managing and maintaining a facility of this size on an ongoing basis? If the facility falls into disrepair due to lack of available funds and/or expertise, the property could become an even bigger eyesore than the first two lots under the previous ownership. That could have an undue impact on public welfare by harming the property values of the neighborhood.

Finally, it remains an overall concern that the applicant has put a significant amount of time and other resources into drawings and plans, yet the application lacks specificity about the frequency, numbers and anticipated usage growth of the site. A project of this size and scope would significantly change the nature and living patterns of hundreds of families in the area. The lack of detailed information about daily, holiday, event and life cycle usage is a makes it difficult to properly evaluate the application. The applicant’s narrative is incomplete and it doesn’t even match the information provided on its website. The risk of approving a project based on incomplete information and the significant, obvious public health, safety and welfare concerns seems not worth the reward of what it might add to the neighborhood.

Thank you for your review and consideration of this email.

Best Regards,

Jim Moscowitz and Amy Taswell
11120 Mill Run
From: Alison Silberman  
Sent: Thursday, April 19, 2018 4:56 PM  
To: Tony Wagner; Susan Thomas  
Subject: Chabad Center for Jewish Life

Hello,

I am writing about my concerns regarding the Chabad Center for Jewish Life currently proposed on Mill Run & Hopkins Crossroad. I concur with my Mill Run & surrounding neighbors. I share the same concerns.

1- Parking on Mill Run- especially the private roads

2- Site Maintenance- I am aware of the membership structure of Chabad & knowledgeable of what it takes to financially maintain this type of facility.

3- Plan doesn’t have a harmonious relationship with the neighborhood.

4- Ambiguity regarding applicants plan for usage.

5- Additional vehicle traffic

6- Safety issues for walkers due to lack of sidewalks.

7- Shrinking tax base. Chabad has already purchased 3 home sites. Can they just keep buying homes to gain the property they need? Seems inappropriate.

Thanks for your consideration.

Alison Silberman  
11123 Mill Run
Dear City Council and Review Board:

As 19-year residents of the neighborhood surrounding the proposed Chabad development, we are writing to voice our strong opposition to the proposal.

We believe the Chabad Proposal does not meet the standards set forth in Section 300.16/Conditional Use Permit Standards for Residential Districts.

Our concerns are as follows:

1. Proposed structure will negatively impact traffic.

We believe the proposed Chabad Center would have an undue, adverse impact on traffic and on safety. Hopkins Crossroad is a busy road and often serves as an alternate route when nearby highways have traffic or construction issues. Vehicles are frequently traveling fast and, during busy times of days, breaks in the traffic are rare. Adding a facility with needs for egress and ingress at this spot in the road would worsen this situation.

We live on Nottingham Court, just off of Fetterly Road. Several times each day, we leave our neighborhood by turning left from Fetterly onto Hopkins Crossroad. This can be a frustrating turn at any time of day. During rush hour, it can take 5 minutes before there is a break in traffic to make the left. If there is a vehicle ahead of you also trying to turn left, the wait time naturally can be quite a bit longer. The idea of additional traffic- especially involving turns at this section of the road- is alarming.

The revised plan submitted by Chabad appears to move the building north from the original plan, though this is not reflected in the more recently submitted 3-D renderings. In any case, the road simply is not wide enough to accommodate additional dedicated turn lanes- which means traffic would stack up on Hopkins Crossroad itself as cars wait to turn into the proposed Chabad parking lot. This would compound the issues of turning into and out of our neighborhood.

The Hopkins Crossroad-Fetterly Road intersection is the only way out of the neighborhood for the 48 households that live here. It is problematic now, and adding the proposed Chabad Center would worsen it considerably. In addition to daily use of the intersection for our residents, we are concerned about potential difficulties getting in or out of the neighborhood that may be presented to emergency vehicles should a need arise during daily times of heavy usage.

Next, we are concerned about parking. Considering the size of the proposed structure, its actual capacity, and the limited parking spots available, it is fair to assume that the many Religious holidays and other life-cycle events to be celebrated would require overflow parking. Fetterly Road is very narrow. Any vehicle parking on it would render it impassable to more than one vehicle at a time, which would
create an impossible situation if congregants decided to use the neighborhood as overflow parking.

2. Proposed structure creates a pedestrian hazard.

We also worry about the impact of increased pedestrian traffic on Hopkins Crossroad. The submission from Chabad to the City indicates that on Friday evenings, Saturdays, and holidays some significant portion of attendees will travel to and from services at the proposed Center on foot. Hopkins Crossroad is notoriously unfriendly to pedestrian traffic. The section of Hopkins Crossroad near the proposed center has no sidewalks, few streetlights, and little or, often, no shoulder. Even if pedestrians are walking single file, they are very close to or on the lane of traffic. Cars on this road are often going fast, and the large hill on Hopkins Crossroad that crests near the proposed Center will limit the visibility of these pedestrians to drivers. It unquestionably would be dangerous for pedestrians headed to and from the Center.

3. Proposed project not in keeping with a residential neighborhood.

The proposal includes a 15,000 square foot structure that is unmistakably institutional in both size and appearance. It is 41 feet tall, with stucco and brick walls and a metal roof. In both size and style, such a structure is completely incompatible with the surrounding homes. In addition, the proportion of hardscape to landscape is very high, which would again be aesthetically incompatible with the neighboring structures and landscaping in this residential area.

The site on which the development is proposed is hilly and contains many large, mature oak and pine trees. In order to fit such a large structure and parking lot on the land, all or most of the trees would need to be removed. The removal of all of these trees, along with the changes in grading to the site that would need to be done to accommodate such a large structure would be visually not in keeping with our wooded, residential neighborhood.

4. Proposed structure raises environmental concerns.

Next, the proposed development raises issues of environmental concern and issues of light pollution. The Chabad building and parking lot would be a sea change from the existing structure and topography. We have concerns that the vast amount of hardscape in the form of building and parking lot could present drainage issues in the times of significant rainfall or snow melt. In addition, the proposed structure has many windows, including clerestory windows approximately 30 feet off the ground around its sanctuary. We are concerned that the light pollution from this, along with the security lighting that would be necessary on the exterior, would negatively impact the enjoyment of the outdoors by the existing residents.
5. Proposed site too small to allow for probable future growth and usage.

Finally, we are concerned about not only the development as it is now proposed, but also about how it is likely to develop into the future. The plan of the structure shows a sanctuary that is open to a large social area. It appears that if the congregation were to grow, which we believe to be one of the goals of the Center, it would be a simple thing to add seating to the sanctuary. The size of the structure as compared to the size of the site does not allow for the creation of significant additional parking, thus creating additional traffic and parking pressures on the surrounding neighborhoods. We are aware that you need to take the application as it is presented, but it seems prudent to consider reasonable predictions of growth based on apparent plans, as well.

Thank you for your consideration.

Daniel and Angela Meshbesher
2320 Nottingham Court
Minnetonka, MN 55305
April 18, 2018

Minnetonka Planning Commission
14600 Minnetonka Boulevard
Minnetonka MN 55345

Dear Planning Commission members:

I have reviewed the CUP application for the Chabad Center for Jewish Life and would offer the following comments for Planning Commission consideration.

First, I appreciate the modifications to the original concept that have been prepared by Chabad in response to neighbors’ concerns and Planning Commission feedback. Nevertheless, the proposed facility is essentially unchanged in mass and footprint, calling for a 15,000 sq. ft. community center.

Overall, I believe the proposed project, as detailed in the CUP application, fails to meet the standards in city code for CUP approval, specifically (a) the city’s general standards pertaining to public safety, (b) the specific standards for religious institutions and facilities pertaining to parking and (c) site and building plan review standards pertaining to harmonious design and impacts on neighboring properties.

I have the following concerns about this proposed project going forward:

1. I am concerned that the project will have an adverse impact on public safety in several regards. First, the traffic impacts resulting from such a development in an already busy segment of CR 73 will present significant new risks to traffic safety. The CUP application calls for vehicular access to the site directly off of CR73 about 200 feet north of the location where Mill Run and Fetterly both intersect the road. Adding a third source of traffic turning onto CR73 (with 14,000+ daily trips at 40 mph or more and limited south visibility) in close proximity to Mill Run and Fetterly will compromise public safety and impair access to and from area neighborhoods.

   Secondly, I am concerned about pedestrian safety, particularly in light of the fact that the application states that “some of the attendees will arrive on foot so there will be reduced parking demand from what one would typically calculate.” CR73 has no pedestrian infrastructure. And while the pedestrian environment along CR73 is variable, with 3 foot or wider shoulders near Cedar Lake Road and 394, the segment in which the facility would be located, between Overlook Drive and Live Oak is particularly hazardous. Pedestrians are required to either walk in a lane of traffic (west side) or in a turn lane to Hillside (east side). (See photo exhibits below). Expected evening pedestrian traffic will bring additional risk due to limited road lighting.

2. I am concerned about the lack of clarity and detail about programs, activities and the number of participants at the facility both at inception and, more importantly,
over time. The application provides some estimates of participants at various events on various days and times, but it is not clear whether those estimates are based on participation at Chabad’s current facility (which I understand is about one-third the size of the proposed new facility) or reflect future growth projections at a new 15,000 sq. ft. facility. In any event, it is highly likely that activity is expected to grow and I think future activity levels have been underestimated.

3. I am concerned that the proposed facility is still short of the parking capacity it will require. Mill Run is a small overflow option that should not be burdened with frequent overflow use and it is the only overflow option that does not require overflow parkers to cross or walk along CR73 that, as noted previously, is unsafe for pedestrians in this location.

4. I am concerned that this site is undersized for the facility and programs that are proposed. Even with the additional property that has been acquired, the total size of the site is only 1.97 acres. If approved, I believe this will be the smallest site in Minnetonka for any such facility (see table below). The smallness of the site is further aggravated by the lack of substantive physical space or buffers between adjacent residential properties as has occurred at many other church sites.

Finally, I believe the Planning Commission members were unified in their comments at the concept review meeting when members noted and affirmed:

- The validity and accuracy of neighborhood input;
- The excessive size and scale of the proposed facility;
- The inadequacy of parking;
- The potential for traffic safety issues, particularly at intersections with CR73;
- The lack of harmony between the proposed development and the surrounding neighborhood.

Chairman Kirk aptly summarized and concluded the discussion by noting “I think it will be very difficult for this development, the way its been presented, to meet the conditions in the CUP.”

I believe the Chairman was prescient in his assessment. While the Chabad proposal has been modified following the concept review, the principal concerns regarding facility size and mass, parking, traffic, safety and neighborhood harmony and compatibility remain. I believe the CUP application fails to meet the requisite standards in city code.

Respectfully submitted,

Philip Eckhert
2317 Archers Lane
Minnetonka
Hopkins Crossroads at Hillside Avenue lacks safe space for pedestrians.

West side looking north  East side looking north
**Minnetonka Religious Institutions and Facilities***

<table>
<thead>
<tr>
<th>Church Name</th>
<th>Address</th>
<th>Zoning</th>
<th>Land Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adath Jershurun</td>
<td>10500 Hillside Lane</td>
<td>R-1</td>
<td>25.7 acres</td>
</tr>
<tr>
<td>All Saints Lutheran</td>
<td>15915 Excelsior Blvd.</td>
<td>R-1</td>
<td>5.56 acres</td>
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<tr>
<td>Bethlehem Luth (GL)</td>
<td>5701 Eden Prairie Rd</td>
<td>R-1</td>
<td>2.51 acres</td>
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<tr>
<td>Bethlehem Luth (Mtka)</td>
<td>16023 Mtka Blvd.</td>
<td>R-1</td>
<td>3.05 acres</td>
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<tr>
<td>Bet Shalom</td>
<td>13613 Orchard Rd</td>
<td>R-1</td>
<td>8.31 acres</td>
</tr>
<tr>
<td>Cross of Glory</td>
<td>4600 Shady Oak Rd</td>
<td>R-1</td>
<td>3.98 acres</td>
</tr>
<tr>
<td>Faith Presbyterian</td>
<td>12007 Excelsior Blvd</td>
<td>R-1</td>
<td>7.19 acres</td>
</tr>
<tr>
<td>Good Shepherd Pres.</td>
<td>15321 Wayzata Blvd</td>
<td>R-1</td>
<td>2.4 acres</td>
</tr>
<tr>
<td>Hopkins Assem. Of God</td>
<td>11901 Excelsior Blvd</td>
<td>R-1</td>
<td>3.24 acres</td>
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<tr>
<td>Immac. Heart of Mary</td>
<td>13505 Excelsior Blvd</td>
<td>R-1</td>
<td>9.47 acres</td>
</tr>
<tr>
<td>Jehovah Witnesses</td>
<td>13001 Lake St. Ext</td>
<td>R-1</td>
<td>4.04 acres</td>
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<tr>
<td>Minnetonka Baptist</td>
<td>4420 Hwy 101</td>
<td>B-2</td>
<td>8.21 acres</td>
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<tr>
<td>Minnetonka Mills</td>
<td>13215 Mtka Blvd</td>
<td>R-1</td>
<td>4.81 acres</td>
</tr>
<tr>
<td>Mtka 7th Day Advocates</td>
<td>3500 Williston</td>
<td>PUD</td>
<td>19.78 acres</td>
</tr>
<tr>
<td>Mtka United Methodist</td>
<td>17611 Lake St. Ext.</td>
<td>B-2</td>
<td>4.65 acres</td>
</tr>
<tr>
<td>Mzizi International</td>
<td>13207 Lake St. Ext.</td>
<td>R-1</td>
<td>2.1 acres</td>
</tr>
<tr>
<td>Oak Knoll Lutheran</td>
<td>600 Hopkins Crossroad</td>
<td>PID</td>
<td>5.15 acres</td>
</tr>
<tr>
<td>Redeemer Bible Church</td>
<td>16205 Highway 7</td>
<td>R-1</td>
<td>4.12 acres</td>
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<tr>
<td>Saint David’s</td>
<td>13000 St. David’s Rd</td>
<td>R-1</td>
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<tr>
<td>Saint Luke’s</td>
<td>3121 Groveland School</td>
<td>R-1</td>
<td>4.34 acres</td>
</tr>
<tr>
<td>Sharei Chesed</td>
<td>1712 Hopkins Xroad</td>
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<tr>
<td>Slavic Baptist</td>
<td>16625 Excelsior Blvd</td>
<td>R-1</td>
<td>2.64 acres</td>
</tr>
<tr>
<td>Proposed Chabad</td>
<td>11170 Mill Run</td>
<td>R-1</td>
<td>1.97 acres</td>
</tr>
</tbody>
</table>

*List may not be complete.*
Dear Susan,

Good morning and thanks for the opportunity to view the scope for the traffic study. While we understand it is not possible to capture every nuance, as residents of the area we wanted to call attention to a couple key parameters we feel are important for the traffic study to take into account:

1) Hillside Ln/Hopkins Crossroads Intersection. The proposed center would sit between two intersections which are less than 1000 ft apart. However the Hillside Lane/Hopkins Crossroads is not included as a parameter in the study - just the Hopkins Crossroads/Mill Run intersection is listed. We think Hillside Ln/Hopkins Crossroads should be included for the following reasons:

- It is 400 feet from the main driveway entrance to the proposed site, and is the closest high-volume intersection to the project. Cars turning in and out of Hillside will need to negotiate with cars going to/from the Chabad center, along with 40 mph through traffic on Hopkins Crossroads in a very small space.
- The intersection was studied by SRF in 2003 for updates to Hopkins High School. It was found to be a D to F Level of Service (LOS) during a.m., school, and p.m. peak hours, respectively. Improvements to the intersection were also recommended (attached - p. 39, 41, 46).
- The LOS most likely would have degraded over the last 15 years with the increase in volume on Co Rd 73, and a crash record of the intersection was noted in a study for the 2030 Comprehensive Plan (attached).
- It absorbs a great deal of school and school event-related traffic (see #2).

Does it make sense and is it safe to locate a new, active community center so close to an intersection which has noted deficiencies?

2) Hopkins Public Schools - school and after school event-related traffic. Hopkins High School, Tanglen Elementary, North Junior High are almost literally in the backyard of the proposed development site.

- The study does not list school and after school event-related traffic as a separate parameter
- Much of the traffic study/counts was conducted during a lull between key sports seasons (football, basketball, soccer, baseball etc), which contribute significantly to after-school event traffic.
- There is a massive sports field upgrade taking place on the school campuses along Hillside Lane which will house several new stadiums and fields. It is not complete yet. This will bring in more traffic/turns/parking along Hillside from Co Rd 73 and add to the complexity of traffic in the area.

*Attached is a photo taken of Hillside Lane last Thursday, April 12 for a softball game at one of the new stadiums.

- Large events and performances at all three schools occur regularly on school days and weekends.
Traffic complications at this intersection and in the area are well-known. At the February 15, 2018 Planning Commission meeting, planning commissioners referenced first-hand experience of the traffic challenges in the area. In his closing comments, Commissioner Kirk referenced student traffic on Hillside and suggested that the area should be taken into consideration.

The Chabad proposal occurs in the middle of a larger traffic and facility interplay which involves Co Rd 73 and a central activity area for Hopkins Public Schools. The infrastructure is not designed like a "Minnetonka Village" and so adding intensification and additional activity to the area should be weighed carefully.

Coupled with Jim’s comments and insight about the level of activity a new center would bring, and because of the complexity of the area, we feel the traffic study should err on “overstudying” the area rather than not studying it enough, to ensure that it can absorb additional capacity without putting more strain on residents and current traffic, and ensure safety for all.

Thank you very much for your time and your work on the project.

Regards,

Kristin and Jo Soo

Vernon Circle, Tanglen Woods

Minnetonka, 55305
Legend
Crashes 2002-2006
- 31 - 50
- 21 - 30
- 15 - 20
- 10 - 14

Source: City of Minnetonka, Hennepin County, Metropolitan Council, Mn/DOT

Crashes 2002-2006

Map prepared by: SRF Consulting Group, Inc.

Figure VIII-10
Dear Mr. Wagner:

I am writing to follow-up on a phone conversation we had in February, prior to a Planning Commission meeting regarding the proposed development by Chabad Center for Jewish Life. At that time, I expressed my concerns about safety, the increased traffic – both pedestrian and vehicular and the size and scope of the project in a residential area.

At the February Planning Commission meeting the commissioners offered some clear direction for the organization especially regarding the size of the project on the land and parking. The Planning Commission recommended the scope of the project be reviewed to ensure it was “harmonious” with the neighborhood.

I was, therefore, surprised when the formal application was submitted without changing the scope of the project. In fact, the application included the addition of an adjacent property, which simply enlarges the potential scope of the facility.

At this writing I remain extremely concerned about the initial items we discussed in February.

1. Hopkins Crossroad is not conducive to foot traffic. The road is narrow, the traffic flow is heavy at times, there are no sidewalks and it doesn’t sound like sidewalks or widening Hopkins Crossroad are scheduled at any time in the near future. In addition, the Chabad members who choose to walk for services will be walking at dusk making it even more difficult to be seen.

2. It is very difficult to turn out of our neighborhood (Fetterly Woods), especially heading north during morning rush hour and evening. Adding more traffic to that area will only exacerbate that issue. In the morning there are four buses that stop at Hopkins Crossroad and Fetterly Road taking kids to Tanglen Elementary, Hopkins Junior High, ISLA and Groveland Elementary. That corner is a safety nightmare as cars frequently disregard the stopped bus, are unable to stop on slippery roads or are moving above the posted speed limit.

3. Although there were obvious issues with the previous property owners in terms of upkeep and maintenance this large, multi-purpose facility is not the right solution for this property located on a residential portion of Hopkins Crossroad.

I have not seen any visioning for Hopkins Crossroad or this area that would support transitioning the neighborhood from primarily residential to one with such a large structure. I respectfully ask for your “no” vote when/if this project, comes before the Minnetonka City Council.

Sincerely,

Amy R. Weiss
CONCEPT PLAN
Dear Susan and Ashley:

During our meeting last week you requested that we provide written feedback on the project by expressing both our concerns as well as outlining some of the things that we could live with if the project were to be approved. We have reviewed the information that has been uploaded on the eminnetonka web site and would like to share our thoughts in writing with you.

1. Concerns:

A) Traffic and turning on and off of Hopkins Crossroad. We calculate that every ten people arriving and departing the property at rush hour will result in 800 turns per month on and off of Hopkins Crossroad on weekdays alone. This is a real safety concern. Chabad currently estimates there will be 10-15 congregants on site for morning and evening prayers. Morning and evening prayer schedules roughly correspond to daily rush hours. That number of participants may be currently accurate, but we believe it will grow. If Chabad adds a preschool and/or day care, pick ups and drop offs will also take place during rush hours. Adding well over 1,000 rush hour turns a month to a two lane road that carries 15,000 cars a day at high speeds is unsafe and carries a real risk of injury and/or loss of life. This is contradictory to the safety language in the CUP.

B) Ingress/egress on Mill Run (MR) will lead to congestion during morning and afternoon rush hours as getting in and out of MR will become even more difficult. Wait times can already exceed five minutes per car to exit MR at rush hour. Ingress/egress on MR will also lead to parking on MR. An ingress/egress off of MR is contradictory to the language of the CUP because MR is not an arterial or collateral road. Any concerns about space for emergency vehicles can be addressed by creating a larger turnaround area for emergency vehicles on the site and making the building and parking lot smaller. The obligation to create sufficient space for emergency vehicles is on Chabad, not MR.

C) Large gatherings at the synagogue will lead to overflow parking on MR. We dispute the comment on the plans that enough people will walk to the synagogue on Saturday and Holy Days that there will be no overflow parking. Chabad’s “methodology” is to be very welcoming and to be somewhat proselytizing. That means they don’t shame those who are not that observant and who drive to Synagogue on Saturdays and Holy Days. Overflow parking on Mill Run is a likely consequence of well attended services. Overflow parking on Mill Run is a likely consequence of well attended life cycle events such as B’nai Mitzvahs, Brit Milahs, weddings and other celebratory events. Well attended community events such as films and lectures will likely lead to overflow parking on Mill Run. Rabbi Grossbaum is building a large facility with the expectation of making it a busy, active place. That means parking and traffic will exceed the capacity of the site.

D) It appears from the plans that the top height of the structure may approach fifty (50) feet. If correct, that is hugely disproportionate to any residential structure in the neighborhood, even higher than what was presented at the 1/16/18 neighborhood meeting and is contradictory to the language in the CUP about new structures fitting in with the neighborhood. The newly constructed Tanglen gymnasium is about thirty feet tall and that dwarfs any residential structure in the neighborhood. The drawings appear to indicate that Chabad’s building will be considerably taller than the gymnasium and it sits on a hill.
E) The structure has an institutional appearance that is esthetically unappealing and does not fit with a residential neighborhood. That is also contradictory to the CUP language about a new structure fitting in with the neighborhood.

F) A 15,000 square foot building is approximately two and a half times the size of the largest residential structure in the vicinity. That also contradicts the CUP language about a new structure fitting in with the neighborhood.

G) Forty parking stalls creates the risk of runoff in the event of heavy storms.

H) Chabad doesn’t charge dues and doesn’t charge for most of its programs. That means very little operating revenue. Therefore, we believe that it is advisable for the city to require that Chabad raise enough funds to provide the city with a 10 year maintenance and property management budget so that the property doesn’t fall into disrepair and become an eyesore. The city must be vigilant in determining how Chabad plans to maintain the property once it is built. A poorly maintained site will reduce property values in the surrounding neighborhoods.

I) No synagogue related parking in MR. Cars will be ticketed by the city.

2. Acceptable Uses:

A) Ingress/Egress off of Hopkins Crossroad only. Hopkins Crossroad is an arterial or collateral roadway, which is consistent with the language of the CUP. Right turns only out of the Chabad property during during rush hours. That will reduce the safety hazard and take some of the pressure off of cars turning out of MR and Fetterly at the same time.

B) Posts erected at the current curb cut on Mill Run to prevent MR become a Chabad traffic outlet.

C) A larger turnaround area on the Chabad site for emergency vehicles.

D) Right turn only out of the site onto Hopkins Crossroads during rush hours from the property. This helps with safety issues and alleviates some concern of the Fetterly and Mill Run neighborhoods.

E) Building size of no greater than 9,000 square feet, 1.5 times the size of the largest house in the neighborhood.

F) Building height of 24’, approx the same height as the tallest houses.

G) The structure should have a residential look and feel. Examples in the neighborhood exist. The Shelter Corporation (newer construction) and and Sharai Chesed Congregation (purchased building), both at 394 and Hopkins Crossroad, would be excellent models for the architect to consider. A structure with a residential look and feel would be consistent with the language in the CUP.

Thank you again for meeting with us last week and for your time and attention to this issue.

Best Regards,

Jim Moscowitz and Amy Taswell
11120 Mill Run
Minnetonka, MN 55305
Dear Ms. Thomas

Thank you for all the help you have provided my neighbors as they have sought to understand the process surrounding the Chabad Center Project.

I send this email to express my concerns about the Chabad Center Project and the impact it will likely have on my and surrounding neighborhoods.

It is hard to speak to "The Intent of this ordinance (300.16) as I do not know it's intent but I'd like to take the issues one by one.

General Standards

C - I believe that building the Center on the proposed location will have an adverse impact on Utilities and Improvements. It is inevitable that Hopkins Crossroads will be widened and one would hope that would be soon. I am not aware of the wider rights of way being part of the current plan.

D - Impact on public safety - While Chabad will certainly want to downplay the practice of walking to synagogue and that they welcome all - observance of the Sabbath according to a strict interpretation of Jewish Law which Chabad supports requires walking to and from synagogue on the Sabbath. The core members of the congregation must certainly do this and one would expect them to encourage others to do so as well. My point is that Hopkins Crossroads has no sidewalks nor does the City have the authority to put them in - it is up to the County I believe. The absence of sidewalks, the wearing of black clothing, and the prohibition on carrying something as small as a flashlight on the Sabbath creates a real, clear, and present safety issue. Please understand that congregants will be walking in the dark every Friday night.

Hopkins Crossroad is a mess when it comes to rush hour traffic. I'm sure you are well aware of that. Folks on Fetterly and Mill Run often wait many minutes just to enter traffic with a right turn. An additional traffic burden with a parking lot that size will be an issue and the resistance to putting a traffic light at Hillside will allow the problem to continue.

b-1 Residential Streets - I am sure that when folks leave onto mill run as the current drawings allow, it will be that much harder for the current residents to enter the arterial roadway.

b-3 Parking spaces - Is the reception hall included in the count as the man sanctuary or assembly space? When looking at drawings the sanctuary would appear to be about 1/2 of the total volume of the assembly hall. The plan calls for a movable wall which will open the entire space.

5 -C It seems unlikely that many trees can be preserved.

d - Harmonious relationship with the surroundings - it would seem that the building height prevents this. I
would ask that the Peak of the roof be no higher than any of the neighboring roof lines.

5,e,2 - What is the opens space and landscaping requirement?
5,e,4 - It would seem that the amount of vehicular traffic would not be consistent with this requirement.

5g - I am particularly concerned about sound and sight buffers as well as light. The current plan calls for conifers to be planted along the east and west property lines with the intent of allowing for a buffer. My first reaction to this is that such plantings will reduce security for the building itself and that Chabad must, as a practical matter, either install a security fence or leave sight lines open so that intruders have no place to seek cover. This is no different than what we are all taught about our own landscaping. On the same issue, how will they manage security lighting without shining right into neighboring windows?

In summary my main concerns are the projects impact on traffic patterns and pedestrian safety as well as that a 15,000 sqft building just doesn't fit into this type of residential neighborhood where houses generally top out around 4,000 - 5000 sqft.

Thank you for your attention to this matter.

David Abrams
11501 Fetterly Road West
Susan:

When we last wrote to the city about the aforementioned proposed project, we were not aware that the plans called for the vertical section of the roof to have a metal facade. On sunny days a metal facade will create a glare that will be invasive and detrimental to the surrounding homeowners, especially with a proposed actual height of forty one feet of that section of the building.

Thank You,

Jim Moscowitz and Amy Taswell
11120 Mill Run
Minnetonka, MN 55305
Susan Thomas

From: Stu Silberman >
Sent: Sunday, February 11, 2018 2:18 PM
To: Tony Wagner; Susan Thomas; Ashley Cauley; Julie Wischnack
Cc: Brad Wiersum; Deborah Calvert; Patty Acomb; Bob Ellingson; Tim Bergstedt
Subject: Chabad Center for Jewish Life Proposed Project (addressee corrected)

Stuart Silberman
11123 Mill Run
Minnetonka, MN 55305

February 12, 2018

To: Tony Wagner, Ward 2 Council Member
   Susan Thomas, Project Planner
   Ashley Cauley, Project Planner
   Julie Wischnack, Community Development Director

Cc: The Honorable Brad Wiersum, Mayor
   Deb Calvert, At-Large Seat A Council Member
   Patty Acomb, At-Large Seat B Council Member
   Bob Ellingson, Ward 1 Council Member
   Tim Bergstedt, Ward 4 Council Member

   (via email)

Dear Mr. Wagner, Ms. Thomas, Ms. Cauley, and Ms. Wischnack,

I’m sending you this letter to express my extreme concerns regarding the present plans for the Chabad Center for Jewish Life project at 11170 Mill Run.

Most important to me are the undue adverse impacts the project would have on the public health, safety and welfare due to:

- restricting emergency vehicle access to Mill Run;
- significant additional traffic created at the intersection of Mill Run and Hopkins Crossroad during morning and evening hours and during special events;
- significant additional traffic on Mill Run; and
- increased danger to pedestrians and bicyclists.

Additionally, as presented the project:

- does not create a harmonious relationship with existing homes having a visual relationship to the development;
- is not in keeping with the general appearance of neighboring developed areas;
- does not minimize tree and soil removal; and
- does not provide a desirable environment for the general community.
I will provide more substantive comments below:

**Undue adverse impact on emergency vehicle access to Mill Run**

- As presently configured, visitors driving to the Center will utilize Mill Run. During peak times this will result in many vehicles gathering/waiting on Mill Run to enter the building’s parking lot or turn on to Hopkins Crossroad. This is of the gravest concern to me. My daughter, Rachel, is diabetic and should the need arise for emergency services, given the only way to access Mill Run is via Hopkins Crossroad, any traffic congestion that impacts access to an ambulance is extremely frightening. During winter the snow cover already constricts access to Mill Run, and having a row of vehicles waiting to exit, possibly forming two lanes for right and left turns, exacerbated by the confusion and unnerving appearing of an emergency vehicle, may result in excessive and life-threatening delays. The same applies to emergency vehicle access in the event of other unforeseen emergencies and is compounded by even larger fire equipment.

