Planning Commission Agenda

May 24, 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: May 10, 2018

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

A. Minor Amendment to the existing Minnetonka Hills master development plan and final site and building plans.

   Recommendation: Adopt the resolution approving the amendment (4 votes)
   
   • Final Decision Subject to Appeal
   • Project Planner: Susan Thomas

B. Expansion permit to construct a porch addition at 16485 Creekside Circle

   Recommendation: Adopt the resolution approving the expansion permit (5 votes)
   
   • Final Decision Subject to Appeal
   • Project Planner: Drew Ingvalson

C. Expansion permit to construct an addition at 10107 Lakeview Drive West

   Recommendation: Adopt the resolution approving the expansion permit (5 votes)
   
   • Final Decision Subject to Appeal
   • Project Planner: Mac Leydon
D. Conditional use permit for an accessory structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101.

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

- Recommendation to City Council (Tentative Date: June 4, 2018)
- Project Planner: Susan Thomas

E. Conditional use permit for an accessory apartment at 2920 Ellsworth Lane.

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

- Recommendation to City Council (Tentative Date: June 4, 2018)
- Project Planner: Susan Thomas

8. Public Hearings: Non-Consent Agenda Items

A. Expansion permits and a variance to allow construction of three home additions at 16912 Grays Bay Blvd.

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

- Final Decision Subject to Appeal
- Project Planner: Drew Ingvalson

B. Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive.

Recommendation: Recommend the city council deny the request (4 votes)

- Recommendation to City Council (Tentative Date: June 4, 2018)
- Project Planner: Loren Gordon

C. Items concerning Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East.

Recommendation: Adopt a resolution declaring that proposal is consistent with the comprehensive plan; and recommend the city council approve the proposal. (4 votes)

- Recommendation to City Council (Tentative Date: June 18, 2018)
- Project Planner: Susan Thomas

9. Adjournment
Notices

1. Please call the planning division at (952) 939-8274 to confirm meeting dates as they are tentative and subject to change.

2. Applications and items scheduled for the June 14, 2018 planning commission meeting:

   Project Description: The property owners are proposing to construct a six-foot addition to the south side of the existing garage at 12604 James Road. The addition would allow for interior accessibility improvements.
   Project No.: 18012.18a               Staff: Susan Thomas
   Ward/Council Member: 1—Ellingson     Section: 23

   Project Description: The applicant is proposing to redevelop the existing properties a 5517 and 5525 Eden Prairie Road. Existing structures would be removed and five new villa-style homes would be constructed. The proposal requires approval of: (1) rezoning; (2) site and building plans; and (3) preliminary and final plats.
   Project No.: 17027.17a               Staff: Susan Thomas
   Ward/Council Member: 1—Ellingson     Section: 33

   Project Description: Reaffirmation of expansion permit and variance approvals to construct a new single-family home at 5718 Eden Prairie Road.
   Project No.: 16018.16b               Staff: Drew Ingvalson
   Ward/Council Member: 4—Bergstedt     Section: 33

   Project Description: Concept plans for a 68,500 square foot Hennepin County Medical Examiner's Office located on the Hennepin County Home School site, 14300 County Road 62.
   Project No.: TBD                      Staff: Loren Gordon
   Ward/Council Member: 1—Ellingson     Section: 34
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

3. The commission will then ask city staff questions about the proposal.

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

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

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

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

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

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

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

11. Final decisions by the planning commission may be appealed to the city council. Appeals must be written and filed with the planning department within 10 days of the planning commission meeting.

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

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

2. **Roll Call**

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

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

3. **Approval of Agenda:** The agenda was approved as submitted.

4. **Approval of Minutes:** April 26, 2018

   Sewall moved, second by Powers, to approve the April 26, 2018 meeting minutes as submitted.

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

5. **Report from Staff**

Gordon briefed the commission on land use applications considered by the city council at its April 30, 2018 and May 24, 2018 meetings:

   - Adopted a resolution approving a time extension for the comprehensive guide plan.
   - Adopted a resolution approving a 12-month extension for the site and building plan and subdivision approvals for Shady Oak Crossings.
   - Adopted a resolution approving the final plat for Legacy Oaks.
   - Adopted a resolution approving items for a daycare on Brunsvold Road.
   - Introduced an ordinance for Ridgedale Executive Apartments located on Ridgedale Drive.
   - Introduced an ordinance for Dominium apartments on Bren Road.

