Planning Commission Agenda

Dec. 6, 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: Nov. 15, 2018

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Resolution approving a front yard setback variance for additions to the existing home at 5536 Glenavon Ave.

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

      • Final Decision Subject to Appeal
      • Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items

   A. Resolution approving a preliminary plat, with variances, for a two-lot subdivision at 5524 Nantucket Place.

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

      • Recommendation to City Council (Date: Dec. 17, 2018)
      • Project Planner: Drew Ingvalson

   B. Resolution approving a comprehensive guide plan amendment from commercial to mixed use at 14317 Excelsior Blvd.

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

      • Recommendation to City Council (Date: Dec. 17, 2018)
      • Project Planner: Susan Thomas
C. Items concerning Marsh Run redevelopment at 11706 Wayzata Blvd.: comprehensive guide plan amendment, rezoning, master development plan, final site and building plans, easement vacation, and preliminary and final plats.

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

- Recommendation to City Council (Date: Dec. 17, 2018)
- Project Planner: Ashley Cauley

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.

2. Applications and items scheduled for the Jan. 3, 2019 planning commission meeting:

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Waterstone Place, an entry addition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address</td>
<td>9700 Waterstone Place</td>
</tr>
<tr>
<td>Project No.</td>
<td>18043.18a</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Ashley Cauley</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Rebecca Shack, Ward 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Williston Heights, a four-lot subdivision</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address</td>
<td>4716/4724 Williston Road</td>
</tr>
<tr>
<td>Project No.</td>
<td>18034.18a</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Drew Ingvalson</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Tim Bergstedt, Ward 4</td>
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<thead>
<tr>
<th>Project Description</th>
<th>Inverness Estates, a two-lot subdivision</th>
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<tbody>
<tr>
<td>Project Address</td>
<td>13321 Inverness Road</td>
</tr>
<tr>
<td>Project No.</td>
<td>18040.18a</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Susan Thomas</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Bob Ellingson, Ward 1</td>
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<thead>
<tr>
<th>Project Description</th>
<th>Oakland Estates, a four-lot subdivision</th>
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<tbody>
<tr>
<td>Project Address</td>
<td>1922 Oakland Road</td>
</tr>
<tr>
<td>Project No.</td>
<td>18041.18a</td>
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<tr>
<td>Assigned Staff</td>
<td>Ashley Cauley</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Rebecca Shack, Ward 2</td>
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<tr>
<th>Project Description</th>
<th>Housekeeping Ordinance</th>
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<tbody>
<tr>
<td>Project Address</td>
<td>city-wide</td>
</tr>
<tr>
<td>Project No.</td>
<td>N/A</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Ashley Cauley</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>city-wide</td>
</tr>
</tbody>
</table>
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 Henry, Knight, Luke, Powers, Sewell, and Kirk were present. Hanson was absent.

Staff members present: City Planner Loren Gordon and Assistant City Planner Susan Thomas.

3. **Approval of Agenda**

*Sewall moved, second by Henry, to approve the agenda as submitted with an additional comment provided in the change memo dated Nov. 15, 2018.*

*Henry, Knight, Luke, Powers, Sewell, and Kirk voted yes. Hanson was absent. Motion carried.*

4. **Approval of Minutes: Nov. 1, 2018**

*Luke moved, second by Powers, to approve the Nov. 1, 2018 meeting minutes as submitted.*

*Henry, Knight, Luke, Powers, Sewell, and Kirk voted yes. Hanson was absent. Motion carried.*

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its meeting of Nov. 5, 2018:

- Adopted a resolution approving a daycare on Whitewater Drive.
- Introduced a concept plan for the city’s police and fire facility.
- Introduced a concept plan for Marsh Run Apartments.
- Adopted an amendment to the sign ordinance.
- Reviewed a concept plan for the Orchard Road single-family housing proposal.

The next planning commission meeting is scheduled for Dec. 6, 2018.
There have been numerous outreach and steering committee meetings for the comprehensive guide plan over the last few weeks. There will be a public hearing on chapters of the comprehensive guide plan Nov. 29, 2018.

Federal funds were approved for the SWLRT.

6. **Report from Planning Commission Members**: None

7. **Public Hearings: Consent Agenda**: None

8. **Public Hearings**

   A. **Resolution amending Site Plan No. 248 to accommodate construction of the Southwest Lite Rail Transit (SWLRT) line at 5450 Feltl 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.

   Ryan Kronzer, assistant director of design and engineering for the SWLRT project, reviewed the plans and stated that:

   - It made sense to locate the tracks beneath the existing street elevations. The train would be a story below the streets. The proposal would grade the site down to the level below street level.
   - The blue line represents the required grading area.
   - This option would prevent the need for gated areas to stop traffic every time the train would go by. The proposal would be the best option for the SWLRT and street traffic. The train would run unimpeded beneath the street and the street would remain as it is today.
   - The existing pond would remain in place and untouched.
   - Erosion control measures would be taken to maintain the slope long term.
   - The steepest part of the slope would be planted with grasses. Trees would be planted on the upper third of the site.

   Knight asked if a trench could be used with two retaining walls instead of one retaining wall. Mr. Kronzer explained how that scenario would cause the utilities to be located very deep. The best option would be to grade the area down.

   Powers asked who would fix a problem with erosion five years from construction. Thomas explained that it would be in the best interests of the SWLRT owners to prevent erosion from reaching the tracks. The city would handle erosion as a nuisance issue and the easement holder would be held responsible to correct a problem. The SWLRT would be obtaining a permanent easement over the property. There was a full natural
resources review of the entire SWLRT line through Minnetonka two years ago that resulted in the city developing wetland setbacks, buffer requirements, and tree removal standards for the impending project. This area was part of the much larger and in-depth natural resources review.

Chair Kirk confirmed with Thomas that this review is providing an administrative correction to a site and building plan approval from 1984.

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

Chair Kirk noted that the anticipation of the completion of the SWLRT has prompted multiple housing projects over the last couple years. The SWLRT is driving economic development and providing more diverse housing resources including high-density-residential projects in the city.

Powers moved, second by Knight, to adopt the resolution amending Site Plan Review No. 248 removing the requirement for tree preservation within the existing easement area and allowing the construction of the SWLRT line within the easement area.

Henry, Knight, Luke, Powers, Sewell, and Kirk voted yes. Hanson was absent. Motion carried.

B. Resolution approving setback variances for construction of a new home at 5729 Whited Ave.

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.

Chair Kirk noted that the applicant submitted an email stating that the applicant was unable to attend the meeting and supports staff's recommendation.

The public hearing was opened.

David Johnson, 5801 Whited Ave., stated that:

- He was happy that a new house would be constructed. The current house is in pretty bad shape.
- He did not like the setback or the location. It would be 18 feet from the adjacent side property line.
- He did not want trees near the adjoining property line removed.
- He would like the proposed house moved further north and east to maintain his privacy.
Heather Holm, 15327 Lake Shore Ave., stated that:

- The rear of her property backs up to the proposal’s property.
- She supports the construction of a new single-family house on the property. The current house is unoccupied.
- She was concerned with the impact to the wetland and setbacks. The wetland is a type that is unique and bio diverse. There are only two in Minnetonka.
- The existing house does not have a basement. She was worried how excavation would change the hydrological components of the wetland.
- The new house would double the amount of impervious surface. She was concerned how water runoff would impact the wetland. She contacted the watershed district who told her that stormwater impact guidelines and a buffer easement would apply to this property.
- She questioned if the property owner would live in the house.
- There have been six tear downs and rebuilds within 750 feet of her property. She has met with Minnetonka Natural Resources Specialist Aaron Schwartz who handles hundreds of projects at once. There are high-quality oak trees adjoining the existing house where the demolition would occur. She wanted to make sure the tree ordinance would be enforced and the trees protected. Many trees have been removed with the tear down and rebuilds. She requested that fencing be installed and kept in place during the entire process. She recommended that the demolition occur where the current house is now.
- She opposed the wetland setback variance to the wetland. She did not have a problem with the setback variance to the street.

No additional testimony was submitted and the hearing was closed.

Thomas stated:

- Natural resources staff inspected the site and determined the quality of the wetland. The vast majority of the proposed house meets the city’s setback requirements. The wetland setback requirement from the edge of a delineated wetland is 35 feet. The area of the house that does not meet the setback is a small corner. Everything within the pink area does meet the wetland setback ordinance. The city and Nine-Mile Creek Watershed District have stormwater management, wetland buffer, and an easement over the buffer regulations that would apply. A builder would have to receive approvals from the city and the watershed district.
- The tree protection ordinance limits the maximum amount of tree removal during subdivision of a property. The construction of a single-family house that does not subdivide the property is not limited in its amount of tree
removal. A property owner has the right to remove trees within the building footprint and a 20-foot perimeter without mitigation.

- All building permits are reviewed by planning, natural resources, and engineering staff.
- Staff’s recommendation includes a requirement for a stormwater management plan that would control the volume of runoff from the site.

Chair Kirk learned from someone in the audience that the existing house has a basement. Thomas noted that there is a minimum floor elevation on the property because of floodplain and watershed district requirements.

Thomas explained that the city receives escrow funds submitted with a building permit application that are used to install erosion control measures if proper measures are not being done at a site.

Chair Kirk confirmed with Thomas that the side yard setback requirement is 10 feet, so 18 feet would exceed that requirement. Moving the structure to the north would move it closer to the wetland. There would be 50 feet between the proposed house and the neighboring house.

Thomas explained that the wetland setback variance is only a point intrusion and the proposed house would be located further from the wetland than the existing house.

In response to Luke’s question, Thomas answered that erosion control measures would be required and listed in a construction management plan. The management construction plan could also require the demolition and excavation traffic to access the site from the north.

In response to Powers’ question, Thomas explained that construction management plans are posted on eminnetonka.com. Contact information for an on-site supervisor is included in the construction management plan. Staff rely on neighbors to inform them of violations not being addressed.

Chair Kirk thought a three-car garage for a new single-family house in Minnetonka would be reasonable. Thomas clarified that the house design within the context of the unique property determines its reasonableness.

Henry liked that the wetland setback variance intrusion was just a small corner. He understood the neighbors’ concerns. He did not know what would be reasonable.

Sewall liked that the proposed building footprint would not extend as much into the wetland setback as the existing house does. He appreciated the neighbors’ concerns, but locating the entire house in the buildable area might result in the house feeling even more intrusive to the neighbor. He thought the proposed house’s amount of square footage would be reasonable. The proposed house would be closer to the road. He did not know what would help.
Chair Kirk noted that the deck on the back of the house would be 43 feet. Front loading the garage in front of the family room would push more of the structure toward the street and away from the wetland. The proposal may be a reasonable design if the square footage is found to be reasonable. The wetland setback intrusion is just a little corner.

Luke visited the site. She appreciates the neighbors’ concerns. She understood that privacy is sometimes decreased when new houses are built. The proposed house would be a standard box with a three-car garage.

Knight asked how the floor area ratio (FAR) compares to the neighborhood. Thomas answered that the FAR would be .03 which is significantly smaller than surrounding houses, especially the ones constructed over the last few years.

Powers found nothing unreasonable enough to vote against staff’s recommendation. He wished that the developer would have been in attendance, but he did not hold that against the developer.

Chair Kirk concurred with Powers. The proposal is the best option and a reasonable solution.

Henry requested that construction traffic access the site from the north and as many trees between the properties be saved as possible.

**Powers moved, second by Henry, to adopt the attached resolution approving a front yard and wetland setback variance for the construction of a new house at 5729 Whited Ave. and requested that the property owner work with staff on a construction management plan to address construction traffic’s access to the site and promote tree preservation.**

*Henry, Knight, Luke, Powers, Sewell, and Kirk voted yes. Hanson was absent. Motion carried.*

9. **Adjournment**

**Knight moved, second by Powers, to adjourn the meeting at 8 p.m. Motion carried unanimously.**

By: __________________________

Lois T. Mason
Planning Secretary
MINNETONKA PLANNING COMMISSION
Dec. 6, 2018

Brief Description
Expansion permit for a second story living addition with cantilevers and a front entry feature at 5536 Glenavon Ave.

Recommendation
Adopt the resolution approving the request

Background

Property

The subject property was platted, in 1907, as part of the BEAUTIFUL AVONDALE subdivision. Based on aerial photography and surveys of surrounding properties, the paved roadway of Glenavon Avenue is not located within the plated right of way.

By ordinance, front yard setback is measured from the plated right-of-way regardless of the location of the paved roadway.

House

The existing house was constructed before the adoption of the city’s first zoning ordinance. After the adoption of the ordinance, the home’s existing front yard setback became non-conforming because it did not meet the required setback.

The city’s non-conforming use ordinance allows property owners to make improvements into their properties despite not meeting the required setback. Only a building permit is required if a property owner is performing routine maintenance work or reconstructing the house in the same size and footprint as the existing house.

An expansion permit is required when a property owner is proposing to expand vertically [ex. adding a second story] or horizontally [ex. an addition] within the required setback.

A variance is required when a property owner is proposing something that would encroach further into the required setback.
Proposal

The property owner is proposing to do the following at 5536 Glenavon Ave:

- finish the basement and remodel the main level;
- construct a second story over the entire home with front and rear cantilevers; and
- replace the existing front porch with a new front entry feature;

The remainder of the work requires an expansion permit because it would be located within the required setback but would not encroach further into the setback as shown below:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front yard setback</td>
<td>House: 35 ft</td>
<td>House: 26 ft</td>
<td>House: 26 ft</td>
</tr>
<tr>
<td></td>
<td>Porch: 30 ft*</td>
<td>Porch: 23.5 feet</td>
<td>Porch: 23.5 feet</td>
</tr>
<tr>
<td></td>
<td>FAR 0.25**</td>
<td>.06</td>
<td>.09</td>
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</tbody>
</table>

* certain architectural features, such as unenclosed front entry porches, are allowed to encroach up to five feet into a required setback.

** allowed by McMansion Policy (see Supporting Information for policy description).

Staff Analysis

Staff finds that the applicant’s proposal is reasonable as:

- The additions would not further encroach into the required setback than the existing structure.
- The paved roadway of Glenavon Ave is located entirely outside of the platted right-of-way. While setbacks are measured to the property line, the structure would visually be setback over 57-feet from the paved roadway.
- The proposal would result in an increased amount of living space while reducing the amount of structure in the required setback.

Staff recommendation

Adopt the resolution approving an expansion permit for the construction of a second story living addition with cantilevers and a front entry porch at 5536 Glenavon Avenue.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner
### Supporting Information

<table>
<thead>
<tr>
<th>Project No.</th>
<th>18039.18a</th>
</tr>
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<tbody>
<tr>
<td>Property</td>
<td>5536 Glenavon Ave</td>
</tr>
<tr>
<td>Applicant</td>
<td>Dragomir Perzhu</td>
</tr>
</tbody>
</table>

**Surrounding land uses**

All properties to the north, east, south and west are properties zoned R-1, low density and improved with single-family residential homes.

**Planning**

- Guide plan designation: Low density residential
- Zoning: R-1, low density residential

**Impervious surface**

The city only regulates the impervious surface on a property when it is located within the shoreland overlay district. The maximum is determined by a property’s distance to a regulated waterbody. The subject property is allowed up to 70-percent impervious surface. The proposal would result in just under 10-percent impervious surface on the property.

**McMansion Policy**

The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the homes within the surrounding neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the FAR of the properties within:

- 1,000 feet on the same street; and
- A distance of 400 feet from the subject property.

The proposal does not include a variance. As such, the McMansion Policy does not apply.

**Neighborhood comments**

The city sent out 41 notices to property owners and received no comments.

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The planning commission has three options:

1. Concur with the staff recommendation for approval. In this case, a
motion should be made to adopt the resolution approving the request.

2. Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution denying the applicant’s proposal. This motion must include findings for denial.

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

<table>
<thead>
<tr>
<th>Voting Requirement</th>
<th>The planning commission action on the applicant’s request is final, subject to appeal. Approval requires the affirmative vote of five commissioners.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeals</td>
<td>Any person aggrieved by the planning commission’s decision about the request may appeal the decision to the city council. To do so, a written request must be submitted to the planning staff within 10 days of the date of decision.</td>
</tr>
<tr>
<td>Deadline for decision</td>
<td>Feb. 19, 2019</td>
</tr>
</tbody>
</table>
Location Map

Project: Perzhu Residence
Address: 5536 Glenavon Ave
CERTIFICATE OF BOUNDARY

DRAGOMIR PERZHU

LEGAL DESCRIPTION
Lot 3, Block 6, BEAUTIFUL, AVONDALE, Hennepin County, Minnesota, according to the recorded plat thereof.

BOUNDARY NOTES
NO EVIDENCE OF MONUMENTATION FOUND ON THE ENTIRE BLOCK. THE BOUNDARY WAS COMPUTED BASED ON ORIGINAL PLAT AND HALF SECTIONS INFORMATION AND OTHER HENNEPIN COUNTY RECORDS AVAILABLE TO US.

NOTES
1. THE BASIS OF THE BEARING SYSTEM IS ASSUMED.
2. NO SPECIFIC SOIL INVESTIGATION HAS BEEN COMPLETED.
3. CONTRACTOR SHALL VERIFY PROPOSED ELEVATIONS.
4. NO TITLE INFORMATION WAS PROVIDED FOR THIS SURVEY. THIS SURVEY DOES NOT PURPORT TO SHOW ALL EASEMENTS OR RECORD.
5. EXISTING UTILITIES AND SERVICES SHOWN HEREIN OWNER LOCATED PHYSICALLY ON THE GROUND DURING THE SURVEY OR FROM EXISTING RECORDS MADE AVAILABLE TO US OR BY RESIDENT TESTIMONY, OTHER UTILITIES AND SERVICES MAY BE PRESENT. VERIFICATION AND LOCATION OF UTILITIES AND SERVICES SHOULD BE OBTAINED FROM THE OWNERS OF RESPECTIVE UTILITIES BY CONTACTING GOPHER STATE ONE CALL AT (651) 454-0002 PRIOR TO ANY DESIGN, PLANNING OR EXCAVATION.

REFERENCE BENCHMARK
ELEVATION = 591.53 (NAVD 20) MIDDET DEK "FAUL"

BUILDING SETBACKS
ZONING: RT 4 SINGLE FAMILY
HOUSE: FRONT = 35 FT
SIDE = AGGREGATE 30 FT WIN 10 FT ON ANY ONE SIDE
REAR = 20% OF LOT DEPTH OR 40 FT, WHICHEVER IS LESS

HARD COVER
EXISTING BUILDING = 2,057 SQ. FT.
EXISTING BITUMINOUS SURFACE = 525 SQ. FT.
EXISTING HARD COVER = 35 SQ. FT.
6.5 %

LEGEND
● DENOTES FOUND PROPERTY IRON
▷ DENOTES SET 1/2" X 18" REBAR
WITH PLASTIC CAP "PLS 25105"
--- DENOTES BOUNDARY LINE
- - - - DENOTES LOT LINE
( ) DENOTES SETBACK LINE
( ) DENOTES PLATTED DISTANCE
( ) DENOTES BITUMINOUS SURFACE

CALL 48 HOURS BEFORE DIGGING
GOPHER STATE ONE CALL
Twin Cities Area 651-454-0002
MN. Toll Free 1-800-252-1166

PROJECT NO.: 18-128
FIELD WORK DATE: 08/11/18
DRAWN BY: WV
JOB NAME: DRAGOMIR PERZHU
LOCATION: 5520 GLENDAVE AVE
MINNEAPOLIS, MN 55445
DATE: 08/24/18
CHECKED BY: VS
FIELD BOOK NO.: B75-13
SHEET NO. 1 OF 1

I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT ALL SURVEYS WERE MADE UNDER THE LAWS OF THE STATE OF MINNESOTA.

EELS ENGINEERING DESIGN & SURVEYING
6460 Wayzata Blvd, Minneapolis, MN 55426
OFFICE: (612) 548-2860 FAX: (612) 548-2861
EMAIL: info@eels.com WEBSITE: http://eels.com

ENG. NO. 25205
ALL PLANS ARE TO BE REVIEWED BY THE GENERAL CONTRACTOR AND THE MUNICIPAL BUILDING OFFICIAL PRIOR TO CONSTRUCTION. AVA STUDIO LLC. IS NOT RESPONSIBLE FOR ANY PROBLEM AS A RESULT OF AN ERROR OR OMISSION ON THESE PLANS.
ALL PLANS ARE TO BE REVIEWED BY THE GENERAL CONTRACTOR AND THE MUNICIPAL BUILDING OFFICIAL PRIOR TO CONSTRUCTION. AVA STUDIO LLC. IS NOT RESPONSIBLE FOR ANY PROBLEM AS A RESULT OF AN ERROR OR OMISSION ON THESE PLANS.

SEE TABLE R602.7(1) FOR MAX HEADER DOUGLAS FIR SPAN.

5536 Glenavon Ave
Minnetonka
Proposed Basement
Where floor or roof framing members are perpendicular to exterior braced wall lines above or below, solid blocking shall be provided between the framing members at braced wall panel locations to permit fastening of wall plates in accordance with and shall extend to within 2 inches of the bottom side of the roof sheathing and shall be fastened in accordance with Table R602.3(1).

Solid blocking to be provided @ floor trusses below braced wall panels.

All framing and foundations shall be shored and temporarily braced as required by the contractor and all minimum nailing shall be in accordance with IRC Table R602.3(1). Lumber shall be minimum #2 SPF with treated lumber to be #2 S. Pine and engineered lumber to have $F_b = 2600 \text{ psi}$ with $E = 2.0$. Assume all lumber is of good quality and does not have large splits and checks and shall be visually inspected by the contractor at the time of construction. All fasteners in contact with treated lumber shall be G185 hot dipped galvanized or equal.

General Bracing Notes

Braced Wall Plan Abbreviations

BWL - Braced Wall Line
BWP - Braced Wall Panel
CS-WSP - Continuously sheathed wood structural panel
GS - Wall Panels sheathed w/gypsum board both faces
PFH - Portal Frame with Holdownds
PFG - Portal Frame Garage
CS-PF - Continuous Portal Frame
HD - Hold Down
TT - Tension Tie

Minnetonka
5536 Glenavon Ave
AVA STUDIO
55426
612 532 8159
avastudio.avastudio.com
Planning Commission Resolution No. 2018-
Resolution approving an expansion permit for a second story addition with cantilevers and a front entry feature at 5536 Glenavon Ave

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

Section 1. Background.

1.01 Dragomir Perzhu owns the property located at 5536 Glenavon Avenue. The property is legally described as: LOT 3, BLOCK 6, and BEAUTIFUL AVONDALE.

1.02 The existing home was built in 1965, prior to the adoption of the city’s first zoning ordinance. The home has a nonconforming front yard setback of 26 feet. The existing front porch has a setback of 23.5 feet.

1.03 The property owners are proposing to construct a second story over the entire house, and a new front entry feature.

1.04 Minnesota Statute §462.357 Subd. 1(e)(b) allows a municipality, by ordinance, to permit an expansion of nonconformities.

1.05 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.

1.06 City Code §300.29 Subd. 7(c) authorizes the planning commission to grant expansion permits.

Section 2. Standards.

2.01 City Code §300.29 Subd. 7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:

1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.
2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowners convenience, and are not solely because of economic considerations; and

3. The expansion would not adversely affect or alter the essential character of the neighborhood.

Section 3. Findings.

3.01 The application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd. 7(c):

1. Reasonableness and Neighborhood Character: The proposal is reasonable as:
   • The proposal would allow for increased living space without encroaching further into the required setback.
   • The proposal would reduce the amount of structure within the setback.
   • The proposal would visually be set back over 57 feet from the paved roadway of Glenavon Avenue.

2. Unique Circumstance: The paved roadway of Glenavon Avenue is located completely outside of the platted right-of-way adjacent. The structure would maintain its’ visual setback of 57 feet from the paved roadway. This is a unique circumstance not common to other similarly zoned properties.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described expansion permit based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
   • Proposed survey dated Oct. 16, 2018, but received with edits on Nov. 27, 2018
   • Elevations, floor plans and details dated May 24, 2018.

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
b) Install a temporary erosion control and tree protection fencing for staff inspection. These items must be maintained throughout the course of construction.

3. This expansion permit approval will end on Dec. 31, 2019, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on Dec. 6, 2018.

Brian Kirk, Chairperson

Attest:

Karen Telega, Deputy City Clerk

**Action on this resolution:**

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on Dec. 6, 2018.

Karen Telega, Deputy City Clerk
Brief Description
Preliminary plat for a two-lot subdivision, Dorn Estates, at 5524 Nantucket Rd. The preliminary plat includes a variance for minimum lot size.

Recommendation
Recommend the city council adopt the resolution approving the plat

Background
The subject parcel is 1.03 acres and contains a two-story, 4,400 square foot single-family home with a detached structure. The home was originally constructed in 1900 and was reconstructed in 1990.

The middle of the property has the highest elevation. The property gradually slopes downward as you travel from this area towards the east, and drops more sharply as you travel to the west side of the property.

There are 10 high priority trees and 19 significant trees on the subject property. The thickest collection of trees are located on the west side of the site. These trees are part of an oak woodland-brushland natural community.

Proposal
One of the applicants, Katie Dorn, met with city staff this fall to discuss a request to subdivide the property into two lots. The applicants' goal was to subdivide the property without demolishing the existing home. With that goal in mind, the applicants' submitted multiple plans to split the property. In all of these plans, the accessory structure on the southern portion of the lot would be removed. A new home would be located in its place and on an existing parking area. Below are the various examples this lot could be subdivided.

Complying Proposal
As an exercise, staff requested that the applicant provide a preliminary plat that would meet city ordinance. The plat (shown right) creates an irregular shaped lot. However, this lot would meet the dimensional and area requirements for subdivision. (See table on the following page). The home in the alternative proposal is slightly non-conforming due to the rear lot line, but this non-conformity could be remedied with some slight alterations to the line or home.

Staff found this request, or a similar, conforming request, to be undesirable due to:

- Loss of rear yard privacy for Lot 1; and
- Property line confusion for future property owners.
Meeting of Dec. 6, 2018
Subject: Dorn Estates, 5524 Nantucket Rd.

**Complying Request***

<table>
<thead>
<tr>
<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>
</tr>
<tr>
<td>Lot 1</td>
<td>22,520 sq. ft.</td>
<td>9,465 sq. ft.</td>
<td>155 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Lot 2</td>
<td>22,165 sq. ft.</td>
<td>7,145 sq. ft.</td>
<td>125 ft.</td>
<td>190 ft.</td>
</tr>
</tbody>
</table>

*All numbers rounded down to nearest 5 ft. or 5 sq. ft.

**Applicants’ Proposal**

As an alternative to the previous plan, the applicant created a proposed lot subdivision that curves the new line around the existing home. (See right.) This plan creates a more logical lot line that maximizes the southern lot’s area.

The southern lot (Lot 2) meets all dimensional requirements, with the exception of minimum lot size requirement. (See below).

After reviewing the request, staff found that the proposed lots were still irregular and could create issues for future property owners.

**Applicants’ Variance Request***

<table>
<thead>
<tr>
<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>
</tr>
<tr>
<td>Lot 1</td>
<td>26,540 sq. ft.</td>
<td>12,000 sq. ft.</td>
<td>150 ft.</td>
<td>150 ft.</td>
</tr>
<tr>
<td>Lot 2</td>
<td>18,145 sq. ft.</td>
<td>7,395 sq. ft.</td>
<td>125 ft.</td>
<td>127 ft.</td>
</tr>
</tbody>
</table>

*Variance required

**All numbers rounded down to nearest 5 ft. or 5 sq. ft.
Staff Recommended Plan

As an alternative to the applicants’ request, city staff recommends that the property line splitting the existing property be straightened out to create an easier to determine lot line for future property owners. (See right.)

This revised lot line would create a slightly smaller southern lot, but would still meet all of the same dimensional standards as the applicants’ proposed plan. (See table below).

<table>
<thead>
<tr>
<th>Staff Revised Variance Request**</th>
<th>Area</th>
<th>Width</th>
<th>Average Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Buildable</td>
<td>Setback</td>
</tr>
<tr>
<td>Required</td>
<td>22,000 sq. ft.</td>
<td>3,500 sq. ft.</td>
<td>110 ft.</td>
</tr>
<tr>
<td>Lot 1</td>
<td>27,385 sq. ft.</td>
<td>11,975 sq. ft.</td>
<td>160 ft.</td>
</tr>
<tr>
<td>Lot 2</td>
<td>17,300 sq. ft.*</td>
<td>7,235 sq. ft.</td>
<td>115 ft.</td>
</tr>
</tbody>
</table>

*Variance Required

**All numbers rounded down to nearest 5 ft. or 5 sq. ft.

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 primary subdivision and staff's findings.

- **Are the proposed lots reasonable?**

  Yes. Lot 1 meets all dimensional and area requirements. Lot 2 meets all dimensional standards and buildable area requirements, but its total lot area is undersized by 4,700 square feet. However, the average lot area of the two proposed lots would be 22,340 square feet (exceeding the 22,000 square foot requirement). Additionally, the applicants have demonstrated an ability to create conforming lots. However, staff has found these lots undesirable for two reasons: (1) the lot lines would create a lack of rear yard privacy for the northern lot; and (2) Future property owners may find it difficult to locate their property lines.

- **Is the variance request reasonable?**

  Yes. The subject lot is 44,686 square feet in area. If the subject lot were vacant it could be divided into two, conforming lots. However, the applicants are requesting a variance
in an attempt to preserve the existing home. As stated previously, the average of the two proposed lots would exceed the minimum lot size requirement and, through an exercise, the applicants have demonstrated that the subject property could be subdivided and meet ordinance by creating an irregularly shaped lots.

- **Would the proposal meet the tree ordinance?**

  Yes. The subject site has a logical building pad location due to an existing detached structure and large parking area located on the southern side of the property. Constructing a new home in this area would require minimal soil and vegetation disturbance.

  As proposed, the applicants would be removing:

  - One of the trees within the oak woodland-brushland natural community, which is within the amount permitted to be removed by city code.
  - One of the 10 high priority trees, or 10 percent, which is well below the 35 percent that can be removed by ordinance.
  - Six of the 19 significant trees on the property (32 percent).

  If approved, the applicants may be required to mitigate for some of the trees removed during home construction. However, mitigation requirements would be determined based on actual grading associated with the building permit submittal.

- **Should the McMansion Policy be waived?**

  Yes. From staff’s perspective, the intent of the McMansion Policy is twofold: (1) to ensure that homes requiring variances – either due to non-conformance with lot standards or setback standards – have a visual mass similar to that of existing homes within a neighborhood; and (2) to ensure there is some connection between the buildable area of a property and the mass of the home constructed on it.

  With the conforming plat submitted the applicant, the McMansion Policy would not apply. The requested staff recommended lot line created the variance which triggers the policy. It is staff’s opinion that application of the policy would increase the buildable burden on the subject property. The staff recommended plan would not change the buildable area on the lot. It does, however, reduce the FAR opportunity. Staff supports waiving the McMansion Policy.

**Staff Recommendation**

Recommend the city council adopt the resolution approving the preliminary plat, with variance, for Dorn Estates.

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

Project No. 18038.18a
Property 5524 Nantucket Rd.
Applicant Katie and David Dorn

Surrounding Land Uses
The properties to the south, east, and west are single-family residential homes.
To the north, there is another single-family residential home and Minnetonka Fire Station 4 (owned by the City of Minnetonka).
The fire station property is zoned R-1 and guided institutional. All other properties are also zoned R-1, but are guided for low density residential.

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

Grading
As required by the subdivision application process, generalized home footprints, locations, and grading plans have been submitted by the applicant. Specific plans would be submitted and reviewed by staff at the time of building permits.

Stormwater Management
Stormwater management is not required with the proposed plan.

Slopes
As stated previously, there is a sharp drop off on the property towards the west property line. Some of these elevation changes are near or exceed 30 percent grade (defined as steep slopes); however, all of these steep slope area are located within the rear yard setback, which is already unbuildable. All grading and future building proposals will be subject to steep slope review.

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

McMansion Policy
The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.
The largest FAR of homes within the area is 0.18. With the proposed 18,145 square foot lot, the largest home permitted for this property would be 3,114 square feet if this policy were enforced.

Neighborhood Comments
The city sent notices to 41 area property owners and received two comments to date. (See attached).

Pyramid of Discretion

Motion Options
The planning commission has three options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council adopt the resolution approving the subdivision with a variance.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion must include a statement as to why the denial is recommended.

3. Table the request. In this case, a motion should be made to table the request. 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 on the applicant’s proposal. A recommendation for approval requires an affirmative vote of a five members.

Deadline for Decision
Feb. 11, 2018
Location Map

Project: Dorn Estates
Address: 5524 Nantucket Rd
LEGAL DESCRIPTION:
Lot 1, Block D, NANTUCKET PLACE, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. This survey has been completed without the benefit of a current title commitment. There may be existing easements or other encumbrances that would be revealed by a current title commitment. Therefore, this survey does not purport to show any easements or encumbrances other than the ones shown herein.
5. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
6. The subject property contains 44,686 Sq. Ft. or 1.03 Acres.

STANDARD SYMBOLS & CONVENTIONS:
● Denotes iron survey marker, set, unless otherwise noted.

Conforming Lot Lines
LEGAL DESCRIPTION:
Lot 1, Block 2, NANTUCKET PLACE, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the survey when determining other elevations for use on this site or before beginning construction.
5. The subject property contains 48,686 Sq. Ft. or 1.03 Acres.
6. The subject property resides in Zone R-1, Low Density Residential.
7. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.
8. While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you, your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local codes and minimum requirements as the local building and zoning officials in this community are. Be sure to show this survey to said officials, or any other officials that may have jurisdiction over the proposed improvements and obtain their approvals before beginning construction or planning improvements to the property.
9. While we show the building setback lines per the City of Minnetonka web site, we suggest you show this survey to the appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to design anything for this site.

STANDARD SYMBOLS & CONVENTIONS:
- "●" Denotes iron survey marker, set, unless otherwise noted.

Applicant Requested Lot Lines
LEGAL DESCRIPTION:
Lot 1, Block 2, NANTUCKET PLACE, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the legal description listed above. The scope of our services
does not include determining what you own, which is a legal matter. Please check the legal description with your
records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of
record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Showing elevations on the site at selected locations to give some indication of the topography of the site. We have also
provided a benchmark for your use in determining elevations for construction on this site. The elevations shown relate
only to the benchmark provided on this survey. Use that benchmark and check at least one other feature shown on the
survey when determining other elevations for use on this site or before beginning construction.
5. The subject property contains 44,686 Sq. Ft. or 1.03 Acres.
6. The subject property resides in Zone R-1, Low Density Residential.
7. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or
stucco of the building.
8. While we show a proposed location for this home or addition, we are not as familiar with your proposed plans as you,
your architect, or the builder are. Review our proposed location of the improvements and proposed yard grades
carefully to verify that they match your plans before construction begins. Also, we are not as familiar with local code
and minimum requirements as the local building and zoning officials in this community are. Be sure to show this
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appropriate city officials to be sure that the setback lines are shown correctly. Do this BEFORE you use this survey to
design anything for this site.

STANDARD SYMBOLS & CONVENTIONS:
" ● " Denotes iron survey marker, set, unless otherwise noted.

Staff Recommended Lot Lines
**PRACTICAL DIFFICULTIES WORKSHEET**

By state law, variances may be granted from the standards of the city's zoning ordinance only if:

1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;
2) The proposed variance is consistent with the comprehensive plan; and
3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulties means:
   - The proposed use is reasonable;
   - 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
   - The proposed use would not alter the essential character of the surrounding area.

<table>
<thead>
<tr>
<th><strong>Describe why the proposed use is reasonable</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>the lot has always been the site of the barn for the original farm homestead (our home was the original house). The barn is in disrepair &amp; we want to remove it &amp; possibly develop I build a home there instead or sell lot so someone else can. It has been an eyesore.</strong></td>
</tr>
</tbody>
</table>

Describe:
- circumstances unique to the property;
- why the need for variance was not caused by the property owner; and
- why the need is not solely based on economic considerations.

describe why the variance would not alter the essential character of the neighborhood

The barn on the site has been in disrepair. We don't want to put it in repair as a barn but would like option to build a home in character of neighborhood. Our hope is that it would be an improvement. Many houses in the area on 18,000 sq ft lots.

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE
Dear neighbors and planning commission,

I appreciate the opportunity to say that I am not in favor of this variance. First of all, I feel like the barn has always brought character and a sense of history to the area. The large lot is in scale with the large farmhouse. The square footage of the farmhouse is definitely the outlier in an otherwise modest 1969 to early 1970s development. Large expansive lots with mature trees and modest homes define the character of the neighborhood. Most homes have created porches and/or decks to enjoy the park like atmosphere. There is a sense of privacy from homes sited to take advantage of angled views and vegetative screening. From the Imagine Minnetonka Strategic Planning Project, the most important aspect from the community-wide vision was the character of the city. “Participants stressed the importance of maintaining and preserving the features that give Minnetonka its unique character, including wetlands, parks and open spaces” (Imagine Minnetonka Strategic Planning Project). When you first turn onto Nantucket road, the open space from the large lot and the old barn greet you, identifying a unique neighborhood. The proposed house foundation size would greatly change the feel of this neighborhood. It would be in stark contrast to the existing character, which consists mainly of 2500-3000 square foot homes. I think this subdivision would adversely impact the appearance, character and appeal of the neighborhood. I am concerned about the scale of the home to the lot and the likelihood that a builder would create a very unimaginative home which would be an eyesore.

My even greater concern is regarding how close the buildable area is sited to the bluff. The appearance of this bluff is very important to the character of the neighborhood. It provides significant screening to many of the neighborhood homes and creates a sense of seduction. This bluff is continuous with Purgatory’s Park’s remnant maple/basswood/oak forest (geologically, this is also an important transition area from the “big woods” of the west and the oak savannah of the east). Typically a bluff impact zone is 20 feet.

- Has the bluff impact zone been mapped?

This house is maximizing the depth of the buildable area, which concerns us regarding the preservation of the bluff and its tree cover, both during initial construction of the home and the possible changes a homeowner may make to increase the “usability” of the backyard. Recently, with a few homes experiencing turnover, there has been an increase in tree removal on the bluff. It is amazing how just one grand oak removed can negatively impact the desirability and character, not to mention the biodiversity of the lot. We cannot grow 150 year old oaks in our lifetime.