**Undue adverse impact on additional traffic created at the intersection of Mill Run and Hopkins Crossroad**

- With the present heavy traffic flow on Hopkins Crossroad during morning and evening hours, it is already difficult to turn from Mill Run on to Hopkins Crossroad (either direction). With limited visibility to northbound traffic due to the crest in the hill just south of the intersection, a left turn from Mill Run on to Hopkins Crossroad is already difficult. Attracting additional traffic to the intersection will compound the difficulty of successfully completing the turn, potentially causing drivers to turn with less than safe space between their vehicle and oncoming traffic.

**Undue adverse impact on additional traffic on Mill Run**

- Our household includes two vehicles that need to turn left in the morning. It frequently takes minutes even when one of our vehicles is the first in line waiting for the opening to turn. According to the filed plan there may be 15 visitors to the Center during the times we need to exit our subdivision, with at least some of them needing to turn left, and this will result in extensive delays due to use of our local street by non-residents.

**Undue adverse impact on bicycle and pedestrian safety**

- Our family enjoys recreational bicycling. Presently our challenge is navigating the traffic on Hopkins Crossroad. With the Center’s ingress/egress as planned, their Saturday (what they refer to as Shabbos) and Sunday programs will result in between 35 and 100 visitors during the times we like to bike to the trails, and if the traffic uses Mill Run we will have unsafe conditions for navigating through their traffic. In addition, given they may attract a large demographic, we have the additional concern of certain drivers who may not be situationally aware of bicyclists in their vicinity.

- As the Chabad congregation advises that for religious reasons some of their congregants will choose to walk to their site, and given that Hopkins Crossroad has no sidewalks, there will be an increase in pedestrians on an already busy, narrow roadway with limited visibility due to the crest. Pedestrians may also walk in the same direction as traffic to avoid having to cross this busy roadway, creating additional unsafe conditions. Visitors from the west side of Hopkins Crossroad will be crossing under all types of conditions, though especially in the dark, and all throughout the year, including in slippery road conditions.

- There is no provision for additional pedestrian traffic by appropriate separation, even on the site that is causing the additional pedestrian traffic.

- The extensive delays resulting from using Mill Run for access to the Center’s parking lot will likely result in visitors to the Center parking where exiting will be easier, and the natural location is Fetterly Road W. This will result in more additional pedestrian traffic crossing Hopkins Crossroad. With the crest, vehicles traveling north would have very limited time to react in the event pedestrian crosses, in a hurry to make use of limited opportunities due to heavy morning rush hour traffic and slips on the icy conditions due to a recent storm.
Under these conditions stopping distance would also be negatively impacted, and compounding the concern is that the hill is at a downward slope.

Aesthetic concerns

- We purchased our home in 2015 in large part due to the surrounding beautiful, residential setting. The proposed structure looks like an industrial complex, not in keeping with the surrounding homes. There are many examples of non-residential structures that don’t distract from the beauty that is Minnetonka.

I am not opposed to the project in its entirety – just in the undue adverse impacts it will cause as presently described. As you consider these negative impacts in relation to the Minnetonka Standards for Review of Conditional Use Permit Applications document, please contact me if you have questions on my comments.

Thank you.

Sincerely,

Stu Silberman
February 12, 2018

Susan Thomas
Project Planner
City of Minnetonka

Regarding: Planning Commission Review of Chabad Center for Jewish Life
11170 Mill Run

We are writing to express our concern about the proposed Chabad Center for Jewish Life at 11170 Mill Run. Our home adjoins the property on the east side and will be affected by it in many negative ways should it be approved.

General Concerns

Preservation of the Site
The CUP ordinance calls for “the preservation of the site to the extent possible”. As this is a very open phrase I will suggest the following: the size of the proposed building (15,000 sq. ft.) does not allow for site preservation. Instead the site will become primarily impervious hard surface, building and asphalt.

Harmonious Relationship
The CUP ordinance calls for “creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development”. The size (15,000 sq. ft. and 36 ft.) are out of scale with the surrounding residential neighbors and neighborhoods and are not harmonious with them.

Open Space
The CUP ordinance calls for “special attention to open space and landscaping”. The building size (15,000 sq. ft., parking lots and drives) are out of scale with the building site. Thus, little open space exists, and landscaping will, because of the lack of open space, be minimal. One of the functions of landscaping is to mitigate the size of a structure. Because of this buildings mass (15,000 sq. ft. and 36 ft. height) the open space would not allow trees to be installed that are in scale with the building.

Materials, Textures and Details
The CUP ordinance calls for “materials, textures, colors and details of construction as an expression of the design concept and compatibility of the same with the adjacent and neighboring structures” the proposed exterior materials are hard and commercial in both function and appearance. The exterior cladding materials such as stucco and brick are used in residential homes but not with the scale and mass of the proposed building. The “medium-density laser cut overlay” is not a residential cladding material and will be totally out of place in the neighborhood. Finally, the clearstory windows at 30 feet lining the top of the sanctuary will act as a beacon throughout the neighborhoods when lit and it is dark, particularly in the winter when there is no foliage.

Lighting
The lighting on the proposed Chabad building and parking area has not been presented. However, as our property and 2 other residences are very close (30 to 150 feet) I would request that the City require Chabad to present a light distribution plan in accordance with City ordinance (Amended by Ord. 2012-20, adopted Dec. 3, 2012; amended by Ord. 2012-07. adopted June 25, 2012). It is important that the light spill not adversely affect these residences.

**Parking**

The CUP ordinance calls for “vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking”.

There is not enough parking present on the proposed plan to meet the standard of 2.5 space for every seat in the main sanctuary as set forth in the Conditional Use Permit standards of Minnetonka. The main sanctuary appears to hold 128 people and that would require 51 parking spaces. Chabad’s plan calls for 40 parking spaces which is 11 spaces short of the City’s requirements.

In addition, the plan has no permanent separation of the main sanctuary and the social hall. The space is designed as one room that may be temporarily divided if desired by a folding door that is contained in a pocket on one wall to hold it. There is no permanent separation to these spaces and as such it clearly indicates that both spaces will be used as Sanctuary/Assembly Space. Chabad will no doubt use this entire space. The total capacity of the space is estimated to be 240 people which would require 96 parking stalls. This leaves Chabad’s proposed 40 parking spaces 56 short of the CUP standard.

Does the Chabad plan provide a turnaround space that meets code of “general interior circulation” at the back of the proposed main parking on the north side of the property?

Chabad also has 4 classrooms, a tutoring room, 5 private offices, reception office and a common office that need to be taken into consideration for parking.

The proposed facility also has a complete kitchen and the facility could be available for rental purposes. With the size of the facility and the unknown make up of a rental party there could be additional parking required under the City of Minnetonka’s city ordinance requirements.

**Public Safety and Welfare**

**Pedestrian traffic**

There are no sidewalks, crosswalks or intersection lights on this part of Hopkins Crossroads. Chabad has indicated in their amended concept plan there could be as many as 75-125 attendees who will arrive on foot to the Center on at least a twice per week basis. There is no way to access the proposed Center without coming in from Hopkins Crossroads (perhaps by way of Mill Run, which also has no provision for pedestrian traffic). In addition, the entrance to the proposed Center off Hopkins Crossroads occurs soon after the crest of a hill to the south. This hill results in limited visibility for motor vehicle traffic being able to navigate around pedestrians who would likely need to cross Hopkins Crossroads to enter the property.

For those who will be walking the majority are doing so because of their religious beliefs. Those who practice a traditional Sabbath choose not to “kindle a spark” on that day. This means that those walking for religious purposes will do so on the Sabbath after dark on Friday night all year round. These pedestrians will be without flashlights or any light source while dressed in black on County Road 73 without sidewalks or walking trails, in the dark, walking for significant distances. This activity will clearly pose a safety risk to the pedestrians and the community members who will be driving on County Road 73 during these times.

**Turn lanes and traffic stacking**

The traffic study needs to address turn lanes and traffic stacking. There are no turn lanes into the proposed Center from Hopkins Crossroads in either direction. With 40 parking stalls to service the center there will be traffic stacking and
delays at multiple times during the week with the worse impact being during the Center’s Friday night and Shabbos services and the Holidays.

**Traffic getting onto County 73 from neighborhoods**
The traffic study needs to address all traffic that accesses County 73 from residential streets. Residents from Mill Run and the Fetterly neighborhoods will face greater difficulty entering and exiting their neighborhoods due to increased traffic and turn activity as well as the added pedestrian traffic. Additionally, Hillside Lane ends at Hopkins Crossroads just north of the proposed Center. Traffic at that intersection must either turn right or left. The increased traffic and turns at Chabad combined with the pedestrian traffic will result in more traffic stacking and delays as well as more safety issues for drivers and pedestrians.

**School/Metropolitan Transit bus traffic (and associated stops)**
The traffic study should address the impact to the schools in the immediate area including the weekday bus and student traffic (which heavily uses Hillside Lane) as well as the frequent before and after school activities on campus.

Metro Transit buses travel on Hopkins Crossroads with stops at Mill Run and Fetterly Road. These stops impact of the traffic at Mill Run, Fetterly Road and Hillside Lane.

**Hours of Operation and Occupancy Load**
The occupancy load as provided in the revised concept plan by Chabad should be used in the traffic study (see below.) However, this building is designed for use by many more than Chabad has identified (as shown above.) The Planning Commission and the City Council should not be fooled by the limited numbers that Chabad has selected to include in its proposal but instead should look at the total capacity that this proposed center will support.

**Monday – Friday**
*Services in the morning* 10 - 15 people
*Some classes throughout the day* 5 - 15 people
*Evening classes and lectures*
*Regular* 5 - 15
3 courses x 6 up to 30 - 50 people at any given time *Friday night once a month*
75 – 125 people
*Shabbos* 10am - 2pm 50 - 100 people

**Sunday**
*8am 10-15 people, 9:45am -12pm 35 - 50 people*

*Mikveh* approximately four people per week by appointment only

**Holidays:** 75 - 150 people 5 - 10 times
*
*NOTE: On Friday evening and Saturday (Shabbos) and holidays, some of the attendees will arrive on foot so there will be reduced parking demand from what one would typically calculate.*

**Traffic Study Request**
A traffic study should be conducted that includes the unique situations of this site, Chabad’s deficient parking plan and the pedestrian use outlined in the above paragraphs is requested. It is important that the factors outlined in this document are included in any traffic study conducted by the City.

**Conclusion**
The Minnetonka City Ordinances provides a process for Conditional Use Permits in R1 zoned areas for religious organizations to be reviewed. The purpose for this review is to examine each proposal to make sure it meets the CUP standards. Some of the standards are clear and easy to determine such as the 50’ set back provision. Others are less
defined and require decisions to be made by the City Council that include requirements like “the use does not have an undue adverse impact on the public health, safety or welfare”.

We would suggest that the City Council has a responsibility to not only focus on the very defined standards of the CUP but also has an obligation to focus on the enormous impact this “community center” will have on the public health, safety or welfare of the communities of Mill Run, Fetterly, Tanglen Woods, Sherwood Forest and others. While most of the clear and easy factors the proposal will meet (while pushing to them to or very close to their max) other CUP requirements as outlined above will not be satisfied by this proposal.

Does the Planning Commission and the City Council want to set a precedent for shoe horning a project onto a site that does not adequately support this proposed structure? Allow a building that is clearly at odds both aesthetically and in size with the immediate properties and the surrounding neighborhoods? Allow the traffic hazards to increase on County Road 73 with both the standard and the unique traffic challenges Chabad brings? We are trusting that the Planning Commission and City Council will do the right thing for the constituents in Ward 2. Thank you for your anticipated thoughtful consideration of our concerns.

Sincerely,

Michael Leirdahl & Susan Flint
2290 Vernon Circle
Minnetonka, MN 55305
Dear Ms. Thomas,

I am a resident of Tanglen Woods on Vernon Circle, the street behind the proposed new Chabad structure. Prior to the planning commission meeting, I wanted to weigh in the current plan submitted to the city.

I am not opposed to seeing the facility built. However, I feel pretty strongly that the building should aesthetically compliment the neighborhood and blend into the surroundings. Currently, it seems to be a transplant from an office complex plopped into the neighborhood. The proposed design is a tall, office type structure that towers over the current homes, fills the property with paved and built surfaces, and minimizes the tress and components that makes Minnetonka unique. There is no reason why a religious structure cannot be blended in to the existing residential neighborhood by redesigning the structure.

Once this is done, I am confident the city will assess and address any remaining issues concerning safety due the added traffic, site drainage and environmental impacts.

Thank you for your engagement,
Adrienne Trangle-Pelleg

2368 Vernon Circle
Minnetonka, MN.
Dear Ms. Thomas,
My husband, Ralph Powell, MD, and I are residents of Minnetonka. We live at 11155 Mill Run. We moved to Minnesota in 2002 when I was recruited to the University of Minnesota medical school and we purchased our current home at that time. We love our home which was built in 1922 and we have been told, was the original home in what is now Mill Run. We first heard of the Chabad Project in December and subsequently have learned much more about it through community meetings. We are very concerned by the sheer size for the proposed construction which is much larger than we had imagined. We were told that the construction would be in scale with other dwellings in our small neighborhood and the proposed project is very far from that. Additionally we are very concerned about the increased traffic. In our 15 years in the neighborhood the traffic on Hopkins Crossroad has increased dramatically. I still work full time at the University and I have waited as much as 7 minutes to get out of Mill Run onto Hopkins Crossroad in the morning. We are concerned about the potential of increased traffic on Mill Run as well and also about the destruction to the wooded environment that the project will cause. We plan to attend the planning meeting on Feb. 15 with some of our neighbors who share similar concerns.
Sincerely,

Deborah Powell

Deborah E. Powell, MD
Dean Emerita and Professor of Laboratory Medicine and Pathology
University of Minnesota Medical School
To whom this may concern
As residents of Tanglen Woods, we are very concerned with the Chabad’s proposed development. The size and institutional design do not fit in with the neighborhood surrounding. The size and height would create an eye sore and diminish views and sunlight to the surrounding neighborhoods. The size needs to be significantly decreased and aesthetics improved to meet “harmonious” standards that relate to conditional use permits.

We also have concerns that traffic will increase on Cty Rd 73 where it is already difficult to turn at Hillside and 73. In addition, increased pedestrians, especially for Friday night and Saturday morning services, creates hazards.

Sincerely
Judy and Reid Sandler
2363 Vernon Circle
Minnetonka Mn 55305

Sent from my iPad
Dear Mr. Wagner, Ms. Thomas, Ms. Cauley, and Ms. Wischnack,

I am a resident of Mill Run.

I’m sending you a note expressing my concerns regarding the plan for the Chabad Center for Jewish Life project at 11170 Mill Run.

As a mother of 2 teenage drivers, one of which has type 1 insulin dependent diabetes, I am particularly concerned about the hazardous conditions that this project will generate not only to my family but to the community at large.

Here is a short listing of the adverse public health, safety and welfare dangers caused by the result of the Chabad Project:

- RESTRICTED EMERGENCY vehicle access to Mill Run
- SIGNIFICANT additional traffic created at the intersection of Mill Run and Hopkins Crossroad during morning and evening hours and during special events
- SIGNIFICANT ADDITIONAL traffic on Mill Run
- INCREASED DANGER to pedestrians and cyclists

Thank you so much for your thoughtful consideration of my concerns.

Sincerely,
Alison Silberman
February 14, 2018

City of Minnetonka  
Planning Commission Members  
14600 Minnetonka Blvd.  
Minnetonka, MN  55354  

Re:  Chabad Proposed Development on Hopkins Crossroads and Mill Run.  

Dear City of Minnetonka Planning Commissioners:  

We are Minnetonka residents and reside in the Tanglen Woods cul-du-sac that abuts the Chabad development that is proposed to be built on property located on Hopkins Crossroads and Mill Run. We are writing to express our concerns over this development as it is currently proposed for the reasons explained below. The Chabad proposal raises significant public safety concerns for both pedestrians and drivers. Moreover, the Chabad proposal does not fit within the neighborhood setting both in design style and in its disproportionate size. The proposed facility is to be situated between two homes in a long stretch of single family homes with single family homes surrounding it in all directions. The 15,000 square foot design dwarfs all surrounding homes and does not fit within the character of the neighborhood. We understand that other neighbors will be commenting specifically on the size and design of the building so we will not reiterate those concerns here other than to indicate to you that we agree with their assessment.  

Our comments highlight additional concerns the Planning Commission and City Council should have regarding the proposed Chabad development as it relates to public safety and compliance with the terms of the Conditional Use Permit ordinance. The Minnetonka zoning ordinance regarding Conditional Use Permits states that, “It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this ordinance and the comprehensive plan. See Zoning Ordinance, Chapter 3, sec. 300.16.1.
That statement of intent is followed by General Standards that require the Planning Commission to ensure that a proposed project:

a) is consistent with the intent of this ordinance;
b) is consistent with the goals, policies and objectives of the comprehensive plan;
c) does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
d) does not have an undue adverse impact on the public health, safety or welfare.  
See Zoning Ordinance, Chapter 3, sec. 300.16.2.

Public Health, Safety and Welfare

A comprehensive review of the Chabad proposal will reveal this proposal puts the public at risk because 1) it increases pedestrian traffic along a major roadway that has no sidewalks; 2) it increases vehicular traffic in an area where the local intersections in the area, like the intersection of Hopkins Crossroads and Hillside Ln (just 1000 feet from the proposed facility) are already overly impacted by traffic; and 3) it creates overflow parking into neighborhoods where streets were not designed to manage dense public parking.

The developer of the facility has indicated that many worshipers will walk to the proposed Chabad facility because their religion requires it. Others, who do not observe this particular religious requirement, will drive and park at the facility. Hopkins Crossroad does not have a sidewalk and does not adequately protect or segregate pedestrians from traffic that is moving at 40 mph. Worship services will often be held at night and pedestrians will be walking along Hopkins Crossroads in the night creating an even greater risk of collision between cars and people. Any individual driving along Hopkins Crossroads is at risk for not seeing the pedestrians -- which could lead to disastrous results. The city of Minnetonka should not permit such public safety risks to be incurred in a new development when alternate locations may serve this proposed use in a much safer way.

The additional traffic created by this new project has not been recently studied. The Hillside Ln intersection is already a major bottleneck for traffic. The cars that attempt to turn left into the proposed facility who are driving from the north will back up into the traffic that is waiting to turn left onto Hillside Ln and will dangerously block cars from turning onto Hillside Ln. A traffic study conducted more than ten years ago at the Hopkins Crossroads intersection with Hillside Ln indicated the intersection had a LOS (Level of Service) rating of D. Given the increased use of Hopkins Crossroads over the last ten years, it is likely this intersection has degraded to a LOS F. Typically, LOS D is considered the minimum acceptable LOS in an urban area. At a stop sign-controlled intersection, LOS F would be characterized by exceptionally long vehicle queues on each approach, or long queues and/or great difficulty in finding an acceptable gap for drivers on the minor leg at a through street intersection. The Hillside Ln intersection has one stop sign controlling the turns onto Hopkins Crossroads. High school, middle school, elementary school and peak rush hour traffic significantly impact this intersection. Traffic often backs up in both directions on Hopkins Crossroads and a driver can wait three to ten minutes to turn either
direction from Hillside Ln. Additional traffic going into the proposed facility will build-up in this area as drivers coming from the north attempt a left hand turn and will significantly negatively impact the already badly designed intersection at Hillside Ln.

An additional problem with the proposal is that it does not allow for adequate parking. Only 40 spaces have been proposed for a facility that will hold events for three hundred or more. Parking is not permitted on Hopkins Crossroads and the only other areas to park are on very narrow side streets that are severely narrowed during the winter months. Over-crowded parking on neighborhood streets is also a safety hazard as emergency vehicles will not fit through the streets should public parking be permitted an many of these small neighborhood streets. It appears the facility can hold approximately 300-360 individuals at any one time if both the sanctuary space and meeting space is combined. The plan calls for removable walls so that spaces can be joined for larger events. Such a large gathering would require 120 to 144 parking spaces. The proposed parking is totally inadequate for a facility that has the capacity to host 300 to 360 people. The lack of parking will cause drivers to seek parking along the neighboring side streets, many of which are not capable of managing dense parking.

**Specific Standards for Religious Institutions**

In addition to the General Standards described above, the Planning Commission must ensure the proposed development meets the specific Conditional Use Permit standards that are applicable to religious institutions. These standards require:

1) direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;
2) buildings set back 50 feet from all property lines;
3) parking spaces and parking setbacks subject to section 300.28 of this ordinance;
4) no more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and
5) site and building plan subject to review pursuant to section 300.27 of this ordinance. See Zoning Ordinance, Chapter 3, sec. 300.16.3(b).

1). The proposed development plan calls for an entrance and exit to be located on Mill Run which is a cul-de-sac road. This traffic design for the facility does not meet the restrictions that all direct access must be limited to collector or arterial roadways or otherwise located so that access does not create significant traffic on local residential streets. A cul-de-sac is the lowest use road designated by the City's Comprehensive Plan and is not designed to manage traffic from a facility that has a capacity to hold events that range from 300-360 people or more (final designs have not been provided). Not only will the proposed development host large events but it also will hosts daily activities that begin early in the morning and run until 9:00 p.m. or 10:00 p.m. at night These daily classes will cause constant traffic to enter Mill Run in order to reach Hopkins Crossroads. This proposed use is not consistent with the Comprehensive Plan or the Conditional Use Permit requirements for religious institutions.
2). The proposed development must be setback 50 feet from all property lines. The plans are not specific enough to determine if this requirement will be met.

3). As discussed above, insufficient parking spaces are planned for a facility that can hold events that may include 300 – 360 people or more. The terms of a Conditional Use Permit require the facility to comply with section 300.28 of this ordinance. Section 300.28 (c)(2)g, requires that “religious institutions and facilities, other buildings that include public assembly space, such as community centers and buildings of fraternal organizations, but excluding hotels, and related uses: [create] one parking space for each 2.5 seats based on the design capacity of the main sanctuary or assembly space. The city may require additional spaces for offices, classrooms, day care centers or other uses operated on the grounds.” (Emphasis added). The proposed development includes a sanctuary with additional assembly space, as well as offices and classrooms. We have heard discussion that a child care facility may be added in the future. Using 2.5 seats for each parking space as the minimum, the proposed design would require 120 to 144 parking spaces. The limited space of this property would yield just 40 spaces.

As to the issue of increased traffic, Section 300.28.12 states that:

The city may require a traffic analysis to be prepared by a registered traffic engineer approved by the city to assess potential traffic impacts on local streets and highways. If impacts on service levels of roadways and intersections are anticipated, the project will be approved only contingent upon a traffic management plan that adequately mitigates those impacts. The plan may include travel demand management strategies, use of transit facilities or other appropriate measures to reduce traffic generation, and necessary improvements to road systems. The developer shall have the responsibility to install all necessary road system improvements.

Significant impacts to numerous roads and intersections are anticipated by the proposed development. The intersections of Hopkins Crossroads and Mill Run, Hopkins Crossroads and Hillside Lane, Hopkins Crossroads and Fetterly Rd and Hopkins Crossroads and Overlook Dr will be significantly impacted by the additional traffic created by the proposed development. Without a traffic study that indicates this additional traffic will not cause safety and traffic concerns, the project does not meet the conditions for a Conditional Use Permit.

4). No more than 70 percent of the site can be covered with impervious surfaces. Given the current design plans, we have been unable to determine if this requirement has been met.

5). The proposed project must meet all of the requirements provided at Section 300.27. These specific provisions become relevant only if the concept design phase is approved by the Planning Commission.
We ask that the Planning Commission critically review the impact the proposed Chabad facility will have on the character of the neighborhood, the potential for vehicle and pedestrian collisions and the safety and health hazards created from an increase in traffic and parking.

Thank you for your consideration.

Jon and Susan Wiens
2346 Vernon Circle
Minnetonka, MN

c: Mr. Brad Wiersum, Mayor
Mr. Tony Wagner, Ward 2 Council Member
Ms. Susan Thomas, Project Planner
Ms. Ashley Cauley, Project Planner
Ms. Julie Wischnack, Community Development Director
This is in response to the proposed Chabad Center for Jewish Life to be constructed on Cty Road 73 and Mill Run Road. We are 45 year residents of Fetterly Woods, and have obviously seen much development in the neighborhood, in the areas surrounding our neighborhood, and in traffic for Cty Rd 73 and until this point have weathered them all.

This project, though, cannot go without comment. Our concerns are based not only upon the proposed physical design and appearance of the Center but also based upon its wide range of uses, accessibility, and, most importantly, compatibility in our established neighborhood.

1. Churches/synagogues are present in all of our neighborhoods, but all are surrounded by ample green spaces which allow the architecture of the building to be an integral part of the landscape. Also, neighborhoods and churches/synagogues usually develop together, and are not forced into less than ideal settings. This project overwhelms the available space with its 15,000 square foot size and its industrial design. In addition, the 40 planned parking spaces create a hardscape mass that is not aesthetically pleasing nor environmentally in keeping with the “green” Minnetonka, which we call home. We refer to the Minnetonka 2030 Comprehensive Plan in which one of the three goals is to respect the natural environment while managing growth.

2. Traffic/transportation concerns are many:

   Volume – On any weekday at 8:00 a.m. or between 4:00 & 6:00 p.m. please come to Fetterly Road and attempt to make a left hand turn to access downtown on 394. Times to wait easily exceed 5 minutes and much more, when snow or rain is added.

   Dangerous site lines – As one heads north on Cty Rd 73 from Cedar Lake Road, you ascend a large hill, and just over the crest of the hill is Fetterly Road on the left and Mill Run on the right. Waiting to turn left onto Fetterly Road is daunting with cars passing at the posted (and often greater speed) . . . add traffic from Mill Run also entering or leaving Cty Rd 73, and you have a state of bumper cars. The site line for these intersections is very limited and dangerous.

   No sidewalks – On the coldest of days with snowy sidewalks, as well as hot summer days, we have observed this congregation walking on Cty Rd 73, where there is a sidewalk, to services at their present location . . . there are no sidewalks to the Mill Run location on a very scary hill from north or south, and especially for families with children and strollers. How can families be placed in this jeopardy?

   Overflow parking -- With weddings, bar mitzvahs, funerals, services, holiday feasts and celebrations, where will everyone park? Surely, some will park on Fetterly Road – a 16 foot roadway with no room for parking, especially at the entrance. And crossing Cty Rd 73 from Fetterly Road would be highly dangerous, again with short site lines, 3 lanes of traffic, and a 40 mph speed limit. The quiet Mill Run neighborhood will literally be overrun.
3. **A loss of neighborhood** -- My sympathies to the family homes directly behind, beside, and in front of this proposed building as they face an industrial mass as well as night lights for the parking lot and building. Who was there first, and is it the city’s obligation to protect these residents who thought they were living in a family neighborhood of ½ acre lots that would provide privacy, beauty, and a community? We need to support our families.

4. As meals will be shared with large groups here, what about **dumpsters, food delivery trucks, and a loading dock needed to handle large amounts of food and supplies.** Is this conducive to a neighborhood setting? Is there room to maneuver on the property much less exit and enter Cty Rd 73?

5. **Day Care** appears to be part of the Chabad House also . . . where will the children play outside? Will school buses also need access or will the children stand on busy, dangerous Cty Rd 73 waiting for pick-up and drop-off?

6. What is the **actual function of this house?** . . . is it a home or a synagogue or a community center? In our research of a Chabad House, it appears to be a **24/7 operation.** Is that part of the zoning of this property? Obviously there are guidelines, zoning restrictions, etc. for whatever designation it will be – can it be all three? If the rabbi and his family live there, is it a home, or is it tax free property?

7. One of the **goals of the Chabad movement** is to increase membership . . . with this proposed building, its capacity appears modest to less than adequate for a movement that wants to grow. It does not seem to be forward thinking.

We are currently staying on Fort Myers Beach, and for the past two years the town has been dealing with a very large development that originally would have changed the lifestyle and character of this cozy beach town. But the developer (Mr. Torgerson, from Minnetonka) has patiently worked side by side with the citizens of the town, local businesses, and environmental and government agencies to redesign a development that now greatly enhances Fort Myers Beach, aesthetically and environmentally. The developer sat down, side by side, with all factions, pro and con and in-between, (and to prevent any notion of “buying” their votes, did not even offer a bottle of water to any of them) and LISTENED. It has taken a year of intense negotiations to work through all of the concerns. The project passed its first step last night in becoming a reality -- a most divisive development is now widely endorsed by the community.

With the City of Minnetonka motto, *quality is our nature*, it is our hope that you, as our elected leaders, will LISTEN to the concerns of our neighborhood and work together with the Chabad community to create a center, **that if appropriate to the setting**, will enhance our neighborhood -- a neighborhood of families who live in Minnetonka because of the amenities it provides, the nature it protects, and leaders whose abilities we can trust.

Ron and Gail Dahl
11612 Fetterly Lane
Susan Thomas

From: Nate Anderson
Sent: Wednesday, February 14, 2018 7:34 PM
To: Tony Wagner; Susan Thomas; Ashley Cauley; Julie Wischnack; Brad Wiersum
Subject: Chabad project concerns

Dear City of Minnetonka officials & staff:

As a resident of the Fetterly Woods neighborhood in Minnetonka, I am writing to express my reservations about the proposed Chabad project at the corner of Hopkins Crossroad and Mill Run. My primary concerns are about the impact of increased pedestrian and vehicular traffic the proposed use will bring to this intersection. Trying to turn onto Hopkins Crossroad from Fetterly Road in either north or south direction during rush hour periods can be trying at best currently, and sometimes requires a “hold your breath moment” as you attempt to join traffic. Similarly the amount of traffic on Hopkins Crossroad can make left turns onto Fetterly an exercise in patience during these peak periods.

In addition visibility of traffic coming north over the hill on Hopkins Crossroad as you wait at Fetterly to join northern traffic flow is foreshortened, creating some moments requiring quick decision-making and reflexive driving.

There is no dedicated pedestrian lane or sidewalk on this portion of Hopkins Crossroad. I have walked this stretch from Fetterly to the Park and Ride at 394 interchange and it is uncomfortable at times, and downright dangerous at certain periods.