The annual boards and commissions dinner will be held at the community center May 16, 2018.

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

7. **Public Hearings: Consent Agenda**
No item was removed from the consent agenda for discussion or separate action.

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

**A. Interim use permit for temporary sale of fireworks at Westwind Plaza.**

Recommend that the city council adopt the resolution approving an interim use permit for temporary fireworks sales by TNT Fireworks at 4795 County Road 101.

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

This item is scheduled to be reviewed by the city council at its meeting on June 4, 2018.

**8. Public Hearings**

**A. Variances to allow construction of a porch and attached garage at 5053 Woodland Road.**

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

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

Chair Kirk confirmed with Ingvalson that if the street was straight rather than curved, then the proposal would be setback farther than 40 feet.

Knight stated that the garage would look big compared to the house. He asked if there is a maximum ratio allowed for the size of the garage in relation to the size of the house. Ingvalson answered in the negative. There is no maximum size restriction for an attached garage that meets setback requirements.

Steve Hanson, builder representing the homeowners, thanked planners for capturing the essence of the proposal. He was available for questions. Closing the curb cut and raising the grade would prevent water pooling and direct water into a collection basin. Ingvalson confirmed that a driveway permit would be needed to move the driveway.

Chair Kirk suggested saving one tree by realigning the driveway. Mr. Hanson estimated that that tree may not survive either way. A larger tree would be saved by the proposed layout.

Knight noted that realigning the driveway would cause the removal of something else.
The public hearing was opened. No testimony was submitted and the hearing was closed.

**Powers moved, second by Knight, to adopt the attached resolution approving a front yard setback variance for a porch and attached garage at 5053 Woodland Road.**

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

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

**B. Items concerning Legacy Oaks.**

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.

Tim Whitten, of Whitten and Associates, representing the applicant, stated that density is not a concern. Small units are in demand. The new proposal would have eight percent more green space, with five percent less building and three percent less impervious surface. The courtyard drive would provide better circulation and green space would be visible from Parker’s Lake Road. He was available for questions.

Chair Kirk asked if visitors would park parallel on the loop. Mr. Whitten answered affirmatively. The drive would be large enough for parking on both sides.

In response to Powers’ question, Mr. Whitten explained the benefits of the current plan rather than one, large building. The applicant is confident in the market and knows exactly what will sell.

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

Powers liked the additional green space. He supports staff’s recommendation.

Sewall liked the changes. The circular drive would look and function better.

Chair Kirk said that turning the building so a narrower side would face the road makes the building appear smaller.

Knight liked how the site would appear less institutional. The new plan would be a big improvement.
Hanson agreed. The changes create some texture in the design. He was happy to hear about the developer’s ability to adapt to market changes. He supports staff’s recommendation.

*Hanson moved, second by Powers, to adopt the resolution approving final site and building plans for a condominium building within Legacy Oaks.*

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

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

C. A conditional use permit with a parking variance for Wellhaven Pet Health at 1700 Plymouth Road.

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

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

Sewall noted that there would be ample parking.

Jacob Steen, attorney with Larkin Hoffman, representing the applicant, stated that staff did a great job summarizing the issues. Mr. Steen stated that he is confident that the proposal would be a great addition to the community and have a symbiotic relationship with the residential uses. The space is empty right now. There would be no animals outside or held overnight. The area outside of the facility would be monitored. The goal is to make it so neighbors do not notice the use. He worked with staff to understand the comprehensive parking situation on the site. A parking study determined that there would be ample parking on site. The parking management plan would address any issues. He was happy to answer questions.

In response to Powers’ question, Mr. Steen stated that the facility would have dog bathrooms with facilities that would flush. Several times a day, the exterior would be inspected. The business model is a premiere dog and cat health experience. The walls would be sound proof.

Chair Kirk noted that the lobby is not very large. Mr. Steen explained that there would be two veterinarians and seven staff. There would be holding rooms and exam rooms. There is a focus on efficiency. On average, other Wellhaven Pet Health facilities have found the parking need to equal one and a half parking spaces per exam room and an additional space for each staff person present. The anticipated demand is 15 spaces. The site would not perform operations that require an overnight stay.
The public hearing was opened. No testimony was submitted and the hearing was closed.

Sewall recommended a dispenser of baggies be located outside of the door. The use would be a good addition to the building.