- Has the species and size of trees slated to be removed been identified?

To protect the bluff, I would urge the planning commission to craft a conservation bluff easement to increase the minimum building setback lines to sixty feet. This would still provide a reasonable sized building area. If the proposed shared driveway were not used, a same size house could be sited further forward. The
shared driveway is also negative due to the excessive impervious surface, and potential homeowner conflicts.

Based on the City of Minnetonka variance guidelines, a variance can be approved only when “the circumstances are unique to the property not created by the landowner and the variance, if granted, would not alter the essential character of the neighborhood; also economic considerations alone do not constitute practical difficulties.”

- What was the original lot delineation? If the home was on lot 1 and the barn on lot 2 wouldn’t both have been 0.5+ acre?
- Could it be that the remodeled home encroached on the 0.5 acre lot line forcing the homeowners to request a variance?

This request for subdivision is definitely economic. Unfortunately, the homeowners are leaving the neighborhood. They have currently taken their house off the market after an unsuccessful attempt to sell this past summer. It concerns us that they have no vested interest except economic considerations for this subdivision.

To summarize our position, we are not in favor of the proposed variance and subdivision. If somehow the planning commission and/or city council votes in favor of this plan, we would urge the planning commission to compromise. Consider the conservation easement for the bluff to increase the building setback to 60 feet.

Thank you for your time,

Angela Moreira
5554 Nantucket Place
November 29, 2018

Drew Ingvalson
City of Minnetonka, Planning Division
Project No. 18038.18a
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Dear Mr. Ingvalson,

We wish to submit the following comments regarding the proposed variance for the Dorn Property at 5524 Nantucket Road in Minnetonka. We reside at 5541 Nantucket Place, which backs up to the Dorn property along the sloping wooded area between Nantucket Road and Nantucket Place.

First, the applicant’s statement that many houses in the area are on 18,000 sq. ft. (0.41 acre) lots is not accurate. While there are smaller lots in some other neighborhoods in the area, the six lots on Nantucket Road (which is the neighborhood in question) are significantly larger than that, as shown in the Table below. The proposed new lot would be less than 2/3 the average size of the existing lots on Nantucket Road. Further, the approximate frontage would be much less than the average. For this reason, we believe that the variance would in fact alter the essential character of the neighborhood.

<table>
<thead>
<tr>
<th>Address</th>
<th>Lot size (acres)*</th>
<th>Approx. Frontage (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5524 Nantucket Road (Existing Dorn)</td>
<td>1.03</td>
<td>277</td>
</tr>
<tr>
<td>5550 Nantucket Road</td>
<td>0.52</td>
<td>152</td>
</tr>
<tr>
<td>5576 Nantucket Road</td>
<td>0.59</td>
<td>338</td>
</tr>
<tr>
<td>5525 Nantucket Road</td>
<td>0.55</td>
<td>270</td>
</tr>
<tr>
<td>5551 Nantucket Road</td>
<td>0.51</td>
<td>170</td>
</tr>
<tr>
<td>5575 Nantucket Road</td>
<td>0.58</td>
<td>199</td>
</tr>
<tr>
<td>Average Existing</td>
<td>0.630</td>
<td>234</td>
</tr>
<tr>
<td>Proposed New Lot</td>
<td>0.4</td>
<td>144</td>
</tr>
</tbody>
</table>

*Source: Zillow, Preliminary Plat of Dorn Estates, dated 10/04/18

Second, the division of the Dorn property would, in our opinion, be detrimental to the neighborhood. This division would detract from the natural beauty, open spaces, and rural character that make this long-established neighborhood unique. We disagree with the applicant’s
assertion that the current barn/shed is an "eyesore", but believe instead that it is in character with the original homestead and its history.

We note that the City of Minnetonka has identified this area as part of the oak woodland-brushland Natural Community, as shown in Figure VI-3 below (from the 2030 Comprehensive Planning Guide.) This map also shows that the neighborhood is part of a larger complex of natural areas in and around Purgatory Park which represent vital green space for our community. Not shown on this map is the new Scenic Heights School Forest, which encompasses a large area adjoining Purgatory Park to the east.

In summary, it is our opinion that the proposed division will negatively impact the established neighborhood by creating a lot that is much smaller than the surrounding lots, disrupting the open space and the extensive natural communities in the area, and altering the unique character of the Nantucket neighborhood. As long-time residents of this neighborhood, we feel obliged to oppose the granting of this variance and division of this property.

Sincerely,

Carl A. Nelson

Cindy L. Nelson
Resolution No. 2018-
Resolution approving the preliminary plat, with variance, of
DORN ESTATES at 5524 Nantucket Road

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

Section 1. Background.

1.01 Katie and David Dorn are requesting approval of a preliminary plat for a two-lot subdivision. The preliminary plat includes a variance for minimum lot size. In the applicants' proposal, the lot line splitting Lot 1 and Lot 2 curved around the structure existing structure. City staff reviewed the request and recommends that this line be straightened to create easier to determine lot line for future property owners. The lot sizes under the staff recommendation are below.

| Staff Revised Variance Request** |
|-------------------|----------------|----------------|----------------|----------------|
|                   | Area           | Width          | Average Depth  |
|                   | Total          | Buildable      | Setback        | Right-of-way   |
| Required          | 22,000 sq. ft. | 3,500 sq. ft. | 110 ft.        | 80 ft.         | 125 ft.        |
| Lot 1             | 27,385 sq. ft. | 11,975 sq. ft.| 160 ft.        | 160            | 185 ft.        |
| Lot 2             | 17,300 sq. ft.*| 6,310 sq. ft. | 115 ft.        | 115 ft.        | 145 ft.        |

*Variance Required
**All numbers rounded down to nearest 5 ft. or 5 sq. ft.

1.02 The property is located at 5524 Nantucket Rd. It is legally described as:

Lot 1, Block 2, Nantucket Place, Hennepin County, Minnesota

1.03 On Dec. 6, 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 the city council approve proposal as outlined in 1.01 above.

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 be at least 22,000 square feet in area.

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.

Section 3. Findings.

3.01 But for the minimum lot size requirement for Lot 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 proposed undersized lot is reasonable as:
   a) The proposed lot would meet all other buildable lot area and dimensional requirements.
   b) The proposed lot division would create a more logical lot split between the proposed properties than a plan complying with the minimum lot size requirements.
   c) The average lot size between the two lots would be 22,340 square feet (exceeding the minimum lot size requirement).

2. Unique Circumstance. The subject lot has an existing home located near the middle of the property. The location of this home creates a difficulty when attempting to preserve the existing home, subdivide the property, and meet the minimum lot size requirement.
3. Neighborhood Character. The subject lot is 44,486 square feet in area. The lot has enough area to accommodate two single-family lots through either: (1) demolition of the existing home; or (2) a subdivision creating irregularly shaped lots. Approving a lot that meets all lot requirements, with the exception of the minimum lot size, would not alter the essential character of the 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:
         a) A revised northern property line that is parallel to the south facing wall of the existing home. This shall create a southern lot area that is no less than 17,300 square feet.
         b) 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.
         c) Utility easements over existing or proposed public utilities, 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.
         a) Title evidence that is current within thirty days before release of the final plat.

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) Pay any delinquent utility bills.

4. Subject to staff approval, DORN ESTATES must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions of this resolution:
   • Preliminary Plat, dated November 20, 2018

5. Prior to issuance of a building permit for the home on Lot 2 within the development, submit the following:
   a) Park dedication fee of $5,000.
   b) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
   c) Proof of subdivision registration and transfer of NPDES permit if applicable.
   d) If a shared driveway connection is to remain, a shared access easement and agreement must be recorded against each lot.
   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) A final utility plan. The plan must confirm that the existing 1-inch water service for Lot 2 is adequate. If not, the service pipe must be removed to the main with the corporation stop turned off. The new service can then be tapped. This work will require a right of way permit.
   g) A grading and tree preservation plan. The plan must be in general conformance with preliminary plat drawing dated November 20, 2018, unless otherwise modified by the conditions of approval. The final grading and tree preservation plan:
      1) Must be adjusted to save tree #741 (Woodland Preservation Area). This can be done by tying the proposed 944 contour to the existing 944 contour in the location that is 10 feet southwest of the tree. Keep all
grading at least 10 feet away from the tree on the southwest side.

2) Chain-link fencing must be installed at the Woodland Preservation Area with the exception of the 944 contour as outlined above.

3) Must not result in removal of more than 35 percent of the site’s high-priority trees in total. Currently, no more than three high-priority trees could be removed across the two lots.

4) Tree mitigation will be determined by staff at the time of building permit issuance for each lot.

h) A driveway permit. Driveways should be limited to 10 percent grade.

i) 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.

j) All required hook-up fees.

6. Prior to issuance of a building permit for the home on Lot 2 within the development, 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. All lots are subject to R-1 setback requirements.

8. Permits may be required from other agencies including Hennepin County, Riley-Purgatory-Bluff Creek Watershed District, and the MPCA. It is the applicant’s or property owner’s responsibility to obtain all necessary permits.
9. During construction, the streets must be kept free of debris and sediment.

10. Unless the city council approves a time extension, the final plat must be recorded by Dec. 17, 2019.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 17, 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 Dec. 17, 2018.

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
Dec. 6, 2018

Brief Description
Resolution approving a comprehensive guide plan amendment from commercial to mixed use at 14317 Excelsior Blvd.

Recommended
Recommend the city council adopt the resolution approving the amendment

General Background
The property at 14317 Excelsior Blvd. is widely referred to as the “Renneke Property.” It is roughly one acre in size and contains a single-family home. Since 2000, the property has been generally considered as part of larger Glen Lake concept plans on three occasions.

<table>
<thead>
<tr>
<th>Concept Plans/Studies</th>
<th>Conceptual Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>2003, Glen Lake Neighborhood Concept Plan</td>
<td>Commercial</td>
</tr>
<tr>
<td>2006, Glen Lake Redevelopment Plan</td>
<td>Mixed Use – condos/townhouses/retail</td>
</tr>
<tr>
<td>2016, Glen Lake Neighborhood Study</td>
<td>Mixed use – office or retail/residential</td>
</tr>
</tbody>
</table>

Though the ideas for the property changed over the years, all of concepts suggest the single-family home on the site be replaced with a different and more intense use.

Redevelopment Background

In July 2018, Ron Clark Construction submitted a concept plan for redevelopment of the property. The plan contemplated removal of the existing single-family home and construction of a three-story, 60-unit market rate apartment building.

In November 2018, Ron Clark Construction submitted formal applications for redevelopment of the site. As proposed, the existing home would be removed and a new apartment building would be constructed. The building would contain 58 market-rate apartments within three stories. The building would be served by underground parking, accessed via Stewart Lane, and surface parking, accessed via Excelsior Blvd. The specific proposal requires approval of:

<table>
<thead>
<tr>
<th>REQUEST</th>
<th>TYPE OF ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comprehensive Guide Plan Amendment</td>
<td>General, property-related</td>
</tr>
<tr>
<td>Rezoning</td>
<td>Specific for PUD zoning, plan-related</td>
</tr>
<tr>
<td>Master Development Plan</td>
<td>Specific, plan-related</td>
</tr>
<tr>
<td>Final Site and Building Plans</td>
<td>Specific, plan-related</td>
</tr>
<tr>
<td>Right of Way Vacation</td>
<td>General, property-related</td>
</tr>
</tbody>
</table>

During staff review of the submitted plans, both city and county staff raised concerns about the Excelsior Blvd. access. Additional discussion with county staff is needed to understand what would or would not be allowed. This discussion may necessitate changes to the proposed site and building plans, impacting the specific, plan-related actions outlined above. It is very unlikely
that the discussion can occur, new plans drafted, and staff review accomplished before the end of the year.

Comprehensive Plan Amendment

By Metropolitan Council policy, no amendments to 2030 Comprehensive Plans will be accepted by the Council after December 31, 2018. The city’s 2040 Comprehensive Plan is not anticipated to be approved by the Met Council until mid-summer 2019. Essentially, this means that all redevelopment activities occurring between the end of 2018 and the middle of 2019 must occur under the 2030 Comp Plan designation.

The property at 14317 Excelsior Blvd. is designated for commercial use in the 2030 Plan. The draft 2040 Plan re-designates this site – and nine other areas in the community – to mixed use. Mixed use provides for flexibility in redevelopment, as it allows for a variety of different types of land uses. The 2040 Plan, and the land use changes it contains, have been vetted by the city’s comprehensive guide plan steering committee and planning commissions. In addition, multiple public events have been held over the last year to gather public input.

It is staff’s opinion that the 14317 Excelsior Blvd. land use designation be amended now to reflect the mixed use designation outlined in the 2040 Comprehensive Plan. Such amendment would allow for continued review and consideration of the applicant’s proposal or any new proposal that may be received prior to mid-summer 2019. Approving an amendment of the property’s comprehensive plan designation, would not approve – or guarantee approval of – specific redevelopment plans. Any rezoning, master development plan, or final site and building plans would need to be considered separately. Conversely, maintaining the site’s current land use designation would not necessarily prevent redevelopment prior to mid-summer 2019; an application for commercial use of the site would be consistent with the site’s current, commercial comprehensive plan designation.

Staff Recommendation

Recommend the city council adopt the resolution approving a comprehensive guide plan amendment from commercial to mixed use at 14317 Excelsior Blvd.

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

**Surrounding Land Uses**

- North: Minneapolis Mart; zoned B-2, commercial
- South: Office/warehouse; zoned I-1, industrial
- East: Office/warehouse; zoned I-1, industrial
- West: Office/warehouse; zoned I-1, industrial

**Planning**

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

---

**Pyramid of Discretion**

![Pyramid Diagram](image)

- **This proposal:**

**Motion Options**

The planning commission has three options:

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

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 amendment. In this case, a motion should be made to table the item. The motion should include a statement as to why the amendment is being tabled with direction to staff.

**Voting Requirement**

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

**Neighborhood Comments**

The city sent notices to 520 property owners and has received no written comments to date.

**Deadline for Action**

Location Map

Project: Glen Lake Apts
Address: 14317 Excelsior Blvd
APPENDIX A

PROJECT DESCRIPTION

The proposed Glen Lake project is expected to be a multi-phase development including as many as five phases:

Phase 1: This phase will redevelop the commercial area south of Excelsior Boulevard and north of Stewart Lane. It is planned to be redeveloped as a housing over retail mixed-use building. The first floor will consist of approximately 20,000 square feet of commercial space. The two additional floors above the commercial will contain 32 condominium units.

Phase 2: This phase is planned to be constructed at the same time as Phase 1. It will redevelop two single-family homes located on the south side of Stewart Lane with a 50-unit (approximate) condominium building.

Phase 3: This final phase will redevelop the north half of the current Glenhaven Shopping Center with two 50-unit (approximate) condominium buildings. Some of the existing tenants in the Glenhaven Shopping Center have expressed interest in relocating to the new mixed-use building that is proposed to be built in Phase 1.

In general, the residential components of the project will be required to make 20 percent of the units available as affordable housing units ($193,700 or less adjusted on an annual basis according to Metropolitan Council Livable Communities standards). Additionally, public improvements such as sidewalks, trails, and streetscaping are planned in the area.

Phases 1, 2 & 3 will be developed by pursuant to a development agreement with Tom Wartman, the owner of the retail shopping center in Phase 3. The purpose of the assistance to the developer is to bring land acquisition costs down to the market values of similar types of projects. It is anticipated there will be no General Obligation Bonds issued to finance TIF eligible portions of the project. Instead it is expected that revenue bonds will be used.

There are two additional projects or phases both east and west of Phase 1 along Excelsior Boulevard that may be redeveloped in the future. Currently there are no developers pursuing these projects.

**Excelsior Boulevard East (Phase 4):** This development is located directly east and adjacent to the Phase 1 project and will most likely include commercial and or mixed use (commercial/residential) types of uses.

**Excelsior Boulevard West (Phase 5):** This development is located west of the Phase 1 development at the southeast corner of the intersection of Excelsior Boulevard and Eden Prairie Road. The development will likely include commercial and/or mixed use (commercial/residential) types of uses.

The grocery store and 6,000 square foot retail addition have commenced prior to the creation of the District. The long term viability of the grocery store and retail addition is dependent on the successful implementation of the TIF Plan.
FIGURE 4.3 DEVELOPMENT SITES MAP
East Site

OVERVIEW
The East Site is comprised of two distinct areas, the first (South) is a narrow sliver of land extending from Stewart Lane southeast to Glen Lake. The second (North), is a smaller site nestled between Excelsior Boulevard and Stewart Lane just east of the Gold Nugget restaurant.

The Commercial / Mixed Use Site (North) along Excelsior Boulevard provides a great opportunity as a gateway to the commercial district in the Glen Lake Neighborhood. Two concepts explore the possibility of a stand-alone commercial/office development and the other a vertical mixed use project with ground level retail and housing above. Access to this site must be considered in conjunction with the recently completed development to the east to potentially share a joint access to minimize the number access points to Excelsior Boulevard and keep traffic off of the much narrower Stewart Lane.

The Residential Site (South) is challenging for development due to the narrow width of the parcel, but it does have access to Stewart Lane and offers views of Glen Lake on the southern portion of the property. The concept alternatives explored the development of single family home sites or villa-type townhomes off of a singular, shared access drive. The five single family home sites would allow for more tree preservation on the larger lots and is suggested based on discussions with the neighborhood working group. Additional trail connections could connect back to Kinsel Park.
CONSIDERATIONS
Commercial / Mixed Use Site - North
» Focus on commercial office or vertical mixed use with retail on the ground level and residential above
» Locate the building toward Excelsior Boulevard with parking to the south or under the building
» Investigate a shared, singular access to Excelsior Boulevard between the proposed development and the property to the east
» Design the access as a driveway, not as an extension of Woodhill Road
» Provide pedestrian connections along Excelsior Boulevard and Stewart Lane
» Explore a pedestrian link between the Gold Nugget and the proposed development
» Treat the northeast portion of the property with high quality architectural features and landscaping to create a sense of entry to the commercial district

Residential Site - South
» Create a narrow lane along the western boundary of the site for development access and pedestrian connectivity
» Explore single family housing sites or villas on the property
» Preserve trees to the extent possible, particularly at the entry to the property along Stewart Lane and along the shoreline of Glen Lake
» Reduce grading on site by matching street and housing finished floor elevations to existing contours and collecting stormwater in locations shown on plan
» Explore a trail connection to Kinsel Park along the shoreline of Glen Lake in conjunction with easements with adjacent development
» Utilize dark sky compliant lighting to minimize light pollution

SUGGESTED LAND USES
Traditional single-family housing or villas are suggested as options for the residential site north of Stewart Lane. Commercial office (1-2 stories) or a mixed-use development (3-4 stories) including housing and a commercial business are suggested as options for the site south of Stewart Lane. Given the prominence of this location along Excelsior Boulevard, the buildings should have high quality materials and interesting architectural features.
This trail segment will require property owner cooperation.

NOTE: Concepts do not represent actual development proposals and are for discussion purposes only. They do not imply that development is or will be supported by property owners.

DEVELOPMENT TOTALS

<table>
<thead>
<tr>
<th>SF Res.</th>
<th>Compact SF Res.</th>
<th>HDR</th>
<th>Restaurant</th>
<th>Office</th>
<th>Open Space</th>
<th>UNIT TOTALS</th>
<th>Gross Density</th>
<th>Net Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 Units</td>
<td>6,500 SF</td>
<td></td>
<td></td>
<td></td>
<td>0.5 Acre</td>
<td>5 SFR Res</td>
<td>2 Unit/Acre</td>
<td>2 Unit/Acre</td>
</tr>
</tbody>
</table>

20' 120' 60'
This trail segment will require property owner cooperation.

Possible trail connections

### DEVELOPMENT TOTALS

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</tr>
</thead>
<tbody>
<tr>
<td>OPTION B</td>
<td>-</td>
<td>10 Units</td>
<td>22 Units</td>
<td>3,000 SF</td>
<td>-</td>
<td>0.5 Acre</td>
<td>10 + 22 Res 3,000 SF Comm</td>
<td>9.1 Unit/Acre</td>
</tr>
</tbody>
</table>

**NOTE:** Concepts do not represent actual development proposals and are for discussion purposes only. They do not imply that development is or will be supported by property owners.
#2 - Fairfield Rd. W. Low Density Residential to Medium Density Residential
#3 - Correns Dr. Neighborhood Medium Density Residential to High Density Residential
#6 - Wayzata Blvd./ Westwood Rd. Service Commercial to Mixed Use
#7 - Cartway Ln. Commercial to Mixed Use
#4 - Wayzata Blvd./ Sunset Hill Commercial to Mixed Use
#8 - Plymouth Rd. Office to Mixed Use
#9 - Cedar Lake Rd. Commercial to Mixed Use
#10 - Highwood Dr. Low Density Residential to Medium Density Residential
#11 - Hwy 7 Commercial to Mixed Use
#12 - Shady Oak Station Commercial and Industrial to Mixed Use
#13 - Glen Lake Commercial to Mixed Use

## 2040 Land Use Plan - DRAFT

### Existing_Land_Use

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Commercial
- Service Commercial
- Office
- Mixed Use
- Industrial
- Institutional
- Open Space
- Parks
- Water
CONCEPT PLAN
The public hearing was opened.

Jason Miller, part owner of 12500 Whitewater Drive, stated that it is pretty easy to build parking ramps to look good. He was curious to see what the finishes would be on the project. Making it look good will impact the value of his property. His building may have to do something similar in the future.

No testimony was submitted and the hearing was closed.

Powers felt it would be reasonable to require the proposal to be aesthetically consistent with the area in terms of the berms and landscaping. He was confident that staff would insist on that.

Chair Kirk asked staff about the trees and landscaping plan. Colleran explained that there is a ring of trees between the road and existing parking area. There are approximately 25 trees located near the west entrance that circle around on the north side to the east entrance of the parking lot. The trees are primarily ash and different types of evergreen, spruce, and pine. Those would all remain. All of the construction would occur south or east or west within the parking area. There should be no impact to the existing vegetation. A condition of approval would require some screening of the first level.

Powers moved, second by Knight, to recommend that the city council adopt the ordinance amending the existing master development plan on Minnetonka Corporate Center as it pertains to the property at to 12501 Whitewater Drive and a resolution approving final site and building plans for Phase One of a two-phase parking ramp for 12501 Whitewater Drive.

Sewall, Henry, Knight, Powers, and Kirk voted yes. Motion carried.

The city council is tentatively scheduled to review this item at its meeting on Aug. 27, 2018.

9. Other Business

A. Concept plan for redevelopment of the property at 14317 Excelsior Blvd. Items concerning a two-phase parking ramp at 12501 Whitewater Drive.

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

Thomas reported. Staff recommends commissioners provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate. The discussion is intended to assist the developer with future direction that may lead to the preparation of more detailed development plans.

Mike Waldo, representing Ron Clark Construction, applicant, stated that:
• The proposal would be three stories of residential housing.
• Rooftops are needed to continue to make the area vibrant.
• The area needs to be filled in.
• He is available for questions.

Tim Whitten, of Whitten and Associates, representing the applicant, stated that:

• The first goal is to make it work with three stories.
• Retail would generate more traffic and the need for more parking areas.
• The proposal would be a 60-unit, market-rate apartment building. It would not be as big of a building as a typical 60-unit apartment building.
• The Gold Nugget parking entrance is now awkward. Surface parking would be level with Excelsior Blvd. There would be 66 enclosed parking spaces. The proposal would have more than one parking space per bedroom.
• The proposal would add a sidewalk along Stewart Lane.

Powers asked why the applicant opposed retail on the bottom floor with residential housing on the top floors. Mr. Waldo stated that 10 percent of locations with retail on the bottom floor and multi-family residential housing on the top floors work in the twin cities. The area already has every service that makes sense provided. Mr. Waldo added that the proposal would create less traffic than a retail use.

Chair Kirk invited those present to provide comments.

Doris Pagelkopf, 14319 Stewart Lane, stated that:

• More of Glen Lake Shores abuts the property than Zvago.
• She is not opposed to an apartment building there. It would be a fine use of the property. Sixty units would be huge. Thirty units would be manageable. She is opposed to the size.
• Glen Lake Shores and Zvago already access Stewart Lane. Sixty more residents accessing Stewart Lane would make driving quite dangerous.
• She encouraged commissioners to drive around the area.
• She questioned the sewer and water studies.

Jim Stroebel, 14319 Stewart Lane, stated that:

• The distance between the curb cuts is about 50 feet. His major concern is safety and the ability of the site to handle additional traffic. Traffic is not a new issue. He suggested doing a formal traffic study now. He found it disturbing that a traffic study would not include public input.
• There is difficulty with snow removal now.
• He is indifferent to how the property will be developed. His concern is with Stewart Lane. It is being used as a shortcut between Eden Prairie Road and Excelsior Blvd.

Pamela Malley, 14501 Atrium Way, stated that:

• She was concerned with the driveway accessing Woodhill Road. The lanes are being narrowed to allow a bike and walking path. There are two stoplights within a short distance of Woodhill Road and Excelsior Blvd. There would be backups between the stoplights. She questioned why there would have to be a stoplight for this proposal when it was not required before.
• Her condominium association has 84 units, but it has eight acres of land. The density seems to be an issue.

Ann Hossfeld, 14616 Glendale Street, stated that:

• She appreciated the process.
• She was concerned with density of the site and density creep in general.
• She was concerned with the traffic impact on Excelsior Blvd. and Stewart Lane.
• A building with three to four stories and 60 units was not discussed for the area previously. She was not aware of “some plan” that needed filling in. She feared the density creep. She objected to the idea that existing four-story buildings create a precedent. She provided photographs of what existed in 2006. The Oaks, Zvago, and St. Therese have been built since then and are all four stories. The field would be developed and trees removed. This is a commentary on the loss of topography and mature trees.
• Sixty units would be too big. The existing four-story buildings should not be used as a precedent for Glen Lake. She preferred the charming one-story style of development.
• Excelsior Blvd. already has slow down for traffic waiting for vehicles to turn into the parking lot of The Oaks. She opposed development that would increase density and traffic at the intersection.
• She was interested to hear what the engineers thought of the proposal.

Kathy Wolf, 14319 Stewart Lane, stated that:

• She used to work at The Gold Nugget. She questioned why another multi-unit building would be added to the area. The building would be huge.
• She wants the area to feel like a small-town community. That is what draws people to the area.
• The new restaurant will create more traffic and parking issues.
• She encouraged commissioners to drive Stewart Lane. Delivery trucks parked behind a building are hard to pass.
• She suggested a pharmacy instead.

Pam Bromme, 14319 Stewart Lane, stated that:
• There are a lot of vehicles emptying into one area. That is craziness.
• There would be hardly any green space anymore.
• She questioned if there would be variances.
• The proposed lot is smaller than The Oaks’ site. The Oaks’ has 54 units.
• She asked if commissioners want Glen Lake to have cement buildings or some green space.

Julie Friedman, 14319 Stewart Lane, stated that:
• She agreed with her neighbors.
• She questioned the impact on stormwater runoff. Her residence is lower than the proposed site.
• She was concerned with the high density, noise pollution, and character and charm of the neighborhood.

Beth Burgan, 14301 Stwart Lane, stated that:
• There are steps on the path that restrict access to Kinsel Park for strollers, bicyclists, and wheelchair users.
• The proposed building would be allowed to have dogs. Right now there are issues with dogs on the path who are not leashed attacking other dogs and a problem with dog owners not cleaning up after their dogs.

No one else chose to speak.

Thomas explained that visioning studies are utilized to picture what could happen on a site. The most recent plans for the site discussed a one-to-two-story commercial/office use and a mixed-use retail with multi-family residential development and three to four stories. The vision study is not a master plan for the site. Wischnack explained that having the study done prior to receiving an application for development shows some concept of change for the parcel.

Gordon explained that the review of the concept plan allows communication between the developer and the community. The ideas are preliminary and do not require a large investment. Sometimes the projects do not go forward. A traffic light at Woodhill was previously acknowledged as a possibility. A traffic study would evaluate the past studies.

Chair Kirk explained the formal application process. There would be another public hearing with the planning commission if an application is submitted.
In response to Chair Kirk’s question, Thomas stated that it is the decision of the property owner whether to allow pets or not. Colleran said that it is incumbent on each dog owner to pick up after his or her dog.

Sewall was comfortable with high-density residential, mixed use, or an office use for the site. The market conditions do not allow for an office use. In terms of retail and housing, he guessed the economics would make the residential building taller and mass larger. He was comfortable with the current three-story building. It would be a change for the neighborhood, but it would be shorter than other buildings in the area. It would provide some transition. Sixty units seems like it would create a lot of vehicles and traffic. He questioned what number units would please everyone. He suggested the developer see what could be done to reduce the density, but not the footprint or mass of the building. There is a distinction between inconvenience and safety. Safety is important to him. The proposal would make the area more walkable. He suggested considering adding traffic controls such as stop lights at Woodhill Road and Excelsior Blvd. and Stewart Lane and Eden Prairie Road. Dog owners should be responsible and be a good neighbor.

Knight has lived in the Glen Lake area for 33 years. He liked being able to pull out of Glenview Drive in the morning. It was much easier when the temporary stoplight was at Woodhill Road and Excelsior Blvd. He questioned how noticeable additional vehicle trips would be during peak travel times. He has driven down Stewart Lane. Taking out the hills on Stewart Lane might cause traffic to travel faster. It would have been nice to see a sketch of the view of the proposed buildings from Woodhill Road.

Powers struggled to find how the proposal would add to the character of the Glen Lake area. He first thought is that the proposal would be too much. There would not be enough green space or “Glen Lake” in the project.

Henry thought there was not enough green space in the front and other places. He loves the area and it is an asset to the city. The mass of the building would cover the vast majority of the property.

Chair Kirk noted how tired Glen Lake looked prior to redevelopment. Glen Lake is considered a city center. The proposal may create too much mass on the site. There would be a relatively tall building and small setback that would almost create an alley between the two buildings. He struggled with that and how close the building would be located to Stewart Lane. There is some green space, but he questioned if large trees would be able to survive there.

Chair Kirk stated that Stewart Lane is a problem. It is similar to a drive lane in a parking lot. The Woodhill intersection probably deserves a stop light. It is difficult for a pedestrian to cross. He would like the drive lane to continue south, past the two buildings and figure out how to get an access lane into the housing complex from the west. That would keep the traffic off of Stewart Lane and provide a controlled access off of Excelsior Blvd. and provide a greater separation between The Oaks and the proposal. He supported some affordable units be included in the proposal for single-bedroom, market-rate apartments.
The site should provide a transition from high density to low density residential uses. Putting mixed uses in the area would not provide a transition. The site would not accommodate all front-end parking that would be needed for a retail use. He preferred an all-residential use, lower density, greater separation between the buildings, and more of a buffer with mature trees.

The city council is scheduled to review this item at its meeting on Aug. 27, 2018.

Chair Kirk called for a five-minute recess and reconvened the meeting.

B. Concept plan for Marsh Run redevelopment at 11650 and 11706 Wayzata Blvd.

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

Cauley reported. Staff recommends commissioners provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate. The discussion is intended to assist the developer with future direction that may lead to the preparation of more detailed development plans.

Anne Behrendt, chief operating officer at Doran Companies, applicant, introduced Ben Lindau, chief concept architect for the project, and Cody Dietrich, senior development associate. Ms. Behrendt stated that:

- Doran Companies has its development team in house. There are 30 architects on staff. Doran Companies constructs and manages all of its projects. In order to do high-quality projects, Doran Companies controls the whole process.
- Amenities are used to create a sense of community.
- Tony Kuechle was not able to attend the meeting, but he will be the main point of contact person in the future.
- The project is a high-density, residential, six-story apartment building. It would be built on a concrete podium with five stories of wood-frame construction.
- The proposal would very likely have an affordable housing component. The details are being worked out with staff. There would need to be 230 units in order to make the project work economically and have the amenities to make this type of project work.
- The amenity deck would be located on the podium level. She provided an example of a similar building on Interstate 394.
- There would be a number of direct-entry townhomes that would walk out to the street. She provided an example of a project done in Minneapolis, Mill and Main, that has the amenity podium and town homes that walk out to the street.
Schack stated that as the Ward 2 council member she wanted residents to know that the council was listening. She shared concerns about size, but appreciated the options and the affordability component.

Happe agreed with the other commenters, but wondered what a reasonable scale would be.

Acomb thought housing was appropriate for the site, but had concerns with the size and transition to existing housing.

Bergstedt stated that he thought higher density residential was appropriate and that affordable housing, energy efficiency, and solar were all good. He agreed with other commenters though that it was too much density.

Ellingson agreed with Bergstedt and suggested that the building needs to be smaller.

Wiersum liked everything the developer was doing, but 95 units per acre was too big.

Wiersum called a recess at 10 p.m. He called the meeting back to order at 10:10 p.m.

B. Concept Plan for redevelopment of the property at 14317 Excelsior Blvd.

Gordon gave the staff report.

Mike Waldo, CFO for Ron Clark Construction & Design, talked about the 60-unit apartment. He shared that it was too small to integrate affordable housing and solar, but it would be energy efficient. There would not be any retail. Mr. Waldo communicated his belief that the proposed three-story apartment building was a good use for the small site.

Tim Whitten, Project Architect, felt that this was one of the few pieces left to develop in the area and wanted to propose something that would fit into the scale of the neighborhood. He shared that it would be 60 units with a higher percentage of one bedroom. Whitten discussed parking and sidewalks and showed images of other buildings in the area for comparison.

Wiersum asked if Ron Clark would own and operate the building or sell. Waldo answered that the company would be holding onto it.
Bergstedt asked if there would be any new stop lights. Gordon answered that staff anticipated that the main area of focus concerning traffic would be at the Woodhill Road and Excelsior Boulevard interchange.

Doris Pagelkopf, 14319 Stewart Lane Apt. 301, said that she was not against an apartment building there, but not this one. She was concerned with the proposed driveway within 150 feet of two other driveways and increased sewer and water.

Wischnack answered an earlier question from Acomb concerning the proposed number of one-bedroom units stating that 2,800 new apartments were expected over the next 20 years.

Carol Sieler, 14301 Stewart Lane Apt. 405, shared that she was President of the Zvago Association and shared the same concerns as Pagelkopf. She also voiced a concern with garbage trucks, snow plows, etc. accessing the site.

Ann Flanagan, 14301 Stewart Lane Apt. 308, shared that she believed the building footprint was too big and would prefer a flat roof.

Susan Smith, 14214 Glen Lake Drive, said that the Glen Lake neighborhood study published in 2016 mentioned density already present in Glen Lake area. She noted that she liked Ron Clark, but 60 units was too dense.

Julie Friedman, 14319 Stewart Lane Apt. 208, discussed the character and current traffic issues of Stewart Lane.

Keith Weigel, 14209 Glen Lake Drive, said that a newspaper announced big developments for Glen Lake 13 years ago. He believed that the other large buildings should not have been constructed and that 60 units on one acre was too much. He asked whether it would be zoned R-4 or R-5 and asked the council to not grant variances.

Anne Hossfeld, 14616 Glendale Street, discussed her two-fold concerns of density and traffic at length. She talked about the history of the Glen Lake area and feared the loss of the natural character of Glen Lake. She asked for less units in a smaller building. Hossfeld also talked about traffic concerns on Excelsior Boulevard.

Calvert appreciated the history of the area and asked the developer to preserve trees and pull the building back from the road.
Happe asked how many units were in Zvago and whether a traffic study would be completed for the project. Gordon answered that Zvago had 54 units and that a traffic study would be done with a formal development plan.

Schack noted that she was not as concerned with mass, but was very concerned with driveway placement.

Acomb believed that housing was a good use, but was concerned with tree loss. She encouraged the developer to preserve what they could and include affordable housing.

Bergstedt shared that he believed that Glen Lake had been a dying area and the redevelopment had been a good thing; however, he was concerned with the loss of green space.

Ellingson said that he shared the concern about preserving trees and landscaping. He believed that a three-story apartment building was appropriate, but needed less units and smaller footprints.

Wiersum discussed his takeaways that the building needed to be smaller, that Stewart Lane was a significant issue, and that the entrance needs to be moved.

Barone mentioned that if the meeting went past midnight a motion must be made to extend the meeting.

C. **Concept plan review for City of Minnetonka Police and Fire Facility Project at 14500 and 14550 Minnetonka Blvd.**

Gordon gave the staff report.

Wiersum asked Gordon to trace the return route from Minnetonka Boulevard on the map. Wiersum asked if there were concerns over the fire trucks being able to navigate the roadway. Gordon answered that there were a few intersections that would need trimming for sight lines.

Assistant City Manager Perry Vetter presented project background and proposal as the applicant.

Jake Wollensak, Wold Architects and Engineers, presented the building and site concept plan. He shared the overall plan progression, existing traffic volume, proposed emergency vehicle routes, viewshed study, and exterior massing.
Resolution No. 2018- 
Resolution approving a comprehensive guide plan amendment from commercial to mixed use at 14317 Excelsior Blvd.

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

Section 1. Background.

1.01 Ron Clark Construction is requesting that the land use designation of the property at 14317 Excelsior Blvd. be changed from commercial to mixed use.

1.02 The subject property is legally described on Exhibit A of this resolution.

Section 2. Criteria.

2.01 The 2030 Comprehensive Guide Plan outlines that the following criteria should be used to evaluate amendment requests:

1. The change would be consistent with the policies, strategies, or other elements of the 2030 Comprehensive Guide Plan and the city’s Strategic Framework, including those for certain long term planning areas.

2. The change would not create an adverse impact on public facilities and services that could not be mitigated with proposed improvements. Public facilities and services include roads, sewers, water supply, drainage, schools and parks.