I am concerned that size and scope of the Chabad project will only exacerbate these existing pedestrian and vehicular traffic problems, creating more dangerous conditions for our neighborhoods, the new users of the Chabad facility, as well as the commuters driving through this area. I would request that additional traffic studies are required to best understand how this new development will affect circulation patterns, and what can be implemented to increase safety on all levels.

I've reviewed the site diagrams for the proposed Chabad building and grounds. I was surprised by the scale of the proposed building and required parking. I understand that the site is zoned for such a use, but I’d like to see the owners work with the city and the adjacent neighbors to insert themselves in the neighborhood rather than overwhelm it with the currently proposed structure.

It appears the existing arborvitae hedge along the Hopkins Crossroad boundary is proposed to remain, as are the pine trees on the Mill Run boundary (for the most part?). I’m not sure of the planning tool required, but I’d like to see those two conditions be made a mandatory part of the approval process for this development, and/or if construction affects the viability of these existing plantings, the developer would be required to replace with comparable screen plantings. These existing plantings are invaluable regardless of what construction occurs on this site as a means for muting the impact of a new use here.

I have taken for granted this sleepy corner as a “home with a business run out of it”. It was never on my radar as anything other than a residential property in the nine years I’ve lived here. Based on the conversations I have had with my neighbors, we would appreciate any and all attempts by the new owners and the City to help mitigate the visual and programmatic impact this new development will have on our wonderful neighborhoods.

Thank you for your time –

Best –
Dear Ms. Thomas:

As 19-year residents of the neighborhood surrounding the proposed Chabad development, we are writing to voice our strong opposition to the proposal.

We believe the Chabad Proposal does not meet the standards set forth in Section 300.16/Conditional Use Permit Standards for Residential Districts.

Some of our concerns are as follows:

1. Proposed project not in keeping with a residential neighborhood.

The proposal includes a 15,000 square foot structure that is unmistakably institutional in both size and appearance. It is 41 feet tall, with stucco and brick walls and a metal roof. In both size and style, such a structure is completely incompatible with the surrounding homes. In addition, the proportion of hardscape to landscape is very high which would again be aesthetically incompatible with the neighboring structures and landscaping in this residential area.

The site on which the development is proposed is hilly and contains many large, mature oak and pine trees. In order to fit such a large structure and parking lot on the land, all or most of the trees would need to be removed. The removal of all of these trees, along with the changes in grading to the site that would need to be done to accommodate such a large structure would be visually not in keeping with our wooded, residential neighborhood.

2. Proposed structure raises environmental concerns.

Next, the proposed development raises issues of environmental concern and issues of light pollution. The Chabad building and parking lot would be a sea change from the existing structure and topography. We have concerns that the vast amount of hardscape in the form of building and parking lot could present drainage issues in the times of significant rainfall or snow melt. In addition, the proposed structure has many windows, including clerestory windows approximately 30 feet off the ground around its sanctuary. We are concerned that the light pollution from this, along with the security lighting that would be necessary on the exterior, would negatively impact the enjoyment of the outdoors by the existing residents.

3. Proposed structure will negatively impact traffic.

We believe the proposed Chabad Center would have an undue, adverse impact on traffic and on safety. Hopkins Crossroad is a busy road and often serves as an alternate route when nearby highways have traffic or construction issues. Vehicles are frequently traveling fast and, during busy times of days, breaks in the traffic are rare. Adding a facility with needs for egress and ingress at this spot in the road would worsen this situation.
We live on Nottingham Court, just off of Fetterly Road. Several times each day, we leave our neighborhood by turning left from Fetterly onto Hopkins Crossroad. Even now, this can be a frustrating turn at any time of day. During rush hour, it can take 5 minutes before there is a break in traffic to make the left. If there is a vehicle ahead of you also trying to turn left, the wait time naturally can be quite a bit longer. The idea of additional traffic—especially involving turns at this part of the road—is alarming. In the proposed development, there would be ingress and egress from both Hopkins Crossroad and Mill Run. This alone would impact us significantly in turning onto Hopkins Crossroad, which is the only way out of the neighborhood for the 48 households that live here. We are also concerned about Religious holidays and other events that would require overflow parking and the hazards and inconveniences that would create.

4. Proposed structure creates a pedestrian hazard.

We also worry about the impact of increased pedestrian traffic on Hopkins Crossroad. The submission from Chabad to the City indicates that on Friday evenings, Saturdays, and holidays some significant portion of attendees (who consider themselves religiously prohibited from traveling by car on those days) will travel to and from services at the proposed Center on foot. Hopkins Crossroad is notoriously unfriendly to pedestrian traffic. The section of Hopkins Crossroad near the proposed center has no sidewalks, few streetlights, and little or, often, no shoulder. Even if pedestrians are walking single file, they are very close to or on the lane of traffic. Cars on this road are often going fast, and the large hill on Hopkins Crossroad which crests near the proposed Center will limit the visibility of these pedestrians to drivers. It would unquestionably be dangerous for pedestrians headed to and from the Center.

5. Proposed site too small to allow for likely future growth.

Finally, we are concerned about not only the development as it is now proposed, but also about how it could plausibly develop into the future. The plan of the structure shows a sanctuary that appears to be open to a large social area. It appears that if the congregation were to grow, which we believe to be one of the goals of the Center, it would be a simple thing to add seating to the sanctuary. The size of the structure as compared to the size of the site would not allow for the creation of any additional parking spaces, thus creating additional traffic and parking pressures on the surrounding neighborhoods.

Thank you for your consideration.

Daniel and Angela Meshbesher

2320 Nottingham Court

Minnetonka, MN 55305
RE; Proposed Chabad Community Center.

Minnetonka City Staff,

As "Safety" and "Harmony" are major legitimate considerations specified in our ordinances, and as Chabad themselves asserts, they will have up to 150 people attending functions.

A. This would appear to require them to have 60 parking spaces available rather than the 41 in the proposal. This falls short of their proposal and will add greatly to the intensity of use on this property within our neighborhood. (And this doesn't take into account their future growth which will require more parking yet.

B. As Chabad is reportedly very Orthodox, it is assumed 100 - 150 people (as reported) will need to walk to Shabbat services, with that, they will have to cross Cty Rd #73 back and forth at some point. This coming and going will likely require a pedestrian crosswalk and or traffic light to be installed at some point. Further impeding traffic and ever increasing safety and congestion considerations. Further some who live further away or are older may drive to a close proximity to park and then walk the final way to services. This too will cause parking problems in neighboring areas.

C. This is an affect not only upon our neighborhood, but the entire Community of residents that use Hopkins Crossroads as well.

I believe there's some 11 - 14,000 vehicles per day that will potentially be affected. The backups and delays that will be created in traffic are not really necessary.

D. This presents itself right now and doesn't take into account they will grow over time and likely be asking for more accommodations. Perhaps even buying more homes and expanding further as it appears they're maxing out the property they already intend to develop. This I might add, when they have alternatives within the City as to where to relocate their facility with a better fit.

E. Even if it's our assertion alone, we believe;

JUST BECAUSE A CONDITIONAL USE IS ALLOWED OR PERMITTED, IT DOESN'T MEAN THEY CAN PUT THEMSELVES ANYWHERE THEY CHOOSE.
DENYING THIS LOCATION DOESN'T SHUT THEM DOWN OR PREVENT THEM FROM EXISTING, OPERATING, OR FINDING AN ALTERNATIVE APPROPRIATE LOCATION. THEY ALREADY EXIST AND ARE OPERATING IN THEIR CURRENT LOCATION. THEY ARE DEPRIVED OF NOTHING AND ANY EXPENSES THEY'VE INCURED ARE BASED UPON THEIR OWN ASSUMPTIONS ABOUT THIS LOCATION WITHOUT VERIFYING THE VIABILITY OF THEIR INTENTIONS WITH ALL INVOLVED.
THEY CERTAINLY CAN SELL THE PROPERTY AND USE THEIR PLANS IN THEIR NEXT AND BETTER CHOICE OF LOCATIONS.

Might I add on a conceptual basis, this is a "Corporate entity" that does business of a fashion, even if that business is spiritual in nature. It is a group of many who will not live and reside on the premises. Should their desires supercede the rights and desires of the many Individual residents who already own and actually reside on their properties? This is the existing neighborhood and these are the individuals that will be most affected by this intensified change in usage of the property they intend to develop. The Ordnance clearly speaks over and over about multiple facets of creating "Harmony." Yet, in every way, I've not seen anything that brings "advantage" or "Harmony" that will come about for Cheryl and I, for our property, or for our Neighborhood as a whole. Only adverse affects.

With this, I would ask that the City assist Chabad in locating an alternative location that will permit them to fit more "Harmoniously" with their surroundings and architectural preferences. Thanks for all you do,

Respectfully,

David and Cheryl Carlson
11171 Mill Run
Mtka, MN 55305
Dear Tony and Julie,

(Susan and Ashley if it is possible to make this study accessible to the Planning Commission for their review, it would be much appreciated)

I am forwarding a traffic study conducted by SRF in 2003 which analyzed intersections around Hopkins High School, including Hopkins Crossroads and Hillside Lane. This intersection is around 500 feet North from the 11171 Mill Run property where Chabad of Minneapolis has proposed a plan to develop a facility.

The summary of the traffic study results can be found on pages 35-46. The Level of Service of the Hillside and Hopkins Crossroads (CSAH 73) intersection are detailed on page 39, 41 and included in the recommendations section on page 46. Overall this intersection received Level of Service grades of "D", "E" or "F" during AM, school, and PM peak hours (respectively) for the worst approach.

This report confirms what residents deal with on a daily basis from this intersection, and it would not be surprising if over the past 15 years the Level of Service degraded even further with the increase in traffic on Hopkins Crossroads. It also aligns with the concern around locating a busy center so close to a challenging intersection, especially if Hillside is the closest street to use for additional parking.

We would ask that if traffic study is done for this project, it will re-examine this intersection.

Thanks Ashley for locating and forwarding this study.

Best,

Kristin Soo
Tanglen Woods
Dear Council Members, Planning Commission and City Planners,

My name is Kristin Soo, and my family and I live in Vernon Circle in Minnetonka. I am writing in response to the Concept Plan for a Conditional Use Permit submitted by Chabad of Minneapolis on 11171 Mill Run. I would like to outline some concerns I have in regards to how the submitted Concept Plan is not consistent with the city standards and requirements to be granted a Conditional Use Permit:

1) BUILDING

Section 300.27 Site and Building Plan Review: “In evaluating a site and building plan, the planning commission and city council staff shall consider its compliance with the following:”

a) Site Preservation

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

Currently, approximately 85% of the site is open and natural, and is filled with mature trees. This is consistent with neighboring properties, most of which have an even higher percentage of open/natural space, not covered by a structure. The proposed development’s removal of 15 existing trees removes one of the key features of the neighborhood, and the conversion of the property to the maximum hardscape limits does not preserve the natural integrity of the site. All the hardscape will stand out significantly from the general appearance of the surrounding residential neighborhood.

b) Relationship with existing buildings

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

   “Harmonious” - “arranged together in a pleasing way so that each part goes well with the others”

The size of the proposed development is not harmonious with existing visible buildings as the structure is too big, too high, and completely out of proportion with the other neighboring buildings. The 15,000 square foot building dwarfs all residences around it, and is four times as large as the largest neighboring house. The actual proposed building height of 41 feet towers over the height of all residences which are on average 26 feet, and it would be 10 feet taller than the Tanglen Elementary Gymnasium, which is the tallest structure in the area. The addition of a large community center next to residential structures would not be harmonious, and is incredibly intrusive on the neighborhood.

e) Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   3) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses.

The proposed building’s materials and design concept is not compatible with adjacent and neighboring structures.
Materials: Some of the materials proposed are painted MDO Board (Medium Density Overlay – paintable weather-resistant plywood), a seamless metal roof, and a mechanical screen. These materials are not found on any structures in the surrounding neighborhoods, nor do they express the design concept in these neighborhoods.

The materials that the majority of homes in the surrounding neighborhoods (Vernon Circle, Fetterly Road neighborhoods, Mill Run) are comprised of is real wood siding or a combination of stucco façade and wood siding. A couple of homes are a mixture of brick/wood. All homes in the area have a shingle or shaker roof. There are no adjacent or neighboring homes with painted MDO board, mechanical screens, or a metal roof. The structures in the neighborhoods are designed to go well with each other, but the proposed materials would create disharmony.

Design Concept:

The proposed structure’s design does not reflect the look of the neighboring homes, which are residential suburban homes largely built in the 1980’s and 1990’s. For example, our home, which shares the largest boundary with the proposed property, is a colonial-style house. There are no “urban” commercial-looking homes with a flat roof or angles of the proposed property anywhere near it. A “boxy” commercial-style building will not fit in with the character of the neighborhood, again creating disharmony. A good example of a non-residential structure which still has a residential “home” look and feel is the Shelter Corp. building on the corner of Hopkins Crossroads and Highway 394.

Overall, the proposed structure does not seem to acknowledge or try to blend in to the look and feel of the neighborhood. Instead it seems more like its own island. The Conditional Use Permit gives an institution the opportunity to locate in a residential setting, with the conditions that it be sensitive and adapt to the neighborhood. On many levels the fact that the plan does not do this is concerning.

b) Protection of adjacent/neighboring properties

The proposed plan does not ensure protection for adjacent and neighboring properties from this significant change in land use. A number of questions need to be answered:

Sight buffers:

- Our entire backyard view from the back side of our home faces the proposed property. How can this view be preserved?
- The 2-story part of the building will be just 100 feet away from our home (50 feet from our property). What Arborvitae is tall enough to screen the windows from both floors?
• The 40-stall parking lot is 10 feet away from our property line. Other religious institutions usually have a more significant buffer than 10 feet between a home and a parking lot - should there not be a larger buffer between our property and the lot?
• **Sound buffers:** The mechanical room is located on the 2nd floor in the part of the building 50 feet away from our house. Is this where the HVAC will be? Where will the AC condenser be located? What will mitigate the sounds from these machines?
• **Drainage:** The plan says that surface water drainage maintained on site. Where will the water go? A “vault” was suggested at the neighborhood meeting as an option, but this needs to be monitored and maintained. As an organization that relies on fundraising rather than dues, how will that play into the operating budget for the maintenance of the structure and significant items such as a drainage vault?

There are many concerns we have about the building. If a commercial-looking building which is disharmonious to the surrounding neighborhoods is allowed, no doubt this will set a precedent that will be repeated.

2) **TRAFFIC and PARKING**

Effects on residential traffic and concerns about parking are additional concerns.

**Section 300.16 Conditional Use Permit Standards for Residential Districts: General Standard “d”:**
“The use does not have an undue adverse impact on the public health, safety, or welfare.”

The property sits alongside a narrow 2-lane segment of Hopkins Crossroads. This area already experiences traffic congestion, especially during peak hours. The closest intersection to the property is Hopkins Crossroads and Hillside Lane (approx. 500 feet away). A 2003 traffic study done at this intersection graded the Level of Service during AM, school, and PM peak hours a “D”- “F”². A traffic study by SRF showed 10-14 crashes at this intersection from 2002-2006³. The data, and daily local resident experience, speaks to the fact that this is already a congested area with issues that need tending to, before bringing in a facility that would cater to hundreds of individuals a week. A large event-driven facility just 500 feet up the hill would only intensify problems in this area and would have an adverse impact on public safety and welfare.

Allowing a huge and busy Center just 500 feet up the hill from this Hopkins Crossroads/Hillside Lane intersection would only intensify traffic issues, as there is **no left-hand turn lane** on Hopkins Crossroads onto the property as it was a private residence. In the event that a few cars are lined up to turn left, through traffic does not have much room to react, adjust and maneuver around the stack (using the beginning of the right-hand turn lane for Fetterly Road). This will slow traffic down and will only compound current congestion challenges, not help solve them. Residents know that the area is at capacity and can’t take more volume without becoming detrimental to those who live here and use these roads on a daily basis. The 2003 Traffic Study referenced earlier also showed how difficult it is to turn onto Hopkins Crossroads. This same difficulty and dangers would be faced by those at the Chabad Center.
PARKING

Section 300.16 b) Religious Institutions and Facilities, Standard 3. “The city may require additional spaces for offices, classrooms, day care centers or other uses operated on the grounds”.

The proposed plan allows for 40 parking spaces which seems inadequate for the size and capacity of the building. Add in pedestrians walking from overflow parking along Hillside Lane to this “D”-“F” LOS intersection at peak hours with no sidewalks/crosswalks, and it is a dangerous combination.

Additionally, do the spaces allotted take into account parking spots for the 6 offices, the several classes that take place currently off-site, and staff to maintain the building and for events?

Chabad’s entrance into the neighborhood has not been smooth. Starting out by showing the 15,000 sq ft structure and hardscape development that you plan on building next to your neighbors is not a great way to start off on the right foot. It’s hard to imagine any property owner in an R-1 zoned neighborhood being happy about this.

Even though we are the longest adjacent property line owner, we were never approached individually by the organization or its leaders when they bought the property. The neighborhood meeting was initially set up at a date that was inconvenient for many people (December 27). We learned at the last minute (that day) that it had been changed, and some didn’t even receive change notices. It ended up being a very difficult meeting, as neighbors were shocked and upset at the enormous commercial-like “box” structure being designed for their residential area. Just two renderings of the structure were shown (from the West and South views), one of which ended up being not to scale. The side of the structure that would face our home (the most impacted) was not shown. Afterwards, email requests from my husband to the architect for us to view the East side that will face us, so we could have a chance to provide our input, was denied. Neighbor feedback that the structure was commercial-looking and too large were not taken into account in the revised plan.

We have heard that our new neighbors are part of a welcoming and friendly organization, and want to believe this. However, unfortunately the first impression has not been a good one. I hope the Planning Commission will look critically at the City Code and additional data such as traffic studies in determining if this is the right plan for this location, in terms of its wider impact on the neighborhood and community.

Thank you for your consideration,

Kristin Soo

Sources:

1. Oxford Learner’s Dictionaries online: http://www.oxfordlearnersdictionaries.com
3. City of Minnetonka 2030 Comprehensive Plan, 2002-2006 Crashes
Pictures:

1) Property – current site from Mill Run

2) Homes in the area- Fetterly Road, Mill Run, Tanglen Woods neighborhoods. Large green space lots, mature trees.
3) Map of area. A small segment of Hopkins Crossroads is the main access point for many residents.

4) Hopkins Crossroads/Hillside Lane Intersection – AM rush hour – Wed January 31, 8:45 am

5) Hopkins Crossroads PM rush hour – Friday Jan 19, 5:30 pm. Property is on right side
6) Renderings shown at the January 16 2018 Neighborhood Meeting – East and South street-level views (1 top-down view was shown as well). Concept Plan design has changed since this, but this is the initial view that neighbors saw.

Hillside/Hopkins Crossroads Intersection – 500 feet away from property
A. Concept plan review for Chabad Center for Jewish Life at 11170 Mill Run and 2449 Hopkins Crossroad.

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

Thomas reported. Staff recommends the planning commission provide comments and feedback that the planning commission deems appropriate. The discussion is intended to assist the applicant with future preparation of more detailed development plans.

Rabbi Mordechai Grossbaum, representing the Chabad Center, applicant, stated that:

- He appreciated the opportunity to review the project.
- The programs include classes and lectures for children and adults.
- The building is smaller than many synagogues in the area.
- He appreciated everyone’s concerns, interest, and ideas.

Powers asked how many people would visit the site in one week. Rabbi Grossbaum stated that there would be services at 6:30 a.m. Monday and Thursday; 8 a.m. on Sunday; Saturday morning; and overnight on Friday. Throughout the day there would be 5 to 10 staff members at the most. Small classes would be held throughout the day at different times. Lectures would be held at 7 p.m. Celebrations would also be held.

Sewall noted that the area is not very pedestrian friendly since it does not have sidewalks. Rabbi Grossbaum said that the families live close to the property. He would welcome a sidewalk. Many people walk on the street now.

Chair Kirk asked how parking would be handled. Rabbi Grossbaum said that he would work with staff.

Chair Kirk invited those present to provide input.

Stu Silberman, 11123 Mill Run, stated that:

- He was pleased with the detailed and thoughtful approach to the Orchard Lane proposal. This proposal would have more of an extensive impact on the neighbors.
- He was concerned with the public’s safety and welfare due to the proposal restricting emergency vehicle access, adding significant additional traffic, and creating a danger to bicyclists and pedestrians.
- The proposal would not be in keeping with the surrounding area.
- It would not minimize tree or soil removal and it would not provide a desirable environment for the community.
- He was concerned that Mill Run would become an auxiliary parking lot. The plowing of snow is not done curb to curb, so the street is narrower during the winter.
• It is already difficult to turn from Mill Run onto Hopkins Crossroad.
• He and his family ride their bikes on Hopkins Crossroad to get to a trail.
• He found the proposed building unattractive.

Jo Soo, 2391 Vernon Circle, stated that:
• He was concerned with the size and aesthetics of the building.
• The intersection of Hopkins Crossroad and Mill Run is already at capacity. He was concerned with the safety of the drivers and pedestrians.
• He was concerned with the privacy, lack of screening, and proximity to the houses.
• He was concerned with water, light, and runoff.
• Each revision of the plan got worse. The height increased, the roof would reflect light, and the windows would be increased from three to 24 windows. The neighbors’ comments were ignored.
• The building would be too big and out of character with the neighboring houses. The building would look too big from the view from his backyard.
• The proposal would cause an adverse impact on public health, security, and welfare.
• Parking, noise, and crowds would be an issue.

Michael Leardahl, 2390 Vernon Circle, stated that:
• Parking requirements require one parking space for every two and-a-half seats based on the sanctuary or main assembly space. He stated that the proposal bases the number of parking stalls on the sanctuary area only. The proposal has 40 parking stalls. He added the social hall and other areas, so his calculation finds that there should be 56 additional parking stalls.
• Weddings could have 250 people inside the building and an additional 150 people outside.
• Fetterly Road is 19 feet wide. Mill Run is 21 feet wide. Motorists park on Hillside for school events.
• He was concerned with pedestrian safety.

Amy Taswell, 11120 Mill Run, spoke on behalf of her husband and herself. She stated that:
• She appreciated the applicant hosting a neighborhood meeting and cleaning up the property.
• She welcomed having the Chabad Center as a neighbor if substantial revisions would be made. She opposed how it is proposed now.
• Hopkins Crossroad is already dangerous and has too much traffic. The morning and evening prayers are at the same time as morning and evening rush hour.
• Mill Run is not an arterial or collector street.
• Someone at the fire department told her that the emergency turn around could be handled without the Mill Run access if the size of the structure would be reduced and that it seemed like a lot of stuff on a small site. She requested the existing curb cut on Mill Run be blocked off.
• The building would be too large, be too much of an institutional style, and be too tall.
• The Mill Run covenants restrict the height of a building to two stories in height.
• She likes the appearance of Sharei Chessed, the synagogue on Hopkins Crossroad. It looks more residential.
• There would not be enough parking and motorists would park on residential streets which is not allowed.
• She was concerned about drainage.
• She was concerned with maintenance of the site.
• The proposal would not fit in the area because of its size and appearance.

Carl Smith, 11201 Fetterly Road West, stated that:

• An overturned vehicle took out his mailbox years ago.
• Forty-seven residences drive on Fetterly Road West to access Hopkins Crossroad.
• He provided photos of the site. The hills are steep. The road is slippery in the winter.

David Larson, 11171 Mill Run, representing his wife Cheryl Larson and some neighbors on Mill Run, stated that:

• The site should have 60 parking spaces to handle 150 people. Even more parking would be needed if the congregation grows.
• A pedestrian crosswalk and light might be needed at some point and that would impede traffic.
• The use would be too intense for the area and disrupt the harmony.

Sam Black, 2265 Cape Cod Place, stated that:

• He was concerned with the traffic on Hopkins Crossroad. He supported making it more pedestrian and bicyclist friendly.
• The renderings are inadequate. A 3D visualization would be better.
• He was concerned the building and parking areas would expand by purchasing surrounding properties.
Michael Leardahl, 2390 Vernon Circle, stated that:

- He was concerned with light reaching surrounding properties.

Clayton Haapala, 2309 Archers Lane, stated that:

- He was concerned with the sight line to the top of the building and parking lot lights.

Kristin Soo, 2391 Vernon Circle, stated that:

- A traffic study by SRF conducted 15 years ago found the level of traffic on Hopkins Crossroad to be a “D,” “E” or “F” during peak times. There are traffic issues at the top and bottom of the hill. It would not make sense to sandwich a large community center in between them.
- The intersection of Hillside and Hopkins Crossroad was identified as an intersection with more than the normal number of crashes.

Thomas explained the rights and restrictions cities have to create and apply city ordinances. Hennepin County would have to approve an application that would include an access on a county road.

Chair Kirk confirmed with Thomas that the city does not enforce private homeowner association covenants. Thomas stated that nuisance ordinances are applied to every property in the city.

Powers felt that the mass of the use should be scaled back. He is familiar with the site. He agreed with the traffic concerns. The proposal would not be in harmony with the neighborhood.

Schack agreed that the scaling would be too large considering its proximity to several residences. The building and parking would be too large for the parcel. Disrupting the harmony is an issue. Tree removal would create buffering issues. She would like to see how the actual building would blend into the surroundings. An access point to Hopkins Crossroad would benefit everyone including those visiting the proposed site.

Knight has a son who lives on Vernon. Residents on Mill Run and Fetterly Road have no other options than to travel on Hopkins Crossroad. That hill is steep. He had issues with adding traffic. The building would be too big for the site.

Sewall agreed with the scaling and harmony issues. He thought the appearance could work. His biggest concern is the parking and where overflow parking would occur for large events. A traffic pattern for vehicles not finding a spot and having to turn around needs to be considered.
O’Connell agreed with the mass and parking concerns. He would look at the traffic study before commenting on traffic.

Chair Kirk appreciated the respectful comments. He would support less mass and a larger buffer. There needs to be more parking, probably 75 or 80 stalls. The snow and student drivers complicate driving in the area.

Chair Kirk noted that this concept plan is tentatively scheduled to be reviewed by the city council at its Feb. 26, 2018 meeting.

B. Concept plan review for Solbekken Villas, a residential development at 5740 and 5750 Shady Oak Road.

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

Thomas reported. Staff recommends the planning commission provide comments and feedback that the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Ed Briesemeister, applicant, stated that:

- The condominium building would be roughly the height of the barn. He described the architectural features and layout of the buildings. The design would be harmonious with the neighborhood.
- Everyone at the neighborhood meeting liked the concept plan.
- There would be a three-car garage and 2,000 square feet for each single-family house. The houses would provide everything a person needs on one level and have a basement. The market price would be $625,000 - $650,000.
- Solbekken means “sunny brook” in Norwegian.
- He described the floor plan of the condominium buildings.
- He described the proposed traffic pattern.
- The site would be engineered to deal with seven inches of rain in 30 hours.

In response to Powers’ question, Mr. Briesemeister said that the condominiums would be similar in size and price to the houses, $625,000 and 1,900 square feet.

Sewall asked if a lot of grading would be needed. Mr. Briesemeister said that the hill would not be cut into, but grading would occur up to the hill.

Mr. Briesemeister said that the bright green area, 15,000 square feet, would be dedicated as park land connected to Lone Lake Park.
Chair Kirk asked if the elevator would meet building code requirements. Mr. Briesemeister answered affirmatively. All building code requirements would be met.

Chair Kirk invited the audience to provide input. No one responded.

Knight asked the applicant if he was concerned building next to a steep bank. Thomas provided that engineering staff already reviewed a similar proposal and found it acceptable. Mr. Briesemeister said that the slope appears steeper than it is due to the trees. Thomas noted that the topography is drawn with one-foot contours rather than the typical two-foot contours.

Mr. Briesemeister explained how the stormwater would be directed to the stormwater system.

Sewall supports the land use. The density would be appropriate. It is a unique product and site. He suggested connecting walkability to the park. Mr. Briesemeister said that there is a path connecting the cemetery and park.

Powers supports the idea. It is an exciting project. He likes the name. It is well thought through. The density is reasonably low.

Schack liked the look of the proposal. The price point is equal to the market. It is a beautiful project and is appropriate for the space.

Knight supports the proposal.

Chair Kirk liked the scale. The type of housing proposed is lacking in the city. He supports the proposal.

Chair Kirk noted that this concept plan is tentatively scheduled to be reviewed by the city council at its Feb. 26, 2018 meeting.

10. Adjournment

Sewall moved, second by Powers, to adjourn the meeting at 10:15 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
Resolution No. 2018-

Resolution approving a conditional use permit for a religious institution at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run

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

Section 1. Background.

1.01 Chabad Center for Jewish Life has requested a conditional use permit to operate a religious institution from the combined site at 2333 and 2339 Hopkins Crossroad and 11170 Mill Run

1.02 The site is legally described as: Lots 2, 3, and 4 Block 1, Heeler’s First Addition, according to the recorded plat thereof, Hennepin County, Minnesota.

1.03 On April 26, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd.2 outlines the following conditional use permit general standards:

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

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

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

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

2.02 City Code §300.16 Subd.3(b) outlines the following specific conditional use permit standards for religious institutions and facilities:
1. Direct access limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets;

2. Buildings set back 50 feet from all property lines;

3. Parking spaces and parking setbacks subject to section 300.28 of this ordinance;

4. No more than 70 percent of the site to be covered with impervious surface and the remainder to be suitably landscaped; and

5. Site and building plan subject to review pursuant to section 300.27 of this ordinance.

2.03 City Code §300.27 Subd.5 outlines the following site and building plan standards:

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

2. Consistency with this ordinance;

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

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

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

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

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

   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

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

Section 3. Findings.

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

1. Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

2. The goals, policies, and objectives of the comprehensive plan are generally the city’s effort to create a vibrant and resilient community. Religious institutions are a component of such communities.

3. The proposal has been reviewed by members of the city’s community development, engineering, public works, fire, and legal departments. Staff finds that the proposed religious institution would not have an adverse impact on the provision of government services or infrastructure.

4. The proposed institution would visually alter the Hopkins Crossroad/Mill Run area and result in a different level of activity than was historically observed while the site contained occupied single-family homes. Though noticeable, these changes would not be detrimental to the health, safety, or welfare of the community.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code 300.16 Subd.3(b).

1. The proposed institution would have access to Hopkins Crossroad, which is defined as an arterial (minor reliever) roadway in the comprehensive plan.

2. The institution would meet the required setbacks from east and west property lines and exceed the required setbacks from the north and south.