Hanson stated that the use would be a nice addition. He was concerned that the parking study did not observe the area longer than five or six days and that only two or three parking stalls were shown to be empty.

Knight did not have an issue. He found that a dog typically takes care of business immediately after being let outside and should be fine during a trip to the vet.

Howard Pastor, owner of the property, stated that he would have to check with the property manager to find out if the apartment tenants received notice of the public hearing. Many of the tenants do have pets and there are already designated areas for walking pets. There are security measures in place to hold owners accountable for their pets' activities. He would not support a tenant that would create issues for the apartment residents. Wellhaven Pet Health would install sound-proof walls and would not be open at night. Residents are currently accustomed to hearing occasional barking.

Mr. Pastor stated that the parking plan is evolving as information is gathered. Every resident is required to have a sticker on his or her vehicle and is required to park in the underground parking garage. All employees must provide vehicle information, have a sticker, and are required to park in designated areas. Parking is always a concern. Communicating with tenants, having someone on site paying attention, and balancing the uses so they are not in conflict with each other is part of the nature of a mixed-use property. The approval would set a limit on the number of restaurants that would be allowed at the site because restaurants use a lot of parking.

Powers was not concerned with parking. He was concerned with the public health aspect.

Chair Kirk noted that a vet clinic in a dense area is not common in Minnetonka.

Sewall moved, second by Knight, to recommend that the city council adopt the resolution approving a conditional use permit with a parking variance for Wellhaven Pet Health at 1700 Plymouth Road.

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

The city council is scheduled to review this item at its meeting on June 4, 2018.

9. Adjournment
Powers moved, second by Knight, to adjourn the meeting at 7:42 p.m. Motion carried unanimously.

By: ____________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
May 24, 2018
Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION
May 24, 2018

Brief Description
Minor Amendment to the existing Minnetonka Hills master development plan and final site and building plans.

Recommendation
Adopt the resolution approving the amendment

Background
In August 2017, the city approved a proposal for a fourth building at the Minnetonka Hills Apartment complex. As approved, an existing single-family residential home would be removed and a new, five-story apartment building would be constructed. The building would be served by surface and underground parking. The 78 apartments within the building would range in size from 620 square feet for an alcove – or studio – apartment and 1,200 square feet for a two-bedroom unit. The approval referenced specific building elevations.

Proposal
Since the 2017 approval, the property owner has revised the façade plans for the building. The proposed materials and color palatte have changed as the owner decided the building needed a different look. The owner is requesting that the master development plan and the final site and building plan approval be amended to reflect the new façade plans.
The materials identified in the revised plans are essentially the same as the approved plans with brick, cementitious and metal panels. The arrangement of the materials on the building façade and colors represent the majority of the revisions. Minor changes to window, balconies and parapet treatment were also incorporated.

**Staff Analysis**

Staff supports the request, as:

- The request does not include any change to the building footprint or size.
- The proposed materials and color palate are attractive.

**Appeals**

Any person aggrieved by the planning commission’s decision about the requested permit 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.

**Staff Recommendation**

Adopt the resolution approving an amendment to the Minnetonka Hills master development plan and final site and building plans.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Location Map

Project: Minnetonka Hills Apartment 2nd Addn
Applicant: Alliant Engineering
Address: 2800/2828 Jordan Ave
Project No. 86157.17a

This map is for illustrative purposes only.
Planning Commission Resolution No. 2018-

Resolution amending the master development plan and final site and building plans for a multi-family residential building at 2800 and 2828 Jordan Avenue

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

Section 1. Background.

1.01 On August 28, 2017, the city council adopted Ordinance No. 2017-11 and Resolution No. 2017-093, approving construction of a 78-unit apartment building within the existing Minnetonka Hills apartment complex.

1.02 The properties included in the complex are located at 2800 and 2828 Jordan Avenue and are legally described on Exhibit A of this resolution.

1.03 CSM Corporation is requesting an amendment to these previous approvals. The amendment is specifically to allow a different building façade treatment. No other changes are proposed.

Section 2. Findings.

2.01 The proposed amendment is generally consistent with the approved master development plan and site and building plans.

2.02 The proposed amendment would result in attractive façade treatment.

Section 3. Planning Commission Action

3.01 The planning commission approves the amendment request based on the findings outlined in section 2 of this resolution. Approval is subject to the following condition:

1. Subject to staff approval, the façade treatment must be in substantial conformance with building elevations dated April, 23, 2018.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 24, 2018.
Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 24, 2018.