3. Development resulting from the change would not create an undue impact to surrounding properties.

   a) Such development would be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.

   b) Physical character includes land use type, building height and size, relationship to the street, roof lines, and landscaping.

   c) Viability includes stabilization or enhancement of property values or removing blighting influences.
d) An effective and reasonable buffer may be established and maintained on a continual basis in locations where the land use change is to a non-residential use such as commercial and is adjacent to an established residential neighborhood. The buffer may be established by utilizing the following techniques: extraordinary setbacks to residential properties from hardsurface areas (buildings, driving lanes, parking areas, etc.) and other areas or features of development that result in impacts to residential properties, such as lighting, sufficient berming of a height and design to screen non-residential activities, use of structures such as non-accessible building walls or other effective barriers, use and incorporation of existing topography and vegetation into the overall development, new landscaping materials, of sufficient height and size to provide a year round screen, or a combination of the above features and techniques.

4. The change would allow a more viable transition to the planned uses on adjacent properties than the current land use.

5. The change would not have an adverse impact on the natural environment, including trees, slopes and wetlands, or the impact could be mitigated by improvements on the site or in the same vicinity.

6. There has been a change in city policies or neighborhood characteristics since the city adopted the original plan that would justify a change.

7. The change would correct an error made in the original plan.

8. There is a community or regional need identified in the comprehensive plan for the proposed use or service.

9. The change would help the city meet its housing goals.

10. The change would not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

11. In the event a land use change includes numerous properties, such as a neighborhood area, the following factors should be considered:

   a) Determination of changed conditions on the properties or within the area surrounding the properties.

   b) The condition of the buildings on the property.

   c) If residential, the need to preserve the housing stock to meet city housing goals, or if non-residential, the ability of the proposed new land use(s) to meet city housing goals.
d) The ability of the assembled properties to allow for a unified development that meets the appropriate development criteria for the area in which it is located, and
e) The timing of intended development allows for any necessary roadway or other public infrastructure improvements to accommodate traffic from the proposed development.

Section 3. Findings

3.01 The requested amendment would meet various amendment criteria outlined in the 2030 Comprehensive Guide Plan.

1. One of the primary themes of the comprehensive plan is the support and encouragement of housing options that appeal to a variety of residents, at a variety of ages and income levels. The requested amendment would be consistent with this theme.

2. The amendment would allow for redevelopment consistent with the physical character of the surrounding neighborhood.

3. The amendment would allow for a more appropriate transition between existing, adjacent mixed use and surrounding high and medium-density residential uses.

3.02 The requested amendment would reflect the site’s mixed use designation in the draft 2040 Comprehensive Guide Plan.

Section 4. City Council Action

4.01 The above described guide plan amendment is approved based on the findings outlined in section 3 of this resolution. Approval is subject to, and only effective upon, the review and approval of the Metropolitan Council as provided by state statute.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 17, 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 Dec. 17, 2018.

_________________________________
David E. Maeda, City Clerk
EXHIBIT A

Parcel 1:
Tracts A and B, Registered Land Survey No. 207, Hennepin County, Minnesota.

Parcel 2:
That part of Lot 10, "Glen Lake Park" described as follows: Beginning at the point of intersection of the Southeasterly line thereof and the West line of the Northwest Quarter of the Northwest Quarter of Section 34, Township 117, Range 22; thence Northeasterly along the Southeasterly line thereof a distance of 116.3 feet to the point of beginning of the tract to be described; thence Northwesterly at an angle to the left of 85 degrees and 47 minutes a distance of 57.9 feet, more or less to the North line of said Section 34; thence East along the North line thereof to the most Easterly corner of said Lot 10; thence Southwesterly along the Southeasterly line of said Lot 10 a distance of 88.15 feet, more or less to the point of beginning.

That part of the abandoned right of way of the St. Paul Minneapolis and Milwaukee Railway in Section 34, Township 117, Range 22 described as follows: Beginning at the point of intersection of the Southeasterly line of Lot 10, "Glen Lake Park" and the West line of the Northwest Quarter of the Northwest Quarter, Section 34, Township 117, Range 22; thence Northeasterly along the Southeasterly line thereof a distance of 116.3 feet to the point of beginning of the tract to be described; thence Southwesterly to the right, deflection angle 85 degrees 47 minutes, a distance of 101.3 feet, more or less to the Southeasterly line of said abandoned railway right of way; thence Northeasterly along said abandoned railway right of way a distance of 88.15 feet; thence Northwesterly a distance of 101.3 feet, more or less to the most Easterly corner of said Lot 10, "Glen Lake Park"; thence Southwesterly along the Southeasterly line of said Lot 10 a distance of 88.15 feet, more or less to the point of beginning.

That part of Lot 68, Auditor's Subdivision No. 321, Hennepin County, Minn., described as follows: Beginning at the most Westerly corner of Lot 68; thence Northeasterly along the Northwesterly line of said Lot 68 a distance of 88.2 feet; thence Southeasterly a distance of 56.2 feet, more or less to the most Easterly corner of Lot 10, "Glen Lake Park"; thence West along the South line of said Lot 68 a distance of 102 feet, more or less to the point of beginning.

TURNBACK AREA:
That part of the northeast quarter of the northeast quarter of section 34 and the southwest quarter of the southwest quarter of section 27, all in township 117, range 22, hennepin county, minnesota, being described as follows and which lies northeasterly of the northeast line of the recorded plat of the EXCHANGE.

Beginning at a point on the southeasterly line of hennepin county state aid highway no. 3, plot 43, according to the recorded plat thereof, distant 1373.48 feet northeasterly from the most southerly corner of said plat 43, as measured along said southeasterly line; thence north 38 degrees 02 minutes 21 seconds west (said plat being the basis for bearings) 11.23 feet, at right angles to said southeasterly line; thence north 45 degrees 51 minutes 54 seconds east 239.26 feet; thence northeasterly 396.51 feet on a non-tangential curve concave to the southeast, radius 1388.39 feet, central angle 16 degrees 21 minutes 47 seconds and chord bearing north 56 degrees 16 minutes 02 seconds east, thence north 64 degrees 26 minutes 53 seconds east 330.70 feet, tangent to said curve; thence south 36 degrees 07 minutes 07 seconds east 20.38 feet to the southeasterly line of said plat 43; thence southwesterly along said southeasterly line to the point of beginning.
Brief Description

Items concerning Marsh Run Redevelopment, a multi-family residential development by Doran, at 11650 and 11706 Wayzata Boulevard:

1. Ordinance rezoning the property from PID, Planned I-394 District, to PUD, Planned Unit Development;
2. Master Development plan;
3. Site and building plan review, with variances;

Recommendation

Adopt the resolution approving/denying the requests

Doran is proposing to redevelop the Marsh Run office properties at 11650 and 11706 Wayzata Boulevard. As submitted, the redevelopment would include the removal of the three existing office buildings in order to construct a new, 168-unit, apartment building. The building would have a varied height with a reduced height near the residential properties to the north. The building would generally consist of underground parking, structured first floor parking, with apartments above.

Review Process

Since the August, the applicant has engaged city officials and the surrounding neighborhood in the review of a number of conceptual plans for redevelopment of the property. A summary of these conceptual plans and meetings includes the following.

- Neighborhood Meeting

Doran held a neighborhood meeting to review a concept plan of a six-story building on Aug. 15, 2018. The meeting was attended by roughly 30 area residents. Attendees expressed concern related to: (1) traffic particularly at the intersections within the existing neighborhood under existing and proposed conditions; (2) impacts of the concept plan on the wetland to the north; (3) aesthetics, mass, density, and height of the concept.

Concept Plan – Aug. 2018
• **Concept Plan Review**

**Planning Commission.** The planning commission reviewed the six-story building concept on Aug. 16, 2018. The concept plan contemplated a 235-unit apartment building. Eleven area property owners addressed the commission, voicing concerns related to traffic, noise and density. Planning commissioners generally expressed support of the residential use of the property. However, the commissioners commented that the concept was too intense for the neighborhood, possibly too “urban” in appearance and cited concern related to the amount and length of time that shadows would be cast on adjacent properties.

**City Council.** The city council reviewed the six-story building concept on Aug. 27, 2018. Seven neighboring property owners addressed the council, voicing additional concerns related to: (1) the environment; (2) density; (3) parking; and (4) traffic. Two people representing the property owners of the proposed project location also addressed the council and expressed support of Doran’s residential redevelopment of the property.

Ultimately, the council expressed support of a multifamily residential use of the property, as well as the incorporation of affordability and energy efficient features. However, the council echoed the commissioners’ comments and felt that the concept was too intense for the site and that the concept would not “fit” into the surrounding neighborhood.

• **Neighborhood Meeting**

**Moline Tour.** Doran hosted an open house at The Moline apartment building in Hopkins, MN on Sept. 29, 2018. Roughly 20 people attended the open house and took a tour of the apartments. The attendees expressed concern related to: (1) vehicular and pedestrian traffic on Fairfield Road; (2) parking; and the (3) mass and character of the concept.

**Neighborhood Meeting.** Doran held a neighborhood meeting onsite at the Marsh Run office buildings on Oct. 3, 2018. The meeting was attended by roughly 20 area residents. The developer presented a revised concept plan. The revised plan indicated a 190-unit apartment building, with a reduced height near the residential properties to the north. At that meeting, the neighbors also responded to the plans. The neighbors asked for clarification and discussed: (1) the proximity to the townhomes; (2) number of decks and ground level townhomes on the north side of the building; (3) internal parking of the building; (4) parking in the neighborhood and; (5) size, mass and floor area ratio of the building.

• **City Council Concept Plan Review**

The city council reviewed a revised concept plan at the Oct. 8, 2018 council meeting. The revised concept plan contemplated a 190-unit apartment building. Eight area residents addressed the council, expressing concern related to the plans: (1) density and mass; (2)
traffic; (3) architecture and site design; and (4) impact on wildlife and surrounding natural features.

The council asked questions and discussed the plan. Ultimately, the council continued to be concerned with the overall density of the plan. However, the council indicated that it understood that some level of density would be needed in order to incorporate affordability into the project. The council stated that a formal application should include a shadow study and a traffic study.

- **City Council Introduction**

  On Nov. 5, 2018, the city council introduced the ordinance to rezone the property. The asked for clarification on the zoning classifications of the PID, Planned I-394 District, and the PUD, Planned Unit Development. The council then discussed the timing of the project review process. Following the discussion, the council introduced the ordinance and referred it to the planning commission.

**Proposal Summary**

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

- **Existing Site Conditions.**

  The subject property is 2.5-acres in size and is located in the northeast corner of the Wayzata Blvd and Fairfield Rd intersection. The site currently contains three office buildings and associated surface parking lots. Site access is from Wayzata Blvd. is located in the southeastern portion of the site and two additional accesses are from Fairfield Road to the west. The site slopes “downwards” towards a low-point near Fairfield Rd, west of the southernmost building.

- **Proposed Use.** Three office buildings would be removed in order to construct a 175-unit apartment building. The building would have a varied height increasing from three-stories on the north side to 6-stories on the south side along Wayzata Boulevard.

  **Building height and materials** The proposed building height is varied. The building would increase from 3-stories (40-ft) to 6-stories (68.5-ft) on the south side. It would include a mix of wood, brick, stone, metal, and lap siding materials.
More information on building height as compared to other buildings within the Fairfield Rd. will be included in the “Supporting Information” section of this report.

Units

The following is intended to summarize the unit count of the proposed apartment building:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-bedroom (720-905 sf)</td>
<td>107 units</td>
</tr>
<tr>
<td>2-bedroom (1125-1280 sf)</td>
<td>34 units</td>
</tr>
<tr>
<td>Alcove (studio: 620-645 sf)</td>
<td>34 units</td>
</tr>
<tr>
<td><strong>Total units</strong></td>
<td><strong>175 units</strong></td>
</tr>
</tbody>
</table>

Density

Density is the number of dwelling units per acre of land, excluding areas zoned as wetland, floodplain, or below the ordinary high water level of a public water, as regulated by the comprehensive plan.

The proposal would have density of 70 units per acre.

Floor area and floor area ratio

Floor area is calculated by taking the sum of all fully exposed levels and one-half of the gross horizontal area of any partially exposed level – such as a walkout or lookout level. Parking areas are not included in the calculation. The following is intended to summarize the square footage of each floor:

<table>
<thead>
<tr>
<th>Floor Level</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking: Level One</td>
<td>45,275 sf</td>
</tr>
<tr>
<td>Level 1:</td>
<td>59,605 sf</td>
</tr>
<tr>
<td>Level 2:</td>
<td>43,150 sf</td>
</tr>
<tr>
<td>Level 3:</td>
<td>43,015 sf</td>
</tr>
<tr>
<td>Level 4:</td>
<td>42,855 sf</td>
</tr>
<tr>
<td>Level 5:</td>
<td>23,450 sf</td>
</tr>
<tr>
<td>Level 6:</td>
<td>20,280 sf</td>
</tr>
<tr>
<td><strong>Gross floor area</strong></td>
<td><strong>277,630 sf</strong></td>
</tr>
</tbody>
</table>

* Rounded to the nearest 5-ft.

Floor area ratio (FAR) is the floor area of a building divided by the area of the lot on which the building is located. The FAR is 1.6.

Building Setbacks

<table>
<thead>
<tr>
<th>Setback Type</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>North setback</td>
<td>54-ft</td>
</tr>
<tr>
<td>East setback</td>
<td>22-ft</td>
</tr>
<tr>
<td>South setback</td>
<td>19.4-ft</td>
</tr>
<tr>
<td>West setback</td>
<td>35.9-ft</td>
</tr>
</tbody>
</table>
Parking

Access to the 236 structured parking stalls would be from Wayzata Blvd to the south. The seven surface stalls would be available through the turnaround area with access onto Fairfield Road to the west.

- **Site Impacts.** A significant amount of grading and tree removal would be required to accommodate the new apartment building.

**Landscaping and trees**

The following table summarizes the amount of existing trees and trees proposed to be removed.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High priority trees</td>
<td>11</td>
<td>8</td>
</tr>
<tr>
<td>Significant trees</td>
<td>40</td>
<td>36</td>
</tr>
</tbody>
</table>
To provide additional screening of the new building to the north, the trees along the north property line would not be removed.

Grading

The site would be regraded to accommodate the new building. Grading on the north side of the building would allow the building to appear to be “set into” the northerly berm.

Utilities

Water and sanitary sewer access would be from Fairfield Rd. Stormwater would be collected and directed toward an underground stormwater chamber. The chamber would wrap around the north and west sides of the building.

Sidewalks

The sidewalks along Fairfield Rd and Wayzata Blvd will remain. The submitted plans indicate a slight reconfiguration of the sidewalk along Fairfield Rd. However, included as a condition of approval, the sidewalk must remain in the city’s right-of-way. The plans also include a sidewalk connection on the east side of the building to the existing Wayzata Blvd sidewalk.

Primary Questions and Analysis

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

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

  Yes. The I-394 corridor – which serves as a regional transportation system – is one of three regional areas identified in the 2030 comprehensive guide plan. This plan envisions enhanced vitality throughout the corridor by increasing the mix of land uses,
including residential; providing for more gathering spaces; and promoting connectivity, and transit connections, among uses within and outside of the corridor.

The subject property is currently designated for service commercial uses by the 2030 plan. The draft 2040 plan proposes to reguide the site to mixed use. Mixed use provides for flexibility in redevelopment, as it allows for a variety of land uses, including high-density residential uses. The 2040 plan, and the land use changes, have been vetted by the city’s comprehensive guide plan steering committee and planning commissions. The draft 2040 is tentatively scheduled for the December 17th council meeting.

After December 31st, no changes to the 2030 plan will be accepted per Metropolitan Council policy. It is not anticipated that the city’s 2040 plan will be approved by the Met Council until mid-summer 2019. This means that all redevelopment activities occurring between the end of 2018 and the mid-summer of 2019 must occur under the 2030 plan’s service commercial designation.

In staff’s opinion, it is acceptable to amend the land use designation now to reflect the mixed-use designation outlined in the 2040 plan. This would allow the city to consider redevelopment activity on the site, whether as part of the Doran proposal or subsequent proposal, prior to next summer.

- **Is the rezoning to PUD appropriate?**

  Yes. The purpose of the planned unit development (PUD) zoning district is to provide flexibility from certain regulations – including setback regulations – in order to achieve public benefits that could not otherwise be achieved within a “traditional” zoning district. The proposal would allow for the inclusion of affordable housing. As proposed, the project would include 35 - units (20-percent of the 175 total units) at 50-percent of the area’s median income.

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

  Yes. Staff finds the current building and site design reasonable. The proposal would substantially alter the visual and physical character of the property. However, the proposal would allow for reasonable use of a currently underutilized property with vacant buildings. Staff finds that the developer has adequately addressed the concerns raised during its’ review of the site plan.

  **Building height and setback**

  Related to the original plans, staff was concerned about “mass” of the building at the Fairfield Rd and Wayzata Blvd intersection created by the setback from the west property line coupled with the five-story. The current plan includes an increased setback and increases the height from 4-stories up to 6-stories. This significantly reduces the visual amount of mass at the intersection.
The height of the building has decreased on the north side incrementally down from six-stories since the original concept. The current plan is three-stories along the north side of the building. The height on the north side is 40-feet. The townhomes on Fairfield have a code-defined building height of 42-feet but are 48-feet as measured to the peak. Staff finds that the proposed height on the north side coupled with a setback similar to the setback of the Fairfield Spur townhomes to the north is acceptable.

The six-story height in the southeast corner would allow for the increased setbacks and reduced height in these areas. Given the context of the I-394 corridor, staff finds this reasonable.

By ordinance, shadows cast during the hours of 9 a.m. – 5 p.m. on December 21st cannot adversely affect light availability to adjacent properties. This date illustrates shadows experienced on the shortest day of the year, which typically occurs between Dec. 20 - 23rd each year.
The initial concept plan included a sun-shadow study. The study indicated that many of the northern townhomes would be “completely shaded” out for over 24-hours during several months of the year. The council was clear that this would be unacceptable.

By reducing the height and increasing the setback of the building on the north side, the sun-shadow study indicates shadows cast on the “yards” of the northern townhomes beginning at noon on December 21st.

Staff finds this condition acceptable as the townhomes themselves would not be “shaded out” by the proposed building unlike the townhomes, which “shade out” the adjacent townhomes under similar conditions.

<table>
<thead>
<tr>
<th>9:00 AM</th>
<th>12:00 PM</th>
<th>3:00 PM</th>
<th>6:00 PM</th>
</tr>
</thead>
<tbody>
<tr>
<td>MAR/APR 21</td>
<td>JUN 21</td>
<td>DEC 21</td>
<td></td>
</tr>
</tbody>
</table>

**Sun-shadow study for current proposal**

Staff carefully reviewed grading impacts to trees onsite and on adjacent properties and finds:

1. Staff acknowledges that the proposal would result in the removal of a majority of the site’s high priority and significant trees. However, as a PUD and as a site redevelopment the maximum high priority tree threshold does not apply.

2. The trees to remain onsite are located along the north property line to provide screening and a buffer to the building. Included as a condition of approval, protection fencing must be installed to further protect these trees.

3. There are six trees on the West Ridge Market site that may be impacted during construction. Included as a condition of approval, Doran must coordinate with the adjacent property owner.
Can the existing roadway accommodate the anticipated traffic generation?

Yes. The city secured SRF Consulting Group to review the proposal to understand the anticipated impact on the surrounding roadway network and intersection operations.

The traffic study reviewed the existing conditions at a number of intersections (shown right) and determined that all intersections are currently at an acceptable level of service.

The traffic study then calculated the amount of traffic that the proposed development would generate, based on the proposed use and size of the building. While the study was completed contemplating 168-units, SRF has confirmed that the increase to 175-units would have no impact on the findings and would not warrant any updates to the report.

The study concluded that the existing roadway network could accommodate the traffic generated by the proposal and all study intersections would continue to operate at an acceptable level of service (LOS). Intersections are ranked from LOS A – F, with A being the best possible traffic operation and F indicating an intersection which exceeds capacity. Generally, LOS A – D are considered acceptable within the Twin Cities areas.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service (Delay)</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Existing</td>
<td>Year 2020 Build</td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------</td>
<td>------------</td>
<td>----------------</td>
</tr>
<tr>
<td>Hopkins Crossroad/Fairfield Road (1)</td>
<td>A (12 sec)</td>
<td>B (13 sec)</td>
<td>B (12 sec)</td>
</tr>
<tr>
<td>Hopkins Crossroad/Wayzata Boulevard (1)</td>
<td>B (19 sec)</td>
<td>B (19 sec)</td>
<td>C (33 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Westridge East Dwy (2)</td>
<td>A/A (10 sec)</td>
<td>A/A (10 sec)</td>
<td>A/C (17 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Westridge Center Dwy (3)</td>
<td>A/A (9 sec)</td>
<td>A/A (9 sec)</td>
<td>A/B (13 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Westridge West Dwy (2)</td>
<td>A/A (9 sec)</td>
<td>A/A (9 sec)</td>
<td>A/B (13 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Site Access (2)</td>
<td>–</td>
<td>A/A (9 sec)</td>
<td>–</td>
</tr>
<tr>
<td>Wayzata Boulevard/Fairfield Road (3)</td>
<td>A/A (9 sec)</td>
<td>A/A (9 sec)</td>
<td>A/B (13 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/I-394 WB On-Ramp (3)</td>
<td>A (1 sec)</td>
<td>A (1 sec)</td>
<td>A (3 sec)</td>
</tr>
</tbody>
</table>

(1) Indicates a signalized intersection. The delay shown represents the overall intersection.

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

(3) Indicates an unsignalized intersection with no traffic control. The delay shown represents the overall intersection.
Staff also asked SRF to respond to “cut-through” concerns raised by neighbors throughout the review process. Site and roadway observations indicate that only up to 30 of the 1,000-1450 vehicles per day are utilizing Fairfield Rd. as a “cut-through”.

The traffic study also evaluated the site plan and made several suggestions to identify any potential issues with parking, access, circulation and pedestrian facilities. Several of the recommendations were already included in the revised plans. The outstanding items are related to site operations and signage. These items have been included as a condition of approval.

- **Is the parking variance reasonable?**

Generally yes. The city’s current parking ordinance does not distinguish between different types of multi-family developments or a site’s proximity to multi-modal transportation opportunities. Technically, a townhome located on a cul-de-sac and a multi-family development with access to public transportation do not have different parking requirements despite the unit size and context of the developments.

Recognizing the difference in these types of development, staff often refers to the Institute of Traffic Engineers (ITE) Parking Generation Manual. Both the ITE manual and the city’s parking ordinance require a total number of stalls per unit and do not differentiate between guest and resident parking.

<table>
<thead>
<tr>
<th></th>
<th>Stalls per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>City code</td>
<td>350</td>
</tr>
<tr>
<td>ITE standard</td>
<td>245</td>
</tr>
<tr>
<td><strong>Proposed</strong></td>
<td>243</td>
</tr>
</tbody>
</table>

The proposal is less than what is less than ITE requirements. Included as a condition of approval, two additional parking stalls must be included to be consistent with the ITE manual. The two additional parking stalls could likely be accommodating by slightly reconfiguring the surface parking area.

Staff is supportive of the variance to reduce the parking requirements to 245 stalls, as:

1. The parking ratios would be similar to other apartments within the city:

<table>
<thead>
<tr>
<th></th>
<th>Stalls per bedroom</th>
<th>Stalls per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Ridge</td>
<td>0.93</td>
<td>2.0</td>
</tr>
<tr>
<td>Highland Bank</td>
<td>1.2</td>
<td>1.78</td>
</tr>
<tr>
<td>RiZe at Opus Park</td>
<td>1.4</td>
<td>1.7</td>
</tr>
<tr>
<td>Carlson Island</td>
<td>1.03</td>
<td>1.55</td>
</tr>
<tr>
<td>The Overlook</td>
<td>1.15</td>
<td>1.49</td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>1.16</td>
<td>1.39</td>
</tr>
<tr>
<td><strong>As recommended by staff</strong></td>
<td>1.17</td>
<td>1.4</td>
</tr>
</tbody>
</table>
2. Public transportation is available to the site. Metro Transit’s bus route 645 makes several stops along Fairfield Rd, as shown right.

3. At 1.4 stalls per unit, the proposal would be consistent with the ITE’s parking recommendations for the site.

4. The proposal includes a number of storage areas within the structured parking area. These areas appear to allow for suitable bike storage. Included as a condition of approval, Doran should work with city staff to incorporate bike amenities.

Summary Comments

The proposed redevelopment would result in a change in use and characteristics of the site. However, given the age and vacancy of the existing Marsh Run development, it is likely that any redevelopment of the site would result in such a change.

Staff Recommendation

Staff recommends that the commission recommends the city council adopt the following items related to the Marsh Run Redevelopment at 11650 and 11706 Wayzata Blvd:

1) Ordinance rezoning the property from PID, planned I-394 district, to PUD, planned unit development, and adopting a master development plan;

2) Resolution approving the comprehensive guide plan amendment from service commercial to mixed-use;

3) Resolution approving site and building plans; and

4) Resolution approving preliminary and final plats.

Originator: Ashley Cauley, Senior Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Project No. 18029.18b

Property 11650 and 11760 Wayzata Blvd

Applicant Marsh Development, LLC

Surrounding Land Uses
Northerly: Townhomes, guided high-density residential, zoned PID.
Easterly: Westridge Market, guided commercial, zoned PID
Southerly: I-394 and Crane Lake
Westerly: Office, guided service commercial, zoned PID

Planning
Guide Plan designation: Service Commercial
Zoning: PID

City Actions
The proposal includes the following applications:

1) **Comprehensive guide plan amendment.** The subject properties are guided for service commercial in the 2030 Comprehensive Guide Plan. The applicant requests an amendment to the land use designation to mixed-use.

2) **Rezoning.** The subject properties are zoned PID, planned I-394 District. Doran is requesting that the properties be rezoned to PUD, planned unit development.

3) **Master development plan.** Under the zoning ordinance, a master development plan is required in conjunction with PUD zoning.

4) **Preliminary and final plat.** Doran would not be required to replat the properties, however, has submitted plat applications to make the process of dedicating and vacating easements more clear.

5) **Site and building plan.** By city code, site and building plan review is required for the construction of a multi-family residential building.

6) **Vacation.** The site includes several existing easements, several of which will become obsolete should the Doran proposal be approved.

7) **Tax Increment Financing.** To assist with the production of affordable housing, Doran has requested the city provide Tax Increment Financing (TIF) assistance and found in the amount of $5.5 million over a 21 year term. Staff is recommending
assistance in the amount of $4.8 million over a 17 over a 17 year term. The Economic Development Advisory Commission (EDAC) reviewed Doran’s initial request at their Nov. 15th meeting and recommended that the city council approve a proposal aligning with staff’s recommendation. The city council will approve the financial request at their December 17th meeting.

**Property Area**

City records indicate that the combined site is 2.5-acres. Doran's plans suggests that the site is 2.67 acres in size and includes the area shown in red.

After additional research it was determined that, the city continues to own the area shown in red in fee, subject to an easement for highway purposes.

For purposes of this staff report, staff made all calculations excluding the city-owned land. However, the ownership of the land does not significantly impact the proposal because driveways and accesses are allowed uses of city right-of-way.

Should Doran decide to formally acquire the land:

- The easement must be vacated;
- The land must be purchased;
- The city council must approve the sale of the property by ordinance.

**Project Comparisons**

Staff has received several requests to evaluate the proposal in comparison to other recently approved apartment projects in the city. In response to those requests, staff has prepared the following:
### Doran Proposal

<table>
<thead>
<tr>
<th>Apartment</th>
<th>No. of units</th>
<th>Density (units/acre)</th>
<th>FAR</th>
<th>No. of Stories</th>
<th>Building Height (in ft)</th>
<th>Imper. Surface</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Doran Proposal</strong></td>
<td>175</td>
<td>70</td>
<td>1.6</td>
<td>3-6</td>
<td>40-68.5</td>
<td>67%</td>
</tr>
<tr>
<td>Avidor (Ridgedale</td>
<td>168</td>
<td>71</td>
<td>1.81</td>
<td>6</td>
<td>60</td>
<td>80%</td>
</tr>
<tr>
<td>Active Adult Apartments)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Highland Bank</td>
<td>120-units</td>
<td>59</td>
<td>1.7</td>
<td>6</td>
<td>76</td>
<td>85%</td>
</tr>
<tr>
<td>and 16,000 sf of retail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>St Therese</td>
<td>150 senior</td>
<td>56</td>
<td>1.9</td>
<td>5</td>
<td>55</td>
<td>75%</td>
</tr>
<tr>
<td>The Ridge</td>
<td>64</td>
<td>37</td>
<td>1.5</td>
<td>4</td>
<td>40</td>
<td>64%</td>
</tr>
<tr>
<td>Tonka on the Creek</td>
<td>106</td>
<td>49</td>
<td>1.2</td>
<td>4</td>
<td>54</td>
<td>42%</td>
</tr>
</tbody>
</table>

### Trail ownership

There has been some confusion about who is responsible for maintaining the trails in the surrounding neighborhood. Easement documents have been included in the attachments. These documents dedicate the trails to the public but outline maintenance responsibilities of the underlying property owner. The following graphic depicts the property and trails owned by CSM.

### Project Timing

The city has received a number of comments related to the timing of the project. After the city receives a complete application, it must
render a decision within 60-days. If the city requires additional time to review the application, it may take an additional 60-day period with notification to the applicant. If the city council fails to make a decision within time, the project is approved automatically as proposed.

It is important to note that since the concept plan process is not a required process, nor is it a formal application, it is not subject to the 120-day review period. Rather this time is in addition to the project review period.

<table>
<thead>
<tr>
<th>Received on</th>
<th>Initial concept plan</th>
<th>Revised concept plan</th>
<th>Formal application</th>
<th>Revised application plans</th>
<th>60-day</th>
<th>Final 120-days</th>
</tr>
</thead>
</table>

Pyramid of Discretion

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.
<table>
<thead>
<tr>
<th><strong>Voting Requirement</strong></th>
<th>The planning commission will make a recommendation to the city council. The city council’s final decision requires an affirmative vote of five members.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Appeals</strong></td>
<td>Any person aggrieved by the planning commission’s decision regarding the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.</td>
</tr>
<tr>
<td><strong>Neighborhood</strong></td>
<td>The city sent notices to 255 area property owners and received a number of comments. In addition to the comments received, staff has also included comments previously attached with the council’s ordinance introduction.</td>
</tr>
<tr>
<td><strong>Deadline for Decision</strong></td>
<td>Feb. 11, 2018</td>
</tr>
</tbody>
</table>
Location Map

Project: Doran,
Address: 11650 & 11706 Wayzata Blvd

Subject Properties
FAIRFIELD ROAD & WAYZATA BOULEVARD

Development Application
Minnetonka, MN

Project Narrative
November 15, 2018

Developer: Marsh Development, LLC

Prepared by: Doran Development, LLC, Developer
Doran Architects, LLC, Architect
Sambatek, Civil Engineer, Surveyor, Landscape Architect
Braun Intertec, Geotechnical Consultant
1. REQUESTED ACTIONS

Doran is requesting the following actions:
- Rezoning to a PUD
- Master Development Plan
- Site and Building Plan Review
- Comprehensive Plan Amendment
- Preliminary and Final Plat
- Vacation of Easements

The development applications will adhere to the following proposed entitlements schedule:

- Redevelopment Site Discussion: Completed 1/9/18
- Introductory Meeting with City Staff: Completed 4/25/18
- Additional Meeting with City Staff: Completed 6/27/18
- Additional Meeting with City Staff: Completed 7/18/18
- Neighborhood Meeting: Completed 8/14/18
- Concept Plan Review – Planning Commission: Completed 8/15/18
- Concept Plan Review – City Council: Completed 8/27/18
- Kick-Off Meeting with City Staff: Completed 9/7/18
- Additional Meeting with City Staff: Completed 9/27/18
- Additional Neighborhood Meeting – at The Moline: Completed 9/29/18
- Additional Neighborhood Meeting – at the Property: Completed 10/3/18
- Additional Concept Plan Review – City Council: Completed 10/8/18
- Additional Meeting with City Staff: Completed 10/10/18
- Development Application Submittal: Completed 10/15/18
- Preview Meeting - Minnetonka EDAC: 10/15/18
- City Council – Ordinance Introduction: 11/5/18
- Meeting Minnetonka EDAC: 11/8/18
- Planning Commission – Public Hearing: 12/6/18
- City Council – Final Decision: 12/17/18

2. PROJECT LOCATION

This project is located on the northeast corner of Fairfield Rd. and Wayzata Blvd. It is included in the 394 Corridor regional center, one of three key regional centers identified in the City of Minnetonka 2030 Comprehensive Plan. The property currently consists of two separate lots totaling 2.56 acres.

3. VISION AND SUMMARY OF THE PROPOSED PROJECT

Doran is proposing a new, high-quality, Class A luxury apartment project that will be the first of its kind in the 394 Corridor regional area. This project is precisely what the City of Minnetonka is seeking in both the 2030 Comprehensive Plan and its draft of the 2040 Comprehensive Plan for the 394 Corridor.
regional area. This project will bring life and vitality to the north side of 394, enhancing walkability, providing a new housing option for existing residents, attracting the next generation of residents to the City, and supporting the nearby commercial uses that exist in the neighborhood today. The project will contain an affordable housing component mixed with market-rate apartments and will appropriately bridge the gap between the three different uses that currently surround the proposed project site. This is a unique opportunity to redevelop a site that is underutilized to create an exceptional project that will create a housing type that does not currently exist in the 394 Corridor regional area today.

The redevelopment will include razing the three existing office buildings on the site and constructing a 175-unit apartment project with twenty percent of the units affordable at 50% of the area median income levels (with City financial assistance). The project will consist of a concrete podium parking garage with approximately 236 parking stalls on two levels— one level of underground and the upper level underground on the north side and at grade on the south side. The parking garage will contain all of the resident and guest parking for the project, with the exception of approximately seven surface parking spaces along the circle drive near the main entrance for short-term guest and delivery parking. Above level one of the building will be wood framed construction for the apartments and an open, elevated amenity deck and garden with several outdoor amenities. Amenities throughout the project will include:

- Business center;
- Flex work space;
- Clubroom and game room;
- Entertainment suite;
- Exercise facility;
- Group exercise room;
- Kids’ zone;
- Outdoor pool;
- Outdoor spa;
- Grilling stations;
- Outdoor fire pits;
- Dog run;
- Pet spa;
- Heated underground parking;
- Bocce ball, putting green, outdoor seating, and/or other outdoor activity areas.

The building will contain a mix of alcove, 1 and 2-bedroom apartments with active gathering spaces for residents and guest located on the first and second levels of the building. As addressed in detail in our PUD narrative, this project site is transitional—it is bordered by three different uses on the west, north and east sides respectively and by Wayzata Blvd. and 394 to the south. This unique location presents the challenge of designing a project that is responsive to all differing neighboring uses while still furthering the overall development goals of the City. The proposed project “fits”, both visually and in terms of use, massing and density, and properly addresses the goals and concerns identified by the City, residential neighbors, commercial neighbors and office neighbors.

4. ARCHITECTURAL DESIGN
The architectural style of the project is influenced by the more traditional look of the nearby residential townhome and condo projects. Stone mixed with warm wood accents highlight the entrance. Plank siding and brick complement the dark cap and architectural projections at key points along the building. The use of wood, stone and plank siding is intended to echo elements found at both the neighboring shopping center and condos. Large balconies, terraces that walk out to the amenity deck, and walk-out townhomes create an active presence while extensive natural plantings along the north side of the building and a birch tree grove on the west side complement the nearby natural landscapes.

Sustainable planning and design features of the building include:

- Installation of a stormwater management system on the site, which currently does not exist. The new system will result in a 75% reduction of total suspended solids and a 62% reduction of total phosphorus in water discharged from the property.
- The project will be enrolled in Xcel's Energy and Centerpoint Energy's design assistance program for energy efficiency.
- Installation of electric car charging stations,
- Installation of occupancy sensor lighting controls in select building locations,
- Enrollment of the project in a community solar garden program,
- Installation of individual programmable thermostats, high quality, energy-efficient windows, energy star (or comparable energy-efficient) appliances, full building insulation including all interior walls.

5. RESPONSIVENESS TO NEIGHBORHOOD AND CITY FEEDBACK

This project has been significantly revised since it was originally proposed. We have received and thoughtfully responded to feedback from the neighborhood as well as City Staff, Planning Commissioners and City Councilmembers in this revised design. Design revisions to each façade of the building are explained in detail in our PUD Applicant’s Statement. Below is a table summarizing the significant massing, density, height and affordability modifications that have occurred with each stage of the design of this building.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Floor Area</td>
<td>246,500 sf</td>
<td>218,100 sf</td>
<td>166,025 sf</td>
<td>184,329</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>2.20</td>
<td>1.95</td>
<td>1.49</td>
<td>1.47</td>
</tr>
<tr>
<td>No. of Units</td>
<td>235</td>
<td>190</td>
<td>168</td>
<td>175</td>
</tr>
<tr>
<td>Density</td>
<td>91.72 units/acre</td>
<td>74.1 units/acre</td>
<td>65.57 units/acre</td>
<td>65.54 units/acre</td>
</tr>
<tr>
<td>Height- North Elevation</td>
<td>66’</td>
<td>43’</td>
<td>38’</td>
<td>38’</td>
</tr>
<tr>
<td>Height- South Elevation</td>
<td>66’</td>
<td>66’</td>
<td>58’</td>
<td>68’</td>
</tr>
<tr>
<td>Affordability</td>
<td>20% @ 50% AMI</td>
<td>undetermined</td>
<td>5% @ 60% AMI</td>
<td>20% @ 50% AMI</td>
</tr>
</tbody>
</table>

This revised plan reduces the total units to 175 apartments, reduces the massing of the building by eliminating a story from the north elevation of the project closest to the neighbors, further increases the
setback on the north side of the building, increases the setbacks on the west and east sides of the building, and reduces the massing along the west façade of the building.

6. LANDSCAPING

The proposed landscaping improvements for the project will enhance both the project site and the neighborhood by adding two distinct features to the property—a birch tree grove at the entrance to the project and significant plantings on the north side of the property creating a new natural area. The detailed landscaping plan achieves the following goals:

- Preserve the berm and plantings on the north side of the property and expand the berm to create a dedicated natural area;
- Provide screening and enhance the natural buffer between our project and The Gables townhomes to the north;
- Utilize dynamic landscaping to create an impactful, welcoming presence along Fairfield Rd.
- Reinforce a pedestrian-friendly environment.