3. By ordinance, one parking space is required for every 2.5 seats within the main sanctuary of a religious facility. As proposed, the sanctuary would
The proposal would meet the site and building plan standards as outlined in City Code §300.27 Subd.5:

1. The proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water resources management plan.

2. Religious institutions are specifically listed as conditionally-permitted uses in the single-family residential zoning district.

3. The proposal would result in alteration of the site, including changes to grade and tree removal/impact. However, with some modification to the grading plan – which is a condition of this resolution – site disturbance would be limited to the extent practicable, given construction of a building and parking lot.

4. The proposal would appropriately locate constructed features – new building and parking lots – at the center of the site, maintain green space and the opportunity for new plantings at its perimeter.

5. The location of the proposed building relative to open space and paved areas is appropriate. The facade of the building would be of a neutral color palate and would include natural materials, which are residential in character. Additionally, at a proposed height of 31 feet, the facility would be shorter than the 35 feet permitted for single-family homes. Vehicular and pedestrian circulation patterns would be intuitive.

6. As new construction, the building code requires use of energy saving features.

7. Generally, any change to the use of a property will bring with it changes to drainage patterns, sounds, and site lines. The objective standards – building setbacks, parking setbacks – as well as conformance with the stormwater management rules and conformance with nuisance regulations regarding lighting and “quiet hours” are intended minimize or mitigate for these changes.

Section 4. City Council Action.

4.01 The above-described conditional use permit is approved based on the findings outlined in section 3 of this resolution. Approval is 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:

- Site plan, dated March 23, 2018
- Floor plans, dated March 23, 2018
- Landscape plan, dated March 23, 2018
- Grading plan, dated March 23, 2018
- Utilities plan, dated March 23, 2018
- Revised building elevations, dated March 29, 2018

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with the county.
   b) Obsolete drainage and utility easements must be vacated.
   c) Obtain permits from the county for access and work within county right-of-way.
   d) Submit a lot combination form to the county.
   e) Submit the following:
      1) Items associated with site work:
         a. An electronic PDF copy of all required plans and specifications.
         b. Final site, grading, utility, stormwater management, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP).

1. Final site plan must be revised as follows:
   - Include a hammerhead turnaround the northwest corner of the parking lot for fire apparatus.
   - Show and label “proof of parking” stalls in the south court as per the traffic and parking study.

2. Final grading plan must be revised as follows:
   - Runoff from the east side of the building must be directed overland
or via piping to the underground stormwater facility.

- Show no grading on adjacent property or otherwise provide written approval for such.

- Adjust grading adjacent to trees 46, 49, 144, 145, 147, 151, 152, and 152 to protect their critical roots zones.

3. Final utility plan must be revised as follows:

- Illustrate unused water services removed back to the main with pipe remove and the corporation stop turned off.

- Illustrate unused sanitary services removed back to the main with pipe removed and the wye cut out and sleeved.

4. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, as outlined in Appendix A. Design. The plan and acceptable model must demonstrate conformance with the following criteria:

- Volume Control: Provide onsite retention of 1-inch of runoff from impervious surfaces. The city prefers that this be accomplished through infiltration practices.

- Rate Control: Limit peak runoff flow rates to that of existing conditions for the 2-, 10-, and 100-year storm events at all points where stormwater discharge leaves the parcel.

- Water Quality: Provide for all runoff to be treated to at least 60% removal efficiency for total phosphorus and 90% total suspended solids.
In addition:

- Provide soil boring in underground storage locations to verify infiltration rates and three-foot separation between the bottom of the facility and the seasonally-high ground water table.

- The underground facility must be able to support 83,000 pounds and 10,800 pounds per square foot outrigger loads.

- The applicant must hire a qualified third party to inspect the installation of the underground facility. The party must provide the city verification that pressure requirements are adequately met.

5. Final landscaping and tree mitigation plans must:

- Include species and size of proposed plantings.

- Include substitution of half of the originally proposed 78 arborvitae with another species to avoid planting a monoculture.

- Include tree mitigation for trees removed outside of the code-defined basic tree removal area. Under the originally submitted plans, two 2-inch deciduous trees, and five 6-foot evergreen trees must be planted as mitigation.

c. Private driveway easement for review and approval by the city attorney. The easement must outline the construction and maintenance responsibilities associated with the driveway, as between the owner of the site and the owner of the residential property to the north.
d. Stormwater maintenance agreement over the proposed underground stormwater treatment facility.

e. 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.

f. Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and stormwater facility improvements, comply with landscaping 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) a final as-built survey has been submitted; (2) vegetated ground cover has been established; and (3) required landscaping or vegetation has survived one full growing season.

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

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

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

2) Items associated with building work:

a. A final material and color palate board for staff review and approval.

b. An exterior lighting and photometric plan.

c. All required hook-up fees.

f) 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.

3. During construction adjacent streets must be kept free of debris and sediment.

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

5. Any change to the approved use that results in a significant increase in traffic or a significant change in character beyond that outlined in this resolution may require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 14, 2018.

Brad Wiersum, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 14, 2018.

David E. Maeda, City Clerk
Brief Description
Preliminary plat of ARUNDEL ADDITION, a three-lot residential subdivision with variances, at 15500 Minnetonka Blvd.

Recommendation
Recommend the city council adopt the resolution approving the preliminary plat.

Introduction
Dan Schmidt of Sather Bergquist Inc., on behalf of the property owner, is proposing to divide the existing property at 15500 Minnetonka Blvd. into three, single-family lots. The existing home would remain and two new homes would be constructed. (See attached.)

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

- **Existing Site Conditions.** The 11.5-acre subject property is located north of Minnetonka Blvd., west of the City Hall campus. The majority of the property, nearly 8.5 acres, is considered wetland and unbuildable. The existing home was constructed in 2007, just south of the large wetland on the property. The home is 2,800 square feet, with a 3-car attached garage and one-car tuck under garage. (See wetland in green and home in blue in image to the right.)

The highest point of the site is located along the southern property line. From this point, the site slopes downward toward the large wetland on the north and east sides of the property. The subject wetland drains off-site, into Minnehaha Creek.
There is a public sewer line on the subject property (see red line in the image to the right). Currently, there is a 20-foot wide easement over the sewer line (see orange area in the image to the right). However, staff finds that this easement area has inadequate width for future maintenance and it appears that the easement area does not cover the entire area of the sewer line.

- **Proposed Lots.** The applicant proposes to create two, new lots south of the existing home. The existing lot and new lots, which would all be well over 22,000 square feet in size, would be accessed via a private drive off Minnetonka Blvd. (See proposed black property lines in the image to the right and attached.)

- **Site impacts.** As proposed, grading would occur to widen the private drive, construct new driveways, build new homes, and install required utilities and stormwater management facilities. This grading would result in removal of, or substantial impact to, 17 percent of the site’s high-priority trees and 24 percent of the site’s significant trees.

**Proposal Requirements**

This proposal requires:

- **Preliminary Plat Approval:** The applicant is requesting to split the subject property into three, single-family lots. This requires preliminary plat approval.

- **Lot Width at Right-of-Way Variance:** Two of the proposed lots would not have frontage onto a public right-of-way. This requires a lot width at right-of-way variance from 80 feet to 0 feet.

- **Wetland Setback and Buffer Variances:** The existing driveway on Lot 1 is 20-feet from the wetland edge. City code requires a 25-foot wetland setback and wetland buffer for driveways. This requires a variance from 25 feet to 20 feet for both the wetland setback and wetland buffer.

- **Building Setback Variance:** As proposed, the existing home (on proposed Lot 1) would not meet the lot-behind-lot setback requirement of 29 feet. A property setback variance is needed from 29 feet to 20 feet.

**Primary Questions and Analysis**

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

Yes. With the exception of the lot width at right-of-way requirement, the lots would meet all minimum size and dimensional standards as outlined in city code. (See attached and table below)

<table>
<thead>
<tr>
<th>Proposed Lots (Private Driveway)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Area</strong></td>
</tr>
<tr>
<td>Total</td>
</tr>
<tr>
<td><strong>Required</strong></td>
</tr>
<tr>
<td>Lot 1</td>
</tr>
<tr>
<td>Lot 2</td>
</tr>
<tr>
<td>Lot 3</td>
</tr>
</tbody>
</table>

*All numbers rounded down to nearest 5 ft or 5 sq. ft.*

Staff believes that the proposed lot sizes and configurations are appropriate as:

- With the exception of the lot width at right-of-way requirement, the lots would exceed the minimum area and dimensional requirements;
- Each lot would have reasonable area to construct a single-family home; and
- The proposed lots would be in harmony with each other and the existing neighborhood.

Is the proposed private driveway access and lot width at right-of-way variance reasonable?

Yes. By city code, all lots within an R-1 subdivision must have at least 80 feet of frontage on the public right-of-way from which the lot will have access. Proposed Lot 3, or the southerly lot, would have frontage on Minnetonka Boulevard. This right-of-way is “usable” for driveway access – there are many multiple homes that have driveway access to Minnetonka Boulevard. However, as a Hennepin County roadway, a county permit would be required for driveway alteration. (See attached).

Due to the narrow lot width on Minnetonka Blvd., the applicant is proposing lots that do not abut a public right-of-way and would use a shared private drive from Minnetonka Blvd. As an exercise, the applicant has provided a preliminary plat that shows the potential for a public street on the subject property. (See attached and the following table).
### Public Road Example

<table>
<thead>
<tr>
<th>Required</th>
<th>Area</th>
<th>Buildable</th>
<th>Setback</th>
<th>Right-of-way</th>
<th>Average Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>22,000 sq. ft.</td>
<td>3,500 sq. ft.</td>
<td>110 ft.</td>
<td>80 ft.</td>
<td>125 ft.</td>
</tr>
<tr>
<td>Lot 1</td>
<td>334,795 sq. ft.</td>
<td>12,090 sq. ft.</td>
<td>115 ft.</td>
<td>131 ft.</td>
<td>+1,000 ft.</td>
</tr>
<tr>
<td>Lot 2</td>
<td>65,430 sq. ft.</td>
<td>10,370 sq. ft.</td>
<td>145 ft.</td>
<td>190 ft.</td>
<td>395 ft.</td>
</tr>
<tr>
<td>Lot 3</td>
<td>79,107 sq. ft.</td>
<td>16,415 sq. ft.</td>
<td>240 ft.</td>
<td>225 ft.</td>
<td>385 ft.</td>
</tr>
</tbody>
</table>

*All numbers rounded down to nearest 5 ft. or 5 sq. ft.*

Under this alternative, all of the lots would meet all ordinance requirements. As shown in the example, the new road would create non-conforming setbacks for some structures on adjacent properties. What has been a side yard would technically become a front yard. However, it is possible that this plan could be adjusted to reduce or eliminate the non-conformity. (See attached.)

After review, staff finds that a shared driveway, with lots that do not abut a public right-of-way, is preferred to having a public road entering on the subject site. Specifically, staff has found that the lot-behind-lot layout and shared driveway would:

- Require less site disturbance due to the use of the existing driveway area;
- Result in less than half of the tree removal required for the public road configuration; and
- Provide a larger setback between adjacent homes/properties to the west and the proposed driveway.

**Are the setback variances reasonable?**

Yes. Staff has reviewed the requests and found that both of the variances requests are reasonable.

**Wetland Buffer and Setback Variance.** The existing driveway on Lot 1 is 20 feet from the existing wetland edge, but city code requires a 25-foot wetland buffer and setback.

The subject driveway was originally constructed no later than 2009, per aerial photos, and was most likely constructed with the existing home, completed in 2007. At that time, the city’s buffer requirement was not triggered by the driveway addition on the property. However, since that time, the city has revised its ordinance and the redevelopment of the property does trigger the 25-foot wetland buffer and setback.

Staff finds that the subject wetland buffer and setback variance request is reasonable as:

- The existing driveway has legal non-conforming status and was allowed by the city at the time of its construction and could remain even if the proposal were not to move forward; and
The subject driveway is not being expanded or rebuilt beyond its existing location.

**Property Line Setback Variance.** As stated previously, the subject home was constructed in 2007 and met all city requirements at that time. However, with the proposed subdivision of the property, the subject home would now have non-conforming property line setbacks.

If Lot 1 abutted a public road, it would have a 30-foot aggregate side yard and 10-foot minimum side yard setback. The property would meet these requirements. However, without a public road, it becomes a lot-behind-lot property and has a minimum 29-foot setback from the southeasterly (side) property line.

Staff finds that the property line setback variance for Lot 1 is reasonable as:

- The subject home would exceed the property line setback requirement for a conforming lot;
- The existing home would maintain at least a 51-foot separation from the closest neighboring home;
- The “pie” shape of the lot creates a practical difficulty in meeting the property line setback.

**Are the proposed site impacts reasonable?**

Yes. The proposed subdivision has been evaluated for conformance with the city’s natural resource ordinances, including the wetland and tree protection ordinances. These ordinances attempt to balance the community benefit of preserving natural resources with private development rights.

The property is subject to the regulations of the wetland and tree ordinances.

**Wetland.** The site contains a large, Manage-1 wetland, generally located north and east of the proposed homes. As stated previously, the existing driveway on Lot 1 is 20-feet from the wetland edge and currently encroaches into the 25-foot wetland setback and wetland buffer and require variances; however, this is an existing site condition and would remain if this proposal were not to move forward.

Alternatively, homes on the proposed lots would not impact the wetland. As conditions of approval: (1) homes and accessory building would be required to meet all minimum wetland setbacks; (2) a 25-foot wetland buffer must be established around the wetland; (3) a conservation easement must be dedicated over the wetland and buffer; and (4) escrow must be submitted in the amount to install wetland buffer with native vegetation on Lot 1.

**Trees.** The ordinance regulates tree removal and mitigation. The highest level of protection is provided to woodland preservation areas (WPA) and high-priority trees during subdivision of the property. During subdivision, just 25% of WPA and 35% of high-priority trees may be removed or impacted. There is no WPA on the site. However, there are 6 high-priority trees and 254 significant trees.
The proposal would result in removal of, or substantial damage to the critical root zones of, 17 percent of the site’s high-priority trees and 24 percent of the site’s significant trees. This would meet the standards of the tree protection ordinance.

In addition, the applicant provided tree removal information for a subdivision served by a public road. While this proposal would meet city ordinance, over twice the amount of trees would need to be removed with this plan. The additional trees would need to be removed largely due to the new public road, while the private drive plan would require less tree removal because it would be in the same location as the existing residential driveway.

<table>
<thead>
<tr>
<th>Trees</th>
<th>Existing</th>
<th>Impacted or Removed (Private Drive)</th>
<th>Impacted or Removed (Public Road)</th>
</tr>
</thead>
<tbody>
<tr>
<td>High-Priority</td>
<td>6</td>
<td>1 tree or 17%</td>
<td>2 tree or 33%</td>
</tr>
<tr>
<td>Significant</td>
<td>254</td>
<td>62 trees or 24%</td>
<td>129 trees or 51%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>260</td>
<td>63 trees or 24%</td>
<td>132 trees or 51%</td>
</tr>
</tbody>
</table>

**Summary Comments**

The applicant provided staff with a request for a three-lot subdivision with variances. This request included a private drive in lieu of a public road to serve the existing home and proposed homes. As an exercise, the applicant provided staff with a proposal that meets city ordinance, including the addition of a new public road to serve the three lots. However, in staff’s opinion, the use of a shared, private driveway would preserve natural resources and privacy for adjacent homes.

**Staff Recommendation**

Recommend the city council adopt the resolution approving the preliminary plat of ARUNDEL ADDITION, a three-lot residential subdivision with variances, at 15500 Minnetonka Blvd.

Originator:  Drew Ingvalson, Planner
Through:    Loren Gordon, AICP, City Planner
**Supporting Information**

**Project No.**
18004.08a

**Property**
15500 Minnetonka Blvd.

**Applicant**
Dan Schmidt of Sather Bergquist, on behalf of the property owner

**Surrounding Uses**
- **North:** Single Family Home and City Park (Jidana), Zoned R-1, Guided for Low Density and Open Space (Minnehaha Creek located farther North)
- **South:** Manchester Village Townhomes, Zoned PUD, Guided Medium Density
- **East:** Single Family Home and Office Building (Campbell-Sevey), Zoned R-1 and B-1, Guided Low Density and Service Commercial
- **West:** Single Family Homes, Zoned R-1, Guided Low Density

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

**Variance History**
- While not common, city has previously approved width at right-of-way variances in extenuating circumstances.

In 2005, the city approved a lot width at right-of-way variance at 18724 Ridgewood Road for a two-lot subdivision. Similar to the subject request, the applicant proved that a subdivision could be completed with a public road, but the city found that lot-behind-lot plat was preferable, as it would preserve trees and reduce impervious surface on the site.

In 2016, the city approved a preliminary plat for a shared private drive at 14700 Copperfield Place after the applicant provided a subdivision plan that could be completed with access off a public road. However, the city found that the private drive was a preferred option at this location as this plan would reduce access points on a busy county road. While these properties still had adequate frontage onto a public road, the plat approval was completed with a private drive, similar to the subject proposal.

**Lot Behind Lot Setbacks**
- Lots 1 and 2 are defined by city code as “lot behind lot” properties because they do not have any frontage on a public right-of-way. Lot behind lot properties are required to have a setback from all properties lines of 40 feet or 20% of the average distance between opposite lines, whichever is less, but no less than 25 feet. For the subject homes, staff used the average distance between property lines within the buildable area. Based on this calculation, the existing home on Lot 1 would not meet the setback requirement.
**R-1 Setbacks (non-Lot Behind Lots)**

As stated previously, Lots 1 and 2 are defined as a "lot behind lot" properties, thus requiring different setbacks than properties with adequate frontage. Properties with adequate frontage (such as Lot 3) have the following setbacks:

- **Front**: Minimum 35 feet from the right-of-way of local and neighborhood collector streets and railroad lines, or 50 feet from the right-of-way of major collector or arterial roadways.

- **Side**: The sum of the side yard setback shall not be less than 30 feet, with a minimum setback of 10 feet.

- **Rear**: Minimum of 40 feet or 20 percent of the depth of the lot, whichever is less.

**Setbacks**

If approved the following structure setbacks would be required for the new lots:

**Lot 1**
- East and West: 29 feet
- South: 29 feet
- North: Setback set by wetland setback

**Lot 2**
- North and South: 31 feet
- West: 40 feet
- East: Setback set by wetland setback

**Lot 3**
- Front: 50 feet
- Sides: The sum of the side yard setback shall not be less than 30 feet, with a minimum setback of 10 feet.
- Rear: Setback set by wetland setback

**Grading**

Grading would occur to improve the existing driveway, construct individual driveways and homes, and install required utilities and stormwater management practices. Generally, fill would be added in the area of the home sites. Excavation would occur to add a filtration basin.

**Stormwater**

Runoff from the newly created impervious surface would be directed toward the new raingarden to the west and would drain toward the wetland buffer area to the east. The proposed plan has been reviewed by the city’s water resources engineering coordinator and found to be generally consistent with requirements of the city’s stormwater management plan. However, some changes will be required to meet specific city code standards and have been added as conditions within the resolution. (See attached.)

**Utilities**

Public water would be accessed from the existing line south of Minnetonka Boulevard. Sanitary sewer would be accessed off an
existing sewer line that cuts across the property. Staff has also added a condition of approval that requires the applicant to provide an adequate drainage and utility easement over the existing sanitary sewer line (See attached.)

**Zoning Variance**

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

**Lot Variance**

By city code 400.055, the city may approve variances from the requirements of the subdivision ordinance. An applicant must meet the burden of proving that: (1) the proposed variance is reasonable use of the property, considering such things as functional and aesthetic justifications or improvement to the appearance and stability of the neighborhood; (2) the circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and (3) the variance would not adversely affect or alter the essential character of the neighborhood. (See attached resolution).

**Outside Agencies**

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

**Pyramid of Discretion**

![Pyramid of Discretion Diagram]

This proposal:

**Motion Options**

The planning commission has two options:
1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the preliminary plat, with variance.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the plat. This motion must include a statement as to why denial is recommended.

Voting Requirement
The planning commission will make a recommendation to the city council on the applicant’s proposal. A recommendation for approval requires an affirmative vote of a simple majority. The city council’s final approval requires affirmative votes of five members, due to the variances.

Neighborhood Comment
The city sent notices to 97 area property owners and has received no written comments.

Deadline for Action
May 14, 2018
GENERAL UTILITY NOTES
1. HYDRANT SHALL BE 8'6" BURY. WATERMAIN SHALL HAVE 7.5" COVER.
2. SANITARY CASTINGS SHALL BE REEVEN R-1647.
3. 6" PVC SANITARY SERVICES AND RISER TO BE 50R-26.
4. CURB ROADS TO HAVE EXTENSION ROADS TO CURB STOP.
5. ALL SEWER SERVICES ARE LOCATED 3' DOWNSTREAM OF WATER SERVICES.
6. ALL WATERMAIN SHALL BE DIP CLASS 53 Vs POLYPROP. UNLESS OTHERWISE NOTED.
7. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, VERIFY EXISTING INVERT LOC.
   & ELEV. AND NOTIFY THE OWNER OR ANY REPRESENTATIVES PRIOR TO BEGINNING CONSTRUCTION.
8. UNLESS OTHERWISE NOTED, OR AS SPECIFIED IN THE ABOVE NOTE, ALL MATERIALS,
   CONSTRUCTION METHODS AND TESTING SHALL CONFORM TO THE 1999 ED OF THE
   STANDARD UTILITY SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION
   AND SANITARY SEWER AND STORM SEWER INSTALLATION BY THE CITY ENGINEERING
   ASSOCIATION OF MINN. AND TO THE "STANDARD SPECIFICATION FOR HIGHWAY CONSTRUCTION" MAIN,
   SUFFIX L-1647, 2004 EDITION, INCLUDING ITS APPENDIX.
9. ALL STORM SEWER PIPE SHALL BE CLASS 3 UNLESS OTHERWISE NOTED.
10. WATER SERVICE TO HAVE CURB STOP & BOX AT R/W LINE.
11. CONNECT TO WATERMAIN WITH CORPORATION STOP AND TANGLE-FREE SPEC.
12. SANITARY SERVICE TO CONNECT TO MAN WITH 8" X 6" WYE AND 6" 1/8 BDG.
13. SANITARY SERVICE AND WATER SERVICES TO EXTEND 10' BEYOND R/W. WATER SERVICE
    TO BE 6" COPPER.
15. NO WORK IS TO BE DONE WITHIN THE HETLAND BOUNDARY.
### Tree Removal Plan

#### Table - Trees to be Removed

<table>
<thead>
<tr>
<th>Tree ID</th>
<th>Species</th>
<th>Diameter (in)</th>
<th>Condition</th>
<th>Status</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>Acer</td>
<td>12</td>
<td>Good</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>02</td>
<td>Maple</td>
<td>20</td>
<td>Fair</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>03</td>
<td>Oak</td>
<td>18</td>
<td>Good</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>04</td>
<td>elm</td>
<td>14</td>
<td>Poor</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>05</td>
<td>Pine</td>
<td>10</td>
<td>Fair</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>06</td>
<td>Spruce</td>
<td>12</td>
<td>Good</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>07</td>
<td>Birch</td>
<td>8</td>
<td>Fair</td>
<td>Removed</td>
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<tr>
<td>08</td>
<td>ash</td>
<td>16</td>
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<td></td>
</tr>
<tr>
<td>09</td>
<td>Spruce</td>
<td>14</td>
<td>Fair</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Oak</td>
<td>18</td>
<td>Good</td>
<td>Removed</td>
<td></td>
</tr>
</tbody>
</table>

#### Diagram - Tree Locations

- Total # of Trees to be Removed: 10
- High Priority Trees: 7
- Low Priority Trees: 3

*Diagram shows detailed locations and conditions of each tree to be removed.*

---

Submitted: 4/9/18

SATHRE-BERGUOIST, INC.

1055 SOUTH BROADWAY AVENUE, MINNEAPOLIS, MN 55405

ARUNDEL ADDITION

TREES REMOVED

ARTIST: SCOTT ARUNDEL
### ATLAS/POLITICAL MAP NOTES

The following map references Table A offers general information and specific notes:

- **20 Sites Above:** Minnesota Boulevard, Minneapolis, Minnesota 55404
- **Final Zone Information:** This summary presents a zone of all zones of the final zone. The final zone is determined by a survey of 500 feet from the Minnesota Boulevard (Simpson Avenue) and Simpson Boulevard (Simpson Avenue) as defined in the final zone.

<table>
<thead>
<tr>
<th>Survey Number</th>
<th>Project Name</th>
<th>Description</th>
<th>Location</th>
<th>Key Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1003.141641</td>
<td>Minnesota Boulevard</td>
<td>Final Zone Information</td>
<td>Simpson Avenue</td>
<td>Surveyed</td>
</tr>
<tr>
<td>1003.141642</td>
<td>Minnesota Boulevard</td>
<td>Final Zone Information</td>
<td>Simpson Avenue</td>
<td>Surveyed</td>
</tr>
</tbody>
</table>

#### Survey Information

- **Survey Date:** 11/10/1995 [Survey 20 and 21]

Please note that the survey information for the subject property may have been affected by a survey. It is extremely important to ensure that the survey information is accurate and up-to-date.

### SURVEY LEGEND

- **Lot:** "Lot 10A, Block 1, Section 6, Township 112, Range 65, Minnesota Boulevard, Minneapolis, Minnesota 55404

---

### TREE INVENTORY

<table>
<thead>
<tr>
<th>Tree Number</th>
<th>Species</th>
<th>Diameter</th>
<th>Height</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>White Oak</td>
<td>12&quot;</td>
<td>60'</td>
<td>Lot 10A, Block 1, Section 6, Township 112, Range 65, Minnesota Boulevard, Minneapolis, Minnesota 55404</td>
</tr>
<tr>
<td>2</td>
<td>Elm</td>
<td>10&quot;</td>
<td>50'</td>
<td>Lot 10A, Block 1, Section 6, Township 112, Range 65, Minnesota Boulevard, Minneapolis, Minnesota 55404</td>
</tr>
<tr>
<td>3</td>
<td>Pine</td>
<td>8&quot;</td>
<td>40'</td>
<td>Lot 10A, Block 1, Section 6, Township 112, Range 65, Minnesota Boulevard, Minneapolis, Minnesota 55404</td>
</tr>
</tbody>
</table>

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### TREE REMOVAL SUMMARY

- **Total Trees to be Removed:** 3
- **Total High Technology Trees to Be Removed:** 3

---

### TREE MITIGATION SUMMARY

- **Tree Mitigation Hypothetical:** 3 trees

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### PROPOSED PARCEL INFORMATION

- **Parcel 1:** Name: [Details]
- **Parcel 2:** Name: [Details]
Utility Plan

NOTES:
1. HYDRANT SHALL BE 8 D BURY. WATERMAIN SHALL HAVE 7.5" COVER;
2. SANITARY CASTINGS SHALL BE NEVEN R-1642;
3. 6" PVC SANITARY SERVICES AND RISER TO BE SDR 26;
4. CURB BOXES TO HAVE EXTENSION KNOBS TO CURB STOP;
5. ALL SEWER SERVICES ARE LOCATED 3' DOWNSTREAM OF WATER SERVICES;
6. ALL WATERMAIN SHALL BE 0.250 50' WT. POLYPROPYLENE, UNLESS OTHERWISE NOTED;
7. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, VERIFY EXISTING INSERT LOC.
   & 2.0" AND NOTIFY THE OWNER OF ANY UNEXPECTED, PRIOR TO BEGINNING CONSTRUCTION;
8. UNLESS OTHERWISE NOTED, OR AS SPECIFIED IN THE AWWA NOTE, ALL MATERIALS,
   CONSTRUCTION TECHNIQUES AND EQUIPMENT SHALL CONFORM TO THE REQUIREMENTS
   OF THE "STANDARD UTILITIES SPECIFICATIONS FOR WATER MAIN AND SERVICE LINE INSTALLATION AND
   SANITARY SEWER AND STORM SEWER INSTALLATION BY THE CITY ENGINEERING ASSOCIATION
   OF MINN.," AND TO THE "STANDARDS SPECIFICATION FOR HIGHWAY CONSTRUCTION" MANUAL
   OF TRANS., 2000 EDITION, INCLUDING THE CURRENT ADDENDUM;
9. ALL STORM SEWER PIPE SHALL BE CLASS 5 UNLESS OTHERWISE NOTED;
10. WATER SERVICE TO HAVE CURB STOP & BOX AT R/W LINE;
11. CONNECT TO WATERMAIN WITH CORPORATION STOP AND SADDLE-JECK STEEL;
12. SANITARY SERVICE TO CONNECT TO WMR WITH 8" 6" I/D AND 6" 1/8" DD;
13. SANITARY SERVICE AND WATER SERVICES TO EXTEND 10' BEYOND R/W. WATER SERVICE
   TO BE 1 1/2" CONCRETE;
14. SAN SERVICE TO BE 6" PVC, SDR 26;
15. NO WORK IS TO BE DONE WITHIN THE WETLAND BOUNDARY.
MCWD 67' BUFFER
46,400 SF

MINNETONKA 25' BUFFER
(35 FT MIN., 134 FT MAX.) - 46,500 SF

BUFFER RULES

MCWD Buffer - 75 feet.
- For every 5 percent decrease in average buffer slope from 20 percent, the Base Buffer Width may be reduced 2 feet.
- Existing slope is 5% so there is 6 feet buffer reduction.
- For every grade of Hydrologic Soil Group above Type D for the predominant buffer soil condition, the Base Buffer Width may be reduced 2 feet.

According to the NRCS maps, the majority of the site is Type A. so there is 8 feet in buffer reduction.

The minimum applied buffer is 67 feet. Minimum Buffer Average is 33.5 feet and the maximum buffer is 134 feet.

City of Minnetonka
- 35 feet setback for the homes (there is a reduced setback to 25 feet allowed for uncovered and unenclosed decks and patios and as well as conditioned building areas but they cannot extend into the buffer)
- 25 feet setback buffer. A wetland buffer variance would be required down to no less than 20 feet in the location of the wetland drain (and then immediately extended to 25 feet outside of the drive location).