Kathy Leervig, Deputy City Clerk
Exhibit A

Lot 1, Block 2, Minnetonka Hills Apartments, Hennepin County, Minnesota, EXCEPT that part of Lot 1, Block 2, Minnetonka Hills Apartments, lying North of the North line of Outlot C, said Addition and its Westerly extension.
(Abstract property)

And,

That part of Lot 1, Block 2, Minnetonka Hills Apartments, lying North of the North line of Outlot C, said Addition and its Westerly extension, Hennepin County, Minnesota.
(Torrens property: Certificate of Title No. 1075439)

And,

Outlot C, Minnetonka Hills Apartments, Hennepin County, Minnesota.
(Abstract property)

And,

The south 170 feet of the North 450 feet of the East 265 feet of the Southeast Quarter of the Southeast Quarter (SE ¼ of Se ¼) of Section 12, Township 117, Range 22, in Hennepin County, Minnesota,
EXCEPT that part lying Easterly of a line parallel with and distant 25 feet Westerly of the following described line: Commencing at the Southeast corner of Section 12, Township 117, Range 22; thence North along the East line thereof 784.96; thence deflect to the left at an angle of 90 degrees, a distance of 60 feet to the actual point of beginning of the line to be described; thence deflect to the right at an angle of 90 degrees, a distance of 136.28 feet; thence deflect to the left along a 26 degree 16 minutes 46 second curve (delta angle 49 degrees 16 minutes 15 seconds, tangent distance of 99.98 feet), a distance of 150 feet and there terminating.
(Abstract property)
Brief Description
Expansion permit to construct a porch addition at 16485 Creekside Circle

Recommendation
Adopt the resolution approving the expansion permit

Proposal
The applicant, Cynthia Irgang, is proposing to build a porch addition on the existing home at 16485 Creekside Circle. The porch would be 22 feet by 14 feet, with a 5-foot by 6-foot landing and stairs. The existing home was constructed prior to the adoption of city ordinance and has a legal non-conforming front yard setback (from County Road 62). If approved, the proposed porch would not meet the 50-foot front yard setback requirement, but would be set back slightly further than the existing structure.

This proposal requires:

- **Expansion Permit**: Principal structure would encroach into the required front yard setback, but would not encroach closer than the existing structure.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td>50 ft.</td>
<td>35 ft.</td>
<td>37 ft.*</td>
</tr>
<tr>
<td>* requires expansion permit</td>
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</tr>
</tbody>
</table>

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

1. **Reasonableness**:
   a) The proposed construction of a porch addition is reasonable.
   b) The proposed addition would enhance the existing property.
   c) The proposed porch addition would be set back further from the front property line than the existing home.

2. **Circumstance Unique to the Property**:
   a) The existing structure has a legal non-conforming front yard setback.
      - The existing house was built in 1945, prior to adoption of the current front yard setback requirement.
• The existing home has a 35-foot front yard setback, encroaching 25 feet into the required 50-foot setback.

• The proposed addition would be set back 37 feet from the front property line, 2 feet beyond the existing home setback.

b) The front property line is setback particularly far from the paved surface of County Road 62.

• There is approximately 80 feet between the County Road 62 curb and the front property line. This is a particularly large setback between the road and property line.

• If approved, the subject porch addition would be set back over 120 feet from County Road 62.

3. Neighborhood Character:

a) If approved, the proposed project would not alter the essential character of the neighborhood.

• The subject home is currently encroaching into the front yard setback and the proposed porch addition would be set back further from the front property line than the existing home.

• Based on aerial images, the homes to the east and west both encroach into the 50-foot front yard setback off County Road 62.

Staff Recommendation

Adopt the attached resolution approving an expansion permit to construct a porch addition to the single-family home at 16485 Creekside Circle.