7. STORMWATER

The proposed development is located within the City of Minnetonka and is a part of the Bassett Creek Watershed Management Commission (BCWMO). The project is required to comply with the rate control, water quality and volume reduction stormwater regulations of the City and BCWMO. Post-development stormwater rate control is limited to the pre-development 2, 10, and 100-year rainfall events rates. This is accomplished through directing a sizable portion of the site stormwater runoff through a subsurface stormwater system which attenuates the flow prior to discharge to Merrivale Avenue. A small portion of the site’s stormwater drains through a swale along the north property line and the south portion of the building’s roof discharges directly to the stormwater system within Wayzata Blvd. Due to the presence of clay soils onsite (D type), volume control through infiltration is prohibited. Therefore water quality treatment is achieved through the use of a proprietary mechanical filter which provides removal efficiencies of 89% Total Suspended Solids and 59% Total Phosphorous. This equates to a 75% reduction of TSS and 62% reduction of TP from the pre-development condition. Additional details can be reviewed in the Preliminary Stormwater Management Report. Currently there is not a stormwater management system for the existing development.

8. UTILITIES

Public

- Sanitary Sewer: A new 8-inch sanitary sewer service is proposed from Fairfield Rd. The service will be extended from an existing sanitary sewer manhole within the public street’s right-of-way.
- Watermain: A new 6-inch domestic and 8-inch fire watermain service is proposed from Fairfield Rd. The services will be wet tapped from the existing 8-inch watermain line within the public street’s right-of-way.
Private

The private utilities for the proposed development are:

- Electricity: Xcel energy
- Natural Gas: CenterPoint Energy
- Telephone/Internet: Centurylink Communications
- Cable TV/Internet: Comcast

All private utilities are located adjacent to the subject site. There are also discussions with Xcel about burying the overhead power lines along Wayzata Blvd.

9. PARK DEDICATION

The City of Minnetonka’s Subdivision ordinance requires that when a when land is subdivided or platted as proposed in this application, a reasonable portion of land be used for uses such as public parks, playgrounds, trails or open space. In addition to payment of the required park dedication fees, this project will create these additional improvements:

- .36 acres of new heavily-landscaped open space and buffer from adjacent residential uses,
- Preservation of the berm and existing trees and along the north property line,
- Enhanced pedestrian connections along Fairfield Rd. and Wayzata Blvd. to West Ridge Shopping Center.
- A new birch tree grove, which will be the focal point entrance to the project.

10. TRAFFIC

The City of Minnetonka has requested a proposal from SRF Consulting Group, Inc. to prepare a traffic study for this project. The development team will pay for the traffic study and it is expected to be completed before the public hearings for this project take place.
Applicant’s Statement – Rezoning to a PUD

The purpose and intent of the PUD zoning is to provide flexibility from certain subdivision and zoning regulations in order to achieve a public benefit that would not otherwise be achieved within a “traditional” zoning. With a rezoning application, the City has the broadest discretion in reviewing the appropriateness of a development proposal. The City of Minnetonka Code provides that a PUD may be approved when the following general standards are met:

1. The PUD results in at least one of the public benefits as outlined in Section 2 of this ordinance;
2. The PUD is consistent with and advances the community-wide goals of the comprehensive plan; and
3. The PUD is appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through continuation of existing land use types, architectural transitions, landscape buffering, or other means.

Public Benefit

The applicable public benefits identified in the Code are each addressed in detail below.

1. Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development.

The natural area that will be created along the north side of the property will result in greater preservation of existing natural resources than would otherwise be provided under a non-PUD development. If this property were redeveloped as it is currently guided as service commercial, a gas station, coffee shop or fast casual restaurant are likely uses. Each of these uses would require significant on-grade parking and drive aisles, which would require building and/or parking lot locations much closer to the north property line than currently proposed. This would result in eliminating many of the trees that currently exist on the berm along the north property line. Unlike the current project, these uses would also likely require vehicular access along the north side of the property and especially on Fairfield Rd.

The current proposal contemplates expansion of the existing berm to preserve the existing trees, add significant additional trees and plantings, and create a natural area between The Gables townhomes and the proposed project that does not currently exist. The portion of this new natural area on the project property would be approximately 16,000 square feet (more than 1/3 acre). Creation of this feature requires flexibility with setbacks that border the Staples store to the east and Wayzata Blvd. to the south. In addition, the current proposal includes installation of a stormwater management system on the property (which currently does not exist) will greatly reduce pollution in unrestricted rate-controlled
stormwater flowing from the site. The new system will result in a 75% reduction of total suspended solids and a 62% reduction of total phosphorus in water discharged from the property.

Replacement of an existing surface parking lot with natural plantings, installation of a stormwater management system, preservation of the existing trees and the creation of a surrounding natural area would not be possible without the zoning flexibility of a PUD development.

2. Provision of affordable housing.

The project will include affordable housing. Doran has committed to provide twenty percent of the units with an income restriction of 50 percent of area median income (with City financial assistance). Throughout this entitlement process City Staff and City Councilmembers have been clear that this project must further the goal of increasing the number of affordable units in the City, and from the outset we have been committed to including affordable units in our project. The PUD ordinance establishes that providing affordable housing is, in and of itself, a public benefit.

3. Provision of a housing type or target housing price that is desirable to the City.

The project would provide a housing type that is desirable to the City. The proposed project is located in the 394 Corridor regional center, one of three “regional centers” in the City identified in both the 2030 Comprehensive Plan and the draft 2040 Comprehensive Plan. Regarding regional centers, the 2030 Comprehensive Plan states:

The critical land use strategy for the regional areas is to continue to support their vitality so that they remain desired destinations for employment, residential development and business. Adherence to specific development criteria will help ensure that land use character and activity accommodate a diversity of residents and businesses, and to ensure connectivity to the rest of the region. It is envisioned that the regional areas will function as “complete communities,” including places to live, work, shop and play. Specifically, mixed land uses and high density residential land uses are planned to attract new residents eager for the opportunity to downsize, reduce home maintenance obligations, or reduce transportation costs through pedestrian orientation within centers and proximity to transit facilities.”

Specifically relating to the 394 Corridor, the 2030 Comprehensive Plan states:

The city wishes to encourage enhanced vitality along the I-394 corridor by:

- Increasing the mix of land uses, including residential.
- Providing opportunities for more gathering places.

1 Ch. 4 p. 26
• Promoting connectivity among uses within and outside the corridor, and transit connections.

A distinct physical identity and a sense of social activity are important to the future of the corridor, which has potential to support land use changes that may create broader appeal among younger residents. Opportunities to better connect the north and south sides of I-394 are planned, including pedestrian connections. The highway currently divides the community so strongly that the two areas can feel like different cities, and areas that are geographically not far apart feel as though they are distant from and inaccessible to each other.

The proposed market-rate and affordable high-quality apartment development would be a unique housing type within the 394 Corridor regional center. Although market rate high-density housing projects have recently been approved in the Ridgedale regional center, this type of development does not yet exist in the 394 Corridor regional center, and none of the recently approved luxury apartment developments near Ridgedale include an affordability component. It is especially important to note that this development presents an opportunity to support the goals of the 2030 Comprehensive Plan and proposed 2040 Comprehensive Plan on the north side of 394, which has lagged behind development in and around Ridgedale.

To further the goals of the City to maintain all regional centers as vibrant gathering areas within the City, it is critical for high-density housing to be located in close proximity to retail, service and transit uses within those centers. This project will provide high-quality housing that supports the vibrancy of the 394 Corridor, including West Ridge Market. It will also promote walkability and connectivity by revitalizing an outdated office site with a new housing option that is walkable to West Ridge Market, nearby parks, trails and transit options.

4. A mix of land use types.

While the proposed project consists of a single land use type, it adds a new type of housing to the mix of uses that currently exist immediately adjacent to the site. Adding high-quality, high-density residential to the mix of uses along this span of 394 furthers the goal of supporting the vitality of the 394 Corridor Regional Center by increasing the mix of land uses, including residential.

5. Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development.

The proposed project will contain a number of green building and sustainable design features that are not typically employed in lower density housing or commercial developments, including the following:
• Electric car charging stations,
• Enrollment of the project in a community solar garden program,
• Stormwater management system,
• Enrollment of the project in Xcel’s Energy and Centerpoint Energy’s design assistance program for energy efficiency,
• Occupancy sensor lighting controls in select building locations,
- Individual programmable thermostats, high quality, energy-efficient windows, energy star (or comparable energy-efficient) appliances, full building insulation including interior walls, and
- Locating high-density development along a public transit corridor.

6. Other public benefits as recognized by the City.

In approving past projects the City has identified reinvestment in the area and redevelopment of specific sites as additional public benefits that support the approval of a PUD. This property has been identified by the City as a priority site for redevelopment. The existing offices on the site are nearing the end of their useful life, and the current property owners have indicated difficulty in attracting and retaining new tenants. Continued operation of the property as an office complex will require significant investment in the near future to address a number of deferred maintenance items, including parking lot repairs, roof replacement and landscaping improvements, which the current owners do not intend to do. The site is ripe for redevelopment now, and this project will bring significant reinvestment in this neighborhood by adding a housing type that will attract new residents to the neighborhood.

Consistency With the Goals of the Comprehensive Plan

The 2030 Comprehensive Plan cites growth strategies for the City’s three regional centers. These specific strategies align with the City’s commitment to maintain and improve the economic strength, cohesive design and architectural quality of the centers. The 2030 Comprehensive Plan further cites, as a critical land strategy, the continued support for the vitality of regional areas so that they remain desired destinations for employment, residential development and business. The plan envisions that these regional areas will function as “complete communities” which includes places to live, work, and play.

As discussed in detail above, this project meets the goals of the 2030 Comprehensive Plan for the 394 Corridor regional center. It also meets the broader goals of the 2030 Comprehensive Plan to broaden housing choices while preserving existing neighborhoods and to diversify housing opportunities in various mixed use areas of the City.

Appropriate Integration into Existing and Proposed Surrounding Development.

The project site is transitional—it is bordered by three different uses on the west, north and east sides respectively and by Wayzata Blvd. and 394 to the south. Directly west of the project is the Marsh Run office complex, The Gables of West Ridge townhomes are located directly north of the project, West Ridge Market is located to the east (specifically, the Staples store is located directly east of the project site), and Wayzata Blvd. and 394 run along the south property line. This unique location presents the challenge of designing a project that is responsive to all of these differing neighboring uses while furthering the overall development goals of the City. The project needs to “fit”, both visually and in terms of use, and it must properly address the often conflicting goals of the City, residential neighbors, commercial neighbors and office neighbors.

Although the appropriate mass and scale of the building has been a point of disagreement among stakeholders for this project, from the outset City Staff, Planning Commissioners and City Councilmembers have all consistently agreed that (1) this site should and will be redeveloped, and (2) housing is the proper use for the site. Since the project was initially proposed we have made significant changes to the density
of the building, the scale and massing of the building, the integration of the building into the existing neighborhood and the architectural style of the project. The project as it is now proposed is appropriate and is properly integrated into the existing surrounding development.

**West Façade**

The west façade of the building is the entrance and focal point as pedestrians and vehicles transition from Wayzata Blvd. along Fairfield Rd. It needs to be welcoming and convey a high-quality, strong sense of place while also being responsive to the transition from Wayzata Blvd. north to Fairfield Spur. Neighbors have continued to raise concerns about parking and traffic along Fairfield Rd. Treatment of this portion of the building needs to allow for access while also limiting traffic impacts.

We have modified this façade significantly in our revised proposal. We have eliminated all surface parking on the north property line and eliminated the vehicle entrance on Fairfield Rd. so that all residents and guests parking in the garage will enter directly from Wayzata Blvd. We also added a circular drive to accommodate deliveries and short-term guest parking. The new plan includes a prominent tree grove at the entrance that will be planted with birches and evergreens. The horizontal mass of the building has been reduced to accommodate the tree grove, and additional landscaping lines the circle drive and primary building entrance. The pedestrian environment will be enhanced by removing the existing sidewalk and replacing it with a boulevard and new sidewalk, creating a buffer between vehicle and pedestrian traffic that currently does not exist on the south end of Fairfield Rd.

**North Façade**

The north façade of the project sits parallel to the south façade of The Gables of West Ridge townhome development. This is the only portion of the project with direct visual impact to any of the neighboring residential neighborhoods, so it is critical that this façade properly relate to The Gables and the surrounding condo and townhome developments. Our initial proposal for this area of the building included five stories of apartments over a concrete podium containing walk-out direct entry townhomes. We envisioned this area as an active street with parking running along the entire north side of the building. The neighborhood reacted strongly to this proposal, stating that they did not want an active street in this area and they viewed the building façade as too big and too dense.

We then modified our plans to step the building height down by one story along the north face, remove the parking and add a walking path. The neighborhood did not support the revised proposal, stating that the building still felt too tall and that they want this area to be quiet, not activated with a path or other similar amenity.

For context, each of The Gables townhomes buildings contain between four and sixteen three-story units that are each 41-42 feet tall. The majority of the buildings in The Gables development are sited so that the units of adjacent buildings directly face each other. The buildings are all approximately 64 feet from each other, meaning that with the exception of the residents who face the pond or live on Fairfield Spur, all residents of The Gables have direct views of an adjacent building approximately 64 feet away.

The revised proposal represents a significant additional modification to this façade. The building setback is now increased further to 53 feet, providing 111 total feet of separation between The Gables and our project. We eliminated the townhomes on the north side completely, modified the building so that the concrete podium is located primarily underground along the north face, reduced the number of units on the north façade and their corresponding balconies and eliminated the walking path. We also significantly expanded the existing berm to preserve the existing trees, add extensive additional trees and
plantings, and create a natural area between The Gables townhomes and the proposed project that does not currently exist. The portion of this new natural area on the project property will be over 16,000 square feet.

The north façade of our project is now viewed as three stories, like The Gables, and is 38 feet tall from grade, which is four feet shorter than The Gables. Our project is now 111 feet from The Gables, almost twice the distance as each of The Gables buildings are from each other. The creation of the natural area along the north will create an almost complete buffer between The Gables and our project. The scale of the project along the north façade fits contextually with the neighborhoods to the north, and creation of the natural area between the projects furthers the goal of the neighborhood to enhance the natural area abutting the pond.

**East Façade**

The east façade of the building abuts Staples and the back side of the West Ridge Market shopping center. A large setback is not needed in this area since it is primarily used as a service entrance for the shopping center, so locating the dog run on this face and reducing the setback here makes sense.

**South Façade**

The south façade of the project is the most visible from 394 and must be visually attractive and convey a high-quality project, while also fitting into the context of the 394 Corridor. The primary vehicle entrance for residents and guests of the building will be located on the southeast corner. The caps at the southeast and southwest ends of this façade convey prominence, while the use of warm wood on the cap projections and the square elements along the face create visual interest. Landscaping including trees and native plantings will create an attractive green space along the Wayzata Blvd. frontage.

**Conclusion**

We have taken significant steps to respond to feedback from all stakeholders in submitting this revised project, including creating a more welcoming entrance, eliminating the parking garage entry point off of Fairfield Rd. (thereby greatly reducing additional traffic on Fairfield Rd.), adding a birch tree grove and circular drive, stepping down the building height as you move north, creating a large natural area along the north side of the property, reducing the north height of the building and reducing the overall size and unit count of the building. This project will be an exceptional housing choice for Minnetonka residents, adding to the vibrancy of the 394 Corridor.
1. Subject properties address is 11650 Wayzata Blvd & 11706 Wayzata Blvd. Its property identification number is PID: 0211722130050 & 0211722130062.

2. The Gross area of the Subject Property is 2.6714 acres or 116,365 square feet.

The vertical datum is based on NAVD88.

Benchmarks:

1. The Artificial datum is based on NAVD88.

Survey Notes:

1. The horizontal datum is based on the Hennepin County Coordinate System, NAD83 (1986 Adjustment). With an assumed bearing of south 00 degrees 03 minutes 28 seconds west for the West line of the SW Quarter, Section 02, Township 117, Range 22. The originating monuments utilized to establish the horizontal position of this survey were the N 1/4 corner and the NE corner of said section.
LOT 1, BLOCK 1, MARSH RUN TWO, AND THAT PART OF U.S. HIGHWAY NO. 12 DESIGNATED BY THE PLAT OF
MARSH RUN TWO.
LOT 1, BLOCK 1, MARSH RUN TWO 2ND ADDITION, AND THAT PART OF U.S. HIGHWAY NO. 12 DESIGNATED
BY THE PLAT OF MARSH RUN TWO 2ND ADDITION.
LOT 16, BLOCK 2, BOULEVARD GARDENS, HENNEPIN COUNTY, MINNESOTA, EXCEPT THAT PART THEREOF EMBRACED WITHIN
THE PLAT OF MARSH RUN TWO 2ND ADDITION.

DESCRIPTION

PROPOSED LOT 1, BLOCK 1 = 116,365 SQ. FT. OR 2.6714 ACRES.

DEVELOPMENT NOTES

1. ALL AREAS ARE ROUNDED TO THE NEAREST SQUARE FOOT.
2. DRAINAGE AND UTILITY EASEMENTS SHALL BE PROVIDED AS REQUIRED. DRAINAGE AND UTILITY
   EASEMENTS WILL BE PROVIDED OVER ALL PUBLIC UTILITIES AND PONDS.
3. THE BEARING SYSTEM IS BASED ON THE HENNEPIN COUNTY COORDINATE SYSTEM, NAD83 (1986
   ADJUST) WITH AN ASSUMED BEARING OF SOUTH 00 DEGREES 03 MINUTES 28 SECONDS WEST FOR
   THE WEST LINE OF THE SW QUARTER, SECTION 02, TOWNSHIP 117, RANGE 22. THE ORIGINATING
   MONUMENTS UTILIZED TO ESTABLISH THE HORIZONTAL POSITION OF THIS SURVEY WERE THE N 1/4
   CORNER AND THE NW CORNER OF THIS SECTION.

PROPERTY SUMMARY

DEVELOPMENT NOTES

THE EAST LINE OF LOT 1, BLOCK 1, MARSH RUN TWO 2ND ADDITION,
IS ASSUMED TO HAVE A BEARING OF NORTH 00 DEGREES 28 MINUTES 48 SECONDS WEST.

CERTIFIED TO:"EVOGEL"

C2.02
PRELIMINARY

PLAT
KNOW ALL PERSONS BY THESE PRESENTS: That Marsh Development, LLC a Minnesota limited liability company, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:

Lots 1 to 6 inclusive, Block 1, MARSH RUN TWO; and that part of U.S. Highway No. 12 dedicated by the plat of MARSH RUN TWO.

Lots 1 to 5 inclusive, Block 1, MARSH RUN TWO 2ND ADDITION; and that part of U.S. Highway No. 12 dedicated by the plat of MARSH RUN TWO 2ND ADDITION.

Lot 16, Block 2, BOULEVARD GARDENS, Hennepin County, Minnesota, except that part thereof embraced within the plat of MARSH RUN TWO 2ND ADDITION.

Has caused the same to be surveyed and platted as MARSH RUN, and does hereby dedicate to the public for public use the easements as shown on this plat for drainage and utility purposes only.

In witness whereof said Marsh Development, LLC a Minnesota limited liability company, has caused these presents to be signed by its proper officer this __________ day of _______ 20__.

SIGNED: Marsh Development, LLC
By: ____________
Kelly J. Doran, as Chief Manager

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this __________ day of __________, 20__, by Kelly J. Doran, Chief Manager of Marsh Development, LLC a Minnesota limited liability company, on behalf of the company.

Signature            Notary Printed Name
Notary Public,
County, Minnesota
My Commission Expires

I Mark R. Salo do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly licensed Licensed Land Surveyor; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within 10 feet of the boundary lines; that all wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.

Dated this __________ day of __________, 20__.
Mark R. Salo, Licensed Land Surveyor,
Minnesota License No. 43933

STATE OF MINNESOTA
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this __________ day of __________, 20__, by Mark R. Salo.

Signature   Notary Printed Name
Notary Public,
County, Minnesota
My Commission Expires

I hereby certify that this plat of MARSH RUN was approved by the City Council of Minnetonka at a regular meeting thereof held this __________ day of __________, 20__.

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, dated this __________ day of __________, 20__.

Mark V. Chapin, County Auditor
By: ____________

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of MARSH RUN was filed in this office this __________ day of __________, 20__. at ______ o'clock ____ M.

Martin McCormick, Registrar of Titles
By: ____________

MARKED BY LICENSE NUMBER 43933 UNLESS NOTED OTHERWISE
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER. UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING UTILITIES".
INVERT AND IF THE TILE LINE IS ACTIVE. NO DRAIN TILE SHALL BE BACKFILLED WITHOUT APPROVAL FROM THE PROJECT ENGINEER. IF THE CONTRACTOR ENCOUNTERS ANY DRAIN TILE WITHIN THE SITE, HE OR SHE SHALL NOTIFY THE ENGINEER WITH THE LOCATION, SIZE, HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).

ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING CONNECT TO EXISTING REMOVE AND REPLACE EXISTING HYDRANT

STRM @ 2.90% IE=915.93 STMH 101 MERRIVALE AVENUE

41 LF - 21" STRM @ 0.50% IE=916.48 RE=922.30 JELLYFISH FILTER MH 8" FIRE SERVICE 6" DOMESTIC SERVICE

IE=916.60 RE=922.30 STMH 103 CBMH 301

IE=916.48 RE=929.50 CBM 302

IE=917.17 RE=929.50 STMH 102

490 LF - 12" STRM @ 0.50% IE=917.33 RE=920.87 CBMH 104

59,615 SF 2000 LF 24" PIPE 445 CY WASHED STONE

26 LF - 15" STRM @ 0.50% IE=918.66 RE=921.52 STMH 300

29 LF - 12" STRM @ 0.50% IE=918.31 RE=921.48 CBMH 301

70 LF - 12" STRM @ 0.50% IE=920.35 RE=921.48 CBMH 105

75 LF - 12" STRM @ 0.50% IE=920.35 RE=921.48 CBMH 105

34 LF - 12" STRM @ 0.50% IE=920.35 RE=921.48 CBMH 105

APPROXIMATE LOCATION IE (E)=920.00 RE=926.27 STRM @ 0.50% 70 LF - 12" IE=920.35 RE=921.48 CBMH 105

VEHICLE FREE ELEVATION, FIRE TOWER ELEVATION, FIRE DEPARTMENT CONNECTION

IE=912.50 FGE= 923.00 GFE = 912.50

10. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR MANHOLE AND CATCH BASIN STRUCTURES TO ENGINEER.

11. ALL UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY REQUIREMENTS.

12. ALL MATERIALS SHALL BE OF A SIZE AND QUALITY CONFORMING TO CITY SPECIFICATIONS EXCEPT AS OTHERWISE INDICATED.

13. ALL WATER MAINS SHALL MEET THE REQUIREMENTS OF THE CITY.

14. ALL SANITARY SEWERS TO BE PVC SCH 40 UNLESS NOTED OTHERWISE.

15. ALL STORM SEWER PIPE TO BE PVC SCH 40 WITH OUTER TOUGH GROOVE WALL, AREA NOTE Kb 100.

16. ALL STORM SEWER PIPE FOR BEST SHOWN SERVICES TO BUILDINGS SHALL BE PVC SCH 40 CONFORMING TO CITY STANDARDS.

17. BY-PASS SHALL BE MAID BY CLASS 5.

18. CERTIFICATE OF COMPLETION OF THE STORMWATER SYSTEM INSTALLATION OF THE STORMWATER SYSTEM WAS IN CONFORMANCE WITH THE CERTIFIED DRAWINGS.

19. THE FINAL LAYOUT AND DETAILS FOR CONSTRUCTION. THE DRAWINGS SHALL BE CERTIFIED BY A LICENSED ENGINEER FOR REVIEW AND APPROVAL PRIOR TO CONSTRUCTION. THE DESIGN DRAWINGS SHALL DEPICT THE PROPOSED STORMWATER SYSTEM. FOLLOWING CONSTRUCTION, THE CERTIFYING ENGINEER SHALL SUBMIT A CERTIFIED STATEMENT OF COMPLETION TO THE CITY.


21. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM. THE CONTRACTOR SHALL NOT BE HELD LIABLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM.

22. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM. THE CONTRACTOR SHALL NOT BE HELD LIABLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM.

23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM. THE CONTRACTOR SHALL NOT BE HELD LIABILITY FOR THE MAINTENANCE OF THE STORMWATER SYSTEM.

24. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM. THE CONTRACTOR SHALL NOT BE HELD LIABILITY FOR THE MAINTENANCE OF THE STORMWATER SYSTEM.

25. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER SYSTEM. THE CONTRACTOR SHALL NOT BE HELD LIABILITY FOR THE MAINTENANCE OF THE STORMWATER SYSTEM.
NOTES:

1. FOR ALL DEPTHS OF COVER LESS THAN TWO (2) FEET, PIPE MUST BE SCHEDULE 40 PVC. FOR DEPTHS OF COVER GREATER THAN TWO (2) FEET, FLEXIBLE PIPE MAY BE USED. REFER TO SPECIFICATIONS FOR ALLOWABLE PIPE TYPES.

2. A WATER-TIGHT CONNECTION SHALL BE MAINTAINED WITH ANY TRANSITION FROM SCHEDULE 40 PVC PIPE TO ANY OTHER PIPE TYPE.

3. THE DOWNSPOUT COLLECTOR DRAIN SHALL BE INSTALLED BEFORE THE DOWNSPOUTS ARE INSTALLED ON THE BUILDING. SITEWORK CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK TO, AND INCLUDING, THE RODENT SCREEN. BUILDING CONTRACTOR SHALL BE RESPONSIBLE FOR THE CONNECTION AT THE POINT OF THE RODENT SCREEN.

4. IN AREAS WITH CONCRETE PAVEMENT, MOUNT CASTING WITH GRATE, FLUSH WITH PAVEMENT, INSTEAD OF WIRE SCREEN. DISCHARGE DOWNSPOUT DIRECTLY TO CASTING. SUBMIT CASTING TO ENGINEER FOR REVIEW & APPROVAL.

SEE NOTE #2

1% MINIMUM SLOPE

STORM SEWER PIPE

WATER-TIGHT CONNECTION "INSERTA TEE", PVC WYE, OR EQUIVALENT

45° BEND (SCH. 40 PVC)

6" SCHEDULE 40 PVC

3" X 4" DOWNSPOUT WIRE SCREEN FOR RODENTS

N.T.S.

02

DOWNSPOUT COLLECTOR

SEE STORM SEWER STRUCTURE SCHEDULE FOR MANHOLE DIAMETER.

USE T-SECTION MANHOLE WHERE POSSIBLE (MNDOT DESIGN J) WITH OFFSET CONE CONNECTION OR PRECAST SLAB.

BASE: PRECAST CONCRETE

FLOW STEPS 16" O.C. ON DOWNSTREAM SIDE SLOPE 2"/FOOT

GASKETED, FLEXIBLE, WATER-TIGHT CONNECTIONS, IN ACCORDANCE WITH MPC 4714.719.6, EXTENDING AT LEAST 12" AND NOT MORE THAN 36" FROM THE MANHOLE SHALL BE PROVIDED AT ALL PIPE CONNECTIONS.

"O" RING GASKETS BETWEEN EACH JOINT IN MANHOLE SECTIONS

NOTES:

1. MANHOLES 8' DEEP OR GREATER, THE PRECAST SECTION IMMEDIATELY BELOW THE CONE SECTION, SHALL BE 1'-4" (16") IN HEIGHT

2. PROVIDE STEPS IN ALL MANHOLES OVER 4.5 FEET IN DEPTH FULL BED OF MORTAR BETWEEN RINGS, CASTING AND ON OUTSIDE OF RINGS 2" ADJUSTING RINGS AS REQUIRED (MIN 2, MAX 4)

3. ADJUST CASTING TO 1/2" BELOW FINISHED BITUMINOUS GRADE

MANHOLE FRAME AND COVER, NEENAH R-1642-B WITH MACHINED BEARING SURFACES WITH 2 CONCEALED PICK HOLES OR APPROVED EQUAL

27"
CITY OF MINNETONKA TREE PROTECTION REQUIREMENTS

(ORD. 19.E.4.6)

1. Mitigation:
   a. -*If tree is removed* - removal of a tree must be mitigated by replacement of a tree equal to or greater than the diameter of the tree removed (one inch for each inch of diameter). The mitigation tree must be located within one hundred feet of the point of origin of the tree that was removed.
   b. Mitigation tree must be planted with one two inch tree.

2. Proposed Grading within the Tree Protection Zone shall be coordinated with the contractor to minimize the impact to critical root zones and/or field verification of actual tree root zone.

3. All trees eligible for exemption must be treated with a Certified Arborist.

4. Proposed grading within the Tree Protection Zone shall be coordinated with the contractor to minimize the impact to critical root zones and/or field verification of actual tree root zone.

Notes:

1. One tree may be exempt for each significant tree removed up to 12" trees.

2. Landscape plans on file at City for placement locations of trees as required.

Mitigation Calculations:

High Priority Tree to be Removed:

- EOE: BLACK WALNUT - 15" Diameter
- Significant Trees to be Removed:
  - GREEN ASH - 16" Diameter
  - GREEN ASH - 15" Diameter
  - GREEN ASH - 16" Diameter
- One tree may be exempt for each significant tree removed up to 12" trees.

Legend:

- **R** TO BE REMOVED WITHIN BASIC TREE REMOVAL AREA
- **M** TO BE MITIGATED AS SPECIFIED BELOW

Tree Protection Area:

- PROPOSED BUILDING 59,615 SF
- CITY OF MINNETONKA TREE PROTECTION REQUIREMENTS

- PROPOSED GRADING WITHIN THE TREE PROTECTION ZONE SHALL BE COORDINATED WITH CONTRACTOR TO MINIMIZE THE IMPACT TO CRITICAL ROOT ZONES AND/OR FIELD VERIFICATION OF ACTUAL TREE ROOT ZONE.

- ALL TREES ELIGIBLE FOR EXEMPTION MUST BE TREATED WITH ARBORIST OR CERTIFIED ARBORIST.

- PROPOSED GRADING WITHIN THE TREE PROTECTION ZONE SHALL BE COORDINATED WITH THE CONTRACTOR TO MINIMIZE THE IMPACT TO CRITICAL ROOT ZONES AND/OR FIELD VERIFICATION OF ACTUAL TREE ROOT ZONE.

- ONE TREE MAY BE EXEMPT FOR EACH SIGNIFICANT TREE REMOVED UP TO 12" TREES.

- LANDSCAPE PLANS ON FILE AT CITY FOR PLACEMENT LOCATIONS OF TREES AS REQUIRE.

- **R** TO BE REMOVED WITHIN BASIC TREE REMOVAL AREA
- **M** TO BE MITIGATED AS SPECIFIED BELOW

Tree Protection Area:

- PROPOSED BUILDING 59,615 SF
- CITY OF MINNETONKA TREE PROTECTION REQUIREMENTS

- PROPOSED GRADING WITHIN THE TREE PROTECTION ZONE SHALL BE COORDINATED WITH CONTRACTOR TO MINIMIZE THE IMPACT TO CRITICAL ROOT ZONES AND/OR FIELD VERIFICATION OF ACTUAL TREE ROOT ZONE.

- ALL TREES ELIGIBLE FOR EXEMPTION MUST BE TREATED WITH ARBORIST OR CERTIFIED ARBORIST.

- PROPOSED GRADING WITHIN THE TREE PROTECTION ZONE SHALL BE COORDINATED WITH THE CONTRACTOR TO MINIMIZE THE IMPACT TO CRITICAL ROOT ZONES AND/OR FIELD VERIFICATION OF ACTUAL TREE ROOT ZONE.

- ONE TREE MAY BE EXEMPT FOR EACH SIGNIFICANT TREE REMOVED UP TO 12" TREES.

- LANDSCAPE PLANS ON FILE AT CITY FOR PLACEMENT LOCATIONS OF TREES AS REQUIRE.

- **R** TO BE REMOVED WITHIN BASIC TREE REMOVAL AREA
- **M** TO BE MITIGATED AS SPECIFIED BELOW

Tree Protection Area:

- PROPOSED BUILDING 59,615 SF
- CITY OF MINNETONKA TREE PROTECTION REQUIREMENTS

- PROPOSED GRADING WITHIN THE TREE PROTECTION ZONE SHALL BE COORDINATED WITH CONTRACTOR TO MINIMIZE THE IMPACT TO CRITICAL ROOT ZONES AND/OR FIELD VERIFICATION OF ACTUAL TREE ROOT ZONE.

- ALL TREES ELIGIBLE FOR EXEMPTION MUST BE TREATED WITH ARBORIST OR CERTIFIED ARBORIST.

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Doran is proposing a new, high-quality, Class A luxury apartment project that will be the first of its kind in the 394 Corridor regional area. This project is precisely what the City of Minnetonka is seeking in both the 2030 Comprehensive Plan and its draft of the 2040 Comprehensive Plan for the 394 Corridor regional area. This project will bring life and vitality to the north side of 394, enhancing walkability, providing a new housing option for existing residents, attracting the next generation of residents to the City, and supporting the growing commercial uses that exist in the neighborhood today. The project will contain an affordable housing component mixed with market-rate apartments and will appropriately bridge the gap between the different uses that currently surround the proposed project site. This is a unique opportunity to redevelop a site that is underutilized and create an exceptional project that will create a housing type that does not currently exist in the 394 Corridor regional area.

The redevelopment will include razing the three existing office buildings on the site and constructing a 175-unit apartment project with twenty percent of the units affordable at 50% of the area median income levels. The redevelopment will include a mix of alcove, 1 and 2 bedroom apartments with active gathering spaces for residents and guest located on the first and second levels of the building. As addressed in detail in our PUD narrative, this project site is transitional—it is bordered by three different uses on the west, north and east sides respectively and has a retail/commercial use on the south side. The project will bring life and vitality to the north side of 394, enhancing walkability, providing a new housing option for existing residents, attracting the next generation of residents to the City, and supporting the growing commercial uses that exist in the neighborhood today. The project will contain an affordable housing component mixed with market-rate apartments and will appropriately bridge the gap between the different uses that currently surround the proposed project site.

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To compliment the adjacent neighborhood, the building uses lap siding and stone for a majority of the exterior surface area. The project features a face red brick with horizontal lap siding to match the scale of the overall building. To differentiate the project and relate to the surrounding natural landscape, the exterior design features natural wood cedar soffits to create a chalet look and feel. The site design features a substantial "birch grove" at the visitor entrance along Fairfield Avenue, with extensive plantings and trees to connect residents to the natural landscape. To provide privacy to the adjacent town home residents, the front landscape is completely preserved and added to. In addition, the north half of the building steps down to a slightly lower level to ensure a sense of privacy and seclusion that the immediate neighbors and neighborhood value.

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### UNIT MIX

- **Common**: 423 SF
- **Parking**: 42,333 SF
- **Stairs**: 757 SF
- **Storage**: 1,761 SF

### PARKING SCHEDULE

<table>
<thead>
<tr>
<th>Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>9'-0&quot; x 18'-0&quot; Standard</td>
<td>106</td>
</tr>
<tr>
<td>9'-0&quot; x 18'-0&quot; Accessible Van</td>
<td>5</td>
</tr>
<tr>
<td>9'-0&quot; x 18'-0&quot; Standard</td>
<td>130</td>
</tr>
</tbody>
</table>

### Grand total: 277,629 SF
LOOKING SOUTH ON FAIRFIELD AVE.
VIEW @ BUILDING ENTRANCE ON FAIRFIELD AVE.
VIEW LOOKING SOUTH OF FAIRFIELD, FROM TOWN HOME NEIGHBORHOOD
VIEW LOOKING WEST ALONG WAYZATA BLVD.
VIEW LOOKING EAST ACROSS I-394
VIEW LOOKING EAST ALONG WAYZATA BLVD.
Introduction

SRF has completed a traffic study for the proposed residential development in the City of Minnetonka. The project site is located at the former office space in the northeast corner of the Wayzata Boulevard and Fairfield Road intersection (see Figure 1: Project Location). The main objectives of this study are to review existing operations within the study area, evaluate traffic impacts to the adjacent roadway network due to the proposed development, and identify potential improvements to accommodate or enhance the proposed development. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Existing Conditions

The existing conditions were reviewed to establish a baseline to identify any future impacts associated with the proposed development. The evaluation of existing conditions includes various data collection efforts and an intersection capacity analysis, which are outlined in the following sections.

Data Collection

Vehicle turning movement and pedestrian/bicyclist counts were collected by SRF during a.m. and p.m. peak periods during the week of October 22, 2018 at the following intersections:

- Wayzata Boulevard and I-394 Westbound On-Ramp
- Wayzata Boulevard and Fairfield Road
- Wayzata Boulevard and Westridge Market West Driveway
- Wayzata Boulevard and Westridge Market Center Driveway
- Wayzata Boulevard and Westridge Market East Driveway

Additionally, vehicle turning movement counts were obtained from the 2019 Northwest Metro Signal Optimization project currently being completed for MnDOT at the following intersections:

- Hopkins Crossroad and Fairfield Road
- Hopkins Crossroad and Wayzata Boulevard
-
Project Location
11650 Wayzata Boulevard Traffic Study
City of Minnetonka

Figure 1
Observations were completed to identify roadway characteristics within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Currently, Wayzata Boulevard and Fairfield Road are two-lane undivided roadways with posted speed limits of 35 miles per hour (mph) and 30 mph, respectively. Hopkins Crossroad, also known as County State Aid Highway 73, is primarily a four-lane divided urban minor arterial roadway with a posted speed limit of 35 mph. The two study intersections along Hopkins Crossroad are signalized, while the remaining study intersections along Wayzata Boulevard are unsignalized with side-street stop control. The exception is at the Wayzata Boulevard and I-394 Westbound On-Ramp, which is unsignalized but has no side-street control given the one-way on-ramp. It should be noted that minimal pedestrian activity was observed throughout the study area. Existing geometrics, traffic controls, and volumes are shown in Figure 2.

Existing Intersection Capacity Analysis

An existing intersection capacity analysis was completed using Synchro/SimTraffic software (V9.0) to establish a baseline condition to which future traffic operations could be compared. 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, while LOS F indicates an intersection where demand exceeds capacity. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities area.