Submitted 4/9/18
Tree Removal Plan

The Tree Removal Plan is preliminary. The grading plan will need to be revised to provide storm water treatment for the proposed homes and street.
Drew Ingvalson

From: Elizabeth Showalter <eshowalter@minnehahacreek.org>
Sent: Tuesday, April 10, 2018 10:11 AM
To: Drew Ingvalson
Subject: Re: Minnetonka Planning Project - 15500 Minnetonka Blvd

Drew,

I received a message about the 15500 Minnetonka Blvd subdivision. As you are likely aware the project will also require a variance from our rules. I have been working with Dan on preparing their variance application. If you are still able, I would appreciate you listing obtaining MCWD permits for Wetland buffers under the Wetland Protection rule as a condition of approval.

I am out of the office today, but I can provide a formal comment letter tomorrow if needed.

Thanks,
Elizabeth Showalter

Get Outlook for iOS

On Mon, Apr 9, 2018 at 5:41 PM -0500, "Heidi Quinn" <hquinn@minnehahacreek.org> wrote:

FYI-
I believe that you had a pre-app about this

HQ

From: Karen Telega [mailto:ktelega@eminnetonka.com]
Sent: Monday, April 9, 2018 2:25 PM
To: Heidi Quinn <hquinn@minnehahacreek.org>
Cc: Drew Ingvalson <dingvalson@eminnetonka.com>
Subject: Minnetonka Planning Project - 15500 Minnetonka Blvd

The city of Minnetonka has received applications for the following development project:

Project Name: Arundel Addition
Project Location: 15500 Minnetonka Blvd

Additional information regarding this project can be found on the city's project page at:
https://tinyurl.com/15500MinnetonkaBlvd
If a separate review process or permit is required by your agency for the proposed project, please contact the applicant directly. If you have any questions, please contact the planner assigned to the project.

Applicant:
Dan Schmidt
schmidt@sathre.com
952-476-6000

Planner:
Drew Ingvalson
dingvalson@eminnetonka.com
952-939-8293
Mr. Drew Ingvalson  
Planner  
City of Minnetonka  
14600 Minnetonka Blvd.  
Minnetonka, MN 55345

Re: Final Plat Review – Arundel Addition (Received 04/09/18)  
15500 Minnetonka Boulevard (County State Aid Highway 5)  
Hennepin County Plat Review ID #3687 (Reviewed 04/10/18)  
Subdivides existing 12 acre single family lot into three parcels, adding two single family homes

Dear Mr. Ingvalson:

Please consider the following in your review of this proposal:

Access
We accept the proposal to retain the existing driveway, adding several trips per day with the two additional households.

Recommendations
While our recent conversion of this section of Minnetonka Boulevard to a three-lane design provides for sufficient space for left-turns into this driveway, we request the applicant widen the existing shoulder to better allow for westbound right-turning vehicles into the property. It's important to remove this movement, however modest, out of the through traffic stream.

As part of our continued long-range efforts to enhance safety and operations by consolidating access points throughout the county roadway system, we request that the city work with the applicant to obtain cross access easements to the following properties; 15406, 15416, and 15518 Minnetonka Boulevard. Provision of these easements at this time allows for the opportunity to redirect these access points internally, away from Minnetonka Boulevard in the future either through land redevelopment or the reconstruction of Minnetonka Boulevard.

Right-of-Way Requests
In order to fully allow for our typical three-lane urban section in the future, we request dedication of right-of-way to match 50 feet from the centerline of Minnetonka Boulevard. This dedication will also allow for potential improvements such as a sidewalk or the extension of the existing off-road trail approximately 1,500 feet to the east.
Storm Water and Drainage

Requirements
Please ensure discharge rates remain less than existing flow rates. The county storm water system will not take water from new drainage areas. Additional treatments may be necessary if flow rates cannot match existing.
Storm water and drainage questions can be directed to Drew McGovern at 612-596-0208, drew.mcgovern@hennepin.us.

Permits
Requirements
Please inform the developer that all construction within county right-of-way requires an approved Hennepin County permit prior to beginning construction. This includes, but is not limited to, driveway and street access, drainage and utility construction, trail development, and landscaping.
Permit questions can be directed to Michael Olmstead at 612-596-0336, michael.olmstead@hennepin.us.

More information
Please contact us for any further discussion of these items.
- Bob Byers at 612-596-0354, robert.byers@hennepin.us
- Jason Gottfried at 612-596-0394, jason.gottfried@hennepin.us

Sincerely,

Chad Ellos, PE
Transportation Planning Division Manager

Minnesota Statutes 505.03, 505.021, and 462.358, Plats and Surveys, allow up to 30 days for county review of preliminary plats abutting county roads.
PARCEL ID: 1611722310004

OWNER NAME: Stephen D Arundel

PARCEL ADDRESS: 15500 Minnetonka Blvd,
Minnetonka MN 55345

PARCEL AREA: 11.49 acres, 500,478 sq ft

A-T-B: Abstract

SALE PRICE: $870,000

SALE DATA: 01/2007

SALE CODE: Excluded From Ratio Studies

ASSESSED 2017, PAYABLE 2018
PROPERTY TYPE: Residential
HOMESTEAD: Non-Homestead
MARKET VALUE: $333,800
TAX TOTAL: $12,981.96

ASSESSED 2018, PAYABLE 2019
PROPERTY TYPE: Residential
HOMESTEAD: Non-homestead
MARKET VALUE: $899,800

Comments:

This data (i) is furnished 'AS IS' with no representation as to completeness or accuracy; (ii) is furnished with no warranty of any kind; and (iii) is not suitable for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from this data.

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Resolution No. 2018-

Resolution approving the preliminary plat of ARUNDEL ADDITION, with variances, at 15500 Minnetonka Boulevard

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

Section 1. Background.

1.01 Dan Schmidt of Sather Bergquist, on behalf of the property owner, is requesting preliminary plat approval of ARUDEL ADDITION. The three-lot subdivision includes a:

1. Lot Width at Right-of-Way Variance from 80 feet to 0 feet (Lots 1 and 2).
2. Wetland Setback and Buffer Variances from 25 feet to 20 feet (Lot 1).
3. Building Setback Variance from 29 feet to 20 feet (Lot 1).

1.02 The property is located at 15500 Minnetonka Boulevard. It is legally described within Exhibit A.

1.03 On April 26, 2018, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended approval of the request to the city council.

Section 2. General Standards.

2.01 City Code §400.030 outlines general design requirements for residential subdivisions. These standards are incorporated by reference into this resolution. One of the standards requires that all lots within a plat must have 80 feet of frontage on the public right-of-way from which the lot will have access.

2.02 City Code §400.055 states that the city may approve a variance from subdivision requirements. A variance may be granted, but is not mandated, when the applicant meets the burden of proving that:

1. The proposed variance is a reasonable use of the property, considering such things as:
a) functional and aesthetic justifications for the variance; and

b) improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and

3. The variance would not adversely affect or alter the essential character of the neighborhood.

2.03 City Code §323.23(8)(b)(2) states that driveway areas must not be located within 20 feet of a wetland overlay district and must be outside of any required buffer area.

2.04 City Code §300.10(5)(e) states that minimum setbacks for principal buildings on lots-behind-lots must be 40 feet or 20% of the average distance between opposite lot lines, whichever is less, but no less than 25 feet.

2.05 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 But for the access location and lot width at right-of-way of proposed Lots 1 and 2, the proposed preliminary plat would meet the design requirements as outlined in City Code §400.030.

3.02 The proposal would meet the variance standard as outlined in City Code §400.055.

1. Reasonable Use. The applicant proposed two lot-behind-lot properties, Lots 1 and 2, with 0-feet of frontage on a public right-of-way. The properties would access via a shared private drive from the south. The proposed lots and access are reasonable as they would: (1) require less site disturbance due to the use of the existing residential driveway area; (2) reduce the amount of trees removed by the project; and (3) provide a larger setback between the adjacent homes/properties to the west and proposed driveway.
2. Unique Circumstances. The subject property is 11.5 acres in size with several high priority and significant trees. Property access could be gained via a public road; in such arrangement, no variance would be required. However, the applicant proposes to utilize an existing driveway to be used as a shared private driveway. Taken together, the size, situation, and ability to be divided without a variance constitutes a unique circumstance not similar to other residential properties in the area.

3. Neighborhood Character. The existing home is located on a large property. The property could accommodate a public road, but development of the property with a public road would be more out of character due to the site disturbance, tree loss, and loss of privacy for westerly homes.

3.03 The proposal meets the variance standard outlined in City Code §300.07 Subd.1(a) for a wetland buffer and wetland setback variance:

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the wetland buffer and setbacks is to recognize, preserve and protect the environmental, aesthetic and hydraulic functions of the city’s wetlands. The proposal is consistent with this purpose and intent as it will maintain the existing legal non-conforming setback and will not further risk the integrity of the wetland.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposal would be consistent with the city’s comprehensive plan. The intent of the plan is to maintain, preserve, and support existing natural features within the City. If approved, the wetland setback and wetland buffer would not be reduced beyond its existing distance.

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

a) REASONABLENESS: The request to maintain an existing driveway that does not meet wetland buffer and setback requirements is reasonable. The existing driveway has legal non-conforming status. It was allowed by the city at the time of its construction and could remain even if the proposal were not to move forward.

b) UNIQUE CIRCUMSTANCE: The legal non-conformity status of the driveway is a circumstance unique to the property. The subject driveway was originally constructed no later than 2009, per aerial photos, and was most likely constructed with the existing home, completed in 2007. At that time, the city’s buffer requirement was not triggered by the driveway addition on the property. However, since this time, the city has revised its ordinance and the
redevelopment of the property does trigger the 25-foot wetland buffer and setback.

c) CHARACTER OF LOCATILITY: The subject driveway will not alter the character of the neighborhood. The driveway was allowed by the city at the time of its construction and could remain even if the proposal did not move forward.

3.04 The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a) for a property line setback variance for a principal building on a lot-behind lot property:

1. PURPOSE AND INTENT OF THE ZONING ORDINANCE: The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of setback requirements is to ensure that neighborhoods retain residential characteristics and provide adequate space between homes and public right-of-ways. At its closest point, the proposed home would be located 51 feet from the nearest home.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposal would be consistent with the city’s comprehensive plan. The intent of the city’s comprehensive plan is to maintain, preserve, and support the character of existing neighborhoods. If approved, the setbacks would be similar to those of homes within the area and city overall.

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

   a) REASONABLENESS: The request to reduce the property line setback for the existing home on Lot 1 is reasonable. The proposed structure would be set back 20 feet from the subject property line and would be at least 51 feet from the closest potential home. This would exceed the property line setback requirement for a conforming lot within the R-1 district.

   b) UNIQUE CIRCUMSTANCE: The proposed Lot 1 would be 7.7-acres in size with approximately 9,585 square feet of buildable area. The proposed lot would greatly exceed the code required lot area and buildable area, but would not meet the setback requirements due to increased setbacks for lot-behind-lots and the “pie” shape of the lot. The large size of the existing lot, encumbrance of the wetland, lot-behind-lot status and “pie” shape create a unique circumstance.

   c) CHARACTER OF LOCATILITY: The majority of homes in the neighborhood have setbacks that are similar to the proposed structure. If approved, home would not alter the essential character of the subject neighborhood.

4.01 The above-described preliminary plat, with access variance, is hereby approved, subject to the following conditions:

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.

   a) The following must be submitted for a final plat application to be considered complete:

   1) A revised final plat drawing that clearly illustrates the following:

      1. Dedication of 50 feet of right-of-way from center line of Minnetonka Boulevard.

      2. Minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.

      3. A 50-foot drainage and utility easement centered over the existing sewer line on the property.

      4. Utility easements over existing or proposed public utilities, as determined by the city engineer.

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

   2) Documents for the city attorney's review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

      1. Title evidence that is current within thirty days before release of the final plat.

      2. Conservation easement over the Manage-1 wetland and required 20-foot wetland buffer and a drawing of the easement. The easement may allow removal of hazard, diseased, or invasive species. City staff may allow surface stormwater practices in the easement, provided those areas are established with native vegetation and the city is permitted to repair or maintain any storm water facility that exists in the buffer area.
3. A private driveway access and maintenance easement between the public right-of-way and all of the lots within the development. The easement must state the maintenance responsibilities of each owner. The easement must be 25 feet wide. The private drive must be at least 20 feet wide, with the exception of driveway entrance/exit onto Minnetonka Boulevard for the preservation of three mature trees.

4. Private utilities easement for any private utilities crossing properties lines.

2. Prior to final plat approval:
   a) This resolution must be recorded with Hennepin County.
   b) The documents outlined in section 4.01(1)(a)(2) above must be approved by the city attorney.

3. Prior to release of the final plat for recording, submit the following:
   a) Two sets of mylars for city signatures.
   b) An electronic CAD file of the plat in microstation or DXF.
   c) Park dedication fee of $10,000.
   d) The proposed location of the filtration basin is within an electric easement. The applicant must provide an agreement from the electric company to allow the filtration basin within this private easement area or the applicant must provide a revised stormwater management plan to be reviewed and approved by the city’s engineering department.
   e) The applicant must provide escrow in an amount equal to the cost of installing the required native vegetation wetland buffer on Lot 1.

4. Subject to staff approval, ARUNDEL ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   • Site plan, dated April 9, 2018
   • Grading, Drainage and Erosion Control plan, dated April 9, 2018
   • Utility plan, dated April 9, 2018
   • Tree Removal plan dated April 9, 2018

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

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

b) Proof of subdivision registration and transfer of NPDES permit if applicable.

c) A construction management plan in city approved format.

d) A final utility plan. The plan must:

1) Show proposed sewer and water service connections and alignment.

2) Show individual services stubbed to the individual lots with private easements and agreements across the lots.

3) Include a public hydrant must be located adjacent to the north side of Minnetonka Boulevard and next to the shared driveway.

4) Show the removal of any unused services back to the main and remove the wye and sleeving.

5) Indicated new sewer services at a minimum 6-inch pipe.

6. Prior to issuance of a building permit for each lot:

a) Submit a grading and tree preservation plan. The plan must be in general conformance with preliminary plat drawing dated April 9, 2018 unless otherwise modified by the conditions of approval. The final grading and tree preservation plan:

1) Should position the final house, driveway, utilities and associated grading to minimize tree loss.

2) Should adjust grading to avoid impacts to trees proposed to remain.

3) Should position stormwater treatment to avoid tree loss.

4) Should adjust the grading to minimize impacts to tree #599.

5) May not result in removal of more than 35 percent of the site’s high-priority trees in total. Currently, no more than two high-priority trees could be removed across the three
Tree mitigation will be determined by staff at the time of building permit issuance for each lot.

b) Submit a stormwater management plan and agreement for staff review and approval. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance. The applicant must also demonstrate that the following criteria are met:

- **Volume**: Provide for onsite retention of 1-inch of runoff from all impervious surfaces.

- **Rate**: Limit peak runoff flow rates to that of existing conditions for the 2, 10, and 100-year storm events at all points where stormwater discharge leaves the site.

- **Water Quality**: Provide for all runoff to be treated to at least 60-percent annual total phosphorus removal efficiency and 90 percent annual total suspended solids removal efficiency.

In addition,

1) Runoff must be treated prior to discharging to wetlands.

2) The site is located within a well-head protection area and drinking water supply management area – documentation must be submitted verify that infiltration is permitted.

3) Provide clarification regarding the emergency overflows. It appears that the outlet control structure is at a lower elevation than the surface emergency overflow identified in the plan.

4) The emergency overflow of the filtration basin is directed towards private property. The applicant must verify that peak stormwater rates are being reduced, and will not worsen drainage conditions on neighboring properties.

5) Easement and maintenance agreements will be required for the proposed stormwater facilities.

c) All principle structures must be setback at least 20 feet from the 931-foot contour

d) Low floors must be elevated at least 2 feet above the floodplain elevation (931 feet).
e) Submit a driveway permit. Driveways should be limited to 10 percent grade.

f) The applicant must obtain a permit from Hennepin County for work within the right-of-way.

g) Submit a construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

h) Submit cash escrow in the amount to be determined by city staff. The escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
   - The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval or city code standards; and
   - If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

i) Submit all required hook-up fees.

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

7. Current plans show the outlet pipe of the rain garden on Lot 2 within the floodplain. A floodplain alteration permit will be required for any disturbance below 931-foot elevation. No net fill is permitted below this elevation. The applicant will be required to contact Minnehaha Creek for additional requirements regarding the installation of the pipe.

8. As-built surveys will be required for any floodplain area disturbances.

9. No stormwater pipes, rip rap or associated appurtenances are allowed below the delineated wetland edge.

10. The private drive must be at least 20 feet wide, with the exception of the entrance area to preserve mature trees #676, #703 and #704.

11. Each new lot must be custom graded at the time of building permit. Mass grading of the site is not allowed.
12. No tree removal is allowed prior to issuance of the building permits for each lot unless determined necessary by city staff.

13. The properties are subject to the setbacks below:

**Lot 1**
- West: 29 feet
- Southeast: 20 feet
- South: 29 feet
- North: Setback set by wetland setback

**Lot 2**
- North and South: 31 feet
- East: 40 feet
- West: Setback set by wetland setback

**Lot 3**
- Front: 50 feet
- Sides: The sum of the side yard setback shall not be less than 30 feet, with a minimum setback of 10 feet.
- Rear: Setback set by wetland setback

14. The applicant must obtain Minnehaha Creek Watershed District permits for wetland buffers under the wetland protection rule.

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

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

17. Unless the city council approves a time extension, the final plat must be recorded by May 14, 2019.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 14, 2018.

Brad Wiersum, Mayor
Resolution No. 2018-

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 May 14, 2018.

__________________________
David E. Maeda, City Clerk
EXHIBIT A

All that part of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 117, North Range 22, West Fifth Principal Meridian, lying North of the Minnetonka and Excelsior Road; EXCEPT The West 205 feet of that part of Northeast 1/4 of Southwest 1/4 of Section 16, Township 117, Range 22 lying North of Minnetonka Boulevard; ALSO EXCEPT: The East 57 feet of the West 242 feet of that part of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 117, Range 22 lying North of Minnetonka Boulevard; ALSO EXCEPT: That part of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 117, Range 22 described as follows: Commencing on the East line of said tract at its intersection with the Northerly line of Minnetonka Boulevard; thence Westerly along said Northerly line 145 feet; thence North parallel with the East line of said West 1/2 of Northeast 1/4 of Southwest 1/4 150 feet; thence Easterly parallel with the Northerly line of Minnetonka Boulevard 145 feet to the East line of said West 1/2; thence South 150 feet to beginning; ALSO EXCEPT: That part of the West 1/2 of the Northeast 1/4 of the Southwest 1/4 of Section 16, Township 117, Range 22 describe as follows: Commencing at a point on the Northerly line of Minnetonka Boulevard distant 145 feet Westerly of its intersection with the East line of said West 1/2 of Northeast 1/4 of the Southwest 1/4; thence Westerly along said Northerly line 150 feet; thence North parallel with said East line of West 1/2 of Northeast 1/4 of Southwest 1/4 150 feet; thence Easterly parallel with the Northerly line of Minnetonka Boulevard 150 feet; thence South 150 feet to beginning.
MINNETONKA PLANNING COMMISSION  
April 26, 2018

**Brief Description**  
Items concerning Solbekken Villas, a residential development at 5740 and 5750 Shady Oak Road.

1) Ordinance repealing and replacing existing PUD and master development plan;

2) Final site and building plan review; and

3) Preliminary and final plats.

**Recommendation**  
Recommend the city council approve the requests.

**Background**

The combined properties at 5740 and 5750 Shady Oak Road are generally known as the Music Barn site. The site is currently zoned planned unit development (PUD) and guided medium-density residential. It contains two distinctive features: (1) the existing Music Barn building; and (2) a steep, wooded slope.

In 2015, the city approved a proposal to redevelop the site. As approved, Shelter Corporation would construct a three-story, 27-unit apartment building on the combined property. The existing barn would be used as community gathering space and incorporated into the new building. All of the apartments would meet the Metropolitan Council’s affordable housing guidelines. The city understood that the project, which would be financed in part through the sale of tax credits, would not begin until financing was available.

In 2017, Shelter Corporation notified the city that, due to significant devaluation of their housing tax credits, the affordable housing project was no longer financially feasible. The 2015 site and building plan approvals are now expired, but the rezoning and approved master development plan remain in place.

In February 2018, Great Oaks Development submitted a new concept plan for the combined properties. The plan contemplated removal of all of the existing buildings and construction of 15 new homes – three detached townhomes and twelve condominium units contained within three condo buildings. The planning commission reviewed the Solbekken Villas concept plan on Feb. 15. While expressing disappointment that the previously approved affordable housing project was not completed, the commission expressed general support for the Solbekken Villas concept. Commissioners specifically noted that the proposed home design was unique and exciting and single-level living was needed throughout the community. There were no neighboring residents present at the meeting. The city council reviewed the concept on Feb. 26. The council general concurred that the proposed housing type was exciting. However, questions were raised about drainage, guest parking, and the design/orientation of porches and decks. One councilmember noted that the site may include one too many homes.
Proposal

Great Oaks Development has now submitted formal plans to redevelop the combined site. The plan reflects the concept reviewed in February. The proposal requires approval of:

1) Ordinance repealing and replacing existing PUD and master development plan. In 2015, the council adopted an ordinance approving a rezoning to PUD and adopting a master development plan for the combined site. The ordinance was based on the specific plan presented at that time. The current proposal requires a “new” ordinance.

2) Final Site and Building Plans. By city code, site and building plan review is required in conjunction with PUD zoning.

3) Preliminary and Final Plats.

Proposal Summary

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

- **Existing Site Conditions.**
  
  The combined redevelopment is 2.29-acres in total area. The property contains five structures: a barn – which is currently occupied as both living and business space, a vacant farm home, a shed, and two smaller out buildings. Aside from the existing barn, the primary feature of the site is a wooded slope that runs its north/south length. The slope rises upward from Shady Oak Road to the southwest corner of the property; there is a 45-foot change in elevation over the property. Portions of the slope are classified as “steep” by city code definition. Mature trees on the slope include predominately oak and maple.

- **Proposed Buildings.**
  
  The proposal includes six buildings containing a total of 15 housing units. Three buildings would be detached, single-level, single-family homes. These homes would be generally located on the eastern portion of the site, adjacent to Shady Oak Road. Three condominium buildings – each containing four single-level condo-style homes – would be located on the western portion of the site. The first floor of these condo buildings would be occupied by garage space, individual unit storage space, and lobby area. In each building, the lobby elevator and central stairway would provide access to the homes on the second and third floors.

- **Proposed Access.**
  
  Vehicle access to the proposed development would be via a private, one-way driveway. Vehicles would enter the site from the north and exit at the south.
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 and staff findings associated with the proposal.

- **Is the proposed medium-density residential land use appropriate?**

  Yes. The subject properties – as well as other area properties along Shady Oak Road – are guided for medium-density residential development. Medium-density is defined as 4.1 to 12 units per aces. As proposed, Solbekken Villas would have a density of 6.5 units per acre.

- **Is the use of PUD zoning appropriate?**

  Yes. The PUD zoning adopted for the site in 2015 was based, in no small part, on the provision of affordable housing. Though the Solbekken Villas project would not include an affordable component, staff continues to believe PUD zoning is appropriate given the following:

  1. The development would include a mix of owner-occupied housing types;
  2. The development would supply single-level living options, which are desirable to the city.
  3. Due to the wooded slope on the site, and the city’s desire to protect this slope, it would be difficult to develop low-scale, medium-density housing without the setback flexibility provided by PUD zoning.

- **Are the proposed site impacts reasonable?**

  Generally, yes. The proposed site improvements would be situated at the base of the wooded slope. The location would result in little physical encroachment into the steepest portions of the slope. Staff believes that some refinements of the grading plan – along the back of the condo buildings and along the northwest side of the proposed drive – would further reduce impacts. Under the current plans 19 percent of the site’s high-priority trees would be lost or significantly impact by grading. With slight changes to the grading plan, this number may decrease. The staff-drafted resolution requires reevaluation of the grading plan.

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

  Generally, yes. The condominium buildings – in both their internal layout and architecture – would bring a new and attractive housing option in the community. While still attractively designed, in staff’s opinion, the single-family homes require some additional attention.

    ✓ The “rear” or east side of the homes would be highly visible from Shady Oak Road. As such, the facades of these homes should incorporate some of the architectural detail/features of the front of the homes. This may include inclusion of vertical siding, dormers, or other details/features.
The minimum setback from east property line must be minimum of 10 feet. This would require either a “pivot” or redesign of the northern most single-family home. The staff-drafted resolution includes this as a condition.

Staff Recommendation

Recommend that the city council approve the following, associated with the properties at 5740/5750 Shady Oak Road:

1) Ordinance repealing and replacing existing PUD and master development plan;

2) Resolution approving final site and building plans; and

3) Resolution approving preliminary and final plats.

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

**Surrounding Land Uses**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Shady Oak Cemetery; city-owned property</td>
</tr>
<tr>
<td>South</td>
<td>vacant property; zoned R-1</td>
</tr>
<tr>
<td>East</td>
<td>multi-family residential; zoned R-3, PURD</td>
</tr>
<tr>
<td>West</td>
<td>Lone Lake Park; city-owned property</td>
</tr>
</tbody>
</table>

**Planning**

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

**Units**

The proposed single-family homes would have a first floor living areas of roughly 2,050 square feet and three-car (tandem) garages. The units may also include basement space of roughly 1,600 square feet.

The condominium-style homes would have single-level living space of roughly 2,000 square feet. Each unit would have a two-stall garage, with adjacent storage and mechanical rooms.

The applicant is highly encouraged to install fire sprinkler systems in the three single-family homes in addition to those required in the condominium buildings.

**Parking**

Visitor parking stalls would be available in the driveways of the detached homes. The condo homes would not have individual driveways. Visitor parking for these homes would be provided at various locations in the development.

**Setbacks, Etc.**

The PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc. However, the following chart outlines these items for informational purposes:

<table>
<thead>
<tr>
<th>Measurement*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
</tr>
<tr>
<td>North property line</td>
</tr>
<tr>
<td>South property line</td>
</tr>
<tr>
<td>East property line**</td>
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<tr>
<td>West property line</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
</tr>
<tr>
<td>Detached home height</td>
</tr>
<tr>
<td>Condo building height</td>
</tr>
<tr>
<td>Impervious Surface</td>
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</tbody>
</table>
Natural Resources

Changes to the site would be necessary to accommodate the proposed redevelopment.

- **Steep Slope and Grading**

  By city code, a steep slope is one that: (1) has an average grade of 20% or greater; (2) covers an area at least 100 feet in width; and (3) rises at least 25 feet. If a slope does not meet all three of these standards it is not considered "steep" for the purposes of development and construction regulation. The slope on the Music Barn site is considered steep by definition. The grade ranges from 21% to 30%. The proposed site improvements would generally be located at the base of this slope, with little encroachment into the steepest portions. However, as was noted earlier in this report, as a condition of approval, some areas of grading need to be reevaluated prior to issuance permits.

- **Trees**

  Based on the proposed grading plan, the majority of high-priority and significant trees would be preserved.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>16</td>
<td>3</td>
<td>19%</td>
</tr>
<tr>
<td>Significant</td>
<td>77</td>
<td>41</td>
<td>53%</td>
</tr>
</tbody>
</table>

  * By city code, a tree is considered removed if 30 percent or more of the critical root zone of is compacted, cut, filled or paved.

  The proposed level of tree removal/impact would be permitted under the tree protection ordinance.

Stormwater

Engineering staff 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.

Stormwater runoff would be directed to several catch basins and outletted via pipe to an underground facility located within the driveway on the south side of the site. The facility would ultimately outlet to the city’s stormwater system.

Utilities

Public water, sewer, and storm sewer are available in Shady Oak Road. During a preliminary review of the plans, staff was of the
opinion that sewer and water lines proposed to be located within the new private drive would create future “public/private” issues. Intending to address this future issue, the formally submitted plans show the utilities along the east property line. However, in evaluating these plans, staff has determined that this location would cause even greater issues. As such, the city is willing to allow the utilities within the private drive. However, these utilities will be considered private and must be maintained as such.

**Land Dedication**

The applicant has indicated a desire to dedicate 0.35-acres of land to the city in lieu of an outstanding utility assessment. The area proposed for dedication is the northwest portion of the site. It is far less steep and contains far fewer trees than the area to the east. While staff understands that this portion of property is topographically and visually different than the larger property, staff does not see that the dedication provides any benefit to the adjacent park or cemetery. Further, there is no nexus between the dedication of this property and the utility assessment. It is the applicant’s choice whether or not to dedicate the property. However, staff would not recommend waiving required park fees or utility assessment in exchange. This decision would be purview of the city council. The council has previously considered and denied waiver of this assessment.

**SBP Standards**

The proposal would meet the site and building standards as outlined in City Code §300.27 Subd.5:

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

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

2. Consistency with this ordinance.

   **Finding:** The proposal is consistent with the zoning ordinance.

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

   **Finding:** The proposed buildings and access drive would be appropriately situated at the base of the significant wooded slope on the site. There would be little encroachment into the steepest portions of the slope and, correspondingly, removal of just 19 of the site’s high-priority trees.
4. Creation of harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development.

**Finding:** The proposal would result in a harmonious relationship of buildings and open space, as the site’s open space would be preserved.

5. Creation of a function and harmonious design for structures and site features, with special attention to the following:

- an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors, and the general community.

- the amount and location of open space and landscaping.

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

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

**Finding:** The proposal would result in a unique and attractively-designed neighborhood.

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

**Finding:** As new construction, the building code would require use of energy saving features.

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

**Finding:** The proposal would visually and physically alter the site and the immediate area. However, this would change would occur with any redevelopment of the site, which the city has long anticipated.
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 adopt the resolution approving the request.

2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the request. This motion must include a statement as to why denial is recommended.

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

Voting Requirement

The planning commission will make a recommendation to the city council. The city council's final approval requires an affirmative vote of four members.

Neighborhood Comments

The city sent notices to 372 property owners and has received one written comment to date.

Deadline for Action

July 21, 2018
Location Map

Project: Solbekken
Address: 5740 & 5750 Shady Oak Rd
Mr. Loren Gordon, City Planner
Ms. Susan Thomas, Assistant City Planner
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, Minnesota 55345

Re: Music Barn Property, 5740-5750 Shady Oak Road 2.29 acres
Application for Master Development Plan, Site and Building Plan Review and Preliminary Plat Application

Loren and Susan,

Thank you for your guidance in recent months as we developed a plan for redevelopment of the Music Barn site. Based on the design work reviewed during the Sketch Plan process, we are now applying to rezone the property for development of a 15-unit for-sale housing community to be called Solbekken. Enclosed with this letter are our completed city forms for (i) Master Development Plan, (ii) Site and Building Plan Review and (iii) a Preliminary Plat, along with a check for the amount of $2,600. Separately we have provided on the city’s ‘Liquid Files’ site a complete set of technical drawings which include architecture, civil engineering and landscape architecture.