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

<table>
<thead>
<tr>
<th>Table No.</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Project No.</strong></td>
<td>18011.18a</td>
</tr>
<tr>
<td><strong>Property</strong></td>
<td>16485 Creekside Circle</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Cynthia Irrgang</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td>All of the properties to the north, east, and west are zoned R-1, single family residential, and guided for low density residential. To the south is County Road 62 and beyond this road are a single-family home and townhomes within the City of Eden Prairie.</td>
</tr>
<tr>
<td><strong>Planning</strong></td>
<td>Guide Plan designation: Low Density Residential Zoning: R-1 Single Family Residential</td>
</tr>
<tr>
<td><strong>Property</strong></td>
<td>The Boulder Creek Addition was platted in 1964. The subject property includes Lots 14 and 27 and the property owner owns a third separate lot (Lot 26). The elevation on the lot is highest near the Creekside Circle Entrance and generally slopes downward as you travel east and south on the property.</td>
</tr>
<tr>
<td><strong>Previous Addition</strong></td>
<td>The property owner previously had a porch in the same location as proposed (see attached). However, this addition was demolished sometime during the mid-2000s per aerial photographs. An expansion permit is required for the proposed addition because the previous addition was removed over 12 months ago.</td>
</tr>
<tr>
<td><strong>Existing Homes</strong></td>
<td>There are two principle homes on the subject property. It is unknown the exact date of the construction of the second home, but aerial images show that second home was present in 1960, predating ordinance. (See attached.) The subject home was constructed in 1945. It is a 1,500 square foot, two-story home. There is also a two car, detached garage near the subject home. The second principle structure is a two-story home with a tuck under garage.</td>
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<tr>
<td><strong>Expansion Permit v. Variance</strong></td>
<td>An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure. By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was...</td>
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legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.

The existing home is considered non-conforming as the structure was built prior to the adoption of the city ordinance.

**Expansion Permit**

By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

1. The proposed expansion is reasonable use of the property, considering such things as:
   - Functional and aesthetic justifications for the expansions;
   - Adequacy of off-street parking for the expansion;
   - Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
   - 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 landowner’s 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.

**Neighborhood Comments**

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

**Pyramid of Discretion**

The current proposal.
Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the expansion permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the 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.

Appeals

Any person aggrieved by the planning commission’s decision about the requested expansion permit 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.

Voting Requirement

The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

Deadline for Decision

July 23, 2018
Location Map

Project: Irrgang Residence
Address: 16485 Creekside Cir
Principle Structures

Proposed Porch Addition

Denotes a 1/2 inch x 14 inch Iron Pipe set with a Plastic Cap Stamped 13001.

Denotes R.H. Nail Set on line.

Denotes a 1/2" Iron Monument Found.

Denotes Existing Power Pole

Denotes Existing Guy Wire

Denotes Existing Fence

Oliver Surveying & Engineering, Inc.

Land Surveying - Civil Engineering - Land Planning

580 Dodge Ave. Elk River, Minnesota 55330

(763) 441-2072 - fax: (763) 441-5665

www.oliver-se.com

Lots 14, 26 & 27, Block 3

BOULDER CREEK ADDITION

HENNEPIN COUNTY, MN

PREPARED FOR:

Cynthia Irgang

500 North 1st St.

Minneapolis, Minnesota 55401

1-866-566-2688
Welcome

$102,900.

16300 Townline Road
Minnetonka

New 1698 S Creakside Circle.

 Ideally located on
nic woodland.

Features
- cabinetry, tile, and
- kitchen.

- Attractive with plush
- grooved wood walls,

- Den, library, or master bedroom - first floor addition
is presently being used as a den, but would make a
perfect master bedroom. Nicely decorated - has 1/2
bath with vanity.
Welcome

$102,900

16300 Townline Road
Minnetonka

Now 16485 Creekside Circle.

Real located on
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Features
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Kitchen:

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✓ Den, library, or master bedroom - first floor addition
  is presently being used as a den, but would make a
  perfect master bedroom. Nicely decorated - has 1/2
  bath with vanity.
Porch Addition
Roof:
2x8 rafters into ledger
1/2" OSB sheathing
Galvanized dormer flashing
Ice and water barrier
35 yr Black Shadow shingle
Metal soffit and fascia

Wall:
2x4 16" o.c.
(2) 2x10 LVL header
1/2" OSB sheathing
Housewrap
8" Smartside
(13) 2640 white vinyl DH windows
6068 steel fullview door

Floor:
Treated 2x12 joists and ledger
(2) 2x12 rim joist
3/4 T&G OSB

Posts:
(6) Treated 6x6 posts
bolted to metal connector on
12"x48" concrete belled footing

Cindy Irgang
16485 Creekside Circle
Minnetonka MN 55345
612-910-8377
Planning Commission Resolution No. 2018-
Resolution approving an expansion permit for construction of a porch addition at 16485 Creekside Circle.

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

Section 1. Background

1.01 The applicant, Cynthia Irrgang, is proposing to build a porch addition on to the existing home at 16485 Creekside Circle.