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

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

XX  - A.M. Peak Hour Site Trips
(XX)  - P.M. Peak Hour Site Trips
X,XXX  - Estimated Average Daily Traffic
- Side-Street Stop Control
- Signalized Control

Existing Conditions
11650 Wayzata Boulevard Traffic Study
City of Minnetonka

Figure 2
Results of the existing intersection capacity analysis shown in Table 2 indicate that all study intersections currently operate at an overall LOS C or better during the a.m. and p.m. peak hours with the existing traffic controls and geometry. Note that the Hopkins Crossroad and Wayzata Boulevard intersection operates near the LOS C/LOS D threshold during the p.m. peak hour. Side-street delays at unsignalized intersections are also within acceptable levels.

Table 2. Existing Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service (Delay)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A.M. Peak Hour</td>
<td>P.M. Peak Hour</td>
</tr>
<tr>
<td>Hopkins Crossroad and Fairfield Road (1)</td>
<td>A (12 sec.)</td>
<td>B (12 sec.)</td>
</tr>
<tr>
<td>Hopkins Crossroad and Wayzata Boulevard (1)</td>
<td>B (19 sec.)</td>
<td>C (33 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Westridge Market East Driveway (2)</td>
<td>A/A (10 sec.)</td>
<td>A/C (17 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Westridge Market Center Driveway (2)</td>
<td>A/A (9 sec.)</td>
<td>A/B (13 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Westridge Market West Driveway (2)</td>
<td>A/A (9 sec.)</td>
<td>A/B (13 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Fairfield Road (2)</td>
<td>A/A (9 sec.)</td>
<td>A/B (13 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and I-394 Westbound On-Ramp (3)</td>
<td>A (1 sec.)</td>
<td>A (3 sec.)</td>
</tr>
</tbody>
</table>

(1) Indicates a signalized intersection. The delay shown represents the overall intersection.
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(3) Indicates an unsignalized intersection with no traffic control. The delay shown represents the overall intersection.

In addition to the overall intersection operations, the following queuing issues were identified:

- During the a.m. peak hour, the southbound left-turn lane at the Hopkins Crossroad and Fairfield Road intersection is blocked approximately five (5) to 10 percent of the peak hour by vehicles in the adjacent through lane.

- During the p.m. peak hour, the westbound right-turn lane at the Hopkins Crossroad and Wayzata Boulevard intersection is blocked approximately 40 to 50 percent of the peak hour by vehicles in the adjacent through lane. These westbound through lane queues range from approximately 250 feet (i.e. 10 vehicles) up to 500 feet. This movement also experiences cycle failures (i.e. queued vehicles cannot proceed through the intersection in one signal cycle).

- During the p.m. peak hour, the northbound left-turn lane at the Hopkins Crossroad and Wayzata Boulevard intersection queues beyond the turn lane storage approximately 10 to 15 percent of the peak hour.
  - This queue was observed to limit westbound right-turning vehicles at the I-394 North Ramp intersection from making their turning maneuver if they are destined to the Westridge Market shopping center or further west along Wayzata Boulevard. Note that City staff has begun discussions with the Federal Highway Administration, MnDOT, and Hennepin County to develop a potential solution to address the current operational issues at this location.
Proposed Development

The proposed development is located in the northeast corner of the Wayzata Boulevard and Fairfield Road intersection and currently occupied by a vacant office space. The existing office space is approximately 36,000 square feet (SF). As part of the proposed development, the existing buildings are proposed to be removed and replaced with a 168-apartment unit development.

The proposed site plan indicates planned modifications to the current access on Wayzata Boulevard. The access is planned to be expanded and split into a garage access and a move-in/service parking space with a median separating the two areas. There are two driveways proposed along Fairfield Road serving a circular drop-off/temporary parking area.

Year 2020 Conditions

To identify potential impacts associated with the proposed development, traffic forecasts for year 2020 conditions (i.e. one-year after opening) were developed. The year 2020 conditions take into account general area background growth and traffic generated by the proposed development. The following sections provide details on the background traffic forecasts, estimated trip generation, and intersection capacity analysis for year 2020 conditions.

Background Traffic Growth

To account for general background growth in the area, an annual growth rate of one-half (0.5) percent was applied to the existing peak hour traffic volumes at the study intersections. This growth rate is consistent with historical growth rates within the study area, which have in general remained steady or decreased over the previous 10 years.

Trip Generation

To account for traffic impacts associated with the proposed development, a trip generation estimate for the weekday a.m. and p.m. peak hours, as well as on a daily basis were developed using the ITE Trip Generation Manual, 10th Edition and shown in Table 3. Additionally, a comparison to the existing land use and the I-394 Ordinance was completed to identify the change in site related trips.
Site Plan
11650 Wayzata Boulevard Traffic Study
City of Minnetonka

Figure 3
Table 3. Trip Generation Estimates – Proposed Development

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Low Rise Multifamily (220)</td>
<td>168 DU</td>
<td>18</td>
<td>60</td>
<td>59</td>
</tr>
<tr>
<td>Existing Land Use (When Active)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Office (710)</td>
<td>36,000 SF</td>
<td>36</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Total Change in Site Trips</td>
<td>-18</td>
<td>+54</td>
<td>+52</td>
<td>0</td>
</tr>
</tbody>
</table>

I-394 Ordinance Comparison

<table>
<thead>
<tr>
<th>Site Trips</th>
<th>I-394 Ordinance Allocation</th>
<th>Proposed Land Use</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>95</td>
<td>94</td>
<td>(-1)</td>
<td></td>
</tr>
</tbody>
</table>

Results of the trip generation estimates indicate that the site is expected to generate 78 a.m. peak, 94 p.m. peak hour, and 1,230 daily trips. Accounting for the former office land use, the resultant change in site trip generation to the roadway network would have been an additional 36 a.m. peak hour, 52 p.m. peak hour, and 879 daily trips to the network. However, since the former office land use was vacant during the data collection phase of this study, the proposed development site trip generation was utilized for study purposes. These trips were distributed using the directional distribution illustrated in Figure 4, which is based on current travel patterns. The year 2020 build condition traffic forecasts, which include general background growth and proposed development trip generation are shown in Figure 5.

The proposed land use change for 11650 and 11706 Wayzata Boulevard was compared to the allocation based on the current I-394 Ordinance (TAD 7, Parcel 1). As shown in Table 3, the parcel’s current trip allocation is 95 weekday p.m. peak hour trips. The proposed development is expected to generate 94 p.m. peak hour trips, indicating that the density of the proposed land use is consistent with the amount of traffic generation for this site.

Intersection Capacity Analysis

To determine how the existing roadway network will accommodate the year 2020 build traffic forecasts, an intersection capacity analysis was completed using Synchro/SimTraffic software. Results of the intersection capacity analysis shown in Table 4 indicate that all study intersections are expected to operate at an overall LOS D or better during the a.m. and p.m. peak hours with the existing traffic controls and geometry. Overall, delays are expected to remain similar to existing conditions. It should be noted that the Hopkins Crossroad and Wayzata Boulevard intersection is expected to operate at an acceptable LOS D during the p.m. peak hour, which is a three (3) second increase from the existing conditions.
Trip Distribution
11650 Wayzata Boulevard Traffic Study
City of Minnetonka

Figure 4
Table 4. Year 2020 Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service (Delay)</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hopkins Crossroad and Fairfield Road (1)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hopkins Crossroad and Wayzata Boulevard (1)</td>
<td>B (13 sec.)</td>
<td></td>
<td>B (12 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Westridge Market East Driveway (2)</td>
<td>A/A (10 sec.)</td>
<td>A/C (19 sec.)</td>
<td></td>
</tr>
<tr>
<td>Wayzata Boulevard and Westridge Market Center Driveway (2)</td>
<td>A/A (9 sec.)</td>
<td>A/B (14 sec.)</td>
<td></td>
</tr>
<tr>
<td>Wayzata Boulevard and Westridge Market West Driveway (2)</td>
<td>A/A (9 sec.)</td>
<td>A/B (14 sec.)</td>
<td></td>
</tr>
<tr>
<td>Wayzata Boulevard and Site Access (2)</td>
<td>A/A (9 sec.)</td>
<td>A/B (14 sec.)</td>
<td></td>
</tr>
<tr>
<td>Wayzata Boulevard and Fairfield Road (2)</td>
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<td></td>
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(3) Indicates an unsignalized intersection with no traffic control. The delay shown represents the overall intersection.

Westbound queues at the Hopkins Crossroad and Wayzata Boulevard intersection are expected to increase by approximately 30 to 40 feet (i.e. two vehicles) during the p.m. peak hour under future conditions. The cycle failure previously noted would be expected to continue without any traffic signal timing modifications. Other queues previously noted within the study area during the a.m. and p.m. peak hours are expected to remain similar to existing conditions.

During the a.m. peak hour, queues exiting the proposed site access on Wayzata Boulevard are expected to be one (1) to two (2) vehicles on average, with a 95th percentile queue of three (3) vehicles. Additionally, during the p.m. peak hour, queues along eastbound Wayzata Boulevard at the site access are expected to be on average approximately 20 feet, or one (1) vehicle and extend approximately 60 feet about five (5) percent of the peak hour. There are no delay or queuing issues expected for the proposed site access on Wayzata Boulevard.

**Fairfield Road Traffic**

A review of peak hour traffic along Fairfield Road was completed to identify if there is currently an issue with “cut-through” traffic between Hopkins Crossroad and Wayzata Boulevard. An approximate trip generation and distribution of existing developments along Fairfield Road was completed and compared with existing turning movement counts to determine if other vehicles are using Fairfield Road as a “bypass” to Wayzata Boulevard. Based on the trip and distribution estimates, approximately 10 to 15 vehicles are using Fairfield Road as a “cut-through” during the a.m. and p.m. peak hours, which may equate to approximately 100 to 150 vehicles per day. However, Fairfield Road is a public roadway that serves as a semi-direct connection to I-394 and Hopkins Crossroad. Existing average daily traffic volumes along Fairfield Road range from 1000 to 1450 vpd.
Site Plan Review

A review of the proposed development site plan was completed to identify any issues with regard to parking, access, circulation, and pedestrian facilities. In general, special consideration should be made to limit any sight distance impacts from future landscaping and signing. Deliveries and trash pick-up should occur during non-peak hours to minimize traffic impacts due to backing up to/from Wayzata Boulevard. Additional site plan improvements are shown in Figure 6 and listed in the following:

1) Provide signing and striping indicating the turnaround drop-off/temporary parking area as a one-way operation.
2) Straighten out the sidewalk on the west side of the site along Fairfield Road. This provides better visibility of pedestrians for vehicles on Fairfield Road.
3) Reduce the curb cut size for the access driveways on Fairfield Road to only the drive lane width.
4) If feasible, provide a turnaround area between the two garage access points to help eliminate vehicles from backing to/from Wayzata Boulevard. A review of vehicular and truck turnaround maneuvers will be necessary to determine an adequate size of turnaround space.
5) Provide signing indicating which driveway is for the garage and which is for the loading/unloading area.

Potential Wayzata Boulevard Realignment

Based on discussions with the City of Minnetonka, there is potential for realignment of Wayzata Boulevard west of Hopkins Crossroad to align with the I-394 North Ramp. This would create a direct connection to the I-394 North Ramps intersection and reduce the Wayzata Boulevard intersection to a “T” intersection in the future. This new connection would reduce vehicle circulation within the study area, provide a more direct connection to the west, and has the potential to reduce queueing impacts along Hopkins Crossroad. Additionally, queueing within the Westridge Market shopping center would likely be reduced due to improved access and circulation to/from the area. As noted earlier, City staff continues to have discussions with FHWA, MnDOT, and Hennepin County regarding potential improvements at this location.
Site Plan Recommendations
11650 Wayzata Boulevard Traffic Study
City of Minnetonka

01812173
November 2018

Figure 6

1. Install one-way signing and pavement markings
2. Realign sidewalk to proceed straight through
3. Reduce curb-cut size to reduce pedestrian crossing distance
4. Provide a turn around area for vehicles, if feasible
5. Provide signing indicating which driveway is for the garage and which is for loading/unloading.
Summary and Conclusions

The following study conclusions and recommendations are offered for your consideration:

1) Results of the existing intersection capacity analysis indicate that all study intersections currently operate at an overall LOS C or better during the a.m. and p.m. peak hours.

2) The current site consists of 36,000 SF of general office space, which is currently vacant.

3) The proposed development consists of 168 apartment dwelling units.
   a. Access is proposed in generally the same location along Wayzata Boulevard with minor modifications along Fairfield Road. There is no change in the number of access locations to the proposed site.

4) The proposed development is expected to generate 78 a.m. peak, 94 p.m. peak hour, and 1,230 daily trips.

5) Results of the intersection capacity analysis under year 2020 build conditions indicate that all study intersections are expected to operate at an overall LOS D or better during the a.m. and p.m. peak hours. A comparison of existing intersection capacity analysis and the year 2020 build conditions intersection capacity analysis is shown in Table 5.
   a. Westbound through queues at the Hopkins Crossroad and Wayzata Boulevard intersection are expected to increase by approximately 30 to 40 feet during the p.m. peak hour.
   b. There is not expected to be any queueing or delay issues at the proposed site access location along Wayzata Boulevard or along Fairfield Road.

### Table 5. Intersection Capacity Analysis Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Level of Service (Delay)</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Existing</td>
<td>Year 2020 Build</td>
</tr>
<tr>
<td>Hopkins Crossroad/Fairfield Road (1)</td>
<td>A (12 sec)</td>
<td>B (13 sec)</td>
<td>B (12 sec)</td>
</tr>
<tr>
<td>Hopkins Crossroad/Wayzata Boulevard (1)</td>
<td>B (19 sec)</td>
<td>B (19 sec)</td>
<td>C (33 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Westridge East Dwy (2)</td>
<td>A/A (10 sec)</td>
<td>A/A (10 sec)</td>
<td>A/C (17 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Westridge Center Dwy (2)</td>
<td>A/A (9 sec)</td>
<td>A/A (9 sec)</td>
<td>A/B (13 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Westridge West Dwy (2)</td>
<td>A/A (9 sec)</td>
<td>A/A (9 sec)</td>
<td>A/B (13 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/Site Access (2)</td>
<td>--</td>
<td>A/A (9 sec)</td>
<td>--</td>
</tr>
<tr>
<td>Wayzata Boulevard/Fairfield Road (2)</td>
<td>A/A (9 sec)</td>
<td>A/A (9 sec)</td>
<td>A/B (13 sec)</td>
</tr>
<tr>
<td>Wayzata Boulevard/1-394 WB On-Ramp (3)</td>
<td>A (1 sec)</td>
<td>A (1 sec)</td>
<td>A (3 sec)</td>
</tr>
</tbody>
</table>

(1) Indicates a signalized intersection. The delay shown represents the overall intersection.

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

(3) Indicates an unsignalized intersection with no traffic control. The delay shown represents the overall intersection.
6) Approximately 10 to 15 vehicles are using Fairfield Road as a “cut-through” during both the a.m. and p.m. peak hours. However, Fairfield Road is a public roadway which provides a semi-direct connection between I-394 and Hopkins Crossroad. The average daily traffic volume along Fairfield Road ranges from 1000 to 1450 vpd.
AMENDED AND RESTATED DECLARATION OF EASEMENTS

THIS AMENDED AND RESTATED DECLARATION OF EASEMENTS ("Declaration") is made effective as of March 31, 1997 by and between CSM INVESTORS, INC., a Minnesota corporation ("CSM"), THE ROTTLAND COMPANY, INC., a Minnesota corporation ("Rottlund"), THE GABLES OF WEST RIDGE ASSOCIATION, INC., a Minnesota non-profit corporation ("GWRA"), BAYHILL CONDOMINIUMS HOMEOWNERS' ASSOCIATION, a Minnesota non-profit corporation ("BCHA"), BOULEVARD GARDENS SENIOR HOUSING, a Minnesota non-profit corporation ("BGSH"), CROWN RIDGE APARTMENTS LIMITED PARTNERSHIP, a Minnesota limited partnership ("Crown Ridge"), and THE CITY OF MINNETONKA, MINNESOTA, a public body politic and corporate (the "City") (together sometimes referred to herein as, "Declarants").

RECITALS

WHEREAS, CSM and Rottlund executed a Declaration of Easements dated effective October 31, 1996, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on November 6, 1996, as Document No. 2758649 (the "Original Declaration"), affecting certain real property owned by CSM and Rottlund located in Hennepin County, Minnesota as more particularly described in Exhibits A and B attached to the Original Declaration and in Schedule I and Schedule II attached hereto and incorporated herein by reference (the "Property").

WHEREAS, CSM now owns fee simple title to that part of the Property which is legally described in Exhibit A attached hereto and depicted in Exhibit A-1 attached hereto (the "CSM Property").

WHEREAS, Rottlund now owns fee simple title to that part of the Property which is legally described in Exhibit B attached hereto and depicted in Exhibit B-1 attached hereto (the "Rottlund Property").

WHEREAS, Rottlund filed a condominium declaration with the Office of the Hennepin County Registrar of Titles on October 4, 1996 as Document No. 2749044, together with numerous amendments thereto, against that part of the Property legally described in Exhibit C attached hereto and depicted in Exhibit C-1 attached hereto (the "GWRA Property"), and GWRA is the Association (defined herein) administering said condominium and the common elements of the GWRA Property.

WHEREAS, Rottlund also filed a condominium declaration with the said Registrar of Titles Office on March 18, 1997 as Document No. 2794941, against that part of the Property legally described in Exhibit D attached hereto and depicted in Exhibit D-1 attached hereto (the "BCHA Property"), and BCHA is the Association (defined herein) administering said condominium and the common elements of the BCHA Property.

WHEREAS, BGSH now owns fee simple title to that part of the Property which is legally described in Exhibit E attached hereto and depicted in Exhibit E-1 attached hereto (the "BGSH Property").

WHEREAS, Crown Ridge now owns fee simple title to that part of the Property which is
legally described in Exhibit F attached hereto and depicted in Exhibit F-1 attached hereto (the "Crown Ridge Property").

WHEREAS, the City is benefited by certain easements more particularly described in the Original Declaration and hereby executes this Declaration to evidence its consent thereto.

WHEREAS, the Declarants now desire to incorporate the BGSH Property within the terms and scope of the Original Declaration and to modify, clarify and provide for other changes in the terms of the Original Declaration as set forth herein.

DECLARATION

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarants hereby declare and agree that the Original Declaration is amended and restated as follows:

1. Grant of Easements.

a. Reciprocal Trail Easements:

(1) CSM hereby establishes, gives, grants and conveys to (i) Rotlund, GWRA, BCHA, BGSH and Crown Ridge for the benefit of the Owners (as defined herein) of the Rotlund Property, GWRA Property, BCHA Property, BGSH Property and Crown Ridge Property, respectively, and their respective heirs, administrators, legal representatives, successors, devisees, assigns, agents, employees, contractors, customers, guests, tenants, licensees, and invitees, and (ii) the City of Minnetonka, Minnesota ("City") for the benefit of the City and the general public; a perpetual, nonexclusive, appurtenant easement for pedestrian and non-motorized bicycle access purposes over and across the Trailways to be constructed on Lot 1, Block 1 of the CSM Property in approximately the locations depicted in Pages 1 and 2 of Exhibit A-2 attached hereto; Lot 2, Block 1 of the CSM Property in approximately the locations depicted in Page 3 of Exhibit A-2 attached hereto; Outlot A of the CSM Property in approximately the locations depicted in Page 4 of Exhibit A-2 attached hereto; and Outlot B of the CSM Property in approximately the location depicted in Page 5 of Exhibit A-2 attached hereto.

(2) Rotlund hereby establishes, gives, grants and conveys to (i) CSM, GWRA, BCHA, BGSH and Crown Ridge for the benefit of the Owners (as defined herein) of the CSM Property, GWRA Property, BCHA Property, BGSH Property, and Crown Ridge Property, respectively, and their respective heirs, administrators, legal representatives, successors, devisees, assigns, agents, employees, contractors, customers, guests, tenants, licensees, and invitees, and (ii) the City of Minnetonka, Minnesota ("City") for the benefit of the City and the general public; a perpetual, nonexclusive, appurtenant, easement for pedestrian and non-motorized
bicycle access purposes over and across the Trailways to be constructed on Lot 3, Block 2 of the Rotlund Property in approximately the location depicted in Exhibit B-2 attached hereto.

(3) GWRA hereby establishes, gives, grants and conveys to (i) CSM, Rotlund, BCHA, BGSH and Crown Ridge for the benefit of the Owners (as defined herein) of the CSM Property, Rotlund Property, BCHA Property, BGSH Property, and Crown Ridge Property, respectively, and their respective heirs, administrators, legal representatives, successors, devisees, assigns, agents, employees, contractors, customers, guests, tenants, licensees, and invitees, and (ii) the City of Minnetonka, Minnesota ("City") for the benefit of the City and the general public; a perpetual, nonexclusive, appurtenant, easement for pedestrian and non-motorized bicycle access purposes over and across the Trailways to be constructed on Lot 2, Block 3 of the Rotlund Property in approximately the location depicted in Exhibit C-2 attached hereto.

(4) BGSH hereby establishes, gives, grants and conveys to (i) CSM, Rotlund, GWRA, BCHA and Crown Ridge for the benefit of the Owners (as defined herein) of the CSM Property, Rotlund Property, GWRA Property, BCHA Property and Crown Ridge Property, respectively, and their respective heirs, administrators, legal representatives, successors, devisees, assigns, agents, employees, contractors, customers, guests, tenants, licensees, and invitees, and (ii) the City of Minnetonka, Minnesota ("City") for the benefit of the City and the general public; a perpetual, nonexclusive, appurtenant, easement for pedestrian and non-motorized bicycle access purposes over and across the Trailways to be constructed on the BGSH Property in approximately the locations depicted in Exhibit E-2 attached hereto.

(5) Crown Ridge hereby establishes, gives, grants and conveys to (i) CSM, Rotlund, GWRA, BCHA and BGSH for the benefit of the Owners (as defined herein) of the CSM Property, Rotlund Property, GWRA Property, BCHA Property and BGSH Property, respectively, and their respective heirs, administrators, legal representatives, successors, devisees, assigns, agents, employees, contractors, customers, guests, tenants, licensees, and invitees, and (ii) the City of Minnetonka, Minnesota ("City") for the benefit of the City and the general public; a perpetual, nonexclusive, appurtenant easement for pedestrian and non-motorized bicycle access purposes over and across the Trailways to be constructed on the Crown Ridge Property in approximately the locations depicted in the attached Exhibit F-2 attached hereto.

b. Utility Easement (Underground Water Line):

Rotlund does hereby establish, give, grant and convey for the benefit of the Owners of Lot 1, Block 1 of the CSM Property, Outlot A of the CSM Property, and the BGSH Property and their respective heirs, administrators, legal representatives, successors, devisees, assigns, agents, employees, and contractors, a ten (10.00) foot wide private, perpetual non-exclusive, appurtenant easement for the installation, maintenance, repair
and replacement of an underground water utility line over, under and across the following described property, as depicted in Exhibit G attached hereto:

That part of Lot 4, Block 3; \"Rotlund Westridge\", according to the recorded plat thereof, Hennepin County, Minnesota, the centerline of which is described as follows:

Commencing at the southeast corner of said lot 4; thence North 00 degrees 40 minutes 31 seconds West along the easterly line of said Lot 4, a distance of 20.00 feet to the point of beginning of the centerline to be described; thence South 89 degrees 19 minutes 29 seconds West a distance of 198.03 feet; thence North 81 degrees 20 minutes 15 seconds West a distance of 50.10 feet, more or less, to the west line of said Lot 4 and there terminating.

2. Definition of \"Owner\". For purposes of this Declaration, the term \"Owner\" or \"Owners\" shall be defined to mean one or more persons or legal entities, including Declarants, holding the aggregate fee simple absolute ownership interest, or a contract for deed vendee\'s interest, in all or any part of the Property, subject to this Declaration; provided, however, that the term \"Owner\" shall not include (i) any holder of a lien secured by all or part of the Property, unless and until such lienholder acquires ownership in fee by foreclosure, deed in lieu of foreclosure or otherwise, or (ii) the individual unit owners of any common interest community or condominium created on any part of the Property pursuant to applicable Minnesota law, except as to the right to the beneficial use of the easements described herein.

3. Nature of Easements. The easements created in Paragraph 1 above (collectively, the \"Easements\") shall be appurtenant to the CSM Property, Rotlund Property, GWRA Property, BCHA Property, BGSH Property and the Crown Ridge Property, as applicable, and any conveyance of fee title to the CSM Property, Rotlund Property, GWRA Property, BCHA Property, BGSH Property or the Crown Ridge Property, or any portion thereof, shall be deemed to include a conveyance of the Easements that are appurtenant to the CSM Property, Rotlund Property, GWRA Property, BCHA Property, BGSH Property or the Crown Ridge Property, as the case may be, regardless of whether the Easements are specifically identified in the instrument of conveyance.

4. Description of Easements. Declarants acknowledge that a survey of the area of the trailway easements created in Paragraph 1.a. above (\"Trail Easements\") for purposes of legally describing the as-built location of the same is not feasible at this time. Any Owner shall have the right at any time hereafter to more specifically define the location of any of the Trail Easements provided the following conditions are met:

a. The Owner requesting said specific definition shall provide notice to all affected parties at least fifteen (15) days in advance;

b. The Owner causing said specific definition shall bear all costs of surveying and description of the Trail Easements in question; and

c. The Owner causing said specific definition shall cause to be prepared for filing with the Hennepin County Registrar\'s office, at its expense (including recording fees), an appropriate amendment to this Declaration,
in form reasonably acceptable to the other Owners, to be filed with said Registrar's Office upon full execution by the Owners.

5. **Use and Scope of Trail Easements.** The Trailways shall be used from time to time, subject to the terms of this Declaration, for (i) the passage and use for pedestrian and non-motorized bicycle ingress and egress purposes over and across the Trailways, and from the CSM Property, Rumlund Property, GWRA Property, BCHA Property, BISH Property and the Crown Ridge Property, and to and from the public right of ways or thoroughfares abutting the Property, and (ii) the installation, maintenance, repair and replacement of the paved surface areas, landscaping and lighting systems located within the area of the Trailways; provided, however, that motorized vehicles may be utilized as may be reasonably necessary to perform such installation, maintenance, repair or replacement.

The Owners of the Property shall not erect, install or maintain any barriers, fences, curbs, walls, ditches, barricades or other structures or obstacles on or anywhere within the area of the Trail Easements which would burden or interfere with, impede, slow, divert or in any way prevent pedestrian or non-motorized bicycle traffic from fully passing within, through or across the Trailways.

6. **Scope of Utility Easement Area.** Subject to the terms of this Declaration, the Owner of the Property burdened by the easement created in Paragraph 1(b) above, shall have the right, from time to time, (i) to construct improvements on or utilize the surface area of any portion of the area of said easement, or (ii) to use or allow others to use said easement area, provided, however, that the use is not incompatible with the easement rights granted herein, including, without limitation, the right to convey similar storm sewer, sanitary sewer, drainage, utility and access easements within the area of said easement in such manner as the Owner deems reasonable. Notwithstanding the foregoing, any such usage, improvements or easement rights created pursuant to this Paragraph 6 shall not materially interfere with the existing usage or easement rights of the Owner of the benefited Property.

7. **Installation, Maintenance, Operation and Repair of Project Improvements.** Trailway Lighting System and Trailways. The Owner of Lot 1, Block 1 of the CSM Property ("Shopping Center Owner") shall be responsible for constructing and installing, at its sole cost and expense, all of the following improvements (collectively, the "Project Improvements"): (i) the improvements now or hereafter located on or within Outlots A and B of the CSM Property (collectively, the "Outlots"), including, without limitation, the trail areas, plaza area, ponding areas, tower, grit chamber, landscaping, and drainage system located thereon, (ii) the lighting system serving the Trailways located on the Property, and (iii) the Trailways located on the Property. The Shopping Center Owner shall be responsible, at its sole expense, for repair and restoration of any damage caused by it to the property of any other Owner hereunder during construction or installation of the Project Improvements. Weather permitting and subject to force majeure delays, the Shopping Center Owner shall use reasonable efforts to complete the installation of the Project Improvements on or before July 1, 1997. For purposes of this Paragraph 7, "force majeure delays" shall mean any delay(s) caused by or arising from act of God, fire, earthquake, flood, explosion, actions of the elements of war, invasion, insurrection, riot, mob violence, sabotage, inability to procure equipment, facilities, materials, or supplies in the open market, failure of power, failure of transportation, strikes, lockouts, action of labor unions, condemnation, requisition, laws, orders of government or civil or military authorities or
any other cause, whether similar or dissimilar to the foregoing, not within the reasonable control of the Shopping Center Owner.

Unless insured, maintained, repaired or replaced by or at the cost of the City of Minnetonka or any other third party having a right to use any of the Trail Easements, (i) each respective Owner of the CSM Property, BGS Property and Crown Ridge Property shall be obligated at its sole expense, from time to time, to insure, maintain, repair, and replace the paved surface area and landscaping located within the Trail Easements area located on said Owner’s Property, and (ii) the Shopping Center Owner shall be obligated at its sole expense, from time to time, to perform all necessary maintenance, repair and replacement of the Trailways located on the Rottlund Property and the GWRA Property, all in accordance with generally accepted maintenance standards for first class commercial retail real estate in the Twin Cities Metropolitan Area (including, without limitation, cleaning, sweeping, and removal of all papers, debris, filth, refuse, snow and ice).

Unless insured, operated, maintained, repaired or replaced by or at the cost of the City of Minnetonka, any other third party having a right to use any of the Easements, the Shopping Center Owner shall be responsible for insuring, operating and performing all necessary maintenance, repair and replacement of the improvements described in clauses (i) and (ii) of the first paragraph of this Paragraph 7 in accordance with generally accepted maintenance standards for first class commercial retail real estate in the Twin Cities Metropolitan Area, subject to the obligation of the other Owners of the Property to reimburse the Shopping Center Owner for their respective proportionate share of all reasonable costs (excluding the initial costs of installation and construction of the Project Improvements) incurred by the Shopping Center Owner in the performance of such insurance, operation, maintenance, repair and replacement obligations (collectively, “Operating Costs”) as provided herein. Insurance required to be carried on the improvements described in clauses (i) and (ii) of the first paragraph of this Paragraph 7 may be in such amount and include such coverages as the Shopping Center Owner may determine in its commercially reasonable discretion.

Within ten (10) days of receipt of written demand for payment (together with reasonable documentation substantiating such Operating Costs), the other Owners of the Property shall reimburse the Shopping Center Owner or such other Owner performing the obligations of the Shopping Center Owner, for their respective proportionate share of the Operating Costs, computed by multiplying the total amount of the Operating Costs by the applicable percentages set forth in Exhibit H herein. Any sums not paid on or before the due date shall bear interest from the due date until paid in full at the lesser of the "reference rate" of interest of First Bank, National Association, as the same may be publicly announced from time to time, plus 500 basis points (5%), or the highest lawful rate, whichever is lower ("Default Rate"). Until paid, the proportionate share of such Operating Costs due from any nonpaying Owner, together with interest at the Default Rate, and reasonable costs of collection and attorneys’ fees, shall be a continuing lien against the Property of the nonpaying Owner, and shall also be the personal obligation of the nonpaying Owner; provided, however, that the personal obligation for delinquent sums shall not pass to the nonpaying Owner’s successor in title unless expressly assumed by said successor, but shall remain a lien against the nonpaying Owner’s Property until paid in full. The Owner due any such unpaid sums may, in addition to any other remedy it may have at law or in equity, (i) bring an action to recover such unpaid sums directly against the nonpaying Owner, or (ii) foreclose the lien against the nonpaying Owner’s Property pursuant to
Minnesota Statutes Chapter 580, the power of sale being expressly granted by this Declaration. The lien for unpaid sums provided for herein shall be subordinate to the lien of any first Mortgage covering any part of the nonpaying Owner’s Property. Sale, conveyance or transfer of any part of the nonpaying Owner’s Property shall not affect the lien. However, the sale, conveyance or transfer of any part of the nonpaying Owner’s Property pursuant to mortgage foreclosure shall extinguish the lien for such unpaid sums as to payments which became due prior to such sale, conveyance or transfer, provided, however that said foreclosure shall not relieve the nonpaying Owner from any liability for sums thereafter becoming due hereunder.

Notwithstanding the maintenance obligations set forth in this Paragraph 7, in the event any of the Owners, or their respective heirs, administrators, legal representatives, successors, devisees, assigns, customers, guests, tenants, agents, employees, licensees, or invitees damages, performs excavations or otherwise disturbs any area of the Easements in the course of maintenance, repair, replacement, or other activity or usage of said Easement areas, that party shall promptly restore the damaged, excavated or disturbed area to substantially the same condition as existed immediately prior to the damage, excavation or disturbance.

8. Self-Help Remedies. If any Owner shall default with respect to any of its obligations set forth in Paragraph 7 above, and such defaulting Owner shall fail within (30) days after receipt of written notice from any other nondefaulting Owner to cure such default, then said nondefaulting Owner shall have the right, at its election, in addition to such other rights and remedies as may be available at law or in equity, to cure such default for the account of the defaulting Owner, and if not collected directly from the other Owners pursuant to Paragraph 7 above, the nondefaulting Owner shall be reimbursed by the defaulting Owner for the reasonable cost and expenses of effecting cure (including court costs and reasonable attorney’s fees, if any) within ten (10) days of written demand for payment (together with reasonable documentation substantiating the costs and expenses incurred). Nothing contained herein shall be construed to release the other Owners from their respective proportionate share of the Operating Costs or limit the Shopping Center Owner from collecting such unpaid costs. Any sums not reimbursed within said ten (10) day period shall bear interest thereon at the Default Rate and shall be a lien against the defaulting Owner’s Property as provided in Paragraph 7 above. The nondefaulting Owner shall have the same rights and remedies as are set forth in Paragraph 7 for collection of delinquent Operating Costs. The thirty (30) day cure period shall be extended in cases where the default cannot be cured within said thirty (30) day period but can be cured during a longer period of time, so long as the defaulting Owner commences cure prior to expiration of said thirty (30) day period and is diligently pursuing such cure. In the event of an emergency, no prior notice shall be required to be given by the nondefaulting Owner prior to exercising its remedies hereunder so long as the nondefaulting Owner provides written notice of such emergency to the defaulting Owner within a reasonable amount of time.

9. Condominium or Common Interest Community. Notwithstanding anything contained herein to the contrary, in the event a declaration or condominium plat is or heretofore has been recorded against any part of the Property to create a condominium (pursuant to Minn. Stat. § 515 or § 515A) or common interest community (pursuant to Minn. Stat. § 515B), the association or governing body charged with operating, maintaining and administering the Property subject to the Declaration ("Association"), and not the individual unit owners, shall be deemed to be the Owner of said Property (and the individual units created by the declaration) in aggregate for purposes of responsibility for reimbursement of the proportionate share of the
Operating Costs allocated to said Property pursuant to Paragraph 7 above. Further, each part of the Property (and individual units thereon) subject to said declaration shall in aggregate constitute one lot, for purposes of computation of the proportionate share of Operating Costs allocated to said Property pursuant to Paragraph 7 above. Finally any lien for unpaid Operating Costs may be charged against the common elements comprising the condominium or common interest community, as the case may be, or may be imposed as a personal obligation against the Association.

10. Subdivision or Replating of Property. In the event any part of the Property is hereafter subdivided or replatted into more than one lot, then for purposes of computing the proportionate share of Operating Costs attributable to said subdivided lots pursuant to Paragraph 7 above, the percentage attributable to the original Property as set forth in Exhibit H shall be divided equitably among the subdivided lots by comparing the square footage of the subdivided lots to the square footage of the original Property.

11. Indemnification: Insurance; and Waiver of Subrogation. Each Owner, for itself, and for its respective heirs, administrators, legal representatives, successors, devisees and assigns in title to the CS Property, Rottlund Property, GWRA Property, BCHA Property, BGS Property, and the Crown Ridge Property, respectively, shall indemnify and hold harmless the Owners (and any mortgagee now or hereafter of record) of the balance of the Property, from and against any and all damages, liability, fees, penalties and claims, including without limitation, those for personal injury, wrongful death or property damage, arising out of or related to any use, operation, maintenance or repair of the Property owned by the indemnifying Owner or any improvements located thereon, except to the extent caused by the negligence or willful misconduct of the Owner to be indemnified or to the extent such use, operation, maintenance or repair is not permitted by or otherwise in accordance with the terms of this Declaration. This indemnity shall be binding upon the Owners of the Property and their successors-in-interest only with respect to matters or events which occurred during the period the indemnifying party was in record title to any part of the Property.

Each Owner shall keep in force against its Property a policy of commercial general liability insurance for at least one million dollars ($1,000,000) to cover all claims for death, personal injury and property damage and the cost of defending the same arising out of the actions or omissions of the party carrying the policy, and its customers, guests, tenants, agents, employees, licensees, or invitees, and shall provide evidence of such insurance to any of the other Owners upon written request.

Each Owner hereby releases the other Owners from any liability for any loss or damage to its property or the improvements located on that part of the Property owned by said Owner, to the extent the loss or damage is covered by fire and extended coverage insurance, regardless of the negligence on the part of the other Owner, it being the intent of the Owners to waive any right or claim which might give rise to a right of subrogation in any insurance carrier.

12. Arbitration. All disputes concerning this Declaration shall be resolved by binding arbitration under the Rules of the American Arbitration Association. In any such action or proceeding brought to enforce any of the terms of this Declaration, including the indemnification terms, the prevailing party shall be entitled to an award of its costs and disbursements, including reasonable attorneys' fees and costs.
13. **Binding Effect.** The provisions of this Declaration shall constitute covenants running with and be binding upon the CSM Property, Rotlund Property, GWRA Property, BCHA Property, BOSH Property, and the Crown Ridge Property, and shall inure to the benefit of and be binding upon the Owners of the respective Property, and their heirs, administrators, legal representatives, successors, devisees and assigns in title, and any other party acquiring all or any portion of the Property or any interest therein whether by operation of law or other means. All of the provisions of this Declaration shall be enforceable as equitable servitudes and constitute covenants running with the land pursuant to applicable law.