We believe the project presented here represents an appropriate redevelopment of the old, unoccupied farmstead which now occupies the site. The fifteen new homes will be very compatible with the surrounding neighborhood. The adjacent Lone Lake Park will be an excellent amenity for the residents in the new community to be called Solbekken. The wooded hillside along the west portion of the site is largely undisturbed by the new development. Salient features of the proposed project include:

- A one-way driveway through the project which enters on the north, near the cemetery, and exits on the south.
- Fifteen homes comprised of three (3) detached town homes along Shady Oak Road and twelve (12) condominium units. The twelve condominium units will be in three separate buildings with four units
in each building. The three condominium buildings are aligned along
the base of the forested hillside.

- The condominium homes each have two garage parking spaces,
  while the town homes are designed to have three garage spaces.
- The homes are expected to be priced in the range of $650,000-
  $725,000.
- There are 14 designated visitor parking spaces provided. Each town
  home can accommodate 2 visiting vehicles in its own driveway.
- The plan proposes dedication of a portion of the site to the City for
  parkland. The dedication can be in any form preferred by the City.
  The area of .35 acres is shown as Outlot A on the Preliminary Plat. As
  discussed in the Sketch Plan review, this portion of the site is most
  readily accessible from the existing park/cemetery area owned by
  the City of Minnetonka. From inside the park, this area seems
  naturally to be part of the parkland. After this dedication of land, the
  project’s density would still be less than 8 units per acre. In exchange
  for our dedication of Outlot A, we request that the City cancel an
  assessment on the property in the approximate current amount of
  $32,000 which was placed on the property in 1992.

We look forward to being on the Planning Commission agenda April 26 and
the City Council agenda on May 14 for the public hearings related to this
application. While not available at this time, a colored rendering of the buildings
will be delivered in the near future. Please advise us of any additional
information you may require and we will respond promptly.

If any member of the City staff wishes to meet and discuss any aspect of
our submission, we would be pleased to meet with you and bring any technical
consultant who may be appropriate for the issue being discussed. Thank you for
your guidance to date.

Best regards,

N. Edward Briesemeister
For Solbekken, LLC—Maarten Kuik and N. Edward Briesemeister
neb@greateroaks.us.com
404 789 4447
SOLBEKKEN VILLAS
MINNETONKA
SOLBEKKEN VILLAS

BUILDING PLANS
BUILDING #1-SECOND & THIRD FLOOR

UNIT E
HEATED AREA (GROSS): 1,215 SQ FT.
LIVING ROOM: 384 SQ FT.
TOTAL (GROSS): 1,215 SQ FT.

UNIT A
HEATED AREA (GROSS): 2,225 SQ FT.
LIVING ROOM: 452 SQ FT.
TOTAL (GROSS): 2,225 SQ FT.

FIRST & SECOND FLOOR AREAS PER FLOOR:
VERTICAL CORE: 420 SQ FT.
TOTAL GROSS FLOOR: 4,174 SQ FT.
UNIT A

HEATED AREA (GROSS) = 2,026 SQ.FT.

LOGgia (GROSS) = 176 SQ.FT.

TOTAL (GROSS) = 2,202 SQ.FT. (+/- 5%)
UNIT B

HEATED AREA (GROSS) = 1913 SQ.FT.
LOGGIA (GROSS) = 116 SQ.FT.
TOTAL (GROSS) = 2,049 SQ.FT. (± 5%)
BUILDING 1

BUILDING 1 - REAR ELEVATION
WITH LANDSCAPE
This drawing is the property of the Architect and may not be reproduced or used without his written permission.
BUILDING 1 - SOUTH ELEVATION
WITH LANDSCAPE
These images are intended to illustrate massing and do not include any landscape design or building colors.
These images are intended to illustrate massing and do not include any landscape design or building colors.
WARNING: THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND / OR RELOCATION OF LINES. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
SITE DEMOLITION NOTES

1. Contractor shall remove all EXISTING UTILITIES located as necessary. Contractor to coordinate activities with utility companies.

2. Contractor shall protect and preserve existing utilities and structures as required by the regulations of the regulating authority. All removed materials shall be hauled from the site as required.

3. Contractor shall maintain their service and/or relocation of lines, cables, conduits, light poles, bollards, parking meters, manholes, valves, and other underground structures. The contractor shall be responsible for damage to these utilities during construction at no cost to the owner.

4. Contractor shall be responsible for damage to these utilities during construction at no cost to the owner.

5. Contractor shall clear and grub existing vegetation within the construction limits, strip top soil, and stockpile on-site. The contractor shall be responsible for damage to these utilities during construction at no cost to the owner.

6. Contractor shall coordinate all utilities with the utility companies as needed for driveway construction.

7. Contractor shall coordinate all utilities with the utility companies as needed for building construction.

8. Contractor shall refer to the utility plan for information about existing utilities.

WARNING:

Contractor shall call Gopher State One Call Services before all excavation to protect all utility lines, cables, conduits, light poles, bollards, parking meters, manholes, valves, and other underground structures. Contractor shall be responsible for damage to these utilities during construction at no cost to the owner.

9. Contractor shall coordinate all utilities with the utility companies as needed for driveway construction.

10. Contractor shall coordinate all utilities with the utility companies as needed for building construction.

11. Contractor shall refer to the utility plan for information about existing utilities.

12. Contractor shall coordinate all utilities with the utility companies as needed for driveway construction.

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46. Contractor shall coordinate all utilities with the utility companies as needed for building construction.

47. Contractor shall refer to the utility plan for information about existing utilities.

48. Contractor shall coordinate all utilities with the utility companies as needed for driveway construction.

49. Contractor shall coordinate all utilities with the utility companies as needed for building construction.

50. Contractor shall refer to the utility plan for information about existing utilities.
LEGAL DESCRIPTION

PARCEL 1:

That part of the East 30 acres of the Southeast Quarter of the Northwest Quarter of Section 35, Township 51 North, Range 12, Hennepin County, Minnesota, described as follows:

Beginning at the Northeast corner of said Southeast Quarter of the Northwest Quarter of Section 35, Township 51 North, Range 12, Hennepin County, Minnesota; thence South 87 degrees 06 minutes 28 seconds East, along the South line of said Southeast Quarter of the Northwest Quarter, a distance of 972.80 feet; thence North 2 degrees 00 minutes 40 seconds West, along the West line of said Southeast Quarter of the Northwest Quarter a distance of 173.57 feet; thence North 50 degrees 09 minutes 52 seconds West, along the West line of the Right-of-Way of County Road Number 61, a distance of 173.57 feet, to the Southwesterly Right-of-Way Line of County Road Number 61 (also known as Shady Oak Road); thence North 34 degrees 35 minutes 25 seconds West, along said Right-of-Way, 173.57 feet, to its intersection with a line which bears North 63 degrees 25 minutes 51 seconds West, a distance of 448.09 feet; thence South 87 degrees 06 minutes 28 seconds West, along the West line of said Right-of-Way, a distance of 97.56 feet, to the point of beginning.

PARCEL 2:

That part of the East 30 acres of the Southeast Quarter of the Northwest Quarter of Section 35, Township 51 North, Range 12, Hennepin County, Minnesota, described as follows:

Beginning at the Northeast corner of said Southeast Quarter of the Northwest Quarter of Section 35, Township 51 North, Range 12, Hennepin County, Minnesota; thence South 87 degrees 06 minutes 28 seconds East, along the South line of said Southeast Quarter of the Northwest Quarter, a distance of 972.80 feet; thence North 2 degrees 00 minutes 40 seconds West, along the West line of said Southeast Quarter of the Northwest Quarter a distance of 173.57 feet; thence North 50 degrees 09 minutes 52 seconds West, along the West line of the Right-of-Way of County Road Number 61, a distance of 173.57 feet, to the Southwesterly Right-of-Way Line of County Road Number 61 (also known as Shady Oak Road); thence North 34 degrees 35 minutes 25 seconds West, along said Right-of-Way, 173.57 feet, to its intersection with a line which bears North 63 degrees 25 minutes 51 seconds West, a distance of 448.09 feet; thence South 87 degrees 06 minutes 28 seconds West, along the West line of said Right-of-Way, a distance of 97.56 feet, to the point of beginning.

HENNEPIN COUNTY, MINNESOTA

ABSTRACT PROPERTY


7200 Hemlock Lane, Suite 300
Maple Grove, MN 55330

763-424-5505

CHANCE FLOODPLAIN) PER FLOOD INSURANCE RATE MAP NO. 27053C0343F COMMUNITY PANEL

AND ARE NOT SHOWN HEREON.

THIS PROPERTY IS CONTAINED IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL

FLOOD RISK) PER FLOOD INSURANCE RATE MAP NO. 27053C0343F COMMUNITY PANEL

THE ADDRESS, IF DISCLOSED IN DOCUMENTS PROVIDED TO OR OBTAINED BY THE SURVEYOR, OR

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ALL PLANTING BEDS SHALL RECEIVE 12" PULVERIZED LOAM TOPSOIL BORROW MN DOT SPEC.

<table>
<thead>
<tr>
<th>CODE</th>
<th>BOTANICAL NAME / COMMON NAME</th>
<th>SIZE</th>
<th>PQ</th>
</tr>
</thead>
<tbody>
<tr>
<td>AF</td>
<td>Acer rubrum <code>Franksred</code> TM / Red Sunset Maple</td>
<td>2.5 &quot; BB</td>
<td>3877-2B</td>
</tr>
<tr>
<td>AOE</td>
<td>Amelanchier x grandiflora <code>Autumn Brilliance</code> / <code>Autumn Brilliance</code> Serviceberry</td>
<td>7&quot; Clump</td>
<td>3877-1A</td>
</tr>
<tr>
<td>RG</td>
<td>Populus tremula <code>Erecta</code> / European Columnar Aspen</td>
<td>#5 Cont.</td>
<td>119</td>
</tr>
<tr>
<td>AG</td>
<td>Matteuccia struthiopteris / Ostrich Fern</td>
<td>#5 Cont.</td>
<td>29</td>
</tr>
<tr>
<td>HJ</td>
<td>Taxus x media <code>Tauntonii</code> / Tauton Yew</td>
<td>#1 Cont.</td>
<td>66</td>
</tr>
</tbody>
</table>

LANDSCAPE EDGING SHALL BE 4" CLEAN LINE MILL FINISH ALUMINUM EDGING

HARDWOOD SHREDDED MULCH; APPLY TO A 4" DEPTH WITH PELLET WEED PREVENTER.

DRESSER TRAP ROCKS; MULCHED TO A 4" TOPSHELL WITH NON-WOVEN GEO-TEXTILE FABRIC.

IRRI: PROVIDE IRRIGATION FOR SOD AREAS WITHIN THE PROJECT BOUNDARIES FOR IRRIGATION SPECIFICATION. PROVIDE SHOP DRAWING FOR IRRIGATION SYSTEM INCLUDING HEAD LAYOUT, SPACING, TYPE, BACKFLOW PREVENTER LOCATIONS, POINT OF CONNECTION, SLEEVES, CONTROLLER, VALVE BOX LOCATIONS, ZONE INDICATIONS AND PIPE SIZING. PROVIDE ON-SITE OPERATION TUTORIAL FOR OWNER AND INCLUDE ALL MANUALS AND INFORMATION ON THE SYSTEM.
CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.

2. SCARIFY BOTTOM AND SIDES OF HOLE PRIOR TO PLANTING. DO NOT PLANT TOO DEEP: EXPOSE TOP OF ROOT FLARE AND PULL MULCH

16" POLYPROPYLENE OR POLYETHYLENE (40 MIL, 1-1/2" WIDE STRAP)

NOTES:

HAND LOOSEN ROOTS OF CONTAINERIZED MATERIAL (TYPICAL).

DOUBLE STRAND 14 GA.

1. SHRUBS TO SIT ON SUBGRADE.

2. "BASIC TREE REMOVAL" AREA TO BE FREE OF ROCK, SOIL, PULVERIZED SOIL, LIGHT, LACK OF NUTRIENTS AND PESTS.

3. APPROVED SUBGRADE 100% COVERAGE. IRRIGATION IN SHRUB AREAS IS DRIP IRRIGATION. REFER TO DESIGN BUILD MANUALS AND INFORMATION ON THE SYSTEM.

4. ALL PLANTING BEDS SHALL RECEIVE 12" PULVERIZED LOAM TOPSOIL BORROW MN DOT SPEC.

5. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.

6. IRRIGATION: PROVIDE IRRIGATION FOR SOD AREAS WITHIN THE PROJECT BOUNDARIES FOR 4'-0" +/-. Topsoil, per specification.

7. DECK OR CONCRETE TERRACE MAY BE BUILT IN THIS LOCATION. WALL OPTION SHOWN; VERIFY WITH OWNER.

8. "BASIC TREE REMOVAL" AREA TO BE FREE OF ROCK, SOIL, PULVERIZED SOIL, LIGHT, LACK OF NUTRIENTS AND PESTS.

9. CONTRACTOR IS RESPONSIBLE FOR MAINTAINING TREES IN A PLUMB POSITION THROUGHOUT THE GUARANTEE PERIOD.

10. "BASIC TREE REMOVAL" AREA TO BE FREE OF ROCK, SOIL, PULVERIZED SOIL, LIGHT, LACK OF NUTRIENTS AND PESTS.
Solbekken Villas materials palette

- Multi-stem Autumn Brilliance Serviceberry
- 2 1/2" Trap Rock
- 3/8" Trap Rock Swedish Columnar Aspen
- Salvaged Cupola Monument Sign
- Obelisk Serviceberry
- Graziella Maiden Grass
- Russian Sage
- Hetz Columnar Juniper
- Engleman Ivy

Aune Fernandez Landscape Architects
Hello Ms. Thomas,

I am a homeowner of 5524 Dominick Drive in Minnetonka located about a mile from the Solbekken Villas Project.

I did not submit any comments on the previously approved Music Barn Apartment Complex as I didn’t have any concerns about that low-income housing project on such a large lot in close proximity to retail/service employers. I did, however, submit comments on the City Owned Chalet Pizza building as I believed (and still believe) it to be completely inappropriate for that neighborhood, lacks adequate parking, will cause traffic congestion and is too remote from retail/service employers (in fact it eliminates a few). But that’s apparently behind us and has likely, unintentionally, set precedent to approve projects such as this.

The Solbekken Villas Project appears to fit into the neighborhood without casting a shadow on any neighboring property. This section of Shady Oak appears to have sufficient capacity for these additional homes.

I cannot tell from the concept plan if turn lanes are being created or modified with this project. It would seem traffic safety merits rework of the Northbound turn lane and, possibly, integrating a Southbound turn lane for the entrance to this development.

The site plans appear to depict an entrance 100-120 feet past the center island, all but about 30 feet is to merge. The Northbound turn lane should be similar in length as the turn lane for Lone Lake Ridge that services around 25 garage stalls. It’s roughly 230 feet in length (after a 100 foot transition). Without lengthening the turn lane residents may tend to brake prior to and while transitioning from 45 MPH traffic on the main roadway.

The sidewalk and road have a lot of bike traffic which could cause congestion and potential for accidents in the right Southbound lane. The Southbound turn lane for Lone Lake is 150 feet in length (after a 50 foot transition). The Southbound turn lane for Bren Road is roughly 200 feet in length (after an 85 foot transition). However, since there’s no Southbound turn lane for Lone Lake Ridge, this may be unnecessary.

I support this redevelopment, though wanted to ensure traffic planning is not lost in the process.

Thanks
Tom Stockert
Ordinance No. 2018-
An ordinance repealing and replacing Ordinance No. 2015-12 for redevelopment of the properties at 5740 and 5750 Shady Oak Road

The City Of Minnetonka Ordains:

Section 1.

1.01 On May 18, 2015, the city council adopted Ordinance No. 2015-12. The ordinance rezoned the site generally referred to as the Music Barn properties to PUD, planned unit development, and adopted a master development plan.

1.02 The properties are located at 5740 and 5750 Shady Oak Road and are legally described on Exhibit A.

1.03 In 2017, the city was informed that the 2015 plan was no longer financially feasible.

Section 2.

2.01 To facilitate redevelopment of the site, this ordinance hereby repeals and replaces Ordinance No. 2015-12.

2.02 The properties at 5740 and 5750 Shady Oak Road are hereby rezoned to PUD.

2.03 This ordinance is based on the following findings:

1. The rezoning to PUD would result in the provision of a mix of housing types and single-level living options desirable to the city.

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

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

2.04 This ordinance is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:
2. The development must further comply with all conditions outlined in City Council Resolution No. 2018-xx, adopted by the Minnetonka City Council on May 14, 2018.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on May 14, 2018.

______________________________
Brad Wiersum, Mayor

Attest:

______________________________
David E. Maeda, City Clerk

**Action on this ordinance:**

Date of introduction: April 16, 2018
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 true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on May 14, 2018.

______________________________
David E. Maeda, City Clerk
EXHIBIT A

Parcel 1:

That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter; thence on an assumed bearing of South 97 degrees 06 minutes 26 seconds West along the South line of said Southeast Quarter of the Northeast Quarter a distance of 672.86 feet; thence North 2 degrees 53 minutes 46 seconds West a distance of 448.05 feet, said last described line if extended would intersect the north line of said Southeast Quarter of the Northeast Quarter at a point 1026.53 feet West of the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence North 87 degrees 06 minutes 26 seconds East a distance of 807.66 feet to the point of beginning of the land to be described; thence South 25 degrees 34 minutes 54 seconds East a distance of 180.00 feet; thence North 63 degrees 25 minutes 51 seconds East a distance of 262.59 feet to the Southeastern right of way line of County Road Number 61; thence Northwesterly along said right of way line to its intersection with a line bearing North 89 degrees 25 minutes 51 seconds East to the point of beginning; thence South 05 degrees 25 minutes 51 seconds West to the point of beginning.

Hennepin County, Minnesota
Abstract Property

Parcel 2:

That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 36, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the East Quarter corner of Section 36; thence South 87 degrees 06 minutes 26 seconds West, assumed bearing, along the South line of said Southeast Quarter of the Northeast Quarter, 566.01 feet; thence North 1 degree 19 minutes 39 seconds West 380.02 feet; thence North 86 degrees 26 minutes 14 seconds East 12.55 feet, which point is marked by a Judicial Landmark; thence South 2 degrees 53 minutes 46 seconds East, along the last described line, 465.21 feet; thence North 87 degrees 06 minutes 26 seconds East 807.66 feet; thence North 63 degrees 25 minutes 51 seconds East 180.00 feet to the Southeastern right of way line of County Road Number 61 (also known as Stacey Oak Road); thence North 34 degrees 35 minutes 25 seconds West, along said right of way, 240.72 feet; thence North 78 degrees 25 minutes 51 seconds West, along said right of way, 173.57 feet, to its intersection with a line which bears North 50 degrees 59 minutes 53 seconds East from the point of beginning; thence South 86 degrees 08 minutes 52 seconds West, along said line, 42.72 feet to the point of beginning.

Hennepin County, Minnesota
Abstract Property
Resolution No. 2018-

Resolution approving a final site and building plans for Solbekken Villas, a residential development, at 5740 and 5750 Shady Oak Road

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

Section 1. Background.

1.01 Great Oaks Development has requested approval of final site and building plans for Solbekken Villas, a residential development at 5740 and 5750 Shady Oak Road.

1.02 The subject properties are legally described on Exhibit A of this resolution.

1.03 On April 26, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the final site and building plans.

Section 2. Site and Building Plan Standards and Findings.

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

2.02 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 site’s comprehensive guide plan designation. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city’s development guides, include the water resources management plan.

2. The proposal is consistent with the zoning ordinance.

3. The proposed buildings and access drive would be appropriately situated at the base of the significant wooded slope on the site. There would be little encroachment into the steepest portions of the slope and,
correspondingly, removal of just 19 percent of the site’s high-priority
trees.

4. The proposal would result in a harmonious relationship of buildings and
open space. Much of the site’s open space would be preserved.

5. The proposal would result in a unique and attractively-designed
neighborhood.

6. As new construction, the building code would require use of energy
saving features.

7. The proposal would visually and physically alter the site and the
immediate area. However, this would change would occur with any
redevelopment of the site, which the city has long anticipated.


3.01 City Code §300.28, Subd. 20, outlines several standards for construction within
code-defined steep slopes. Those standards are incorporated by reference into
this resolution.

3.02 The proposal would meet the standards outlined in the City Code §300.28,
Subd.20.

1. The property is physically suitable for the design and siting of the
proposed development. The proposal would preserve significant natural
features by minimizing disturbance to existing topographical forms.

a) The proposal includes little grading outside of the building footprint
and parking and driveway areas.

b) Retaining walls would be used as an alternative to banks of cut-
and-fill.

c) The proposal would concentrate development on the least
sensitive portion of the site to maximize the preservation of trees
and natural features.

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

a) Impervious surface would be minimized.

b) Construction would occur at the base of the slope.
c) The proposal would avoid building on areas of the existing slope that has an average grade of 30 percent or more.

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

   a) The slope of the private driveway would be less than 10 percent.

Section 4. City Council Action.

4.01 The above described site and building plans are hereby approved based on the findings outlined in Sections 2 and 3 of this resolution. Approval is 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:

   • Site Plan, dated March 23, 2018
   • Grading and Drainage Plan, dated March 23, 2018
   • Sanitary and Watermain Plan, dated March 23, 2018
   • Stormsewer Plan, dated March 23, 2018
   • Landscaping Plan, dated March 23, 2018
   • Architectural Plan Set, dated March 5, 2018

2. Prior to demolition of any structures, the city must be allowed access to the site and buildings for photo and video documentation.

3. A grading permit is required. This permit will cover grading and installation of sewer, water, stormwater facilities and the retaining wall located west of the condominium buildings. 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) Final site, grading, utility, stormwater management, landscape, and tree mitigation plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.

         a. Final site plan must:

            • Include any turn lanes on Shady Oak Road as required by Hennepin County.
• Show buildings located outside of all easements.

• Show minimum structure setback of 10 feet setback from east property.

• Include turning templates for fire truck along the one-way drive and for a standard vehicle from the drive into the condominium garages.

• Show an eastward shift at the northerly entrance drive in order to save four large oak trees directly to the west.

b. Final grading plan must be revised as follows:

• No grading or associated tree removal is allowed on the adjacent property to the south.

• No grading is allowed upland of the retaining wall located west of the condominium building.

• Consider extending the retaining wall located west of the condominium building to minimize grading impacts to maple trees in the southwest corner of the site.

• Tighten proposed grades north of the northernmost condominium building to save trees directly to the west.

c. Final utility plan must be revised as follows:

• Show private watermain located within the one-way drive aisle, with fire hydrants located on the site. Watermain as initially proposed along east side of property will not meet Hennepin County requirements and the side yard location would not be maintainable due to window wells.

• Indicate removal of unused water services back to the main and the corporation stop turned off.

• Indicate 6-inch north/south sewer runs serving the development. An 8-inch run between Shady Oak Road and the one-way drive aisle is permitted.
d. Final stormwater management plan is required for the entire site's impervious surface. The plan must demonstrate conformance with the following criteria:

- **Rate.** Limit peak runoff flow rates to that of existing conditions from the 2-, 10-, and 100-year events at all points where stormwater leaves the site.

- **Volume.** Provide for onsite retention of 1-inch of runoff from the entire site's impervious surface.

- **Quality.** Provide for all runoff to be treated to at least 60 percent total phosphorus annual removal efficiency and 90 percent total suspended solid annual removal efficiency.

In addition:

- In areas where storm pipe is currently shown to be removed to the edge of the existing trail, indicate either: (1) pipe removed all the way to the structure; or (2) pipe removed to edge of trail and filled with grout to the structure. In either case, a bulkhead opening is required in the structure.

- The storm sewer alignment must be adjusted such that easements do not intersect structures.

- Underground infiltration system elevations as shown appear to conflict with proposed storm sewer connection. This must be evaluated.

- Provide evidence that the underground system will be able to support 83,000 pounds and 10,800 pounds per square foot outrigger load.

- The underground system must be inspected by a qualified third party during installation and that party must verify that the pressure requirements are adequately met.

e. Final landscaping plan be revised as follows:

- Substitute some of the columnar junipers and aspen with one or two more columnar species.
• Substitute half of the gro-low sumac with another species.

• Substitute half of the red sunset maple with another genus.

• All deciduous plant material must be placed at least 15 feet behind the curb and 10 feet behind the edge of the sidewalk. Evergreen trees must be at least 20 feet behind the curb and 15 feet behind the edge of the sidewalk. Natural resources staff may allow slightly less setbacks for columnar species.

• Include notation demonstrating the value of the proposed landscaping will meet code requirements.

3) A Utility Exhibit. The exhibit must show only property lines, buildings, sewer, water, stormsewer and underground chamber. The exhibit must clearly note that all utilities are private.

b) Prior to issuance of a grading permit:

1) This resolution must be recorded at Hennepin County.

2) Any outstanding assessments or fees must be paid.

3) Submit the following:

a. A development agreement in a city approved format for review and approval of city staff.

b. A legal document outlining that the drive, utilities, and hydrant on site will be privately constructed and maintained. The document, which must be reviewed and approved by the city attorney, must be recorded against the properties.

c. A stormwater maintenance agreement in a city approved format for review and approval of city staff.

d. 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.
e. Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct comply with grading permit and landscaping 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 underground facility has 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. 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.

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

5) 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.

c) Prior to issuance of any building permit:

1) The retaining wall located west of the condominium buildings must be constructed.

2) Submit the following documents:
a. A snow removal and salting application rate plan.

b. A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for noncompliance. 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. 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 escrow submitted at the time of grading permit may fulfill this requirement.

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

4. Construction must begin by December 31, 2019, unless the planning commission grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 14, 2018.

Brad Wiersum, 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 May 14, 2018.

__________________________
David E. Maeda, City Clerk

SEAL
EXHIBIT A

Parcel 1:

That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 65, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter, thence on an assumed bearing of South 67 degrees 06 minutes 26 seconds West along the South line of said Southeast Quarter of the Northeast Quarter, a distance of 927.40 feet, thence North 0 degrees 53 minutes 46 seconds West a distance of 649.63 feet, said last described line extending would intersect the North line of said Southeast Quarter of the Northeast Quarter at a point 1008.65 feet West of the Northeast corner of said Southeast Quarter of the Northeast Quarter, thence North 07 degrees 06 minutes 26 seconds East a distance of 970.56 feet to the point of beginning of the land to be described; thence South 26 degrees 24 minutes 23 seconds East a distance of 1021.39 feet; thence North 63 degrees 29 minutes 51 seconds East a distance of 226.60 feet to the Southwesterly right of way line of County Road Number 61; thence Northwesterly along said right of way line to its intersection with a line bearing North 63 degrees 25 minutes 51 seconds East to the point of beginning; thence South 63 degrees 25 minutes 51 seconds West to the point of beginning.

Hennepin County, Minnesota
Abstract Property

Parcel 2:

That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 65, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the East Quarter corner of Section 65, thence South 67 degrees 06 minutes 26 seconds West, as assessed bearing, along the South line of said Southeast Quarter of the northeast Quarter, 927.40 feet; thence North 0 degrees 53 minutes 46 seconds West 660.27 feet to the point of beginning of the land to be described, which point is marked by a Judicial Landmark; thence South 2 degrees 53 minutes 46 seconds East, along the last described line, 400.23 feet; thence North 07 degrees 06 minutes 26 seconds East; thence North 63 degrees 29 minutes 51 seconds East 1021.39 feet to the Southwesterly right of way line of County Road W (also known as Thirty-first Street); thence North 33 degrees 05 minutes 25 seconds West, along said right of way, 249.72 feet; thence North 39 degrees 23 minutes 15 seconds West, along said right of way, 170.87 feet, to its intersection with a line which bears North 63 degrees 05 minutes 02 seconds East from the point of beginning; thence South 63 degrees 05 minutes 02 seconds West, along said line, 42.72 feet to the point of beginning.

Hennepin County, Minnesota
Abstract Property
Resolution No. 2018-
Resolution approving the preliminary and final plats of SOLBEKKEN VILLAS
at 5740 and 5750 Shady Oak Road

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

Section 1. Background.

1.01 Great Oaks Development has requested preliminary and final plat approval of SOLBEKKEN VILLAS.

1.02 The site is located at 5740 and 5750 Shady Oak Road. It is legally described on EXHIBIT A of this resolution.

1.03 On April 26, 2018, the planning commission held a hearing on the proposed plats. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary and final plat approval.

Section 2. General Standards.

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

Section 3. Findings.

3.01 The preliminary and final plat would meet the design standards as outlined in City Code §400.030.


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

1. Prior to release of the final plat for recording:
a) Submit the following:

1) Two sets of mylars for city signatures.

2) An electronic CAD file of the plat in microstation or DXF.

3) Park dedication fee of $65,000. This number equates to $5,000 per unit minus $10,000 for two existing lots.

4) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.

b) This resolution must be recorded with Hennepin County.

2. Unless the city council approves a time extension, the final plat must be recorded by May 14, 2019.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 14, 2018.

Brad Wiersum, 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 May 18, 2018.

David E. Maeda, City Clerk
EXHIBIT A

Parcel 1:
That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the Southeast corner of said Southeast Quarter of the Northeast Quarter, thence on an assumed bearing of South 87 degrees 06 minutes 28 seconds West along the South line of said Southeast Quarter of the Northeast Quarter a distance of 972.00 feet; thence North 2 degrees 55 minutes 46 seconds West 848.60 feet, said last described line if extended would intersect the North line of said Southeast Quarter of the Northeast Quarter at a point 1988.60 feet West of the Northeast corner of said Southeast Quarter of the Northeast Quarter; thence North 07 degrees 06 minutes 26 seconds East a distance of 97.00 feet to the point of beginning of the land to be described; thence South 25 degrees 34 minutes 09 seconds East a distance of 163.00 feet; thence North 63 degrees 25 minutes 51 seconds East a distance of 238.69 feet to the South boundary right of way line of County Road Number 061; thence Northwesterly along said right of way line to its intersection with a line bearing North 63 degrees 25 minutes 51 seconds East to the point of beginning; thence South 63 degrees 25 minutes 51 seconds West to the point of beginning.

Hennepin County, Minnesota
Abstract Property

Parcel 2:
That part of the East 30 acres of the Southeast Quarter of the Northeast Quarter of Section 35, Township 117, Range 22, Hennepin County, Minnesota, described as follows:

Commencing at the East Quarter corner of Section 35, thence South 87 degrees 05 minutes 25 seconds West, an assumed bearing, along the South line of said Southeast Quarter of the Northeast Quarter, 956.01 feet; thence North 2 degrees 55 minutes 46 seconds West 462.27 feet to the point of beginning of the land to be described, which point is marked by a Judicial Landmark; thence South 2 degrees 55 minutes 46 seconds East along the last described line, 462.27 feet; thence North 87 degrees 05 minutes 25 seconds East 97.56 feet; thence North 89 degrees 25 minutes 51 seconds East 196.14 feet to the Southwesterly right of way line of County Road 061 (also known as Shady Oak Road); thence North 52 degrees 35 minutes 25 seconds West, along said right of way, 248.72 feet; thence North 89 degrees 23 minutes 15 seconds West, along said right of way, 173.67 feet, to its intersection with a line which bears North 30 degrees 05 minutes 52 seconds East from the point of beginning; thence South 30 degrees 05 minutes 52 seconds West, along said line, 427.22 feet, to the point of beginning.

Hennepin County, Minnesota
Abstract Property
Brief Description

Items concerning Ridgedale Active Adult Apartments at 12421 Wayzata Blvd.:

1) Master Development Plan,
2) Site and Building Plan with variances, and
3) Preliminary and Final Plats

Recommendation

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

Introduction

The applicant, Trammell Crow, has submitted a formal application to redevelop a portion of the existing property at 12421 Ridgedale Drive, currently owned by J. C. Penney Properties. As proposed, portions of the existing parking lot would be removed and a new, six-story, 168-unit apartment building would be constructed. The apartment would have a mix of 1 and 2-bedroom apartments of various sizes. Parking would include 216 spaces, at a ratio of 1.29 parking stalls per unit. The project would also provide land for park purposes.

The proposal requires approval of: (1) master development plan; (2) site and building plan; (3) variances; and (4) preliminary and final plats.
Background

The Ridgedale Center Mall area has been a major commercial and economic center in Minnetonka serving the western suburban market area since its opening in 1973. For four decades, the mall served the areas retail and service commercial needs with little change in its original design.

On March 7, 2013, the city council approved the master development plan for Ridgedale Mall. The master development plan consists of three phases involving multiple parcels and owners:

- **Phase 1:** The first phase included construction of an 80,000 square foot addition to Macy's, updating the exterior of the Macy's store, as well as parking lot, stormwater and landscaping improvements on the north side of the site.

- **Phase 2:** The second phase consisted of demolishing the existing Macy's Men's and Home store, and constructing an addition to the mall and a new 140,000 square foot anchor department store. Phase 2 also included parking lot, stormwater, and landscaping improvements along the south side of the mall property.

- **Phase 3:** Phase 3 consists of three new freestanding pad sites on the northwest side of the mall, as well as the final parking lot and landscaping improvements.
Primary Issues Identified during Ordinance Introduction

The proposal represents the introduction of a non-commercial use on the mall property. During the development of the Ridgedale Village Center Study, 800 residential housing units were identified for the area all of which was located at the periphery of the area, south or west of Ridgedale Drive. Albeit the locations for future residential, the plan demonstrates the need for housing to bring use diversity and vitality to this suburban mall.

The existing mall parking areas and perimeter road located south of J. C. Penney and Firestone would be removed to accommodate the apartment building. A new perimeter road would provide circulation around the apartment building and is designed to integrate with the proposed Ridgedale Drive Reconstruction project. If approved, additional coordination will continue between the city and developer to plan, design and define limits of improvements between the proposed public and private projects.

The proposal also provides land for a future park. As identified during the concept plan review, a working group has been established to guide park planning efforts. The Ridgedale Village Center Study identified a park on the mall property. Park planning will likely continue for many months. The city council would ultimately review and approve a plan for the park.

Proposal Summary

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

- **Existing Site Conditions.**

  The site contains parking and circulatory roads for the mall. There are no existing improved buildings. The highpoint of the site is along the northwest corner and slopes downward generally to the east. A sloped area separates the Firestone drive isles from the lower parking area.

- **Existing Zoning and Guide Plan Designation**

  The property is currently zoned PID, Planned I-394 District. It is designated as mixed-use in the comprehensive guide plan. The existing PID zoning is consistent with the comprehensive plan guidance.

- **Building Design and Features**

  As proposed, the building would have a 5-story north elevation and a 6-story south elevation. The flat roof designed building would be clad with exterior building materials including brick, cementitious, metal and laminate panels in a variety of white, brown, grey and black colors with white being the most predominant.

  The building would be served by 212 underbuilding parking stalls on 2-levels, one at the grade of level 1 and a lower level. There are 4 covered parking stalls on the northwest side of the building at the main lobby entrance for a total of 216 on-site parking spaces.
• **Site Design**

The building has been sited to accommodate the western roundabout of the improved Ridgedale Drive. The Ridgedale Drive reconstruction project is planned to begin in 2019. The mall’s exterior ring road has been reoriented to function with the roundabout and proposed development. Additional fill will be required on the northerly portion of the site to construct the access road.

**Primary Questions and Analysis**

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

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

Yes. High-density residential is a permitted use under PID zoning. The applicant has proposed a 6-story building, with underground parking. The proposal would have a 1.81 floor area ratio (FAR). Floor area ratio maximums in the PID are set by the designation in the comprehensive plan which ranges between 0.3 for retail to 0.75 for high-density residential. The PID does not list mixed use. Staff has generally used the specific use as an equivalent in the absence of a mixed use listing. Nonetheless, city code does allow floor area ratios of individual parcels in the PID to “…exceed these standards as long as the total average does not.” As the Ridgedale Center mall was developed under a master development plan, the overall FAR is on the lower end of that range at 0.36 which is between the retail and service commercial FARs of 0.3 and 0.4. As such staff is comfortable with the FAR of the residential parcel.

• **Are the variances reasonable?**

Yes. The applicant is requesting variances for:

<table>
<thead>
<tr>
<th>Variance</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback (Ridgedale Dr.)</td>
<td>60 ft</td>
<td>15 ft</td>
</tr>
<tr>
<td>Side yard setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>60 ft</td>
<td>19 ft</td>
</tr>
<tr>
<td>East</td>
<td>60 ft</td>
<td>47 ft</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>60 ft</td>
<td>54 ft</td>
</tr>
<tr>
<td>Lot size</td>
<td>3 acres</td>
<td>2.38</td>
</tr>
<tr>
<td>Hardcover</td>
<td>60 percent max.</td>
<td>80.5 percent</td>
</tr>
</tbody>
</table>

The property line setback variances are reasonable as the setback distances are similar to the existing setbacks of other buildings within the area. In fact, the adjacent US Bank and Firestone properties have building setbacks less than 20 feet. In addition, in recent years, the city has approved multi-family residential projects with setbacks less than those proposed for the subject project. However, these applications have not required
variances because they were within PUD Districts, which allow flexible setbacks based on the city council’s discretion.

The lot size variance is reasonable as the intent of the PID is to create parcels that are of reasonable size to provide development opportunities consistent with other development in the I-394 corridor. The parcel is reasonably sized to accommodate the proposed development.

The hardcover variance is reasonable as the greenspace in the 3 parcels included in the plat increased by 17.2 percent (76.7 percent existing to 59.5 percent proposed).

**Staff Recommendation**

Recommend the city council adopt the following, all associated with Ridgedale Active Adult Apartments, at 12421 Wayzata Blvd.:

1) Master Development Plan,

2) Site and Building Plan with variances, and

3) Preliminary and Final Plats

Originator: Loren Gordon, AICP, City Planner
Supporting Information

Surrounding
Northerly: Firestone and Ridgedale Center mall; guided mixed-use

Land Uses
Easterly: Parking lot and Ridgedale Center mall; guided mixed-use
Westerly: US Bank; guided mixed-use
Southerly: Hennepin County Ridgedale Library and Service Center; guided institutional

Planning
Guide Plan designation: Mixed-use
Existing Zoning: PID, Planned I-394 District

Concept Plan Review

Prior to formal plan submission, the applicant presented a conceptual plan to the planning commission and city council for comments. A neighborhood meeting was also held. Comments from those meetings include the following.

• **Neighborhood Meeting.** The developer held a neighborhood meeting February 6, 2018. Approximately 9 people attended the meeting. Questions and comments included the following:
  o What are opportunities for additional density on the mall property?
  o What is the height relationship to the 1700 building?
  o Safety for pedestrian connections in the area.
  o Is there flexibility for a 5-story building?
  o What are views to residential neighborhoods to the south?
  o How do we plan for redevelopment? Don’t want one-off development that is unorganized or unplanned.

• **Planning Commission Concept Plan Review.** The planning commission reviewed the concept plan at its Feb. 1, 2018 meeting. The planning commission had the following comments:
  o Why only build a 6-story building? Cost v. performance
  o What is the tallest building in the active adult market? 6 stories
  o What are the target market considerations? Lack of this market product in Minnetonka.
  o What happens in 30 years? Plan for a shaft in the building to accommodate a kitchen.
  o Do you work with cities on affordable housing in projects like this? Junior 1 bedroom unit is geared toward that market.
  o What is the parking count and guest parking accommodations? 1.1 spaces per unit. Guest parking also internal to the building.
  o What type of options are available for residents who don’t drive? Shuttle service available for trips.
  o Rooftop space considered? Trying to keep the spaces centralized.

• **City Council Concept Plan Review.** The city council reviewed the concept plan at its Feb. 5, 2018 meeting. The city council had the following comments:
  o How did the 6-story building design come about?
Meeting of April 26, 2018
Subject: Ridgedale Active Adult Apartments

- Will there be a rooftop amenity?
- Potential vehicle conflicts with site access and the roundabout?
- Are there considerations for affordable units?
- Consideration for more parking if the resident demographics changed?
- Is there a need for more parking?
- Is there a consideration for LEED?
- Is there flexibility for the location, design, shape and size of the park?
- Like the opportunity for a park at Ridgedale.
- Like the building design.

Introduction
An ordinance was introduced at the April 16, 2018 city council meeting to amend the Ridgedale Center Master Development Plan. At that time, the council generally noted that the formal proposal seems to reflect the previous concept plan review noting a few comments regarding inbound traffic from Ridgedale Drive and site parking.

City Actions
The project requires action on the following applications:

- **Master Development Plan.** The subject site is currently zoned PID, Planned I-394 District which requires city approval of a master development plan. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the master development plan.
• **Site and Building Plan Review.** By city code, site and building plan review is required in conjunction with construction of a multi-family building. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the site and building plan.

• **Preliminary and Final Plat.** The applicant has proposed to divide property owned by J. C. Penney and General Growth Properties into a buildable lot for residential and park parcels. The city council approves the platting of land. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the platting.

• **Variances.** As proposed, front, side and rear yard setback variances would be required for the building. Because the variances are required for the approval of the site and building plan, the planning commission makes a recommendation to the city council, which has final authority to approve or deny the site and building plan.

**Preliminary and Final Plats**

The preliminary and final plat, Ridgedale Center Tenth Addition, creates two additional lots for the residential development and park. The 1.31 acre park would satisfy subdivision requirements for a minimum 10% land dedication.

**Stormwater**

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

Stormwater reuse was considered for the proposed project; however, stormwater reuse was not found to be a reasonable option due to the limited green space on the site.

**Solar Energy**

The developer is continuing to review the possibility of incorporating rooftop solar panels. No decision has been made at this time.

**Utilities**

Access to public water and sanitary sewer facilities are available and are currently routed through the northern portion of the residential parcel. The building placement would cause the rerouting of these along the relocated roadway.

**Sidewalks/Trails**

The project proposes sidewalks throughout the site to allow pedestrians to walk from the improved Ridgedale Drive to the existing Firestone/J. C. Penney upper sidewalk as well as through the existing lower parking lot to the lower level J. C. Penney/Mall entry.
Traffic and Parking Review

The city’s traffic engineering consultant reviewed the proposal to ensure the proposed traffic and site plan design would not negatively impact the proposed Ridgedale Drive reconstruction project or the internal mall circulation system. The engineers concluded that the proposed project as designed, would not create negative traffic conditions. Specifically evaluated was in-bound traffic from Ridgedale Drive making a left turn into the parking garage.

The parking area located south of J. C. Penney would also be slightly reconfigured. The project demonstrates the circulation for cars and delivery vehicles at the loading docks is properly design to accommodate turning movements.

Parking

The project proposes a total of 216 total parking spaces, of which 212 are located in the building. At a 1.29 parking spaces per unit ratio, parking is between the two parking spaces per unit for multi-family developments and one space per unit for senior developments. As this project is a 50 years or older population, a blending of the standards is reasonable. That and the fact close and convenient parking exists on the mall suggests requiring two parking spaces per unit would be excessive.

Bike Facilities

The developer has stated the building will include bike facilities for resident and guests. Additional plans would be provided with the building permit for staff review.

NR Ordinances

There are 120 trees in the project area. Of those, 76 will be removed by the project, 26 will be saved and 18 will be removed due to the roadway.

This is an interesting site because the trees on the site were planted as part of a landscape plan for the development. We are regulating these trees under the tree ordinance in order to be fair to other members of the public who may have planted trees that were also regulated by the ordinance. An example is a private property owner who is subdividing their land and has planted trees on it and those trees were regulated under the tree ordinance.

There are 18 high priority trees on the site. They are removing 15 or 83% which does not meet the tree ordinance where the maximum high priority tree removal is 35%, otherwise it must be zoned a PUD. However the council can approve this tree loss if it determines that there is a greater public good such as:

a. providing reasonable use or access to the property;

b. providing affordable housing;

c. allowing for the creation or rehabilitation of a public road or trail;

d. providing for a public utility service, such as a transmission line, ponding or a water tower;
e. allowing for the creation or rehabilitation of a public park; or
f. enabling redevelopment in a designated redevelopment area.

This redevelopment meets the above criteria in items c, e, and f.

**Comparable Projects**

With the increase in residential development in the Ridgedale area, staff has continued to track measurable project statistics of development.

<table>
<thead>
<tr>
<th>Name</th>
<th>Details</th>
<th>Stories</th>
<th>Height (ft.)</th>
<th>Density (units/acre)</th>
<th>Building Size (sq. ft.)</th>
<th>FAR</th>
<th>Hard surface (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ridgedale Area Developments</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ridgedale Active Adult Apartments (Proposed)</td>
<td>168 units of age restricted (50+)</td>
<td>6</td>
<td>60</td>
<td>71</td>
<td>187,862</td>
<td>1.81</td>
<td>80</td>
</tr>
<tr>
<td>1700 Plymouth</td>
<td>Mixed use building with 16,000 sq. ft. of retail and 120 units of market rate apartments</td>
<td>6</td>
<td>76</td>
<td>59</td>
<td>155,000</td>
<td>1.7</td>
<td>85</td>
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<tr>
<td>Cherrywood Pointe</td>
<td>100-unit senior apartments</td>
<td>4</td>
<td>55</td>
<td>34</td>
<td>117,000</td>
<td>0.93</td>
<td>45</td>
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<tr>
<td>The Ridge</td>
<td>64-unit affordable apartment building</td>
<td>4</td>
<td>40</td>
<td>37</td>
<td>113,000</td>
<td>1.5</td>
<td>64</td>
</tr>
<tr>
<td>Ridgepoint</td>
<td>274-unit senior apartments</td>
<td>8</td>
<td>76</td>
<td>32</td>
<td>283,000</td>
<td>0.8</td>
<td></td>
</tr>
<tr>
<td>Ridgegate</td>
<td>60-unit market rate apartments</td>
<td>3</td>
<td>42</td>
<td>15</td>
<td>68,000</td>
<td>0.4</td>
<td></td>
</tr>
</tbody>
</table>

**Motion Options**

The planning commission has four options:

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

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

3. Concur with some of staff's recommendations and disagree with the others. In this case, a motion should be made...
recommending approval of the some and denial of the others. This motion must include a statement as to why denial is recommended.

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

**Neighborhood Comments**

At the time of publication of this report, the city had received one comment regarding the formal application. Notices were sent to 1,118 property owners.

**Deadline for Action**

July 10, 2018
Location Map
Project: Ridgedale Active Adult Apts
Address: 12421 Wayzata Blvd
RIDGEDALE ACTIVE ADULT APARTMENTS
March 9, 2018

E1 - NORTH ELEVATION
E2 - NORTH/WEST ELEVATION
E3 - WEST ELEVATION
E4 - SOUTH ELEVATION

BRICK
ARCHITECTURAL METAL PANEL
HIGH PRESSURE LAMINATE PANEL OR METAL PANEL
3 COLOR METAL PANEL BLEND
CEMENTITIOUS PANEL COLOR #1
CEMENTITIOUS PANEL COLOR #2

SCALE: 1"=30'
<table>
<thead>
<tr>
<th>LEVEL</th>
<th>TOTAL GSF</th>
<th>PARKING GSF</th>
<th>OTHER GSF</th>
<th>STALLS</th>
<th>AMENITY GSF</th>
<th>APT GSF</th>
<th>APT RSF</th>
<th>APT UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1</td>
<td>49,423</td>
<td>49,423</td>
<td>129</td>
<td>83</td>
<td>8,872</td>
<td>6,506</td>
<td>8</td>
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<tr>
<td>1</td>
<td>48,985</td>
<td>38,948</td>
<td>1,165</td>
<td>83</td>
<td>36,308</td>
<td>30,327</td>
<td>35</td>
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<td>2</td>
<td>32,593</td>
<td>12,283</td>
<td>20,310</td>
<td>16,791</td>
<td>20</td>
<td>174,414</td>
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<td>168</td>
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<td>4</td>
<td>36,308</td>
<td>36,308</td>
<td>30,327</td>
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<tr>
<td>5</td>
<td>36,308</td>
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<td>6</td>
<td>36,308</td>
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<td></td>
<td>276,233</td>
<td>88,371</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Metrics</th>
<th>GSF/STALL</th>
<th>STALLS/UNIT ENCLOSED</th>
<th>SURFACE STALLS</th>
<th>STALLS/UNIT INCL. SURFACE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>422</td>
<td>1.26</td>
<td>4</td>
<td>1.29</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RIDGEDALE ACTIVE ADULT APARTMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 19, 2018</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PARKING STALL BREAKDOWN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level P1</td>
</tr>
<tr>
<td>Enclosed</td>
</tr>
<tr>
<td>Standard Stalls</td>
</tr>
<tr>
<td>ADA Stalls</td>
</tr>
<tr>
<td>Compact Stalls</td>
</tr>
<tr>
<td>Buried Stalls (Marked T for Tandem)</td>
</tr>
<tr>
<td>129</td>
</tr>
</tbody>
</table>
### Zoning Summary: Ridgedale Active Adult Apartments

**Minnetonka, MN**

#### Site Dimensions

<table>
<thead>
<tr>
<th>Proposed parking stalls required</th>
<th>Parking, stall dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 300.28, #12* **</td>
<td>standard: min. 8.5x18 FT (90 degrees) compact: 7.5x15 FT (90 degrees) 6x15.5 (75 degrees) 6.5x17.5 (60 degrees)</td>
</tr>
</tbody>
</table>

#### Height

- 22 FT compact stall
- Proposed parking stalls: providing 1 compact stall that is 8.5x15 FT and doesn’t comply and could be removed from lots provided

#### Density

- 71 units/ac
- 50% for mid density

#### Use

- Residential, office, retail
- Zoned PID (Planned I-394 District)
- Zoning Summary: Ridgedale Active Adult Apartments

### Detailed Requirements

<table>
<thead>
<tr>
<th>Zoned PID (Planned I-394 District)</th>
<th>Detailed Requirements</th>
<th>Providing/Project as Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential, office, retail</td>
<td>Residential, office, retail</td>
<td></td>
</tr>
</tbody>
</table>

#### Sidewalks

- Proposed: 212
t- Proven: 212 (visitor parking to be determined by City staff)

#### Zoning Summary:

- **April 19, 2018**
- **Ridgedale Active Adult Apartments**
- **Minnetonka, MN**
- **Zoning Metrics**

#### Setback

- **Front Setback, Min., Bldg -- Ridgedale Dr/south side (local street)**
- **60 FT 1 IN** (from proposed average grade)
- **19 FT 11 IN** (Ridgedale Dr north side; depends on final plat)
- **15 FT 8 IN** (Ridgedale Dr south side; depends on final plat)

#### Floodplain Setback, Min.

- **60 FT 1 IN** (from proposed average grade)

#### Height

- **SUMMARY:** 60.0% (per staff, use average grade; height regulated by the combination of building setback, floor area ratio and hard surface coverage requirements; City may establish stricter height restrictions based on the characteristics of a specific planned I-394 district project) **50% for mid density**

#### Flooding

- **60.0%** (in residential lot alone); 59.5% (overall area disturbed, includes park, IEP and mall parking lots) which is a reduction from 76.7% existing impervious covera

#### Parking

- **Proposed parking stalls:**
  - **Sec. 300.28, #12* **
  - **parking spaces required**
  - **Sec. 300.28, #12** **| parking stalls required**
  - **standard: min. 8.5x18 FT (90 degrees) compact: 7.5x15 FT (90 degrees) 6x15.5 (75 degrees) 6.5x17.5 (60 degrees) compact spaces: 30% of the total parking spaces required**

#### Description

- **Proposed parking stalls:**
  - **providing 1 compact stall that is 8.5x15 FT and doesn’t comply and could be removed from lots provided**

#### Notes

* medium density: 6-12 units/ac; high density: greater than 12 units/ac

** 1. Definitions: MF buildings – the sum of the following on measured from exterior walls: the fully exposed gross horiz. area of a bldg and 1/2 of the gross horiz. area of any partially exposed level such as a walkout or look-out level, excluding interior parking spaces and vehicular circulation areas.

** 2. Definitions: Ultra high turnover: mixed-use, small one-space for each 120 square feet of gross floor area within the building with a maximum of five parking spaces; bf ultimately, by Planning Commission/staff through an overall Master Development Plan amendment.
GGP LOT
39 STALLS LOST
106 STALLS GAINED
NET 67 GAINED

GS HOLDINGS LOT
12 STALLS GAINED

SITE PLAN NOTES
1. All work and materials shall comply with all city/county regulations and codes and O.S.H.A. standards.
2. Contractor shall refer to the architectural plans for exact locations and dimensions of vestibules, slope paving, sidewalks, exit porches, truck docks, precise building dimensions and exact building utility entrance locations.
3. All inner curved radii are to be 3' and outer curved radii are to be 10' unless otherwise noted. Stripped radii are to be 5'.
4. All dimensions and radii are to the face of curb unless otherwise noted.
5. Existing structures within construction limits are to be abandoned, removed or relocated as necessary. All cost shall be included in base bid.
6. Contractor shall be responsible for all relocations, (unless otherwise noted on plans) including but not limited to, all utilities, storm drainage, signs, traffic signals & poles, etc. as required. All work shall be in accordance with governing authorities requirements and project site work specifications and shall be approved by such. All cost shall be included in base bid.
7. Site boundary, topography, utility and road information taken from a survey by EFN dated 03/06/2018. Kimley-Horn assumes no liability for any errors, inaccuracies, or omissions contained therein.
8. Pylon / monument signs shall be constructed by others. Signs are shown for graphical & informational purposes only. Contractor to verify size, location and any required permits necessary for the construction of the pylon / monument sign.
10. No proposed landscaping such as trees or shrubs, above and underground structures, or other obstructions shall be located within existing or proposed utility easements and rights of way unless specifically noted on plans otherwise.
11. Reference architectural plans for dumpster enclosure details.
12. Refer to final plat or AltA survey for exact lot and property boundary dimensions.
13. All areas are rounded to the nearest square foot.
14. All dimensions are rounded to the nearest tenth foot.
15. All parking stalls to be 9' in width and 18' in length unless otherwise indicated.
16. For offsite improvements, see the Ridgeglen improvements plans.

PROPERTY SUMMARY

<table>
<thead>
<tr>
<th>Description</th>
<th>20 AC ±</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACTUAL</td>
<td>2.37 AC ±</td>
</tr>
<tr>
<td>JCP</td>
<td>7.44 AC ±</td>
</tr>
<tr>
<td>PARK</td>
<td>1.31 AC ±</td>
</tr>
</tbody>
</table>

PRELIMINARY - NOT FOR CONSTRUCTION

TRAMMELL CROW COMPANY

APPLICATION FOR PLAT APPROVAL

ADULT APARTMENTS

RIDGEDALE ACTIVE ADULT APARTMENTS

C401

KIMLEY-HORN AND ASSOCIATES, INC.

2017 KIMLEY-HORN AND ASSOCIATES, INC.
2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114
PHONE: 651-645-4197
WWW.KIMLEY-HORN.COM

© BY

PREPARED FOR

SITE PLAN

C401

RIDGEGLEN

TRAMMELL CROW COMPANY

APPLICATION FOR PLAT APPROVAL

ADULT APARTMENTS

RIDGEDALE ACTIVE ADULT APARTMENTS

C401

KIMLEY-HORN AND ASSOCIATES, INC.

2017 KIMLEY-HORN AND ASSOCIATES, INC.
2550 UNIVERSITY AVENUE WEST, SUITE 238N, ST. PAUL, MN 55114
PHONE: 651-645-4197
WWW.KIMLEY-HORN.COM

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PREPARED FOR

SITE PLAN

C401

RIDGEGLEN
SITE GRADING TO BE DONE ONLY AFTER PROTECTIVE MEASURES HAVE BEEN TAKEN, CITY HAS APPROVED FENCING

TEMPORARY TREE PROTECTION
FENCE PLACEMENT

PRELIMINARY - NOT FOR CONSTRUCTION

M90855

TREE INVENTORY & PRESERVATION PLAN

LEGEND

PROPERTY LINE
TREE TO REMAIN
TREE TO BE REMOVED
LIMIT OF CONSTRUCTION

PREPARED BY
Kimley-Horn

ADJUSTMENTS TO ELEVATION IS TO BE MADE BY THE CONTRACTOR OR A PERMANENT DECK.BY THE COMPANY.

CUSTOMER:
TRAMMELL CROW COMPANY

COMMENTS:

M - NOTES TREE REMOVAL DUE TO ROAD PROJECT, MITIGATION

TAG # L100

CRAB APPLE

TAG # L100

CRAB APPLE

TAG # L100

MULTI-STEM
Plants to be installed as per MNLA & ANSI standard planting practices.

Immediate area.

Replacement plant material shall have a one-year guarantee commencing upon planting. No planting will be installed until all grading and construction has been completed in the area to be planted, but is not limited by the following standards:

- The date of the landscape architect's or owner's written acceptance of the initial planting.
- Quotation by the landscape contractor.
- All substitutions must be approved by the landscape architect prior to submission of any bid.

Actual location of plant material is subject to field and site conditions.

Coniferous trees shall have an established main leader and a height to width ratio of no less than 5:3.

All plants shall be free from broken or dead branches.

All plants shall be free from noticeable gaps, holes, or deformities.

Lawn grass areas and 12" depth topsoil for tree, shrub, and perennial areas.

Backfill soil and topsoil to adhere to MN/DOT standard specification 3877 (select topsoil).

Landscape contractor shall notify landscape architect for the need of any soil amendments.

Pots.

Balled & burlap tree. If this is not the case, soil shall be removed down to the root collar/root flair prior to planting. Field verify that the root collar/root flair is located at the top of the tree. This must be done before planting.

All topsoil or mulch material must be disturbed plants, but and aerial upset post spiked.

Root collar/root flair shall be even or slightly above finished grade.

Open top of burlap on BB material; remove pot on potted plants; split and break apart peat wrap all smooth-barked trees - fasten top and bottom. Remove by April 1st.

The need for soil amendments shall be determined upon site soil conditions prior to planting.

Subsoil debris, and large weeds unless specified otherwise. Minimum 4" depth topsoil for all lawn areas. Erosion control: stake, pull, plant, landscape fabric, and prepare.

Staking of trees as required; reposition, plumb and stake if not plumb after one year.

Sodding with shredded hardwood mulch around all trees and shrubs. Sod to be standard.

Provide v-shaped depth and width to create separation between mulch and grass. Individual edging to match existing conditions (where applicable).

Mulch to match existing conditions (where applicable).

Rock mulch to be on commercial grade filter fabric, by TYPAR, or approved equal. Mulch to be free of deleterious material and colored red, or brown.

Sodded with shredded hardwood mulch around all trees and shrubs. Sod to be standard.

Lawn to have a supply of shredded hardwood mulch. Shredded hardwood socks, bark, and hardwood mulch, area specified and per MN/DOT specifications. If not indicated on landscape plan, see erosion control.

All parts and labor. All information about installation and scheduling can be obtained from the general contractor.

Contractor shall provide necessary materials of plant materials (i.e., tree). The plant shall be a 50% minimum shade tree or ornamental. There shall not be too many trees or shrubs per yard block. The number of trees and shrubs per yard block shall not exceed the number specified by the landscape architect. The number of trees and shrubs per yard block shall not exceed the number specified by the building contractor.

Remove all danger to property from plant installation at no cost to owner.

No plants shall be irrigated upon arrival at site. Properly filled materials if necessary. Transportation only.

Projects falling under the jurisdiction of the city shall be submitted to the city's environmental review process.

No irrigation shall be done in an area specified by the landscape architect without prior permission.

No irrigation shall be done in an area specified by the landscape architect without prior permission.

I hereby certify that this plan, specification or report was prepared by me or under my direct supervision and that I am responsible for the work performed on this project. This project is a landscape plan.

Existing conditions (where applicable).

Significant tree mitigation provided:

High priority tree mitigation provided:

High priority tree mitigation required:

Significant tree mitigation required:

High priority tree removal:

Significant tree removal:
<table>
<thead>
<tr>
<th>Item</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>CONT Size</th>
<th>O.C.</th>
<th>Spacing</th>
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<tr>
<td>1</td>
<td>POA PRATENSIS</td>
<td>ORCHID POA</td>
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<tr>
<td>2</td>
<td>NEPETA X FAASSENII <code>KIT KAT</code></td>
<td>CATMINT</td>
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<td>ECHINACEA PURPUREA <code>WHITE SWAN</code></td>
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<td>HYDRANGEA ARBORENSIS <code>ANNABELLE</code></td>
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<tr>
<td>5</td>
<td>CORNUS SERICEA <code>BAILEYI</code></td>
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<tr>
<td>6</td>
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<tr>
<td>7</td>
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<tr>
<td>10</td>
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<tr>
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<td>#5 CONT</td>
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<td>3`</td>
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</tbody>
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**CONCEPT PLANT SCHEDULE**

SAVANNA GRASS MIX

SEEDING RATE: 16 oz. - 18 oz.