14. **Severability.** If any provision of this Declaration shall be invalid or unenforceable to any extent, the remainder of this Declaration and the application of such provision to other persons or circumstances shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

15. **Captions.** The captions preceding the text of each article and section hereof are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Declaration.

16. **Governing Law.** This Declaration shall be construed under and enforced in accordance with the laws of the State of Minnesota.

17. **Notices.** Any notice required hereunder shall be hand delivered to each Owner or sent by certified mail, return receipt requested and postage prepaid. Notices to the Shopping Center Owner be addressed to the Shopping Center Owner at its corporate address (2575 University Avenue West, Suite 150, St. Paul, Minnesota 55114-1024) or to such other address as the Shopping Center Owner may hereafter designate from time to time by written notice to the other Owners. Notices to the BOSH Property Owner shall be addressed to the BOSH Property Owner at its corporate address (328 West Kellogg Boulevard, St. Paul, MN 55102-1900) or to such other address as the BOSH Property Owner may hereafter designate from time to time by written notice to the Owners. Notices to any other Owner other than the Shopping Center Owner shall be addressed to such Owner’s address at its Property address or to such other address as such Owner may designate by written notice to the Shopping Center Owner and other Owners. All notices shall be deemed to have been given when hand delivered (or as of the date of attempted delivery if refused) or two (2) days after the date of postmark if deposited in the United States mail as provided above, except notices of change of address, which shall be deemed to have been given when received.

18. **Entire Agreement.** This Declaration constitutes the entire agreement between the parties with respect to the subject matter set forth herein, and supersedes and replaces the Original Declaration and all other prior communications, understandings or agreements between the parties, whether oral or written.

19. **Counterparts.** This Declaration may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, but together shall constitute one and the same instrument.
IN WITNESS WHEREOF, this Declaration is executed effective as of the date and year first above written.

CSM INVESTORS, INC., a Minnesota corporation
By:
Its: VICE PRESIDENT

STATE OF MINNESOTA
COUNTY OF RAMSEY

The foregoing instrument was acknowledged before me this 14TH day of MAY, 1997, by MURRAY KOENBERG the VICE PRESIDENT of CSM INVESTORS, INC., a Minnesota corporation, on behalf of the corporation.

Carolyn McCline
Notary Public

CAROLYN MCCLINE
NOTARY PUBLIC — MINNESOTA
The Rotlund Company, Inc., a Minnesota corporation

By: 

Its: Executive Vice President

State of Minnesota
   )
   ) ss
County of Ramsey

The foregoing instrument was acknowledged before me this 1st day of May 1997, by Todd M. Stutz, the Executive Vice President of THE ROTLUND COMPANY, INC., a Minnesota corporation, on behalf of the corporation.

Katherine Dols
Notary Public
THE GABLES OF WEST RIDGE
ASSOCIATION, INC., a Minnesota non-
profit corporation,

By:

Its: President

STATE OF MINNESOTA
COUNTY OF RAMSEY

The foregoing instrument was acknowledged before me this 1st day of
May, 1997, by Todd M. Stutz the President of THE
GABLES OF WEST RIDGE ASSOCIATION, INC., a Minnesota non-profit corporation, on
behalf of the corporation.

Katherine A. Dols
Notary Public
STATE OF MINNESOTA

COUNTY OF RAMSEY

The foregoing instrument was acknowledged before me this 1st day of May, 1997, by Todd M. Stutz the President of THE BAYHILL CONDOMINIUMS HOMEOWNERS' ASSOCIATION, a Minnesota non-profit corporation, on behalf of the corporation.

Notary Public
BOULEVARD GARDENS SENIOR HOUSING, a Minnesota non-profit corporation

By: [Signature]
Douglas Mayo
Its: Vice President

STATE OF MINNESOTA

COUNTY OF Ramsey

The foregoing instrument was acknowledged before me this 7th day of May, 1997, by Douglas Mayo the Vice President of BOULEVARD GARDENS SENIOR HOUSING, a Minnesota non-profit corporation, on behalf of the corporation.

[Signature]
Notary Public

[Notary Seal]
CAROLINE A. REAGAN
NOTARY PUBLIC-MINNESOTA
WASHINGTON COUNTY
My Commission Expires Jan 31, 2000
CROWN RIDGE APARTMENTS LIMITED PARTNERSHIP, a Minnesota limited partnership

By: CSM Investors, Inc., a Minnesota corporation

Its: General Partner
By: _______________________

Its: VICE PRESIDENT

STATE OF MINNESOTA

COUNTY OF RAMSEY

The foregoing instrument was acknowledged before me this 14TH day of MAY, 1997, by MURRAY KORNERG the VICE PRESIDENT of CSM Investors, Inc., a Minnesota corporation, the General Partner of CROWN RIDGE APARTMENTS LIMITED PARTNERSHIP, a Minnesota limited partnership, on behalf of the partnership.

Carolyn McEwan
Notary Public
THE CITY OF MINNETONKA, MINNESOTA, a public body politic and corporate

By:  

Its:  

and

By:  

Its:  

STATE OF MINNESOTA  )
COUNTY OF  ) ss

The foregoing instrument was acknowledged before me this 10th day of January, 1997, by [Signature], the Mayor of THE CITY OF MINNETONKA, MINNESOTA, a public body politic and corporate, on behalf of the City.

[Signature]  
Notary Public

THIS INSTRUMENT DRAFTED BY:
David J. Yung, Esq.
2575 University Ave. W., Suite 150
St. Paul, MN 55114-1024

t:yung@amnicor.com, phone: 651-649-7100
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

First Bank National Association, a National Banking Association, as mortgagee under that certain Combination Mortgage, Security Agreement and Fixture Financing Statement dated February 15, 1996, as amended, given by CSM Investors, Inc., a Minnesota corporation, which mortgage was filed for registration in the office of the Registrar of Titles in and for Hennepin County, Minnesota on April 12, 1996, as Document No. 2692344, and filed for record in the office of the County Recorder in and for Hennepin County, Minnesota, on March 7, 1996, as Document No. 6546756, does hereby consent to the foregoing Amended and Restated Declaration of Easements.

FIRST BANK NATIONAL ASSOCIATION

By: [Signature]

Its: [Signature]

STATE OF MINNESOTA

COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 14th day of May, 1997, by Kyle M. Hansen, the Vice President of FIRST BANK NATIONAL ASSOCIATION, a National Banking Association, on behalf of the association.

Mary C. Reynolds
Notary Public

[Notary Seal]
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

First Bank National Association, a National Banking Association, as mortgagee under that certain Combination Mortgage, Security Agreement and Fixture Financing Statement dated August 28, 1996, given by The Rotlund Company, Inc., a Minnesota corporation, which mortgage was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on September 11, 1996, as Document No. 2741618, and also filed for record in the Office of the County Recorder in and for Hennepin County, Minnesota on September 12, 1996 as Document No. 1373852, does hereby consent to the foregoing Amended and Restated Declaration of Easements.

FIRST BANK NATIONAL ASSOCIATION

By:

Its:

STATE OF MINNESOTA

) ss.

COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 7th day of MAY, 1997, by KYLE M. HANSEN, the VICE PRESIDENT, of FIRST BANK NATIONAL ASSOCIATION, a National Banking Association, on behalf of the association.

Mary C. Reynolds
Notary Public
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

The Secretary of Housing and Urban Development, as mortgagee under that certain mortgage, dated October 30, 1996 given by Boulevard Gardens Senior Housing, a Minnesota non-profit corporation, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on October 31, 1996, as Document No. 2757099, does hereby consent to the foregoing Amended and Restated Declaration of Easements.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By: ____________________________

Its: ____________________________

Howard Goldman, Director
Multifamily Housing Division

STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 16 day of June, 1997, by Howard Goldman, the Director, on behalf of THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, Multifamily Housing Division, Minnesota Office.

[Signature]
Notary Public
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

The Secretary of Housing and Urban Development, as party under that certain Declaration of Restrictive Covenants, dated February 7, 1997, given by Crown Ridge Apartments Limited Partnership, a Minnesota limited partnership, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on February 26, 1997, as Document No. 2181664, does hereby consent to the foregoing Amended and Restated Declaration of Easements.

THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT

By: [Signature]
Howard Goldman, Director
Its: Multifamily Housing Division

STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 16th day of
March 1997, by Howard Goldman, the Director, on
behalf of THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

*Multifamily Housing Division, Minnesota Office

Notary Public

S. CHARLES SORENSON
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

Glaser Financial Group, Inc., a Minnesota corporation, as mortgagee under that certain Mortgage dated February 1, 1997 given by Crown Ridge Apartments Limited Partnership, a Minnesota limited partnership, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on February 3, 1997, as Document No. 2783773 does hereby consent to the foregoing Amended and Restated Declaration of Easements.

GLASER FINANCIAL GROUP, INC.

By: ____________________________
   President

STATE OF MINNESOTA

COUNTY OF RAMSEY

The foregoing instrument was acknowledged before me this 24th day of June, 1997, by Kevin D. Halverson, the President of Glaser Financial Group, Inc., a Minnesota corporation, on behalf of the corporation.

Notary Public

JILL B. JOHNSON

NOTARY PUBLIC - MINNESOTA

MY COMMISSION EXPIRES: JANUARY 31, 2009
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

Family Housing Fund, a Minnesota nonprofit corporation, as mortgagee under that certain
Combination Mortgage, Security Agreement and Fixture Financing Statement dated February 4,
1997 given by Crown Ridge Apartments Limited Partnership, a Minnesota limited partnership,
which was filed for registration in the Office of the Registrar of Titles in and for Hennepin
County, Minnesota, on February 26, 1997, as Document No. 2789656 does hereby consent to
the foregoing Amended and Restated Declaration of Easements.

FAMILY HOUSING FUND

By: Thomas P. Fulton

Its: President

STATE OF MINNESOTA )
 ) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 16 day of
May 1997, by Thomas P. Fulton, the President of
Family Housing Fund, a Minnesota nonprofit corporation, on behalf of the corporation.

ANITA PIERCE
NOTARY PUBLIC - MINNESOTA
HENNEPIN COUNTY
My Commission Expires Jan. 31, 2000

Notary Public
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

The County of Hennepin, a political subdivision of the State of Minnesota, as mortgagee under that certain Combination Mortgage, Assignment of Rents, Security Agreement, and Fixture Financing Statement dated February 4, 1997 given by Crown Ridge Apartments Limited Partnership, a Minnesota limited partnership, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on February 26, 1997, as Document No. 2789659 does hereby consent to the foregoing Amended and Restated Declaration of Easements.

COUNTY OF HENNEPIN

By: [Signature]
Chair of its County Board

By: [Signature]
County Administrator

Attest: [Signature]
Deputy Clerk of the County Board

APPROVED AS TO FORM AND EXECUTION

[Signature]
Assistant County Attorney

STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 16th day of May, 1997, by Randy Johnson and Jeff Leutz, the Chair of the County Board and County Administrator of Hennepin County, a political subdivision of the State of Minnesota, on behalf of the subdivision.

[Signature]
Notary Public
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

Minnesota Housing Finance Agency, a public body corporate and politic of the State of Minnesota, as mortgagee under that certain mortgage dated February 4, 1997 given by Crown Ridge Apartments Limited Partnership, a Minnesota limited partnership, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on February 25, 1997, as Document No. 2789662 does hereby consent to the foregoing Amended and Restated Declaration of Easements.

MINNESOTA HOUSING FINANCE AGENCY

By: [Signature]

Its: Director, Multifamily Division

STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 14th day of May, 1997, by Robert L. Odman, the Director, Multifamily Division of the Minnesota Housing Finance Agency, a public body corporate and politic of the State of Minnesota, on behalf of the corporation.

Notary Public

Jennifer McCabe
NOTARY PUBLIC - MINNESOTA
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

The Economic Development Authority in and for the City of Minnetonka, Minnesota, a public body corporate and politic under the laws of the State of Minnesota, as mortgagee under that certain mortgage dated November 25, 1996 given by Crown Ridge Apartments Limited Partnership, a Minnesota limited partnership, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on February 26, 1997, as Document No. 2789661 does hereby consent to the foregoing Amended and Restated Declaration of Easements.

ECONOMIC DEVELOPMENT
AUTHORITY IN AND FOR THE CITY
OF MINNETONKA

By: __________________________
President

By: __________________________
Executive Director

STATE OF MINNESOTA )
) ss.
COUNTY OF HENNEPIN )

The foregoing instrument was acknowledged before me this 26th day of
March, 1997, by Desma Wagner and David M. Childs, the
President and Executive Director of the Economic Development Authority in and for the City of
Minnetonka, a public body corporate and politic under the laws of the State of Minnesota, on
behalf of the Economic Development Authority.

[Signature]
Notary Public

[Stamp]
CONSENT TO AMENDED AND RESTATED DECLARATION OF EASEMENTS

The Minneapolis Public Housing Authority in and for the City of Minneapolis, as party under that certain Declaration of Restrictive Covenants, dated February 7, 1997 given by Crown Ridge Apartments Limited Partnership, a Minnesota limited partnership, which was filed for registration in the Office of the Registrar of Titles in and for Hennepin County, Minnesota, on February 7th, 1997, as Document No. 2794646, does hereby consent to the foregoing Amended and Restated Declaration of Easements.

MINNEAPOLIS PUBLIC HOUSING AUTHORITY IN AND FOR THE CITY OF MINNEAPOLIS

By: [Signature]

Its: Executive Director

STATE OF MINNESOTA    
COUNTY OF HENNEPIN

The foregoing instrument was acknowledged before me this 12th day of May, 1997, by Cora McCurry, the Executive Director of the Minneapolis Public Housing Authority in and for the City of Minneapolis, a public body corporate and politic under the laws of the State of Minnesota, on behalf of the Minneapolis Public Housing Authority.

[Notary Public Signature]
SCHEDULE I

Legal Description of CSM Property Subject to Original Declaration

Lots 1, 2, and 4, Block 1;

Outlots A, B, and E;

"Boulevard Gardens Second Addition", according to the recorded plat thereof, Hennepin County, Minnesota.

and

Lots 3 and 5, Block 1, Boulevard Gardens Second Addition, according to the recorded plat thereof, Hennepin County, Minnesota, lying westerly of the following described line and its southerly extension:

Beginning at a point on the north line of said Lot 5, distant 456.83 feet easterly of the northwest corner thereof, thence South 00 degrees 00 minutes 00 seconds East, assuming the north line of said Lot 5 bears south 89 degrees 57 minutes 35 seconds East, a distance of 226.40 feet to the south line of said Lot 3 and said line there terminating.

1900 AND PRIOR TAXES PAID
TAXPAYER SERVICES
TRANSFER ENTERED

SEP 16, 1997
Hennepin County Minn.
DEPUTY
Legal Description of Rotlund Property Subject to Original Declaration

Lots 2, 3, 4, 5 and 6, Block 1;
Lots 1, 2 and 3, Block 2;
Lots 1, 2, 3 and 4, Block 3;
Lots 1 and 2, Block 4;
"Rotlund Westridge", according to the recorded plat thereof, Hennepin County, Minnesota.

Also


[Note for Information Purposes Only: Lots 1 and 7, Block 1, "Rotlund Westridge" was replated as Units 1 through 24 inclusive, C.I.C. No. 790, "The Gables of West Ridge".]
EXHIBIT A

CSM Property:

Lots 1, 2, and 4, Block 1;

Outlots A, B, and E;

"Boulevard Gardens Second Addition", according to the recorded plat thereof, Hennepin County, Minnesota.
EXHIBIT A-1

Depiction of CSM Property
EXHIBIT A-2

(Page 1 of 5)

Depiction of Trailway Easement on Lot 1, Block 1 of CSM Property
EXHIBIT A-2

(Page 2 of 5)

Depiction of Trailway Easement on Lot 1, Block 1 of CSM Property
EXHIBIT A-2

(Page 3 of 5)

Depiction of Trailway Easement on Lot 2, Block 1 of CSM Property
EXHIBIT A-2

(Page 4 of 5)

Depiction of Trailway Easement on Outlot A of CSM Property
EXHIBIT A-2

(Page 5 of 5)

Depiction of Trailway Easement on Outlot B of CSM Property
EXHIBIT B

Rottlund Property:

Lots 2 and 3, Block 2:  852010 and 852011
Lots 3 and 4, Block 3:*  SEE BELOW
Lots 1 and 2, Block 4:  852012 and 852013

"Rottlund Westridge", according to the recorded plat thereof, Hennepin County, Minnesota.

[* Note: Lots 3 and 4, Block 3, "Rottlund Westridge", have been replatted as Units 73 through 104 inclusive, C.I.C. No. 790, "The Gables of West Ridge"]

LIST PER FILE ATTACHED
EXHIBIT B-1

Depiction of Rottlund Property
EXHIBIT B-2

Depiction of Trailway Easement on Lot 3, Block 2 of Rotthund Property
EXHIBIT C

GWRA Property:


LIST PER FILE ATTACHED

[Note for Information Purposes Only: All of Block 1, and Lots 1 and 2, Block 3, "Rotlund Westridge" was replotted as Units 1 through 72 inclusive, C.I.C. No. 790, "The Gables of West Ridge"]
EXHIBIT C-1

Depiction of GWRA Property

ROTTLUND WESTRIDGE

RT. DOC. NO.
EXHIBIT C-2

Depiction of Trailway Easement on Lot 2, Block 3 of GWRA Property
EXHIBIT D

BCHA Property:


LIST PER FILER ATTACHED

[Note for Information Purposes Only: Lots 1, Block 2, "Rothlund Westridge" and other real property not subject to the terms of this Declaration was replatted as Units 1 through 22 inclusive, and G1-G32 inclusive, C.I.C. No. 795, "Bayhill Condominiums"]
EXHIBIT D-1

Depiction of BCHA Property

ROTTLUND WESTRIDGE

R.T. DOC. NO._
EXHIBIT E

BGSHE Property:

Lots 3 and 5, Block 1, Boulevard Gardens Second Addition, according to the recorded plat thereof, Hennepin County, Minnesota. EXCEPT that part thereof lying westerly of the following described line and its southerly extension:

Beginning at a point on the north line of said Lot 5, distant 456.83 feet easterly of the northwest corner thereof, thence South 00 degrees 00 minutes 00 seconds East, assuming the north line of said Lot 5 bears south 89 degrees 57 minutes 35 seconds East, a distance of 226.40 feet of the south line of said Lot 3 and said line there terminating.
EXHIBIT E-1

Depiction of BGSH Property

LOT 1

LOT 2

LOT 3

Drainage & Utility Easement

Fairfield Road

760.50

301.37

10.00

20.00

277.60

305.58

50.00

45
EXHIBIT E-2

Depiction of Trailway Easement on BGSH Property
EXHIBIT F

Crown Ridge Property:

Lots 3 and 5, Block 1, Boulevard Gardens Second Addition, according to the recorded plat thereof, Hennepin County, Minnesota, lying westerly of the following described line and its southerly extension:

Beginning at a point on the north line of said Lot 5, distant 456.83 feet easterly of the northwest corner thereof, thence South 00 degrees 00 minutes 00 seconds East, assuming the north line of said Lot 5 bears south 89 degrees 57 minutes 35 seconds East, a distance of 226.40 feet to the south line of said Lot 3 and said line there terminating.
EXHIBIT F-1

Depiction of Crown Ridge Property
EXHIBIT F-2

Depiction of Trailway Easement on Crown Ridge Property
EXHIBIT G

Depiction of Utility Easement on Rotlund Property

Proposed Utility Easement

A 16.00 foot easement for utility purposes runs, run, and agrees that part of Lot 4, Block 3, Rotlund Westridge, Pine County, Minnesota, the southeast corner of which is described as follows:

Commencing at the southeast corner of said Lot 4, thence North 09 degrees 40 minutes 33 seconds West, according to the S.W. 1/4 of Section 28, Township 65 North, Range 57 West, and running along said S.W. 1/4, thence South 19 degrees 26 minutes 15 seconds East a distance of 50.00 feet, thence due North 09 degrees 40 minutes 33 seconds, thence East a distance of 50.00 feet, thence South 09 degrees 40 minutes 33 seconds, thence West a distance of 50.00 feet, continuing south, due South, a distance of 50.00 feet, thence due West 50.00 feet, thence South 09 degrees 40 minutes 33 seconds, thence West 50.00 feet to the point of beginning, all on land south of said Lot 4 and their terminus.

Westwood

Due Oct. 22, 1994
### EXHIBIT H

**Operating Costs Proportionate Share Percentages**

<table>
<thead>
<tr>
<th>Lot/Block Number</th>
<th>Lot Percentage</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CSM Property:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot 1, Block 1, Lot 4 Block 1 and Outlot E</td>
<td>54.2%</td>
<td>914,635</td>
</tr>
<tr>
<td>Lot 2, Block 1</td>
<td>8.2%</td>
<td>137,724</td>
</tr>
<tr>
<td><strong>Ronlund Property:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lots 2 and 3, Block 2</td>
<td>5.1%</td>
<td>86,376</td>
</tr>
<tr>
<td>Lots 3 and 4, Block 3</td>
<td>4.3%</td>
<td>73,242</td>
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<tr>
<td>Lots 1 and 2, Block 4</td>
<td>4.3%</td>
<td>71,997</td>
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<td><strong>GWRA Property:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Units 1-72, CIC #790</td>
<td>10.3%</td>
<td>174,489</td>
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<tr>
<td><strong>BCHA Property:</strong></td>
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<td></td>
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<tr>
<td>Units 1-22, G1-G22, CIC #795</td>
<td>2.8%</td>
<td>47,273</td>
</tr>
<tr>
<td><strong>BGSH Property:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part of Lots 3 and 5, Block 1</td>
<td>4.1%</td>
<td>68,410</td>
</tr>
<tr>
<td><strong>Crown Ridge Property:</strong></td>
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<td></td>
</tr>
<tr>
<td>Part of Lots 3 and 5, Block 1</td>
<td>6.7%</td>
<td>112,884</td>
</tr>
</tbody>
</table>

**Totals:** 100% 1,687,030
Certificates of Title (list consists of two pages)
Amended and Restated Declaration of Basements

2804
2844
2852
835732. (A) 848813. (C) 851359. (C)
836735. (A) 848817. (C) 851391. (C)
845693. (A) 848818. (C) 851484. (C)
848383. (E/F) 848893. (C) 851521. (C)
8404 848894. (C) 851522. (C)
847679. (C) 848905. (C) 851593. (C)
847681. (C) 848906. (C) 851594. (C)
847700. (C) 848997. (C) 851595. (C)
847852. (C) 848902. (C) 851596. (C)
847853. (C) 849003. (C) 851597. (C)
847854. (C) 849005. (C) 851612. (A)
847855. (C) 849303. (E/F) 851825. (C)
847856. (C) 849304. (A) 851874. (C)
847857. (C) 849668. (C) 851940. (C)
847858. (C) 849801. (C) 851977. (C)
847859. (C) 849926. (C) 851997. (D)
847860. (C) 849935. (C) 851998. (D)
848014. (C) 850030. (C) 851999. (D)
848024. (C) 850321. (C) 852000. (D)
848065. (C) 850527. (C) 852001. (D)
848670. (C) 850886. (C) 852002. (D)
848672. (C) 851087. (C) 852004. (D)
848676. (C) 851133. (C) 852005. (D)
848677. (C) 851314. (C) 852007. (D)
848688. (C) 851316. (C) 852008. (D)

continued...
October 29, 2018

Minnetonka City Council
Julie Wischnack, Community Development Director, AICP
14600 Minnetonka Boulevard
Minnetonka, Minnesota 55345

Dear Council Members and Ms. Wischnack,

CSM Corporation is proud to support Doran Companies and its proposed redevelopment of the Marsh Run property immediately adjacent to West Ridge Market, which we developed in 1996 and continue to own and manage. Without a doubt, Doran’s proposal will fill a residential void in the area – and will help to complete our original vision for the site.

Some of you may not remember this fact, but CSM Corporation was involved in the original development of this entire neighborhood – including the West Ridge Townhomes, Bay Hill Condos, The Gables Condos, West Ridge Market and the trails that connect them all. We have always seen the dynamic interplay between retail and residential as key to the neighborhood’s success. When we developed the condos, we saw it as a first step toward greater density – and we are beyond pleased to see this plan for a luxury apartment community taking shape. It is fulfilling the vision we had more than 20 years ago to create a walkable, livable, accessible community within walking distance of groceries, restaurants and transit. Wayzata Blvd. is on a bus line and the site is also served by a Metro Transit Park and Ride facility just across 394 on Hopkins Crossroad.

We are aware that much of the City of Minnetonka’s focus has been on the residential development around Ridgedale Mall and the Opus areas. While we appreciate and agree with the City’s greater emphasis on increased density around commercial areas, your focus must expand to include other commercial nodes, such as West Ridge Market. In many ways, this area presents Minnetonka with the most walkable community - with an existing trail system connecting the residential and retail areas. We built this trail system over 20 years ago, continue to own and maintain it, and have already spoken with Doran Companies about the possibility that their residents, too, could make use of the trails. We have committed to work with Doran to work out the details regarding their use/maintenance of the trails.

Our portfolio currently includes more than 10.3 million square feet of commercial and retail space, 6,600 hotel rooms and 2,600 residential units across 14 states. We understand better than
most what it takes to ensure the long-term viability of commercial and retail spaces. This project proposed by Doran Companies is exactly what is missing at this site. We also want to add that CSM Corporation has tremendous confidence in Doran Companies and its team. In fact, we are partnering with this same team on two multi-family housing developments – The Expo in downtown Minneapolis and a new 77-unit apartment building at our Minnetonka Hills development. Doran Companies not only understands what works from a residential and commercial perspective, but there is no company more committed to or capable of delivering a high quality, luxury community for which people will literally move across the country.

Thank you for your consideration and we are happy to answer any questions you have, should you wish to call us directly.

Sincerely,

John Ferrier
Vice President – Architecture
CSM Corporation
Dear City Council, Planning Commission, and Staff,

I’m writing as a partner in one of the two ownership groups involved in the selection of Doran Companies for the redevelopment of the current 2.5-acre Marsh Run II property.

Five years ago, it became apparent to Carpenter Land Company LLP that the small office market was no longer profitable for the office product represented by our Marsh Run east buildings. The market had changed with innovative new life/work space products attracting new millennial small business owners no longer interested in the 1980 amenities of multi levels, fixed walls, and non-ADA bathrooms. It took four years to re-work lease agreements and come to an understanding with adjacent property owners to prepare the entire 2.5 acres for redevelopment.

The projected growth of the Twin Cities regional area is no different than similar metropolitan areas, yet the Twin Cities has fallen decades behind other regional centers in providing for its housing needs. Twenty years ago, Carpenter Land Company LLP supported the CSM/Fairfield neighborhood redevelopment with its mid density, high density, and lower income housing by selling property into the development. This was a very controversial development at the time since long time single-family homeowners were required to give up their large lot, pre-suburban homes to provide higher density housing to meet the growing suburban needs of Minnetonka.

The current irony is that the latest Fairfield arrivals, who benefited most from the redevelopment sacrifices of others, are the ones most opposed to the new high-density apartment neighbors. It also begs the question: if high density luxury/affordable housing can’t meet city approval on a
site bounded on one side by 394, and commercial property on two other sides, where in Minnetonka will this type of housing meet approval?

The idea that the City might exact a better outcome by requiring the developer to further cut the number of units or amenities, or that land owners accept a below market price to emulate older properties not located in the 394 economic corridor, runs the risk of forcing this housing project to another city. It thereby delays redevelopment of the site or redirects development toward a non-housing product type. The consequences of this decision are two-fold; housing targets set by the Metropolitan Council for Minnetonka fall further behind, and business owners decide to demolish non-profitable buildings and the tax burden associated with them or postpone redevelopment by structuring short term leases with less desirable tenants.

The cities of Brooklyn Center, Brooklyn Park, Richfield, and the Interfaith Council filed a complaint with federal HUD agency in 2015 against the state of Minnesota under the Fair Housing Act. These cities objected to meeting the greater share of the metropolitan housing needs and the burdens it placed on their residents while wealthier cities failed to meet housing targets set by the Metropolitan Council. Today, wealthier cities continue to skirt housing responsibility since no penalties have been exacted. However, this practice is likely to end as penalties in the form of reallocation of state and county monies are considered.

Currently, the Minneapolis City Council is scheduled to vote on their 2040 Comprehensive Plan that calls for rezoning to allow fourplexes citywide and taller buildings along transit corridors. The rezoning will effectively remove the traditional neighborhood veto of denser housing types. The traditional wealthier neighborhoods, much like the wealthier cities, stand to lose, the long-held ability to drive new denser housing to less desirable neighborhoods.

By approving the Doran development, the Minnetonka Planning Commission and City Council recognize that the unity and vitality of the greater Metropolitan area comes first and signals that Minnetonka is willing to take responsibility for long overdue housing needs.

Sincerely,

Scott Carpenter
10/29/2018

Ashley Cauley
Senior Planner
City of Minnetonka

Dear City Council,

I am writing to express my support for the Doran Companies proposal for the Marsh Run II property in Minnetonka. I have a unique perspective as a member of one of the families with an ownership interest in the property that Doran seeks to purchase and develop--but it’s not for reasons you might imagine.

In 2009, I was president of the Minikahda Oaks Neighborhood Association when a national developer announced plans to build an apartment building on the corner of Excelsior Boulevard and France Avenue—just steps away from our home. Their 12 to 14 story architectural rendering with 'views of downtown' dwarfed our 78-home neighborhood of small bungalows.

Immediately, neighbors were expressing fears over the negative impact on our neighborhood and home values. I chaired countless meetings. We recognized that there had been declining commercial viability along the Excelsior Boulevard corridor and the need to redevelop, but we didn’t want more traffic, noise, and cars looking for parking in front of our houses and we certainly didn’t want the transience we assumed from apartment renters.

Thankfully the original developer and a subsequent developer went by the wayside. It took 3 years before a local developer came forward with the current Ellipse five story 190-unit luxury/affordable apartment building with street level retail. In a sense, our Fairfield neighbors have begun at a point with a development proposal that took the Minikahda Oaks neighborhood three years to achieve.

Even so, many of our concerns remained. France Avenue is the only entry point to our neighborhood and the street dead ends in the neighborhood. Northbound drivers, despite
signage, once raced into the neighborhood and around the blocks looking for a way out. The pedestrian safety situation was compounded by a lack of sidewalks.

The local developer, Bader Group, and St. Louis Park City Staff recognized and dealt with the problem by designing an entry monument in the center of the road effectively narrowing France Avenue. With additional signage, the long-standing traffic problem was solved. We worked with the developer to include additional landscaping and setbacks to buffer the 'impact' of the building. Now matured, the trees and shrubs have blended the building into the neighborhood.

It's been 10 years since completion of the Ellipse and many of our views about new apartment renters proved to be simply wrong. Our new neighbors are renters of all ages – from millennials to empty nesters and every age in between. The net effect of this development is that our neighborhood – and especially the commercial area adjacent to us – is more vibrant than ever. Home values have increased, not decreased as we had feared. Local businesses are thriving, and new ones have sprung up – including my daughter's dog-walking business aimed at professional women with pets. We enjoy inviting friends over to our home and walking to Mill Valley Kitchen for dinner. We've become friends with new residents, who attend our quarterly neighborhood events and the annual National Night Out. I often meet friends in the lobby of the Ellipse for early morning runs. It's safer on the trails around Bass Lake because there is more activity—more LIFE. The people at the Ellipse are friendly and engaged neighbors enjoying all that our community has to offer.

I was really impressed with the Doran tour of their newest Moline apartment in Hopkins. The attention given to art and architecture, family style amenities, and community gathering spaces make it a place I'd consider living. The plan that Doran Companies is putting forward for Minnetonka is of the highest caliber.

We are long-time business owners and future next-door neighbors, we care about this community and the future of Minnetonka. That is why we think Doran is the best developer for this site. Revitalizing a community is key to staying relevant and maintaining our property values. The redevelopment of this property will do just that.

Sincerely,

Louann Carpenter
Judd Carpenter  
4188 Heatherton Place  
Minnetonka, MN 55345  

10/29/2018  

Ashley Cauley  
Senior Planner  
City of Minnetonka  

Dear City of Minnetonka,

I am writing to ask for your support of the Doran Companies’ proposed project at the Marsh Run II offices at the northeast corner of Wayzata Boulevard and Fairfield Road. Under this arrangement, I would sell my property at 11706 Wayzata Boulevard, Minnetonka, MN 55305 to Doran Companies, but I would retain ownership of the adjacent property – becoming Doran’s next-door neighbor.

First, let me relay to you that I have been approached numerous times by developers wanting to purchase my land. From car dealerships to budget hotels and even large-scale office towers with structured parking ramps, there are plenty of people eyeing this property for future use – and use the site as it is currently zoned for. Doran’s project is the only one I have pursued and supported. Let me tell you why.

As a Minnetonka resident and stakeholder in this specific area along the 394 Corridor since the early 1990s, I care about this neighborhood and its future. Anticipating a desire to eventually sell this property, I have met with elected officials and staff from the City numerous times over the past number of months. I wanted to know their goals for the future of the area and how this property and my adjacent office building could fit into that larger vision. I heard one overwhelming message: there is a strong desire for significantly more residential options and a serious need for this type of redevelopment.

City officials I spoke with talked about increased density at the site as a way to make better use of the site’s connection points – both its proximity to transit and to a major interstate. They also expressed a desire for more walkability within this neighborhood. And, finally, they talked about attracting new residents to Minnetonka – including millennials and younger generations who may not otherwise be able to break into the market, lacking a sufficient down payment to secure financing on a traditional home.

If you’ve followed development in the Twin Cities at all in the last 10 years, you know that Doran Companies has a strong reputation when it comes to developing luxury apartment communities. Before agreeing to sell my property to them, I personally toured their projects. They have deep
experience successfully developing in the western suburban communities like Edina, Hopkins and Maple Grove. I am confident that they will bring a great project to our City.

I have attended every city meeting since Doran began working on this project, and I have to say that I am surprised by the neighborhood opposition they have encountered. With each step in this process, I have seen them take a thoughtful approach to address concerns raised by the neighborhood and City officials. I have reviewed their revised project, and I think it is absolutely the right project for the site. They have made a number of significant compromises and I think they have been very creative in how they addressed the feedback they received along the way. I think the current configuration and design of the proposed project is very attractive and will be an outstanding addition to our neighborhood.

As you evaluate their proposal, please do not hesitate to reach out to me directly for input. I am happy to share my perspective or to answer any questions you may have.

Best regards,

Judd Carpenter
October 26, 2018

Dear Mayor and City Councilmembers,

I am writing today to express TwinWest Chamber’s support for the Doran Companies proposed multi-family development off Wayzata Boulevard in Minnetonka.

The City of Minnetonka is intensely focused on increasing density along the 394 Corridor. We see ourselves as your partner and champion in this effort. We often hear from our members that they want a strong retail environment that is integrated with a vibrant commercial and residential community. The project is a piece of that residential landscape that aligns with the overall goal of the community.

As we follow this development, we are excited at the opportunity this project creates for Minnetonka, this critical corridor and our entire West metro region. With access to the freeway, to transit, to nature and trails and to entertainment and food options, this really is an ideal location for additional residential units. This project that will attract new residents to our region which has multiple positive effects such as increased tax base, talent/workforce pipeline and increased discretionary spending.

With any development, the public input process is important, and through our conversations with Doran Companies, we know they understand the significant importance of listening so that they can create a project for which the community will be proud. They have demonstrated this commitment throughout the past several months and we are confident you will see this even further when they submit their final proposal later this year.

As you may know, our chamber has more than 700 members who employ more than 55,000 people in the Twin Cities. Our mission is simple: we want to be an active partner to promote growth and prosperity for our businesses, communities and the regional economy. And we know that key to the success of this mission is championing companies who are engaged in and connected to the communities where they do business. Doran Companies is one such company.

Not only are they a highly valued developer, they also contribute extensively to the community through their philanthropic contributions. They are heavily focused on supporting children across the Twin Cities. From sponsoring local community events to supporting Free Bikes 4 Kids, to the Ronald McDonald House, to efforts targeting the public-school systems of Hopkins, Edina and Minneapolis and charter schools like Hiawatha Academy, Doran Companies takes its commitment to the communities seriously.

Finally, the TwinWest Chamber strives for what is best for the residents and businesses within Minnetonka. We believe this project will be a boon to everyone and we are excited to see it move forward.

Respectfully,

Shannon Full
President/CEO
TwinWest Chamber of Commerce
Hi Sara,
Thank you for your e-mail. I understand that the neighbors continue to have serious concerns, particularly regarding the mass and density, related to proposed project now that we have seen a formal application from Doran.

In response to your questions, I think the following section of the packet for the council meeting is the most helpful in understanding what will take place tomorrow night:

“The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The tentative planning commission date is November 15, 2018.

Based on preliminary review of the proposal, staff has identified the following issues for further analysis and discussion:
1) Rezoning: By city code, PUD zoning may be considered when the city finds that a use would result in a public benefit. Staff will formulate a professional opinion regarding whether the proposal includes a public benefit.
2) Building and site design: Staff will evaluate site circulation, green space, parking and building setbacks.
3) Traffic and access: A traffic study will be conducted to determine the proposal’s anticipated traffic generation. The study will also evaluate the proposal’s impact on existing levels of service and suggest/identify any necessary improvements.

Staff Recommendation
1. Generally discuss the use of PUD zoning for the proposed redevelopment, thereby providing direction to city staff and the applicant.
2. Introduce the rezoning ordinance and refer it to the planning commission.
3. Approve or modify the proposed notification area”

In other words, no decisions will be made tomorrow related to the project. The introduction of the ordinance is largely a procedural step in the process. The public hearing regarding the project will be held by the Planning Commission (now scheduled for November 15). That will be your best opportunity to provide in-person feedback. That said, any time there is an opportunity provided (by the mayor or Planning Commission) you are always welcome to provide your comments.
As always, written comments are also welcome. To that end, I have copied Geralyn Barone on this e-mail to insure your comments below are included as a part of the record regarding this project.

Let me know if you have any other questions.

Sincerely,
Rebecca Schack
Minnetonka City Council
Ward 2

On Nov 3, 2018, at 4:17 PM, Sara Maloney <malosara@yahoo.com> wrote:

Hi Rebecca,

I know you've spoken to some of my neighbors since Doran submitted their formal application, and am sure you know that we were surprised and disappointed by this. We still feel the project is too dense and massive for our neighborhood, and the speed at which they are proceeding is especially troubling. We hope you understand that we all have full time jobs, which makes it difficult to devote the time needed to stay proactive in our opposition.

I'd like to get your advice on Monday night's city council meeting. I understand that the ordinances will be introduced and the project will be referred to the planning commission, which is scheduled for November 15th. Some of us will attend Monday's night's meeting, and according to Ashley Cauley, it is up to the mayor as to whether or not he will open the meeting to public comment. If we are given the opportunity to speak, should we keep it brief and assume that the ordinances will be sent to the planning commission?

Any insight you give to us would be helpful. If you prefer, you may call me at 612-508-5062. I have availability to talk the rest of the weekend, but will have difficulty Monday during the work day.

Thanks,

Sara Maloney
705 Fairfield Circle
Mayor Wiersum and Members of the Minnetonka City Council:

This email is written on behalf of the Fairfield Neighborhood Coalition (“Coalition”), which was formed by members of the board of directors and other concerned homeowners from the Gables of Westridge (“The Gables”) and West Ridge Townhomes (“West Ridge”). The Gables consists of 104 townhomes, and West Ridge consists of 20 townhomes. We have also met with board members of the Bayhill Condos (“Bayhill”), which consists of 66 homeowners.

This massive development will have an adverse effect on the 190 homeowners and other area residents. We already contribute to density in Minnetonka, and it’s unreasonable for another 168 apartment units to be added to such a small tract of land in our otherwise cohesive neighborhood. The proposal is excessive in size and lacks adequate setbacks in proportion to the height and building footprint.

The site plan calls for planting trees approximately 4 feet from Fairfield Road, on the west side of the building. This is ironic because this month’s Minnetonka Memo has an article recommending trees be planted 15-20 feet away from roads to avoid later issues with right-of-way trimming. At the bottom of this email, I’ve copied a picture from the memo.

The added density of apartment dwellers, many of whom will be short term, will contribute to safety and environmental concerns in our neighborhood. We already have traffic safety issues with vehicles traveling high rates of speed on Fairfield Road. Fairfield Road is very narrow, and the added traffic, which will include moving trucks and commercial vehicles servicing the apartment complex, will create numerous problems for homeowners. All three homeowner associations maintain private roads and/or parking areas. Given the close proximately to the Doran site, our private roads will be used as turn-around areas and parking by Doran residents, visitors, employees, and contractors.

Tony Kuechle, president of Doran Development told me that 50 percent of the Moline residents have dogs, and they are allowed 2 dogs per unit. Therefore, we can assume a minimum of 84
dogs. I saw the dog run at the Moline, and it was very narrow and unpleasant. The closest green space is property owned by The Gables. Since Doran has little to no green space of its own, we expect The Gables green space to be the primary space for their dogs.

Our associations pay for maintenance of the trails that run through the neighborhood. Doran has not offered to contribute to the cost of these trails, which will undoubtedly be used by its tenants. Doran has not offered viable solutions to most of the issues we have raised.

In addition to the homeowner associations, there are two senior living facilities and an apartment building on the northern section of Fairfield Road. There are many children living at the Crown Ridge Apartments, and they routinely cross Fairfield Road to the playground at Oberlin Park. There are already safety concerns at this crossing, and the added traffic is cause for additional concern.

Minnetonka is an outer ring suburb of Minneapolis. We value wetlands, nature and wildlife, which is why we purchased homes here. We do not deserve to have our neighborhood transformed into another Uptown, North Loop, or West End – all to the benefit of Doran. Doran is clearly not the right developer for this site. Doran put this on the fast track, to serve themselves, not the good of Minnetonka or our neighborhood. This application shows a lack of thought and respect for us. We respectfully request you stop this development now, and not send the proposed ordinances to the Planning Commission. Please help us preserve our Minnetonka neighborhood.

FAIRFIELD NEIGHBORHOOD COALITION

Sara Maloney

Coalition Facilitator

Picture from November Minnetonka Memo:
How does the city determine to remove a tree in advance of a road project?

ROW trees must be removed if they are a street hazard. Trees may also be removed if they can’t be properly pruned to allow for the safe passage of construction equipment.

How can ROW tree conflicts be avoided?

Plant evergreen trees (pine, spruce, etc.) more than 20 feet from the street.

Plant deciduous trees (those that drop leaves in the fall) at least 15 feet from the street.

Don’t plant anything within six feet of the street.

On corner lots, ensure that intersection signs and sightlines are clear and visible.
11/29/2018

RE: Doran Development Project Proposal at Marsh Run, Minnetonka MN

Dear Ashley Cauley, Senior Planner, City of Minnetonka

I am a member of the board of directors for the West Ridge Condominium Association. The West Ridge Condominiums Association Board of Directors has adopted a position of opposition to the project as proposed. Cathy and I, home owners within West Ridge Community strongly oppose the project in its current form.

More specifically we do not feel the project is a good fit for the surrounding residential area, architecturally or otherwise.

We are highly concerned that it will have a negative property value impact on surrounding residential development, maximum number of people allowed per rental unit and the associated vehicle storage/traffic impact on the residential area, pool and recreational amenities. In general, the proposed property does not fit our residential, suburban living style community.

I would like this letter included in the public record for the Doran Development as well copies given to each Planning Commission Member and City Council Member as part of the preliminary review process.

PLEASE INCLUDE IN THE CITY COUNCIL MEETING PACKET- Please confirm receipt.

Sincerely,

Catherine Kokesh and Amy Denzen- Board of Directors and Home owners 956 Fairfield Ct.
Ashley,

Regarding the Doran development proposed for building near our townhomes I want to let you know that as a homeowner in the West Ridge townhome community I strongly oppose this project. It is my understanding from talking to other homeowners the complex will be rental units with 20% of them being for low income housing. It sounds like there is not much of a restriction on the number of dogs renters can have, parking will be an issue for the rest of us in the area and the traffic will be greatly increased. We are not excited about pool parties and the additional noise nor our small street being used as a turn around. Security issues are top of mind as well. We are already having incidents and this will only increase the probability. I just don’t feel it is a good fit for this area.

Regards,

Coralee Torrence
Thank you Judd. I’ll be sure to include your letter with the council report.

Ashley Cauley | Senior Planner
City of Minnetonka | eminnetonka.com
Direct: 952-939-8298 | General: 952-939-8200
By the way Ashley,
It goes without saying that I fully agree with the opposition letter Sara wrote on behalf of our association. My comment is in addition to what is already in the letter.
Thanks again.
Panos Michalopoulos

On Tue, Nov 6, 2018 at 11:36 AM Panos Michalopoulos wrote:
Yes Ashley,
Please do. I strongly believe that architecture and harmonics fit with the environment and character of the neighborhood does matter; in my view the proposed plans suggest the insensitivity/indifference of the developer in this matter. I am certain that future developers with better quality plans will appear especially if the city requires it.
Thank you
Panos Michalopoulos

On Tue, Nov 6, 2018 at 11:15 AM Ashley Cauley <acauley@eminnetonka.com> wrote:

Panos –

Please let me know if you would like me to include your comment, or any other comment, about the architecture/design in the planning commission packet.

Thanks,
Ashley

Ashley Cauley | Senior Planner
City of Minnetonka | eminnetonka.com
Direct: 952-939-8298 | General: 952-939-8200

Thank you for the information Ashley,
First and foremost I am impressed with your rapid and thoughtful responses the former of which in my experience are unusual from public officials so this is refreshing, duly noted and appreciated.

I was not aware of the actions taken by the city which are clearly appropriate and responsible especially since our concerns will be taken into account. I am assuming that SRF will also take into account the proximity to the Ridgedale shopping mall which by itself is a traffic generator and likely the reason the new I-394 northbound ramp was recently built.

My own additional concern is the tasteless (in my view) cookie cutter architecture of the proposed development of the north loop/midtown variety which is also present in a plethora of recent mushrooming developments in the warehouse district, Washington Ave, St Louis Park (along I 394) and other areas which changed the character of Minneapolis and have been described by many of my visitors as eye sores, reminiscent of Soviet Union era housing. One of them who returned after 10 years mentioned that he could no longer recognize the city and was dismayed with the "modern" industrial look.

I am not sure whether I should register this concern separately to another office and hope it will not offend anyone who may have a different opinion but I can assure you that it is honest and not motivated by anger but rather by aesthetics and fitting Minnetonka's character and charm.

Kind regards,
Panos Michalopoulos

On Mon, Nov 5, 2018 at 1:37 PM Ashley Cauley <acauley@eminnetonka.com> wrote:

Panos –

As the planner assigned to the project, you can feel free to pass any concerns along to my attention. That said, many of the traffic concerns shared in Ms. Maloney’s email have been expressed during the concept plan review process. Based on those comments heard at the neighborhood, planning commission and city council meetings, staff has directed the consultant to collect and analyze data at the following intersections:

- Ridgedale Drive and I394 North on-ramp
- Wayzata Blvd and Fairfield Rd
- Wayzata Blvd and the Westridge Market West driveway
- Wayzata Blvd and the Westridge Market Center driveway
- Wayzata Blvd and the Westridge Market East driveway
- Hopkins Crossroad and Wayzata Blvd
- Hopkins Crossroad and Fairfield Road

These intersections were selected to not only analyze traffic at the project site but also respond to the cut-thru traffic concerns heard from the neighbors. Since the traffic consultant is secured to provide their observations and professional recommendations, the city would discourage residents from contacting the traffic consultant directly. Any comments – or reactions – regarding the study can be submitted to be included in the packet for the planning commission and city council meetings. The ordinance is scheduled to be introduced at tonight’s meeting and is tentatively scheduled for the November 15th planning commission and December 3rd city council meetings.

I plan to post the traffic study on the Doran project page as soon as it is available. The link to the project page is:


Regards,

Ashley

Ashley Cauley | Senior Planner
City of Minnetonka | eminnetonka.com
Direct: 952-939-8298 | General: 952-939-8200

From: Panos Michalopoulos
SRF is a well known firm in the area. Maybe we should find from the city the person they are in touch with and contact him as well with our concerns. We can always call the general # and inquire, then send him Sara's letter to the city describing our concerns.

Panos Michalopoulos

On Mon, Nov 5, 2018 at 11:58 AM Ashley Cauley <acauley@eminnetonka.com> wrote:

Good morning –

The city has secured SRF Consulting Group, INC (SRF) to perform a traffic study. The main objectives of this study are to observe existing operations within the study area, evaluate transportation impacts including the proposed access, circulation, and parking. SRF will also recommend any necessary improvements and/or strategies to accommodate or enhance the proposed development. This study will be available in advance of the distribution of the staff report this Friday and is paid for by the developer.

An environmental assessments worksheet (EAW) is a document prepared by a Responsible Government Unit (RGU) to generally evaluate the potential environmental impact of a proposed development. While the preparation of some EAWs is discretionary, state law mandates an EAW for residential developments containing over 375 attached units. The proposed apartment building contains 168-units, which is less than the state’s threshold for a mandatory review.

Feel free to contact me if you have any additional questions.
Ashley

Ashley Cauley | Senior Planner
City of Minnetonka | eminnetonka.com
Direct: 952-939-8298 | General: 952-939-8200

From: Panos Michalopoulos
Sent: Monday, November 5, 2018 10:22 AM
To: Sara Maloney
Cc: Ashley Cauley
Subject: Re: Doran Traffic Study

Hi,

As I wrote to Sara a traffic impact and environmental
study needs to be performed (by law for commercial developments) I think prior to the permit approvals. This we want to request to be performed done by an independent professional firm assigned by the city or us and paid by Doran; maybe our lawyer can advise. I wonder if we can mention both as the reason for delaying the decision. I think that any delays are in our favor. May we also ask for the city to invite competing bids for such a development?

Panos Michalopoulos

On Mon, Nov 5, 2018 at 9:42 AM Sara Maloney wrote:

Hi Ashley - when do you expect the traffic study do be available? I’m copying my neighbor Panos Michalopoulos who is a traffic expert. He may reach out to you later with questions.

Sara

Thanks, Sara

Sara

Sent from Yahoo Mail for iPhone
Thank you Scott. I’ll be sure to include your comment with the packet.

Ashley Cauley | Senior Planner
City of Minnetonka | eminnetonka.com
Direct: 952-939-8298 | General: 952-939-8200

From: Scott Carpenter
Sent: Monday, October 29, 2018 1:31 PM
To: Ashley Cauley
Subject: Support for Doran Development

Dear Ashley,

Enclosed with this email please find a file with a letter in support of the Marsh Run II development proposal by Doran Companies.

Thank you, Scott Carpenter
Good afternoon Sara –
An EDAC subcommittee is made up of three EDAC members. The purpose of a subcommittee is to do an in depth review of financial requests and provide feedback for the entire EDAC to consider at a later meeting. These meetings are informal so no meeting minutes are taken, however, typically the developer will present the final request and then leave so the subcommittee can review the request and provide initial feedback to staff and discuss with the entire EDAC at a future meeting.

For the Doran project, the subcommittee met on October 15th. Here is a list of those that attended that meeting:

- Alisha Gray – Economic Development and Housing Manager
- Julie Wischnack – Community Development Director
- Stacie Kvilvang – City Financial Consultant – Ehlers
- Lee Jacobsohn – EDAC
- Jay Hromatka – EDAC
- Megan Luke – EDAC
- Ryan Johnson – Doran
- Tony Kuechle – Doran

The financial request is scheduled to be reviewed by the entire EDAC on November 8th.

I’ve attached a handout which generally outlines the public review process. Generally, however, at the introduction is another opportunity for the council to review issues identified during the Concept Plan Review meeting. It also allows the council to provide direction about any refinements or additional issues it wishes to be researched, and for which staff recommendations should be prepared.

I hope this answers your questions but feel free to contact me if you have any follow up questions.
Regards,
Ashley
Attached is a picture of the various meeting dates taken from the developer’s application. Would you please let me know who attended the preview meeting with Minnetonka EDAC on 10/15/18? Are there or will meeting minutes be published? I had trouble finding information on this meeting on the City’s web site.

Would you also explain what happens at the ordinance introduction meeting on November 5th?

Thanks, Ashley.

Sara Maloney
Hello, Ms. Cauley. I am a partner at the KMP property which would be developed by Doran. Please read my letter, and let me know if you have questions. Thank you!

Best regards,
Pat Martyn
KMP
Dear Minnetonka Planning Commissioners and City Council Members,

As one of the current owners of 11650 Wayzata Blvd., I am pleased to offer my support for the proposed multi-family luxury apartment complex by Doran Companies. I believe it is the right proposal for the site and I am eager to see it move forward.

I have owned the property with my two partners for 15 years. As office space in the Twin Cities has recorded high vacancy rates in recent years, so have the buildings in this area. In this challenging environment, it has been difficult to find qualified, responsible tenants.

The current building on the property has been challenged by both its age and unforeseen incidents. It is over 30 years old and is reaching the end of its life. This aging process was accelerated earlier this year when we experienced a significant flood at the building as a result of a broken pipe in the street. We made some preliminary repairs, but we are currently in a dispute regarding insurance coverage, which has forced us to put additional needed repairs on hold. Our existing tenants are unhappy, and some have abated their rent payments. With the additional upgrades needed to attract new tenants (new roof, parking lot repairs), plus the burden of dealing with the flood, I am very concerned that the long-term viability of the building will continue to decrease. The time for the property to be redeveloped is now.

While we are grateful for the tenants we currently have, with a lack of full occupancy, our property – like any other – can become prey to unwanted activity. Non-permitted cars have routinely parked in our parking lot at night. Additionally, people regularly use our waste bins to dump their excess trash. While I have resorted to putting up surveillance cameras on the property to better monitor activity – particularly after hours – these sorts of nuisance activities are difficult to prevent absent more residents and active spaces creating a healthier community overall.

To have a qualified buyer for our property who is an expert in redevelopment is a tremendous opportunity for this community to give this property a higher use. I have absolute faith and confidence in Doran Companies and know they will be exceptional stewards of this property. As they have done in many other parts of the Twin Cities, their project will also be the spark needed to revitalize a corridor not currently living up to its full potential.

Respectfully,

Pat Martyn,
Partner, KMP
November 29, 2018

To: Planning Commission, City of Minnetonka
    Ashley Cauley, Senior Planner, City of Minnetonka (acauley@eminnetonka.com)

Re: Application for Redevelopment for Marsh Run at 11650 and 11706 Wayzata Blvd.
    (Doran Development)

My name is Kristine WhiIm and I am a resident and member of the Board of Directors for The Gables of West Ridge Owner’s Association, Inc. We are submitting this correspondence on behalf of ALL of our 104 homeowners.

As residents of this neighborhood, we oppose this particular redevelopment, as the application presents numerous issues that will negatively affect our association and surrounding neighborhood:

**DESIGN**
- The building is of an urban design and does not fit with the current architecture or feel of our neighborhood.

**SIZE / DENSITY**
- The building is as high as six stories and overpowers the other residential buildings in the neighborhood, most noticeably the townhomes adjacent to the north on Fairfield Spur.
- The building will contain 175 units on a 2¼-acre site, and there is no limit to the number of residents per unit, which is alarming as it relates to vehicle parking.

**INCREASED TRAFFIC**
- Dogs are permitted, which we believe will increase pedestrian and dog traffic on to our property, given the limited green space available in the proposed development.
- Increased traffic volume, on an already stressed Fairfield Road that is accessed by many as a cut through to avoid the traffic in the retail area of Wayzata Blvd.
- We are concerned about apartment residents using our association land and private roads (see attached layout)

**NOISE**
- Added density in the proposed area will create additional noise to an otherwise quiet neighborhood, as well as additional traffic on Fairfield Road and Wayzata Boulevard.

We respectfully request you vote to deny the Application.

Thank you for your consideration and for providing an opportunity for our neighborhood residents to continue to express our serious concerns over this project.

Kristine WhiIm, Board President
Gables of West Ridge Owners Association, Inc.
911 Fairfield Way
Minnetonka, MN 55305
Hello Ashley,

This is Jay Lakha, resident of 970 Fairfield Ct Minnetonka, MN 55305. I am writing you this email in regards to the planned apartment building construction by Marsh Run(Doran) at 11650 and 11760 Wayzata Blvd. I have concern that the planned apartment is too big for the ambiance and it will create the unbearable amount of the traffic around the residential area. In addition, I feel like the Fairfield Ct will be used by the residents and visitors of the planned building as go to spot for u turns whenever they drive up Fairfield Ct. So I just want to convey my concern over the planned building construction and lease let me know if there is anything I could do as a resident to oppose the planned building.

Thank you for your consideration and any help regarding this matter will be highly appreciated.

Sincerely,
Jay Lakha
970 Fairfield Ct
Minnetonka, MN 55305
Nov 27, 2018

Mayor Wiersum, Members of the Minnetonka City Council & those on the planning and zoning committees:

Subject: Marsh Run (Doran) 11650 & 11706 Wayzata Boulevard

On August 2, 2018 the city sent out an oversized green post card type mailing advising the interested public that the city has received a concept plan for development of the properties at 11650 & 11706 Wayzata Boulevard. That concept plan contemplates construction of a six story, 230-unit, apartment building. This initial notice to residential property owners, based on this notice, gives every indication that the entire project was initiated by the contractor, Doran.

However, when Doran Develop submitted their recent Development Application, one does not have to read very far to understand that it is the City of Minnetonka who is actually the driving force behind this project.

At the top of page 3 the Doran Application States “This project will bring life and vitality to the north side of 394, enhancing walkability, providing a new housing option for existing residents, attracting the next generation of residents to the City, and supporting the nearby commercial uses that exist in the neighborhood today.”

1. I have lived in my present home at 992 Fairfield Ct., Minnetonka, MN and can assure the City that there is life and vitality within the Gables, West Ridge Condo Association, and those residents of Bay Hill Condominiums.

2. The west and south sides of the proposed change already have sidewalks for easy walkability and access to the West Ridge Mall area. Having made this statement in support of their application, exactly what enhancements are Doran referring to?

3. Doran says the project will bridge the gap between the three different uses that currently surround the proposed site. Is this just filler for a long paper or specifically, what is the gap and how does this project fill that gap?

4. Doran states: “This unique location presents the challenge of designing a project that is responsive to all differing neighboring uses while still furthering the overall development goals of the City. The proposed project “fits”, both visually and in terms of use, massing and density, and properly addresses the goals and concerns identified by the City, residential neighbors, commercial neighbors, and office neighbors.”

The proposed project even in its lasted miniscule decrease in the number of RENTABLE does not at all fit in visually. The latest proposal is to add more rentable units than the total number of residents who are owners (not renters) of the Gables, Bay Hill, and West Ridge associations. Having made this statement in support of their application, exactly what enhancements are Doran referring to?
1. In its current design this project does not come close to fitting in visually with the surrounding neighborhoods. Not one resident from West Ridge, The Gables, or the Bay Hill Condominiums voiced anything but displeasure at the last open council meeting. How can Doran possibly state that they have addressed the concerns of residential neighbors.

2. As for the office neighbors this project eliminates all but one small office building at the intersection of the North frontage road and Fairfield Rd, so who are the office neighbors who have goals and concerns that will be achieved by approval of this project?

In the middle of page 4 - Responsiveness to Neighborhood and City Feedback Doran states that the project has been significantly revised since it was originally proposed. Going on to state that they have received and thoughtfully responded to feedback from the neighborhood as well as the City Staff, Planning Commissioners and City Councilmembers in this revised design.

1. Considering 100% negative feedback from those residents living in The Gables, Bayhill, and Westridge HOA it is extremely difficult to believe any consideration was given to those complaints. All total these three neighboring developments have 190 owner owned homes. This project now calls to add 168 non-owner owned apartment style rental residences. Referring to this new plan with a reduction of 22 units as being significant is simply not being truthful or honest.

2. At the last open council meeting the Mayor and at least 2 councilmen each stated that the size of the then 190 units needed to be significantly reduced.

3. Doran points to a reduction in overall height of the project. They point out that the new proposed height for the north side of this project will be about equal in height to the south row of the Gables. While that might be true, what they are not pointing out is that 20 ft of the Gables height is the roof structure of the Gables.

On the top of page 5 under the landscaping section Doran claims that this project will reinforce a pedestrian-friendly environment.

1. Exactly how and what alterations are the City and Doran planning to achieve this statement?

On page 6 under park dedication the fee to the City for the proposed plan would be $840,000 to provide funding for improvements at parks.

1. Doran states that .36 acres of new heavily-landscaped open space and a buffer from the adjacent residential uses—since they are talking about .36 acres “within” the project property lines this could hardly be anything new.
   a. It appears as though Doran wants to claim the .36 acres of park land-Twice. (page 6 and Applicant statement Page.)
   b. Let’s keep in mind that this proposed park area will completely be on private land and of NO USE to local residents!

2. Doran claims that this project will preserve the berm and existing trees along the north property line—the berm and trees seem to be just fine and providing the intended use.

3. Once again Doran mentions that this project will offer enhanced pedestrian connections along Fairfield Rd. and Wayzata Blvd to the West Ridge Shopping Center.
a. To Doran and the City exactly what new enhanced pedestrian connections will be installed along Fairfield Rd. There are sidewalks that have been present and working for years.

At the top of page 3 Doran states: “Opportunities to better connect the north and south sides of I-394 are Planned, including pedestrian connections. The current highway divides the community so strongly that the two areas can feel like different cities, and areas that are geographically not far apart feel as though they are distant from inaccessible to each other.”

1. This is an amazing statement!. Between County Rd 73 on the East and Ridgedale Drive on the West along the south 394 frontage road is a lake and swamp land.

This proposal makes numerous references to enhancements to come. Well instead of something off in the future why not lay it all out and set them in stone for whatever is approved or not approved.

This proposal does not fit visually or practical use wise with anyone but Doran and the city.

1. To fit visually any proposed structure should conform to the adjacent heights-in other words the highest ceiling should not extend above the present ceilings (about 26 ft) any new apartment should not have any top floor window heights higher than those that now exist or about 25ft. the roofs should be gable or hip style with high quality asphalt shingle that will complement existing structures.

2. Parking – Traffic are still a huge concern as are the drop in property values.

Charlie Ross
992 Fairfield Ct
Minnetonka, MN 55305
Good morning Ashley,
I hope you had a nice Thanksgiving. I would like to use the attached 4 photos (previously sent) and an overhead view map of our area at the upcoming planning meeting. I am disappointed in the formal proposal and am very concerned for our neighborhood. I was surprised the traffic study does not include our side streets (private roads). I believe these pictures will help illustrate the limitations of our neighborhood. The design of this enormous building includes all parking in the contained ramp. This will force people looking for short term/street parking into our side streets/neighborhood. The 15 unit reduction (190 to 175) is not meaningful/significant enough to impact our concerns regarding safety, environment, wildlife, traffic, etc. Please include this letter and the attached photos in the meeting packet.

Thank you,
Pam Lewis
980 Fairfield Court

Begin forwarded message:

From: Pamela Lewis
Date: November 13, 2018 at 1:03:07 PM CST
To: acauley@eminnetonka.com, l.gordon@eminnetonka.com
Cc: j.wischnack@eminnetonka.com
Subject: Doran/Marsh run proposal

Ashley,
Per our conversation this morning please see the attached photos of Fairfield Spur and Fairfield Court.
I would like to use these pictures and an overview map of the neighborhood at the planning meeting.
Thanks,
Pam Lewis
Sent from my iPhone
I own a townhouse in the Westridge townhouse complex, purchased 15 years ago. I hope Doran Development will receive City approval to construct an apartment building to replace the hideously ugly Marsh office complex at the NE corner of Wayzata Blvd (north 394 frontage road) and Fairfield Road.

The scale of the proposed building itself is comparable to the three Bayview condominium buildings just north of Westridge. As such, the proposed Doran apartment building offers an additional welcome sound absorption and view separation buffer between the ever busier I-394 freeway and the Gables/Westridge townhouse developments.

For a long time, I've been hoping some new substantial buildings, preferably residential, would eventually replace the three ugly, obsolete Marsh office complexes. Doran is offering 1/3 of the solution at this time.

Ideally, from my standpoint, the proposed flats would be built to be sold as individually owned condominiums, rather than rental apartments. However, even as "luxury" rental apartments, the proposed redevelopment is far preferable to the eyesore office complex currently occupying the site that forms the southern "gateway" to the Fairfield neighborhood.

Thank you,

Stuart Hoarn
Ashley Cauley

From: Sara Maloney
Sent: Thursday, November 29, 2018 8:30 AM
To: Ashley Cauley
Subject: Doran Development

Ashley,

Please include this email as part of the planning commission packet for Application by Doran Development for Redevelopment of 11650 and 11706 Wayzata Blvd, Minnetonka, Minnesota

Attention: Planning Commission, City of Minnetonka

This email is written on behalf of the Fairfield Neighborhood Coalition (“Coalition”), which was formed by members of the board of directors and other concerned home owners from the Gables of Westridge (“The Gables”) and Westridge Townhomes (“Westridge”). The Gables consists of 104 townhomes, and Westridge consists of 20 townhomes. We’ve also met with board members of the Bayhill Condos (“Bayhill”), which consists of 66 homes. The revised development plan submitted on November 8, 2018, consists of 175 apartment units to be constructed on only 2.5 acres of land. The Gables, West Ridge, and Bayhill have a combined total of 190 townhomes and condominium homes on 10.48 acres. The floor area ratio of the Doran Plan is 1.47, which is one of the highest in the city. This development is a large scale commercial/residential facility and will have an adverse effect on the current homeowners and other area residents. We already contribute to density in Minnetonka, and it’s unreasonable for another 175 apartment units to be added to such a small tract of land in our otherwise cohesive neighborhood. We have a reasonable expectation that if the site is to be redeveloped, it be on a similar scale to our existing properties.

The added density of apartment dwellers, many of whom will be short term, will contribute to safety and environmental concerns in our neighborhood. We already have traffic safety issues with vehicles traveling high rates of speed on Fairfield Road. Fairfield Road is very narrow, and the added traffic, which will include moving trucks and commercial vehicles servicing the complex, will create numerous problems for homeowners. All three homeowner associations maintain private roads and/or parking areas. Given the close proximately to the Doran site, our private roads, driveways, and parking lots will be used for turn-around and parking by Doran residents, visitors, employees, and contractors.

Tony Kuechle, president of Doran Development told me that 50 percent of the Moline residents have dogs, and they are allowed 2 dogs per unit. Therefore, we can assume a minimum of 87 dogs. I saw the dog run at the Moline, and it was very narrow and unpleasant. The nearest green space is property owned by The Gables. Since Doran has little to no green space of its own, we expect The Gables green space to be the primary space for their dogs.

Our associations pay for maintenance of the trails that run through the neighborhood. Doran has not offered to contribute to the cost of these trails, which will undoubtedly be used by its tenants. Doran has not offered viable solutions to most of the issues we have raised.

In addition to the homeowner associations, there are two senior living facilities and an apartment building on the northern section of Fairfield Road. There are many children living at the Crown Ridge Apartments, and they routinely cross Fairfield Road to the playground at Oberlin Park. There are already safety concerns at this crossing, and the added traffic is cause for additional concern.

Minnetonka is an outer ring suburb of Minneapolis. We value wetlands, nature and wildlife, which is why we purchased our homes here. We do not deserve to have our neighborhood transformed into another Uptown,
North Loop, or West End. We respectfully request you preserve our neighborhood and vote to reject this application.

Sara Maloney
705 Fairfield Circle
Coalition Facilitator, Fairfield Neighborhood Coalition
Hi Ashley,

My wife and I just want to reiterate that we are against the proposed Doran development on Wayzata Blvd. in Minnetonka. We feel it will overcrowd the neighborhood, cause traffic congestion onto Wayzata Blvd and the Hopkins Crossroad exit from 394 which already results in having to sit through multiple lights due to cars trying to take right turns into the left hand lane to get to Wayzata Blvd. Additionally, this will convert what is now 100% home owned properties into a primarily transient neighborhood.

We hope the city council will not approve a large development like this.

Nathan Haler & Jamie Flaws
994 Fairfield Ct.
Minnetonka

Sent from my iPhone
November 15, 2018

Dear Mayor Wiersum and City Council Members,

I wanted to let you know that we support the proposed Doran development next to the Westridge Market.

The retail market is becoming more and more competitive. Many of our regular customers live in the immediate area of where our stores are located. Our store at Westridge is thriving and we believe it is a terrific location for continued consumer and retail growth. Adding a development within walking distance as well as sidewalk access will continue to draw more residents to the retail complexes in the city of Minnetonka.

We hope you are able to approve the development. Thank you.

Best Regards,

Robert Baker
SVP COO
Schmitt Music Company
Hello,

I am a resident of 952 Fairfield Court and want to raise my voice of dissent against the proposed Doran project on Wayzata Blvd. The increased traffic flow and population density stands to have a significant negative impact on our neighborhood. Additionally, I am concerned that residents and visitors to the property will use our neighborhood as a turnaround.

Disrupting our neighborhood with this high density apartment building is not acceptable and I consider it a misfit as proposed.

Thank you,

Brenda Henry

952 Fairfield Court

55305
Good day Ashley,

This is to object on record of the propose 168 unit. As stated by Mayor this is not the developer for this site. To build and require so much variance to set backs. The entire frontage road has a look from 73 going west to Plymouth Road. NO ONE is that close to Wayzata Blvd and then to have pedestrians try to navigate 2 feet of walkway.

Too dangerous already with the speed and distracted drivers! I personally have witnessed drivers going thru chain link fence!

This is too dense.
Too non residential looking
Doran went knocking on their door, owners were not selling.
Doran did not listen to feedback from neighbors enough.
DEVELOPERS DO NOT NEED TAX ABATEMENT or TIF dollars!

Developers do not need $$ hell from city or constitutes. Ask them for more. They have working with planning Dept since June2018, and also started drilling on site for depth in JUNE 2018.

Also, in today's market place, thriving for developers, they should be contributing to city much more, NO TAX BREAKS PLEASE.

In general, not even a close to appropriate for this small site.

So very opposed. Please don't mess up what the city developed just 20+years and also caused pain removing families back then. Julie W. Community engagement has been heard telling city have "performance" has been great for this area. $$ let's not mess up what is working.

Please do not forward this to proceed. The entire Fairfield area rejects this proposal.

Also, would ask for independent stats on"shadowing", not taking Dorans numbers at face value.

Thank you
Mary McMahon
Fairfield Spur
Please include this picture in packet. Shows where lawn service parks on Fairfield Rd, right at Entrance to Fairfield Spur.

This is just example of the tight/parking dangerous situation when
Services come in. This is not the Gables service company, across Street, but whomever it is, Fairfield Road is tight and dangerous for emergency vehicles.

City, Winter plowing, does not allow to curb, and all winter even more narrow! We have CALLED city past years to mention to plow wider,
But not getting plowed to curb.

Also FYI today 11/7, light snow and sleet, all 394 traffic leaves freeway and uses frontage road to escape congestion, but very slippery with added traffic and doesn't get salted early enough.

Thank you
Mcmahon
traffic. He questioned if there is a number of units would please everyone. He suggested
the developer see what could be done to reduce the density, but not the footprint or
mass of the building. There is a distinction between inconvenience and safety. Safety is
important to him. The proposal would make the area more walkable. He suggested
considering adding traffic controls such as stop lights at the intersections of Woodhill
Road and Excelsior Blvd. and Stewart Lane and Eden Prairie Road. Dog owners should
be responsible and be a good neighbor.

Knight has lived in the Glen Lake area for 33 years. He liked being able to pull out of
Glenview Drive in the morning. It was much easier when the temporary stoplight was
operating at Woodhill Road and Excelsior Blvd. He questioned how noticeable additional
vehicle trips would be during peak travel times. He has driven down Stewart Lane.
Taking out the hills on Stewart Lane might cause traffic to travel faster. It would have
been nice to see a sketch of the view of the proposed buildings from Woodhill Road.

Powers struggled to find how the proposal would add to the character of the Glen Lake
area. He first thought that the proposal would be too much. There would not be enough
green space or “Glen Lake” in the project.

Henry thought there was not enough green space in the front and other places. He loves
the area and it is an asset to the city. The mass of the building would cover the vast
majority of the property.

Chair Kirk noted how tired Glen Lake looked prior to redevelopment. Glen Lake is
considered a city center. The proposal may create too much mass on the site. There
would be a relatively tall building and small setback that would almost create an alley
between the two buildings. He struggled with that and how close the building would be
located to Stewart Lane. There is some green space, but he questioned if large trees
would be able to survive there.

Chair Kirk stated that Stewart Lane is a problem. It is similar to a drive lane in a parking
lot. The Woodhill intersection probably deserves a stop light. It is difficult for a pedestrian
to cross. He would like the drive lane to continue south, past the two buildings and figure
out how to get an access lane into the housing complex from the west. That would keep
the traffic off of Stewart Lane and provide a controlled access off of Excelsior Blvd. and
provide a greater separation between The Oaks and the proposal. He supports including
some affordable units with the proposal for single-bedroom, market-rate apartments. The
site should provide a transition from high density to low density residential uses. Putting
mixed uses in the area would not provide a transition. The site would not accommodate
all front-end parking that would be needed for a retail use. He preferred an all-residential
use, lower density, greater separation between the buildings, and more of a buffer with
mature trees.

The city council is scheduled to review this item at its meeting on Aug. 27, 2018.

Chair Kirk called for a five-minute recess and reconvened the meeting.
B. Concept plan for Marsh Run redevelopment at 11650 and 11706 Wayzata Blvd.

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

Cauley reported. Staff recommends commissioners provide comments and feedback on the identified key issues and any other issues commissioners deem appropriate. The discussion is intended to assist the developer with future direction that may lead to the preparation of more detailed development plans.

Anne Behrendt, chief operating officer at Doran Companies, applicant, introduced Ben Lindau, chief concept architect for the project, and Cody Dietrich, senior development associate. Ms. Behrendt stated that:

- Doran Companies has its development team in house. There are 30 architects on staff. Doran Companies constructs and manages all of its projects. In order to do high-quality projects, Doran Companies controls the whole process.
- Amenities are used to create a sense of community.
- Tony Kuechle was not able to attend the meeting, but he will be the main point of contact person in the future.
- The project is a high-density, residential, six-story apartment building. It would be built on a concrete podium with five stories of wood-frame construction.
- The proposal would very likely have an affordable housing component. The details are being worked out with staff. There would need to be 230 units in order to make the project work economically and have the amenities to make this type of project work.
- The amenity deck would be located on the podium level. She provided an example of a similar building on Interstate 394.
- There would be a number of direct-entry townhomes that would walk out to the street. She provided an example of a project done in Minneapolis, Mill and Main, that has the amenity podium and town homes that walk out to the street.
- The buildings would have important touches that make the buildings stand apart such as having all solid-wood doors, insulation in every wall of the building, ceiling fans in every bedroom, dimmer switches in the kitchens, and acoustical design. There would be a dog run on the property and DNA testing to enforce disposal rules if needed.
- There would be a pool deck, business center, and spa room.
- She provided an example of a building Doran built in Hopkins, The Moline, with similar massing. The applicant would like to host an open house at The Moline.
- The building would contain entertainment suites.
- There would be two entrances. One off of Fairfield Road and one off of Wayzata Blvd.
Mr. Lindau stated that:

- The applicant will work with staff and commissioners to make a vibrant place to live.
- The proposal would be a 230-unit, high-density residential building right on the Interstate 394 corridor. There would be walk-out townhomes to provide a transition and keep the street safe and active.
- Restaurants and other amenities would be within a walkable distance.
- The proposal would be five stories of apartments on top of one story of parking garage. The garage would be adjacent to the residents.
- There would be numerous plantings and landscaping.
- He provided a townhome street scape. Most of the tree buffer would be preserved and deciduous and coniferous trees would be added.

Ms. Behrendt stated that a neighborhood meeting was held the prior evening. A lot of comments related to the mass of the building and how it would relate to the neighboring buildings were provided. There would be 109 feet from building face to building face. The townhomes would be about 63 feet away from each other. The building would be 73 feet in height. The height of The Bay Hill condominiums building is 65 feet. The distance from The Bay Hill condominium building to the nearest townhome is about 65 feet. The applicant wants to make sure to provide an adequate buffer for the townhomes. One hundred and nine feet and mature trees is a good start. Right now the view is a parking lot of a commercial building. Neighbors suggested a fence which the applicant would do if that is what the neighbors want. The area needs definition and direction. The proposal is in line with what exists. She is available for questions.