10,000 SQ. FT. DRL: 9-11 LBS. VOLUME.

ACER pseudoplatanus / COMMON BIRCH
TREE PLANTING DETAIL

SHRUB & PERENNIAL PLANTING DETAIL

NOTES:
1. Specify grade and depth of hole.
2. Provide new connector pipe or valve.
3. Provide new 1/2" Inside diameter (I.D.) of pipe. Planting the pipe to the top edge of the pipe is at the discretion of the owner.
4. Use 1/2" Inside diameter (I.D.) of pipe. The top edge of the pipe is at the discretion of the owner.
5. Use new 1/2" Inside diameter (I.D.) of pipe. The top edge of the pipe is at the discretion of the owner.
6. Use new connector pipe or valve.
7. Place all in end use of the second watering.

DOUBLE SHOVEL HAMMERED SOIL

PLANTING SOIL

2X ROOT BALL WIDTH

SOIL
KNOW ALL PERSONS BY THESE PRESENTS: That J.C. Penny Properties, Inc., a Delaware corporation, and Ridgedale Center, LLC, a Delaware limited liability company, the owners of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lot 1, Block 1, RIDGEDALE CENTER EIGHTH ADDITION

Have caused the same to be surveyed and platted as RIDGEDALE CENTER TENTH ADDITION and do hereby donate and dedicate to the public for public use, forever, the roads, streets, lanes, walkways, parks and the easements for drainage and utility purposes as shown on this plat.

In witness whereof said J.C. Penny Properties, Inc., a Delaware corporation, has caused these presents to be signed by its proper officer this ______ day of ______, 20____.

J.C. Penny Properties, Inc.

by ____________________________

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

STATE OF _________
COUNTY OF ________

The foregoing instrument was acknowledged before me this ______ day of ______, 20____, by XXXXX XXXXX, president of J.C. Penny Properties, Inc., a Delaware corporation, on behalf of the corporation.

Notary Public, ______ County,
My Commission Expires ____________

And in witness whereof said Ridgedale Center, LLC, a Delaware limited liability company, has caused these presents to be signed by its proper officer this ______ day of ______, 20____.

Ridgedale Center LLC

by ____________________________

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

STATE OF _________
COUNTY OF ________

The foregoing instrument was acknowledged before me this ______ day of ______, 20____, by XXXXX XXXXX, president of Ridgedale Properties LLC, a Delaware limited liability company, on behalf of the company.

Notary Public, ______ County,
My Commission Expires ____________

I, Christopher A. Terwedo, do 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 boundary survey, that all mathematical data and data are correctly designated on the plat, that all monuments depicted on the plat have been or will be correctly set within one year of the date of this certificate, and that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, are shown and labeled on the plat.

Dated this ______ day of ______, 20____.

Christopher A. Terwedo, Certified Land Surveyor

Minnesota License No. 53536

STATE OF MINNESOTA
COUNTY OF HENNEPIN

This plat of RIDGEDALE CENTER TENTH ADDITION was approved and accepted by the City Council of Minnetonka, Minnesota, at a regular meeting held this ______ day of ______, 20____. In addition, all required comments and recommendations of the Commissioner of Transportation and the County Highway Engineer have been received by the City or the prescribed 30 day period has expired without receipt of both comments and recommendations. This plat has been approved by the City of Minnetonka, Minnesota, in accordance with Minn. Statutes, Section 505.03, Subd. 2.

CITY COUNCIL OF MINNETONKA, MINNESOTA

By ________________

RESIDENT AND REAL ESTATE SERVICES
Hennepin County, Minnesota

I hereby certify that taxes payable in 20____ and prior years have been paid for land described on this plat.

Mark V. Chaplin, County Auditor

By ________________________ Deputy

SURVEY DIVISION
Hennepin County, Minnesota

Pursuant to Minn. Stat. Sec. 383B.565 (1969), this plat has been approved this ______ day of ______, 20____.

Chris F. Mavis, County Surveyor

By ________________________

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within RIDGEDALE CENTER TENTH ADDITION was filed in this office this ______ day of ______, 20____.

Martin McCormick, Registrar of Titles

By ________________________ Deputy

EGAN, FIELD & NOWAK, INC.
since 1872

Sheet 1 of 6 sheets
Ridgedale: A Vision for 2035
City of Minnetonka
September 2012

LMN Architects
Damon Farber Landscape Architects
Leland Consulting Group
Studio Cascade
2035 Concept Plan: Potential New Development

Ridgedale Active Adult Apartments location
Public Realm Concept

Ridgedale Active Adult Apartments location
Chair Kirk noted that existing parking problems for surrounding uses should not prevent a new use from being approved. The conditional use permit would require a parking agreement for additional parking stalls.

Chair Kirk asked for comments on the appropriateness of the use at the proposed location. Sewall felt that the use and location would be reasonable.

Schack stated that the success of Gold Nugget is a testament to the need for a restaurant of this type in the area. She did not think that the addition of the proposal would even meet that demand. The site is currently vacant. The proposal would be a definite improvement. The patio would be shielded by the building. It would not create a nuisance issue. She is comfortable with the use.

Powers stated that the positives would outweigh the possible negatives. Everyone would benefit. He supports the proposal.

O'Connell felt that the use would be reasonable for the site. It would look better than what is currently there.

Sewall commended the applicant for vetting the parking options before the meeting.

Powers liked the owner’s presentation. He thought it was smart of the owners to look for parking alternatives.

Knight liked the use. He lives two blocks north and would walk to the restaurant, even in the winter. He looked forward to a new restaurant in the area.

Schack noted that Station Pizza is located in her back yard. When its application was reviewed, there was a lot of concern expressed by neighbors regarding parking and traffic. She has not experienced any trouble with parking. It has not been an issue. The whole neighborhood walks there in the winter as well.

Knight moved, second by Powers, to recommend that the city council adopt the resolution approving a conditional use permit with variances and an expansion permit for a restaurant with outdoor seating area at 5445 Eden Prairie Road.

Powers, Schack, Sewall, Knight, O’Connell, and Kirk voted yes. Motion carried.

Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council on Feb. 26, 2018.

9. Other Business

A. Concept plan review for Ridgedale Active Adult Apartments at 12421 Wayzata Blvd.
Chair Kirk introduced the proposal and called for the staff report.

Gordon reported. Staff recommends that the planning commissioners provide comments and feedback on the identified key issues and others the commissioners deem appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Schack asked if residents provided positive feedback at the neighborhood meeting. Gordon answered in the affirmative. Those present liked the residential density located closer to the mall rather than at the edges.

Sewall asked if JCPenney would subdivide the site. Gordon answered that the intent would be for the applicant to purchase the land from JCPenney. A plat would be part of a formal application review process.

Chair Kirk noted that the proposed park would be an amenity for the public. Gordon agreed.

Chair Kirk drives Ridgedale Drive every day. He supports adding controlled-turn lanes rather than the current uncontrolled-turn lanes.

Johnny Carlson, of Trammell Crow, applicant, introduced himself and Lukas Van Sistine, architect for the project. Mr. Carlson said that:

- Gordon has done a great job reviewing the design.
- Trammel Crow is the nation’s most active developer. He primarily focuses on multi-family housing. He has a lot of experience in the Midwest. He is a native of Minnetonka.
- Each project is designed to fit in the community.
- He reviewed some of Trammel Crow’s developments including The Island Residences at Carlson Center.
- The development would be geared to active seniors with an age restriction of 55 years and older. Housekeeping, transportation, and meals may be paid for separately. There would be a full-time activities director.
- The units would be more expensive than market-rate apartments, but less than independent living. Rent for a one-bedroom unit would be about $2,200.
- Residents who require more care would move off site.

Mr. Van Sistine stated that:

- He is excited about the project because there is a lot of parking space around the mall.
• He reviewed the floor plans. Levels one and two would walkout at grade. The building would appear to be six stories on the low side and five stories on the high side.
• There would be a sidewalk all around the building.
• The enclosed parking would be buried into the grade.
• There would be space for residents to form a community within the building.
• The renderings are conceptual. The neighboring office buildings would be taken into consideration. A more contemporary building would be appropriate. Something similar to the Nordstrom building with striated precast and different textures is being considered. The base would be brick.

Mr. Carlson explained the traffic pattern.

Powers asked why the height would be limited to six stories. Mr. Carlson said that the feasibility to fund operation of the site was considered along with the height of the surrounding buildings. All of the active-adult buildings developed by Trammell Crow have been six-stories tall.

Schack asked if there is a conversion plan for when senior housing is no longer in such demand. Mr. Carlson answered that the use would not provide senior care, but would fit a niche for active adults. The residents would be able to walk to the library, mall, and restaurants. The census data supports a strong demand for this type of use for a long time.

Wischnack noted that out of 24,000 households in Minnetonka, 13,000 are single-family units and 7,000 are in multi-unit structures. The number of households that are multi-family in Minnetonka equal nearly 30 percent.

Mr. Carlson explained that the smallest unit would be 566 square feet. That would be made as affordable as possible with rent around $2,000. There would be small, medium, and large sizes of one-bedroom units and small, medium, and large sizes of two-bedroom units.

In response to Chair Kirk’s question, Mr. Carlson stated that the guest parking would be self-contained. There would be a few stalls near the drop-off area. There would be 168 units, with approximately 160 occupied at the same time. The units typically have 1.1 number of vehicles per unit which would equal 176 stalls. The proposal includes 216 parking stalls, which would leave 40 stalls for staff and visitors.

Knight liked the view of the patio area around the pool. He asked if there would be community space on the roof. Mr. Carlson said that the amenities work best when they are all located in the same area. Most of the units would have a balcony.

Chair Kirk invited those present to provide input.
Tristan Lundblad, 1801 Welland Avenue, stated that he is in favor of the project. He wanted to make sure that the building standards would be maintained. He looked forward to working with Trammell Crow to make sure that the labor force would be union members. He wants the building to be standing and viable in 35 years. He thanked commissioners for volunteering their time and being active in the community.

Tom Tart, 1807 Timberline Trail, thanked staff for their time. He asked what type of framing would be used.

Chair Kirk thanked those who spoke.

Mr. Van Sistine explained that the framing would be wood, traditional framing for a building this size. The podium level would use precast floors.

Sewall stated that the more he thought about it, the more it made sense to him to locate multi-family housing near Ridgedale. The proposal would support Ridgedale Shopping Center. He liked locating the housing on the south end. He liked the green area and park. The proposal would be an asset to the mall and surrounding area. The mass would be appropriate inside the ring surrounding the mall. He suggested that a separate dog run/space be included.

Schack agreed with Sewall. She liked the location of the density inside the ring. She recommended that the building be constructed to provide the possibility of being converted to provide housing with no age restriction. She would like to see some continuity around the mall to provide walkability and tie it all together.

Powers likes adding high density in the Ridgedale area. There is a limited amount of space to go vertical. This is the place to do it. He would like the proposed building to be taller. There is a huge demand. The space is precious. He would be opposed to decreasing the height. Anything that gets seniors out of single-family houses would benefit Minnetonka. He liked the proposal.

Knight concurred. He liked the idea of building inside the mall’s ring. The parking lots are huge. He asked where snow would be piled. He liked the proposal. He could envision himself living there. The restructuring of the drive aisles on Ridgedale Drive may block off the loading dock to JCPenney’s. He was a little concerned with the tight turns for a large truck. The park is a good idea.

Gordon noted that if a round-about would be used, it would be designed correctly.

Chair Kirk noted that snow could be hauled away. Apartments now surround Southdale Center. This proposal would be more attractive than those apartments. He thought there might be a better way to decrease the appearance of the mass created by the horseshoe shape. He liked the proposed landscaping. The exterior white looks urban and hip, but he recommended breaking up the appearance of the exterior mass.
Chair Kirk stated that this item is tentatively scheduled to be reviewed by the city council on Feb. 5, 2018.

10. **Adjournment**

*Sewall moved, second by Knight, to adjourn the meeting at 9:16 p.m. Motion carried unanimously.*

By: ____________________________

Lois T. Mason
Planning Secretary
spend those funds effectively. Wischnack said occasionally the city will receive funds back like in a situation where the estimated award is higher than the actual award. Currently the city had money to spend that would be awarded on a first come, first serve basis.

Wiersum said the staff report included a lot of information about the city administering the program internally versus transitioning to have Hennepin County do so. He asked if the administrative fees had increased or remained the same. Wischnack said the fees had increased. City staff had struggled with keeping up with all the compliance requirements. If the city had kept the administrative duties, it was likely more staff time would have been needed for that purpose.

Bergstedt said things had been streamlined by having the county administer the program rather than requiring individual cities do a request for proposal. Wiersum agreed.

Wiersum opened the public hearing at 7:32 p.m. No one spoke. He closed the public hearing at 7:32 p.m.

Acomb moved, Ellingson seconded a motion to adopt resolution 2018-010 approving the proposed allocation for 2018 Urban Hennepin County Community Development (CDBG) program funds; authorize the negotiation and execution of a sub-recipient agreement with Urban Hennepin County and any third party agreements; and approve funding for HOME line in the amount of $5,200 from the Development Account for 2018. All voted “yes.” Motion carried.

14. Other Business:

A. Concept plan review for Ridgedale Active Adult Apartments at 12421 Wayzata Blvd.

Gordon gave the staff report.

Acomb asked for more information about the housing study and what it showed about housing in the city for people over the age of 55. Gordon said there were a couple of groups in the senior market. One group included housing without services for active adults. Acomb noted the study showed the city was about 200 units short for active adults. Wischnack said the study showed the city was short 659 units for all seniors.

Johnny Carlson with Trammell Crow showed photos of other projects the company had done. He presented details about the type of housing and how it differed from other types of senior housing. The project architect, Lukas Van Sistine, from ESG Architects, presented information about the design.

Bergstedt said one of the first questions asked at the planning commission meeting was how the six story building was arrived at. Carlson said the key thing was looking at how tall the other buildings in the area were. This was a Carlisle
prototype being built in other parts of the country and was used to determine the right unit count. The site also was looked at to determine what was appropriate. Another factor was keeping the rents as low as possible.

Calvert said she watched the planning commission review and took to heart some of the questions that were asked. She asked if a rooftop amenity was being looked at. Carlson said if a market rate apartment building was being looked at rather than age restricted housing, a sky deck would be included. The goal in this case was to get all the amenities in one spot to create daily interaction between the residents. Creating a rooftop amenity with the others on the ground would bifurcate the space. He said a rooftop amenity would still be looked at as the plan moves forward.

Calvert said looking at where vehicles pull into the parking lot from the roundabout, there was an immediate turn into the parking area. She said she had some concern with this. Gordon said staff would like to study the intersection further. Calvert said she was really excited about the additional green space. She liked how Sistine had explained the inspiration for the exterior of the building. It was a lot of mass with a very smooth surface. It differed from a retail space. There was a visual breakup that broke up the mass.

Acomb asked if there was consideration for affordable units within the project. Carlson said affordable units had been incorporated in other Trammell Crow market rate buildings. He said this was a different rent check considering the different things residents would be paying for. Financially it would be difficult to include affordable units. Acomb said looking at other active adult projects like one in Edina, affordable units were included. Carlson said Edina had an ordinance requiring affordable units. He said while Minnetonka did not have a similar ordinance, the goal for this plan was to drive the rents as low as possible. Wischnack clarified Edina has a housing policy and not an ordinance requiring affordable units. Minnetonka has a housing resolution with similar language.

Calvert noted there was a demographic bubble throughout the country. The type of resident living in this building would be different in 10, 20 or 30 years. She asked if there had been any consideration given to the need for more parking and some of the other things that would change in 30 years when a younger demographic occupied the building. Carlson said this was being viewed as a building that could be converted to independent living in the future. The amenity space was more geared toward this than for a younger demographic.

Ellingson said it was an interesting concept. He noted currently this part of the parking lot often had few cars parked in it. He questioned if the mall needed the parking. Carlson said he was working with all the retailers, the anchors and General Growth. The current parking ratio was being looked at as well as where it was headed in the future. The least parking demand was in the southwest corner. He indicated the mall owners and the tenants supported the project.

Calvert asked Carlson if any of his projects had a sustainable building component including LEED certification. Carlson said Trammel Crow would
consider incorporating sustainability for this project. The certification typically is part of the design process. The goal in this case would be to deliver a sustainable project. Sometimes a project is designed using the LEED certification requirements but the actual certification is not pursued.

Acomb asked if there was any flexibility to the location, design, shape and size of the park area. Carlson said the original plan presented to staff had the building shifted to the east. The building was shifted west when staff indicated a city goal would be to have a park and change the roundabout access. The goal was to get the largest park possible and maximize the walkability to the park and to the mall. He said the shape of the park would likely continue to evolve through the process. Wischnack noted General Growth owned the eastern portion so that piece would have to be negotiated with them. Acomb said the location and size of the park didn’t fully meet the city’s vision. She said she spoke with Wagner and he shared that concern.

Bergstedt said over the last year, as the council looked at various projects, they had discussed the huge need for some type of park or open space. He said this was an opportunity to reach a piece of that goal. He didn’t think the city should be too prescriptive without considering all the options and ensuring the overall area flowed better. He said the park idea was great but it was a starting point. He thought the concept met some of the vision for the Ridgedale area with higher density, higher height and a quality development.

Acomb agreed and said she was thrilled to see density built in the parking lot. She was fine with the architecture and the setbacks. Her concern was related to affordability and wanting that to be included in the project.

Calvert said agreed with Bergstedt and Acomb. She was glad to see the higher height which was restricted in other parts of the Ridgedale area. She liked many things about the project but agreed with Acomb’s comments about including some affordable units. She was excited to see there was a possibility to include some LEED building practices. The added green space, whatever it ended up being, would be great.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking on behalf of a coalition of five neighborhoods: his street, Dwight Lane, Austrian Pines, Sherwood Place and Sherwood Forest. The consensus was strong support for the city’s effort to bring in high density housing. The assumption was all the new buildings would be compliant with the comprehensive guide plan and also be sensitive to those who had lived in the city for the last 20 to 30 years. The coalition of neighbors support this concept plan. The project was very appropriate for the space. The park space and size of the building were appropriate. The physical density was not an issue. The more important issue was the activity density. With 165 units there would be a lot of activity on a relatively small space. He said the property was far enough away from the neighborhoods that the activity density would not be much of an issue.
Annette Bertelsen, 13513 Larkin Drive, said she and her neighbors liked the apartment concept quite a bit. As far as the density they support this level of density. She said there were many neighborhoods that were engaged in the discussion about the Ridgedale area. Now that there was the first housing proposal for the inner circle, the neighbors were very excited about the land use and proposed density. She said when the city first presented the Ridgedale vision study, residents saw vignettes of a park adjacent to the mall. This excited them. People began to brainstorm ideas about synergy between events at the mall and events at the park. As the discussion about the park continued, she would like to see pros and cons discussed about the location. She said it was easy to forget that Ridgedale wasn’t just a commercial hub. For many it was part of the fabric of their neighborhood. She suggested having neighborhood residents be part of the park committee along with councilmembers, planning commissioners and park board members. She volunteered to be the neighborhood representative.

Calvert said one of the things she really liked about the location of the building was that it was at the south end of the mall away from the freeway. She said it was a huge benefit to the building’s residents.

Wiersum said this was an intriguing project. He appreciated the information about what an active adult apartment was and thought it was a niche that made sense in the community. He truly valued the social aspect for those who lived in the city but were looking to downsize. He agreed with the comments about the location of the building. He thought along with the improvements to Ridgedale Drive, this would be a very beautiful area of the city. Architecturally, he particularly liked the large windows that were shown. He thought the contemporary look and design would play very well. He said a park in Ridgedale was an important amenity. He spoke with Wagner earlier in the day and Wagner said one thing he wanted the others to be mindful of was the Sears location at the mall would redevelop in the fairly near future. The city could delay decisions and end up with nothing because it was always hoping for what may be available tomorrow. On the other hand, the council shouldn’t be too afraid of that and not aim as high as it could for the park. It was important to keep an open mind to the possibilities for a park in the Ridgedale area. He recommended Wagner be the council representative on the committee because this was in his ward, but given Wagner’s travel schedule that Acomb be appointed as the alternate.

15. **Appointments and Reappointments:**

A. **Appointments and reappointments to Minnetonka boards and commissions**

In addition to the appointments and reappointments listed in the council packet, Wiersum noted he was nominating Yunker to chair the EDAC.

Wiersum moved, Bergstedt seconded a motion to approve the appointments and reappointments to various advisory boards, commissions and committees. All voted “yes.” **Motion carried.**
I live in the adjoining neighborhood on Dwight Lane. My concern with a six story structure is several. First it would change the feeling of the area near the public library and Ymca. I feel a low rise building is more appropriate there. The volume of traffic and personal feeling of safety walking the neighborhood is also a concern. I am not sure if there will be a noise factor as well. I am concerned about environmental impact as well as this is an area with wildlife, trees, and ecosystems that I believe the neighborhood should be careful to preserve. Thank you for your attention to this matter. Unfortunately I cannot be at the upcoming planning and city council meetings. Yours Joan Trowbridge

Sent from my iPhone
Ordinance No. 2018-

An ordinance amending the existing Ridgedale Center Master Development Plan for Ridgedale Active Adult Apartments located at 12421 Wayzata Blvd.

The City Of Minnetonka Ordains:

Section 1.

1.01 This ordinance hereby amends the existing Ridgedale Center master development plan. (Project 03046.12a). Adoption is based on the findings in the April 26, 2018, staff report.

1.02 The property covered by this amendment is located at 12421 Wayzata Boulevard and is legally described as:

Lot 1, Block 1, RIDGEDALE CENTER TENTH ADDITION

Section 2.

2.01 This ordinance is based on the following findings:

1. The proposal would meet the required standards and ordinances for a site and building plan approval.

Section 3.

3.01 Approval is subject to the following conditions:

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

   • Civil site plan, dated March 9, 2018
   • Utility plan, dated March 9, 2018
   • Grading and Drainage plan, dated March 9, 2018
   • Building elevations, dated March 9, 2018
   • Overall landscape plan, dated March 9, 2018

The above plans are hereby adopted as the master development plan and as final site and building plans.
2. The master development plan adopts the approvals and conditions identified in Resolution 2018-

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 May 14, 2018.

Brad Wiersum, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: April 16, 2018
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 May 14, 2018.

David E. Maeda, City Clerk
Resolution No. 2018-

Resolution approving final site and building plans with variances for Ridgedale Active Adult Apartments at 12421 Wayzata Blvd.

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

Section 1. Background.

1.01 Trammell Crow has requested approval of final site and building plans for Ridgedale Active Adult Apartments.

1.02 The property is located at 12421 Wayzata Blvd. It is legally described as:

Lot 1, Block 1, RIDGEDALE CENTER TENTH ADDITION, HENNEPIN COUNTY, MINNESOTA.

1.03 On April 26, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site and building plans.

Section 2. Site Plan Standards and Findings.

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

1. The proposal is consistent with zoning ordinance standards.

2. The proposed building and parking lot would be appropriately located to accommodate proposed Ridgedale Drive improvements and site circulation at Ridgedale Center mall.

3. As new construction, the building code would require use of energy saving features.

4. The proposal would visually and physically alter the site and Ridgedale Drive corridor. However, any redevelopment of the subject property consistent with its high-density residential designation would result in such
changes. The changes are consistent with the Ridgedale Village Center Study which envisions additional commercial intensity and residential housing units.

Section 3. Findings.

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

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

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

2. Consistency with the ordinance;

   **Finding:** The proposal meets the standards of the PID zoning district and applicable performance standards.

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

   Finding: The proposed building and parking lot would be appropriately located to accommodate proposed Ridgedale Drive improvements and site circulation at Ridgedale Center mall. The proposed development would increase the vitality and general appearance of the area.

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

   **Finding:** The building placement, connections to sidewalks and provision of park land would create harmonious relationships in the area that currently do not exist.

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
Finding: The site and building are well organized to provide a desirable place to live. The building is a high quality design which adds value to the living experience for residents. Indoor and outdoor site amenities create an enjoyable environment.

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

Finding: The project proposes additional open space, landscaping and 1.31 acres of land for park purposes.

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

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

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

Finding: The proposed street and sidewalk plan integrate with proposed improvements of Ridgedale Drive adding to additional circulation through the mall property. Parking areas are appropriately designed to accommodate car and truck movements.

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

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

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

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

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 proposal would be consistent with the zoning ordinance including standards for site and building plan approval.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The proposal would be consistent with the comprehensive plan guidance for high density residential land use on the property.

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

   a. REASONABLENESS: The proposed variances are reasonable. The proposed variances are consistent with the increased intensity of development identified in the Ridgedale Village Center Study.

   b. UNIQUE CIRCUMSTANCE: The property is located in the Ridgedale Village Center which is identified in the city’s comprehensive plan. Reduced setbacks, increased development intensity consistent with development at the mall is a unique circumstance in the city.

   c. CHARACTER OF LOCATILTY: There are other high density residential buildings in the area with similar building setbacks and intensity. The proposed development would not detract from this character.

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, Ridgedale Active Adult Apartments must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

   • Civil site plan, dated March 9, 2018
   • Utility plan, dated March 9, 2018
   • Grading and Drainage plan, dated March 9, 2018
   • Building elevations, dated March 9, 2018
   • Overall landscape plan, dated March 9, 2018

2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
a) The following must be submitted for the grading permit to be considered complete.

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

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

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

a. Final site plan must:

1. Add fire hydrant near NE corner of the building.

2. Add a stop sign bar at the parking garage exist driveway as it intersects the private street.

3. Incorporate design elements and features that are consistent with Ridgedale Public Realm Guidelines.

b. Final stormwater management plan must meet the requirements of the city's Water Resources Management Plan, Appendix A. Design. The plan must include a narrative, impervious surface information, soil boring data, and modeling demonstrating rate control and water quality treatment and:

1. The underground stormwater facilities must be located outside the proposed street.

2. The applicant must verify that all underground stormwater facilities are pressure rated to accommodate 10,800 lbs/sq. ft.

3. The applicant must have a third party inspector verify that the underground stormwater facilities are installed properly and meet the pressure testing requirements outlined above.
4. STRM 400 and STRM 111 should be relocated to avoid short-circuiting the underground stormwater facility.

5. The underground stormwater chamber and associated piping will be private facilities; a stormwater maintenance and easement agreement will be required over the chamber; plantings within the easement must be consistent with council policy 11.3 regarding private use of city easements.

6. Submission of NPDES permit coverage.

c. Final utility plan must:

7. Add a gate valve to the building water service lateral.

8. Sanitary service connections from the building to MH 103 and MH 107 must meet plumbing code requirements. Confirm number of fixture units. Also, check rim elevation of Ex. MH 101.

9. Confirm service location of 12425. It appears that it may need to be reconnected between MH 102 and 103.

d. Final landscaping and tree mitigation plans must:

1. Demonstrate how the landscape plan meets the required 2% of the project value.

2. Reduce the overall number of whitespire birch (they specified 24) and substitute at east half with another genus.

3. Substitute the river birch proposed to be planted on the underground stormwater chamber with ornamental trees or bushes.

4. Include rain sensors on any irrigation systems.

5. Coordinate with city staff on a planting plan that incorporates design and planting
schemes consistent with the Ridgedale Public Realm Guidelines.

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

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

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

a. Make any necessary amendments to operating agreement or easements to reflect and accommodate the changes.

b. Stormwater maintenance agreements over all stormwater facilities.

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

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

- A final as-built survey has been submitted;
- An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;
- Vegetated ground cover has been established; and
- Required landscaping or vegetation has survived one full growing season.
7) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

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

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

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

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

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

11) The city will assign the property with a Ridgedale Drive address.

12) All required administration and engineering fees.

13) A development agreement to address planning, design, and implementation of improvements as they relate to Ridgedale Drive and the park.

b) Prior to issuance of the grading permit:

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

2) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency.
3) 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) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.

4. Prior to issuance of a building permit:

   a) Submit the following documents:

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

      2) A snow removal and salting application rate plan.

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

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

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

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

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

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

   d) Submit all required hook-up fees.
5. Retaining walls over four feet in height must be engineered and must include guard rails. Submit plans signed by a licensed structural engineer.

6. During construction the street must be kept free of debris and sediment.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 14, 2018.

_________________________
Brad Wiersum, 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 May 14, 2018.

_________________________
David E. Maeda, City Clerk
Resolution No. 2018-

Resolution approving the preliminary and final plat of RIDGEDALE CENTER TENTH ADDITION at 12421 Wayzata Blvd.

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

Section 1. Background.

1.01 The applicants, Trammell Crow, has requested preliminary and final plat approval for RIDGEDALE CENTER TENTH ADDITION.

1.02 The property is located at 12421 Wayzata Blvd. It is legally described as follows:

   Lot 1, Block 1, RIDGEDALE CENTER TENTH ADDITION, HENNEPIN COUNTY, MINNESOTA.

1.03 On April 26, 2018, the planning commission held a hearing on the proposed plats. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary and final plat approval.

Section 2. General Standards.

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

Section 3. Findings.

3.01 The preliminary and final plat would meet the design standards as outlined in City Code §400.030.


4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:
1. Prior to release of the final plat for recording:
   
a) Submit the following:
   
   1) Two sets of mylars for city signatures.
   2) An electronic CAD file of the plat in microstation or DXF.
   3) Title evidence that is current within thirty days before release of the final plat for the city attorney’s review and approval.

   b) This resolution must be recorded with Hennepin County.

2. Subject to staff approval, RIDGEDALE CENTER TENTH ADDITION must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

   • Civil site plan, dated March 9, 2018
   • Utility plan, dated March 9, 2018
   • Grading and Drainage plan, dated March 9, 2018
   • Building elevations, dated March 9, 2018
   • Overall landscape plan, dated March 9, 2018

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

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

   b) Proof of subdivision registration and transfer of NPDES permit if applicable.

4. Unless the city council approves a time extension, the final plat must be recorded by May 14, 2019.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 14, 2018.

Brad Wiersum, Mayor

Attest:
Resolution No. 2018-

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 May 14, 2018.

__________________________
David E. Maeda, City Clerk