Sewall asked if there would be parking and a sidewalk on the north side. Ms. Behrendt answered in the affirmative. There would be 30 surface parking spaces. The vast majority of the parking would be underground.

Knight asked how far the shadow of the proposed building would extend. Ms. Behrendt provided the results of a shadow study. The building would provide a buffer to noise and visibility to Interstate 394.

Laura Cohen, 798 Fairfield Circle, stated that:

- She saw a posted comment that said that the development in Minneapolis, Mill and Main, had staff change three times, amenity areas were crowded in the summer, and it has a fraternity feel.
- Another posted comment for The Bridges said that it is the “worst place” and loud 24/7.
- She was concerned that residents would bring additional people into the low-key, residential area and create noise.
• She was concerned that the 230 residents of the proposed building would go onto the neighboring properties and cause damage from vehicles and dogs. Her association fees would have to pay for the upkeep.
• She left the traffic aspect to the experts.
• Drivers now travel on the private roads which are maintained with association dues. Parking is limited for guests.
• The current office building is lovely and blends in with nature. The landscaping is beautiful. The office building hours are different than the peak driving times for residents and no one is there on the weekends.
• She opposed the zoning change.
• She invited commissioners to visit the site. She would provide a tour.
• She was concerned this would not be the right project.

Don Knox, 921 Fairfield Way, stated that:

• Surrounding buildings have similar exteriors that incorporate stone accents. He found the proposed building a fit for the uptown area, but not a suburban area. It would be a stark contrast to the surrounding townhomes.
• The buildings would be too large for the space.
• He provided a letter that is in the agenda packet.
• Cohen did a good job of covering the issues including noise.
• He was concerned what would happen to the property values.
• He requested that the size and architecture be looked at.

Carrie Martin, 1004 Fairfield Spur, stated that:

• She provided pictures of the office building. It is a quiet area. She does not want to see more people than the three she usually sees when she goes for a walk.
• The proposed building would be a monstrosity viewed from her bedroom window.
• She was concerned vehicles would use her driveway to turn around. There are only two guest parking stalls on her street.
• The pine trees block the view of a one-story structure, but a forest would be needed to block a six-story structure.
• She was concerned with snow removal.
• She did not want a shadow on her house in the winter.
• The proposal would have balconies and cause a privacy issue.

Andrew Jackson, 1012 Fairfield Spur, stated that:

• There would be 230 units, not just 230 people. This is a quiet, residential neighborhood.
• The six-story building would be too close.
• He was afraid for his property value.
• The proposed building would fit in uptown, not the proposed location.
• He likes the sunlight in the winter.
• There would be three accesses. Two for the underground parking and one for the ground-level parking on the north side.
• The residents of the proposed building would look into his townhouse.

Calla Beal, 1000 Fairfield Square, stated that:

• Her bedroom and deck would face the residents of the proposed building looking right at her. It would be devastating.
• She does not want to look at the apartment building.
• It is quiet on the weekends and in the evenings.
• She does not care about the amenities. She cares what it would do to the community. Everybody in the community loves it there.
• She has real concerns.

Daryl Ansel, resident of Bay Hill Condominiums, stated that:

• Fairfield Road is very narrow. He questioned how the overflow parking would be handled.
• The bridge completion caused an increase in traffic on Wayzata Blvd.
• The success of the Westridge parking center is terrific, but motorists block Hopkins Crossroad. The proposal would cause a traffic problem on the frontage road.

Bill Kottner, 11460 Fairfield Road, stated that:

• He was concerned with noise after 10 p.m., broken beer bottles, and people congregating at the pool.
• The traffic is already bad in the Hopkins Crossroad area.
• He questioned what would happen to the property values.

Pam Lewis, 980 Fairfield Court, stated that:

• She was concerned with the impact on the protected wetland.
• This feels like urban slam instead of urban creep.
• The neighborhood is lovely. The building would be monstrous. There are four-story condominium buildings. This would be six and look like a hotel.
• Traffic is already crowded.
• There are limited restaurants and amenities.
• There is a small park.
• There would be no restriction on the number of residents living in each unit.
• She is terrified. She values the quiet.
Enid Uhlhorn, 907 Fairfield Way, stated that:

- The concept does not fit the neighborhood. It would be too massive for the site. She described the wildlife in the suburban area.
- Traffic traveling on Fairfield Road goes too fast.
- There would be a lot more people using the walkway to the shopping area.

Karen Dahlman, Fairfield Way, stated that:

- She questioned if a study supports the traffic considerations.
- The six-story height would change the look of the neighborhood.
- She was concerned with the property values.
- She was concerned with construction noise and noise created by additional people and garbage haulers. She recommended adding a condition that would require the applicant to financially compensate the residents every time a delivery service or garbage hauler made noise prior to 7 a.m.
- She appreciated the opportunity to speak.

Wischnack explained that the noise ordinance allows garbage haulers and snow plowers to begin operating at 6 a.m. and noise is allowed starting at 7 a.m.

Lois Joseph, 11472 Fairfield Road, stated that:

- The proposal would dwarf everything in the area.
- The project would be “unnecessary” to be located on the corner of a quiet residential street.
- The project would be inappropriate. It would belong in the North Loop or Uptown.
- The area is now quiet and pristine. The building does not belong in the city.

Bob Uhlhorn, 907 Fairfield Way, stated that:

- He walks in the area. Residents of the proposal would walk through the surrounding property to reach Trader Joes and Dick’s Sporting Goods.
- He questioned how the applicant calculated the economic return.
- The site is too small for the proposed building.
- The surrounding property values would go down and there would be assessments to pay for the increase in traffic.

No one else chose to speak.
Chair Kirk asked staff about The Moline building in Hopkins. Gordon stated that it filled a housing need in Hopkins that was not previously filled.

Cauley clarified that Fairfield Road is a public street. Fairfield Circle and Fairfield Way are private streets. Staff will create a map illustrating the public amenities including trails in the area.

Wischnack will provide the results of the housing study to anyone who would like to see it. There are only so many locations for the city to utilize diversified housing types.

Sewall asked staff to address the correlation between new development and property values. Cauley explained that assessing staff conducted a study and found that there is no evidence of a decrease in value of surrounding properties of new apartment buildings. Property values have decreased when a commercial site redevelops into another commercial use due to an automatic devaluation assuming that the new commercial use would be more intense.

Knight noted that the residents of the Fairfield area love it as it is. He did not see a single swimming pool or exercise room. The area is packed. He suggested adding more townhomes. He has been in The Moline and it is a really nice place to live.

Henry noted that the location near Interstate 394 is an attractive site for high-density development. He saw a disconnect between the existing townhouses and proposed six-story building.

Chair Kirk felt that development is inevitable. The question is to what scale. It would be unrealistic to think that a new building would match 20-year old architecture. The existing architecture is pleasant and should be recognized. Even though the building would be located on Interstate 394, it would not have to have an urban vibe. The fact that a sun-angle study was completed tells him that the building would be too big for the neighboring uses. It would not be too big for the retail store to the east or Interstate 394, but it would be too big for the neighbors on the north. The complex would need to step from potentially high density on the south to low density on the north in order to keep the character of the neighborhood. It would be a mistake to locate parking on the north. The guest parking should be the easiest to find. There is an expectation that the view from the existing townhomes would change.

Powers concurred with Chair Kirk. The project would create confusion that does not exist now. The area will grow and change. No one would want to tolerate the shadowing. There is a limit to accepting change. The project would not create clarity. A zoning change needs to be done deliberately.

Sewall stated that Doran does a nice job constructing buildings. He has been in several and found the quality top notch. The building would have no transition or have any unity with the neighborhood. He agreed that locating a parking area on the north side would be a mistake. The parking area should be on the south side. Housing would be an appropriate land use. A pitched roof would be better. If he lived in the proposed building,
he would take Fairfield instead of Wayzata Blvd. because it would be faster. His biggest
callenge is with the density and proximity. Six months of shadow would not be
reasonable at all. A view is not guaranteed, but casting a shadow over a townhouse for
six months would be unreasonable. Stepping the building back farther from the north to
the south would be a way to improve the plan. He supports higher-density housing, but
not this dense and not located so close to the neighbors on the north.

Chair Kirk noted that Doran is a great developer. The city council may have a different
reaction to the concept plan. It is logical that the property be redeveloped. He supports
housing, but it would be unreasonable to expect townhouses to extend all the way to
Interstate 394. He appreciated everyone’s patience.

Cauley explained how the project may be followed on the project page on
eminnetonka.com. This item is scheduled to be reviewed by the city council at its
meeting on Aug. 27, 2018.

10. Adjournment

_Sewall moved, second by Powers, to adjourn the meeting at 10:45 p.m. Motion
carried unanimously._

By:  

Lois T. Mason
Planning Secretary
14. Other Business:

A. Concept plan review for Marsh Run Two Redevelopment at 11650 and 11706 Wayzata Blvd.

City Planner Loren Gordon gave the staff report.

Bergstedt asked Gordon to explain the purpose of a concept plan review. Gordon explained that the process allowed the chance to get through some issues early to save time and resources for staff, council, and developer.

Acomb asked if the trails were public or private. Gordon answered that the trails were maintained by the association.

Schack asked if there were any wetlands on the parcel. Gordon answered that a survey had not been done so he could not confirm whether the wetlands adjacent to the site extend onto the site.

Tony Kuechle, President of Development for Doran Companies, answered that a wetland delineation had been completed and there were no wetlands on site. He gave a presentation on the planned redevelopment.

Ben Lindau, Senior Concept Architect for Doran Companies, presented the architectural plans and showed four options.

Acomb asked who owned the berm. Lindau answered that it was a 50/50 split with another property.

Schack asked if there would be financial assistance requests to the City for the 20% affordable housing component. Kuechle answered yes, but that they had tried to limit that by increasing density.

Doug Bryant, 979 Fairfield Court, Hopkins, discussed concerns about increased traffic and rezoning.

Laura Cohen, 798 Fairfield Circle, shared that she was on the board for the association and the other homeowners told her that speaking tonight would not make a difference. She was hopeful that the council would listen and mentioned a few concerns including noise and that there would be a
large impact on properties because the new residents would not be homeowners.

Pam Lewis, 980 Fairfield Court, Hopkins, talked about the neighborhood and shared concerns about density and the wetlands.

Greg Brink, 982 Fairfield Court, Hopkins, shared that he was on the board at West Ridge and was opposed to the project due to density, traffic, and noise.

Judd Carpenter, 4188 Heatherton Place, said that he was the owner, along with three siblings, of half the project. He discussed a previous project by CSM Development that was similar to this project. Carpenter believed that this project would bring value just like previous projects had.

Calla Beal, Fairfield Spur, stated that the project did not fit in the community. She said that her home was on the corner so she would be the most affected.

Kari Martin, 1004 Fairfield Spur, thanked the developer for the four options, but had questions options two and three. She wondered if the other options had different number of units.

Enid Uhlhorn, 907 Fairfield Way, said that Doran's partner was CSM and that CSM was the owner of West Ridge Market. This would bring the market more business and people should be aware that there was an amalgamation.

Scott Carpenter, 3924 Randall Avenue, Minneapolis, said that he was a partner in Carpenter Land Co Limited and talked about his own experience with a new development moving into his neighborhood to address the fears of residents.

Kuechle clarified that CSM was not a partner on this project and that a maximum of two people per bedroom were allowed due to federal regulation.

Acomb asked about other six story apartment buildings in Minnetonka. Gordon answered that the Highland Bank redevelopment project, RidgePointe, and Dominium were all six stories or higher.

Calvert shared that the council did listen to residents and did care. She thought that Doran created wonderful, attractive projects and appreciated the four options. She felt that there was a definite disconnect between the style of proposal and the surrounding neighborhood.
Schack stated that as the Ward 2 council member she wanted residents to know that the council was listening. She shared concerns about size, but appreciated the options and the affordability component.

Happe agreed with the other commenters, but wondered what a reasonable scale would be.

Acomb thought housing was appropriate for the site, but had concerns with the size and transition to existing housing.

Bergstedt stated that he thought higher density residential was appropriate and that affordable housing, energy efficiency, and solar were all good. He agreed with other commenters though that it was too much density.

Ellingson agreed with Bergstedt and suggested that the building needs to be smaller.

Wiersum liked everything the developer was doing, but 95 units per acre was too big.

Wiersum called a recess at 10 p.m. He called the meeting back to order at 10:10 p.m.
B. Revised concept plan for Marsh Run Two Redevelopment at 11650 and 11706 Wayzata Blvd.

Thomas gave the staff report.

Wischnack continued the staff report and discussed affordability.

Tony Kuechle, president of development, Doran Companies, asked for council input on the architecture. He said that Doran had made significant changes based on previous input. The unit count had been reduced by 45-units or 19%, two-stories had been eliminated from the side facing the town homes, one-story had been eliminated on the freeway side, the parking on the north side had been eliminated, the berm would be preserved, and the setback had been increased from 33 to 43-feet along the north property line.

Ben Lindau, senior architect, Doran Companies, talked about the exterior design. He said it was meant to complement the existing neighborhood and natural surroundings. He said the increased setback would allow for another row of trees and discussed the different materials that would be used.
Sara Maloney, 705 Fairfield Circle, Hopkins, said that board members from all three associations had formed a coalition. She discussed some of its concerns including 190-units on 2.5-acre parcel, size of building, proximity to Fairfield Road, traffic, architecture, and lost trees. She asked the council to oppose the project.

Wiersum clarified that this was not a proposal, but a concept plan. No action would be taken.

Don Knox, 921 Fairfield Way, Hopkins, talked about what he wanted to see at the site including a structure that was no higher than three stories, a setback with adequate green space, parking that was contained, and activity during the day time such as a senior apartment building or medical building.

Andrew Jackson, 1012 Fairfield Spur, Hopkins, shared that he would be most impacted. He agreed with previous commenters about the size of the building and voiced a concern over privacy and sunlight.

Gary Anderson, 943 Fairfield Way, Hopkins, discussed traffic impacts and the increased likelihood of accidents.

Charlie Ross, 992 Fairfield Court, Hopkins, shared that he was part of the Ridgedale Home Owners Association with only 20-units. He discussed the proposed reduction and argued that it was not significant enough. He asked if increased taxes were not considered during a proposal like this then what was the benefit. He suggested a park instead of a building and discussed affordable housing. He was concerned that the amenities were not essential. He also mentioned that he was an insurance adjuster and that renters don’t take care of property.

Jamie Flaws, 994 Fairfield Court, mentioned that the entire area abutted wetlands and that the wetlands and animals would be affected.

Bob Uhlhorn, 907 Fairfield Way, addressed traffic safety and density concerns. He suggested that this was the wrong developer.

Pam Lewis, 980 Fairfield Court, reminded the council of some of its comments from the previous meeting concerning density. She thought that gargantuan had been reduced to humongous. She said she was for maintaining the current zoning, but that if it did change to residential then something that was comparable to what was there. She said if it had to be rental then she was for a pitched roof and a maximum of 60-units.
Acomb asked if this development would trigger a staff study. Thomas said that it would. Acomb asked if staff thought the road would be expanded. Manchester answered that there were not current plans to do so. Acomb asked if there were any sites that had similar density. Thomas answered 50 to 55-units, but that she could not think of any in this range off the top of her head.

Ellingson asked if there was any discussion of re-guiding this area in the Comprehensive Guide Plan. Wischnack answered that the area was considered for change with residential as a possibility.

Schack asked about the garbage procedures. Kuechle explained that there would be a tenant move in area off Wayzata Boulevard and that garbage would be contained inside until garbage day.

Acomb asked about the shadow effect. Kuechle answered that Doran was confident that it would not shadow, but a study would be done when the proposal was submitted.

Calvert asked what the price point would be if the project was reduced to 60-units. Kuechle said he didn’t have an answer. He said if the units were reduced below 190 then the project would lose all of its amenities. He noted that amenities were what hold people. The industry average for retention was 50% and Doran’s average was mid-70s.

Happe thanked Doran for the changes and thought the building looked nice. He asked what the rent cost would be. Kuechle said a range of $1,400.00 to $3,600.00. Kuechle clarified that a flat roof did not affect density, but that a pitched roof was possible if preferred.

Wiersum asked about the density range in projects that Doran had completed over the last five years. Kuechle said a building in the northeast side of Minneapolis was approaching 140-units per acre, and Maple Grove was around 37-units per acre. Kuechle also noted that Doran had received requests from neighbors to make it higher.

Ellingson asked how people felt about living next to a freeway with so much noise. Kuechle answered that Doran reduces the noise on that side with insulation and triple pane windows.

Calvert said that it was very attractive building and materials if building was taken by itself, but it did not fit the neighborhood. She said that the property did present opportunity for some density, but she was still struggling with the size and traffic concerns.
Acomb said that no matter happened there it would be a big change for the neighbors. She discussed affordable housing, but was still struggling with 77-units per acre. She thought it was a good developer and project and was leaning supportive. She talked about being as respectful as possible to the neighbors to make the transition more palatable.

Schack said that she thought it was an appropriate site for high density residential, but that this project might be too dense. She was concerned about traffic and traffic management. She said that housing was a priority and too many office buildings were empty. She liked the design, but was concerned about mass.

Calvert shared that property rights do not extend to your view, but did allow land owners to develop. She said that as the council was struggling with size, height, and density, she was struggling with green space and losing mature trees.

Bergstedt said that it was a very nice building, but the parcel was too small for it.

Happe said that the good news was that there's already sidewalks. He understood the neighbors' concerns, but thought the building looked nice.

Ellingson agreed with Bergstedt's comments.

Wiersum said that the issues were mass, density, traffic, and affordability. The developer had done a nice job of listening and adjusting the building, but unfortunately it was a big building on a small site. He recognized that density was needed to get affordability, but thought that maybe Doran was not the right developer for this site.

Wischnack reviewed what would happen next. She said the developer would take the council’s comments and decide whether or not to proceed with formal proposal. She reiterated that the council seemed comfortable with high density residential, but that the project, so far, was too dense.

15. Appointments and Reappointments: None

16. Adjournment

Happe moved, Calvert seconded a motion to adjourn the meeting at 10:17 p.m. All voted “yes.” Motion carried.

Respectfully submitted,
Ordinance No. 2018-

An ordinance rezoning the properties at 11650 and 11706 Wayzata Blvd from Planned I-394 District to Planned Unit Development and adopting the master development plan

The City Of Minnetonka Ordains:

Section 1.

1.01 The subject properties located at 11650 and 11706 Wayzata Blvd are hereby rezoned from Planned I-394 District (PID) to Planned Unit Development (PUD).

1.02 The properties are legally described on Exhibit A.

1.03 This ordinance also adopts a master development plan for construction of a multi-family development on the subject property.

Section 2.

2.01 This action is based on the following findings:

1. The rezoning to PUD would result in the provision of affordable housing.

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

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

Section 3.

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

   • Site plan, dated Nov. 16, 2018,
   • Grading, drainage and erosion control plan, dated Nov. 16, 2018,
   • Utility plan, dated Nov. 16, 2018,
   • Tree mitigation and preservation plan, dated Nov. 16, 2018,
   • Landscape plan, dated Nov. 16, 2018,
   • Floor plans, dated Nov. 15, 2018, and
   • Building elevations, dated Nov. 15, 2018.

The plans described above constitute the master development plan.

2. The development must further comply with the conditions outlined in City Council Resolutions No. 2018-XX, 2018-XX, and 2018-XX.

Section 4. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on Dec. 17, 2018.

Brad Wiersum, Mayor
Attest:

David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction: Nov. 5, 2018
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance No. 2018-

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 Dec. 17, 2018

______________________________
David E. Maeda, City Clerk
Exhibit A

11650 Wayzata Boulevard

Parcel 1: Lot 5, Block 1, Marsh Run 2nd Addition, Hennepin County, Minnesota.

Parcel 2: Lot 16, Block 2, Boulevard Gardens, Hennepin County, Minnesota, except that part thereof embraced within the plat of Marsh Run Two 2nd Addition.

(Torrens property/ Certificate No. 1127072)

11706 Wayzata Boulevard:

The real property located in Hennepin County, Minnesota, and legally described as follows:

Part 1: Lots 1 to 6 inclusive, Block 1, Marsh Run Two; and that part of U.S. Highway No. 12 dedicated by the plat of Marsh Run Two.

Part 2: Lots 1 to 4 inclusive, Block 1, Marsh Run Two 2nd Addition; and that part of U.S. Highway No. 12 by the plat of Marsh Run Two 2nd Addition.

(Torrens Property – PART OF Certificate of Title No. 781405)
Resolution No. 2018-

Resolution approving a comprehensive guide plan amendment from service commercial to mixed use at 16500 and 11706 Wayzata Blvd

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

Section 1. Background.

1.01 Marsh Run, LLC is requesting that the land use designation of the properties at 11650 and 11706 Wayzata Blvd. be changed from service commercial to mixed use.

1.02 The site is legally described on Exhibit A of this resolution.

Section 2. Criteria.

2.01 The 2030 Comprehensive Guide Plan outlines that the following criteria should be used to evaluate amendment requests:

1. The change would be consistent with the policies, strategies, or other elements of the 2030 Comprehensive Guide Plan and the city’s Strategic Framework, including those for certain long term planning areas.

2. The change would not create an adverse impact on public facilities and services that could not be mitigated with proposed improvements. Public facilities and services include roads, sewers, water supply, drainage, schools and parks.

3. Development resulting from the change would not create an undue impact to surrounding properties.

   a) Such development would be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.

   b) Physical character includes land use type, building height and size, relationship to the street, roof lines, and landscaping.

   c) Viability includes stabilization or enhancement of property values or removing blighting influences.
d) An effective and reasonable buffer may be established and maintained on a continual basis in locations where the land use change is to a non-residential use such as commercial and is adjacent to an established residential neighborhood. The buffer may be established by utilizing the following techniques: extraordinary setbacks to residential properties from hardsurface areas (buildings, driving lanes, parking areas, etc.) and other areas or features of development that result in impacts to residential properties, such as lighting, sufficient berming of a height and design to screen non-residential activities, use of structures such as non-accessible building walls or other effective barriers, use and incorporation of existing topography and vegetation into the overall development, new landscaping materials, of sufficient height and size to provide a year round screen, or a combination of the above features and techniques.

4. The change would allow a more viable transition to the planned uses on adjacent properties than the current land use.

5. The change would not have an adverse impact on the natural environment, including trees, slopes and wetlands, or the impact could be mitigated by improvements on the site or in the same vicinity.

6. There has been a change in city policies or neighborhood characteristics since the city adopted the original plan that would justify a change.

7. The change would correct an error made in the original plan.

8. There is a community or regional need identified in the comprehensive plan for the proposed use or service.

9. The change would help the city meet its housing goals.

10. The change would not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

11. In the event a land use change includes numerous properties, such as a neighborhood area, the following factors should be considered:

   a) Determination of changed conditions on the properties or within the area surrounding the properties.

   b) The condition of the buildings on the property.

   c) If residential, the need to preserve the housing stock to meet city housing goals, or if non-residential, the ability of the proposed new land use(s) to meet city housing goals.
d) The ability of the assembled properties to allow for a unified
development that meets the appropriate development criteria for
the area in which it is located, and

e) The timing of intended development allows for any necessary
roadway or other public infrastructure improvements to
accommodate traffic from the proposed development.

Section 3. Findings

3.01 The requested amendment would meet various amendment criteria outlined in
the 2030 Comprehensive Guide Plan.

1. One of the primary themes of the comprehensive plan is the support and
encouragement of housing options that appeal to a variety of residents, at
a variety of ages and income levels. The requested amendment would be
consistent with this theme.

2. While the amendment would allow for development that may be different
than the current office use of the property, the amendment development
would not have an undue impact on adjacent properties.

3. The amendment would allow for an appropriate transition between
existing medium density residential uses to the north and I-394 to the
south and commercial to the east.

4. The amendment would allow for development consistent with the I-394
Corridor Study approved by the City Council in 1987. This study is
referenced as a guide for development within the I-394 corridor.

3.02 The requested amendment would reflect the site’s mixed use designation in the
draft 2040 Comprehensive Guide Plan.

Section 4. City Council Action

4.01 The above described guide plan amendment is approved based on the findings
outlined in section 3 of this resolution. Approval is subject to, and only effective
upon, the review and approval of the Metropolitan Council as provided by state
statute.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 17, 2018.

Brad Wiersum, Mayor

Attest:
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 Dec. 17, 2018.

David E. Maeda, City Clerk
Exhibit A

11650 Wayzata Boulevard

Parcel 1: Lot 5, Block 1, Marsh Run 2nd Addition, Hennepin County, Minnesota.

Parcel 2: Lot 16, Block 2, Boulevard Gardens, Hennepin County, Minnesota, except that part thereof embraced within the plat of Marsh Run Two 2nd Addition.

(Torrens property/ Certificate No. 1127072)

11706 Wayzata Boulevard:

The real property located in Hennepin County, Minnesota, and legally described as follows:

Part 1: Lots 1 to 6 inclusive, Block 1, Marsh Run Two; and that part of U.S. Highway No. 12 dedicated by the plat of Marsh Run Two.

Part 2: Lots 1 to 4 inclusive, Block 1, Marsh Run Two 2nd Addition; and that part of U.S. Highway No. 12 by the plat of Marsh Run Two 2nd Addition.

(Torrens Property – PART OF Certificate of Title No. 781405)
Resolution No. 2018-

Resolution approving final site and building plans, with parking variance, for a multi-family residential building at 11650 and 11760 Wayzata Blvd

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

Section 1. Background.

1.01 Marsh Run, LLC is requesting approval of final site and building plans for construction of a 175-unit, multi-family residential building at 11650 and 11706 Wayzata Blvd.

1.02 The request also includes a variance request to reduce the amount of required parking stalls.

<table>
<thead>
<tr>
<th>Required by Ordinance</th>
<th>Proposed by applicant</th>
<th>Recommended by staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>350</td>
<td>243</td>
<td>245</td>
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1.03 The properties are located at 11650 and 11706 Wayzata Blvd. The properties are legally described on Exhibit A of this resolution.

1.04 On Dec. 6, 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.

Section 2. Standards.

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

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

2. Consistency with the ordinance;

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

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

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

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

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

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

Section 3. Findings.
3.01 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd. 5:

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

2. But for the requested parking variance, the proposal would be consistent with all ordinance standards and requirements.

3. Due to the age and vacancy of the buildings, any development of the site would result in varying degrees of site impact. The applicant has reduced tree impacts along the northern property line to provide for visual screening of the new building from the townhomes to the north.

4. The proposal creates a sensible relationship of the building and open spaces. By clustering the building in the southeast corner of the site, additional separation and a reduction in mass is achieved from the north and west property lines.

5. The proposal would create a functional and harmonious design, as:

   a) site plan generally provides for a functional layout. SRF Consulting Group identified improvements to further improve the site’s pedestrian and vehicular circulation. Many of these recommendations were incorporated already into the plan, the remaining items have been incorporated into this resolution as conditions of approval.

   b) the building would be of high-quality materials and would incorporate several materials from the surrounding townhomes.

6. As new construction, the building would be constructed to meet the current building and energy codes.

7. The proposal would visually and physically alter the site. However, the proposal reasonably balances site improvements and existing site features. In addition, the proposal would align with residential goals outlined in the comprehensive guide plans.

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 intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. The parking
ordinance does not differentiate between the various types of multi-family residential housing. To better understand the parking generation needs of apartment buildings, staff refers to Institute of Transportation Engineers (ITE) parking recommendations. By ITE standards, 1.4 parking stalls should be provided per unit. Using this ratio, 245 stalls should be provided. The proposal includes 243 stalls. Staff has included a condition of approval to incorporate two additional stalls to be consistent with ITE recommendations.

2. CONSISTENT WITH THE COMPREHENSIVE PLAN: One of the primary goals of the comprehensive plan is the construction of a variety of housing types that will appeal to a variety of residents at a variety of ages and income levels. The requested variance would be consistent with this goal. The variance would provide parking at a ratio similar to other apartments in the community.

3. PRACTICAL DIFFICULTIES: There are practical difficulties in complying with the ordinance:
   a) REASONABLENESS and UNIQUE CIRCUMSTANCE: It is reasonable to provide flexible parking requirements based on the actual characteristics of a proposal and its context. Additionally, public transportation opportunities are available within the surrounding area. Additionally if a parking situation arises in the future, there are shared parking opportunities in the surrounding area.
   c) CHARACTER OF THE LOCALITY: The proposed parking variance would not adversely affect the character of the locality. The site would meet anticipated parking demand based on parking studies of similarly sized buildings. This would prevent overflow parking on adjacent properties.


4.01 The city council approves the above-reference site and building plans and parking variance, 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 Nov. 16, 2018,
   • Grading, drainage and erosion control plan, dated Nov. 16, 2018,
   • Utility plan, dated Nov. 16, 2018,
   • Tree mitigation and preservation plan, dated Nov. 16, 2018,
   • Landscape plan, dated Nov. 16, 2018,
   • Floor plans, dated Nov. 15, 2018,
2. Prior to issuance of a building permit:
   a) Obsolete easements must be vacated.
   b) Items associated with site work:
      1) Submit the following:
         a. Final site, grading, stormwater management, utility, landscape, tree mitigation and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval:
            1. Final site plan. This plan must:
               • Include the location of the dog run.
               • Include two additional parking stalls for a total of 245 stalls.
               • Turning templates to ensure surface parking stalls can be access via the turnaround.
               • Illustrate the sidewalk along Fairfield Rd within the city’s right-of-way.
               • Provide signing and striping indicating the turnaround drop-off/temporary parking areas as a one-way operation.
               • Reduce curb cut size for access driveways on Fairfield Rd to only the driveway width.
               • Provide signage indicating which driveway for the garage and which is the unloading area.

      2. Final utility plans must:
         • Provide a looped water connection to the building.
• Provide a combined feed to building and split domestic and fire interior to the building.

• Connect to the 12-inch service on Wayzata Blvd instead of the 8-inch service on Fairfield Rd.

• Illustrate that sanitary sewer main located outside of public utility easements are designed in compliance with the Minnesota Plumbing Code.

Note: Separate sewer and water permits, tests, and inspections are required for on-site work located outside of public utility easements. Permits must be submitted by a licensed contractor.

• Remove the underground storage facility from public easements.

3. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. In addition, supplemental calculations, models, and documentation must be submitted detailing conformance with the city’s:

• Rate Control: maintain existing rates leaving the site for the 2-, 10-, and 100-year events.

• Volume: the storm chambers must capture 1” of the entire site’s impervious surface. Soil borings are required to verify infiltration rates.

• Water Quality: materials must be submitted (MIDS or p8 model) to demonstrate that 60% of the total phosphorus and 90% of the TSS are removed.
In addition:

- 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 facility must be inspected by a qualified third party during installation and that party must verify that the pressure requirements are adequately met.

4. Final landscaping and tree mitigation plans must meet minimum landscaping and mitigation requirements as outlined in the ordinance. However, at the sole discretion of natural resources staff, mitigation and landscaping may be decreased based on any of the following: the health of trees removed; the ability to appropriately install trees and other shrubbery given existing vegetation, topography, or site constraints. In addition to the final plans, submit final project cost. In addition, the plan must:

- Meet city code requirements as outlined in city code and city policy pertaining to landscaping within easements. Note, only small shrubs, perennials and grasses may be located in public easements.

- Include information pertaining to species, sizes, quantities, locations and landscape value.

- Illustrate that that deciduous trees are planted no closer than 10-feet from the public sidewalk and 15-feet from the public street. Evergreens must be located at least 15-feet from public trails and 20-feet from public streets.

- Include tree mitigation meeting city code requirements. Based on
submitted grading plans: seven, 6-foot evergreens and one, 2-inch deciduous tree.

5. Final illumination plan. This plan must comply with the city’s exterior lighting requirements.

6. A utility exhibit. The exhibit must show only property lines, buildings, sewer, water, storm sewer and underground stormwater facilities. The exhibit must clearly note which lines are private and which are public.

7. A truck-turning exhibit. The exhibit must use templates for the city’s largest fire truck and illustrate that the truck can maneuver the turnaround area on the west side of the building.

8. A construction plans. The plan(s) must:
   - Confirm building construction plan for lower structure floors being within groundwater.
   - Illustrate construction phasing, parking and staging areas.
   - Include construction methods for the installation of the stormwater chamber.
   - Additional information as required by staff.

9. Coordinate with Metro Transit to ensure that the bus stop location is in the most effective location.

b. Prior to issuance of a permit:

1. All resolutions and ordinance must be recorded at Hennepin County.

2. Final plat must be released for recording.
3. Obsolete public easements must be vacated.

4. Obsolete private easements must be released.

5. Pay park dedication fee in the amount of $875,000.

6. Submit the following:
   a. A stormwater easement and maintenance agreement in a city approved format for review and approval of city staff.
   b. A private hydrant maintenance agreement in a city approved format for review and approval of the city staff, if applicable.
   c. Private easement agreement for private stormwater over public mains.
   d. Preliminary approval from Nine Mile Creek Watershed District staff.
   e. A MPCA Sanitary Sewer Extension permit or documentation that a permit is not required.
   f. A MDH permit for the proposed water main construction or documentation that a permit is not required.
   g. 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. Financial guarantees in the amount of 125% of a bid cost or 150% of an estimated cost to comply with grading permit and landscaping requirements and to restore the site.
Staff is authorized to negotiate the manner in which site work and landscaping guarantees will be provided. The city will not fully release the guarantee until: (1) as-built drawings and tie-cards have been submitted; (2) a letter certifying that the underground facility has been completed according to the plans approved by the city; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

i. 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.

j. 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.

a. A copy of the approved MPCA NPDES permit.

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

l. Proof of subdivision registration and transfer of the NPDES permit.

7. 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 through the course of construction.

8. Chain link fencing must be installed on the east property line prior to site work to protect offsite trees.

9. Coordinate with city staff to ensure northern trees are adequately protected. Additional tree protection fencing may be required.

10. Coordinate with city staff to provide adequate bike amenities/facilities.

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

c) Items associated with building work:

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

2) Submit all required hook-up fees.

3) 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.

4) 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 applicant may choose to submit a separate grading permit application to facilitate site work prior to the issuance of a building permit. In such a case, prior to issuance of a grading permit, all the items outlined in preceding condition 2(b)(1) – Items associated with site work – must be submitted or accomplished.

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

5. Permits may be required from other outside agencies including, Hennepin County, BCWMC, Minnesota Department of Health, and the MPCA. It is the applicant’s and property owner’s responsibility to obtain any necessary permits.

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

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

8. Construction must begin by Dec. 31, 2019, unless the city council grants a time extension.
Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 17, 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:                                       

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 Dec. 17, 2018.

__________________________________
David E. Maeda, City Clerk
Exhibit A

11650 Wayzata Boulevard

Parcel 1: Lot 5, Block 1, Marsh Run 2\textsuperscript{nd} Addition, Hennepin County, Minnesota.

Parcel 2: Lot 16, Block 2, Boulevard Gardens, Hennepin County, Minnesota, except that part thereof embraced within the plat of Marsh Run Two 2\textsuperscript{nd} Addition.

(Torrens property/ Certificate No. 1127072)

11706 Wayzata Boulevard:

The real property located in Hennepin County, Minnesota, and legally described as follows:

Part 1: Lots 1 to 6 inclusive, Block 1, Marsh Run Two; and that part of U.S. Highway No. 12 dedicated by the plat of Marsh Run Two.

Part 2: Lots 1 to 4 inclusive, Block 1, Marsh Run Two 2\textsuperscript{nd} Addition; and that part of U.S. Highway No. 12 by the plat of Marsh Run Two 2\textsuperscript{nd} Addition.

(Torrens Property – PART OF Certificate of Title No. 781405)
Resolution No. 2018 -

Resolution approving the preliminary and final plats of MARSH RUN at 16500 and 11706 Jordan Avenue

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

Section 1.  Background.

1.01 Marsh Run, LLC is requesting preliminary and final plat approval for MARSH RUN. (Project 18029.18b)

1.02 The properties involved in the plats are located 11650 and 11760 Wayzata Blvd. The properties are legally described on Exhibit A.

1.03 On Dec. 6, 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.

Section 2.  General Standards.

2.01 City Code §400.030 outlines general plat design requirements. These standards are incorporated by reference into this resolution.

Section 3.  Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.

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

1. Prior to release of the final plat for recording purposes:
   a) Submit a revised final plat drawing, that:
      1. drawing that accurately depicts property ownership;
      2. includes a minimum 10-foot wide drainage and utility easements adjacent to the public rights-of-way and minimum 7-foot wide drainage and utility easements along all other lot lines.
   b) Provide the following documents for city attorney 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.
   c) 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 $875,000.

2. This approval will be void on Dec. 17, 2019 if: (1) the final plat has not been recorded with the county within one calendar year of preliminary plat approval; and (2) the city has not received and approved a written application for a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Dec. 17, 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: Wagner, Schneider
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 Dec. 17, 2018.

__________________________________________
David E. Maeda, City Clerk
Exhibit A

11650 Wayzata Boulevard

Parcel 1: Lot 5, Block 1, Marsh Run 2\textsuperscript{nd} Addition, Hennepin County, Minnesota.

Parcel 2: Lot 16, Block 2, Boulevard Gardens, Hennepin County, Minnesota, except that part thereof embraced within the plat of Marsh Run Two 2\textsuperscript{nd} Addition.

(Torrens property/ Certificate No. 1127072)

11706 Wayzata Boulevard:

The real property located in Hennepin County, Minnesota, and legally described as follows:

Part 1: Lots 1 to 6 inclusive, Block 1, Marsh Run Two; and that part of U.S. Highway No. 12 dedicated by the plat of Marsh Run Two.

Part 2: Lots 1 to 4 inclusive, Block 1, Marsh Run Two 2\textsuperscript{nd} Addition; and that part of U.S. Highway No. 12 by the plat of Marsh Run Two 2\textsuperscript{nd} Addition.

(Torrens Property – PART OF Certificate of Title No. 781405)