1.02 The existing home was constructed prior to the adoption of the city ordinance and has a legal non-conforming 35-foot front yard setback (from County Road 62).

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<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side Yard Setback</td>
<td>50 ft.</td>
<td>35 ft.</td>
<td>37 ft.*</td>
</tr>
</tbody>
</table>

* requires expansion permit

1.03 The property is located at 16485 Creekside Cir. It is legally described as:
Lots 14 and 27, Block 3, Boulder Creek Addition, Hennepin County, Minnesota.

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 city to grant expansion permits.

1.07 On May 24, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.
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 landowner's 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 proposal would meet the expansion permit standards as outlined in City Code §300.29 Subd.7(c):

1. REASONABLE EXPANSION:
   a) The proposed construction of a porch addition is reasonable.
   b) The proposed addition would enhance the existing property.
   c) The proposed porch addition would be set back further from the front property line than the existing home.

2. CIRCUMSTANCES UNIQUE TO THE PROPERTY:
   a) The existing structure has a legal non-conforming front yard setback.
      • The existing house was built in 1945, prior to adoption of the current front yard setback requirement.
      • The existing home has a 35-foot front yard setback, encroaching 25 feet into the required 50-foot setback.
      • The proposed addition would be set back 37 feet from the front property line, 2 feet beyond the existing home setback.
b) The front property line is set back particularly far from the paved surface of County Road 62.
   • There is approximately 80 feet between the County Road 62 curb and the front property line. This is a particularly large setback between the road and property line.
   • If approved, the subject porch addition would be set back over 120 feet from County Road 62.

3. NEIGHBORHOOD CHARACTER:
   a) If approved, the proposed project would not alter the essential character of the neighborhood.
   • The subject home is currently encroaching into the front yard setback and the proposed porch addition would be set back further from the front property line than the existing home.
   • Based on aerial images, the homes to the east and west both encroach into the 50-foot front yard setback off County Road 62.

Section 4. Planning Commission Action

4.01 The above-described expansion permit is hereby approved. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   • Survey date stamped April 6, 2018
   • Building elevations date stamped April 6, 2018
   • Floor plans date stamped April 6, 2018

2. This resolution must be recorded with the county prior to issuance of a building permit.

3. A building permit must be issued prior to any work being completed on the property.

4. The submitted survey must be revised to include a private gas easement (Doc. No. 1252452) on the property.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 24, 2018.

______________________________
Brian Kirk, Chairperson

Attest:

______________________________
Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 24, 2018.

______________________________
Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
May 24, 2018

**Brief Description**
Expansion permit to construct an addition at 10107 Lakeview Drive West

**Recommendation**
Adopt the resolution approving the expansion permit

**Proposal**
The applicant, Roelof’s Remodeling & Renovation Inc., is proposing to build an addition to the existing home at 10107 Lakeview Drive West. The existing home was constructed prior to the adoption of the city ordinance and in 1975 received a variance for side yard setbacks. If approved, the addition would meet front and rear yard setback requirements, but would not meet the aggregate side yard setback.

This proposal requires:

- Expansion Permit: Principal structure would encroach into the required aggregate side yard setback, but would not encroach closer than the existing structure.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Side Yard Setback</td>
<td>30 ft.</td>
<td>16.9 ft.</td>
<td>17.1 ft.*</td>
</tr>
</tbody>
</table>

* requires expansion permit

**Staff Analysis**
Staff finds that the applicant’s proposal is reasonable:

1. **Reasonableness:**
   a) The proposed construction of the addition is reasonable.
   b) The proposed addition would enhance the existing property.
   c) The proposed addition would maintain the home’s existing aggregate side yard setback.

2. **Circumstance Unique to the Property:**
   a) The existing structure has a legal, non-conforming aggregate side yard setback.
      - The existing house was built in 1947, prior to adoption of the current aggregate side yard setback requirement.
      - In 1975 the property owner received a variance to change the side yard setback from 15 feet to 4 feet.
• The proposed structure would maintain the current measurements of the aggregate side yard setback.

b) The home currently maintains all other setback requirements.

• The current home has a front yard setback of 47.4 feet and a rear setback of approximately 147 feet, both well within the current limits of front and rear yard setbacks.

• If approved, the addition would not change the front yard setback and would move the rear setback 9 feet closer, still well within rear yard setback requirements.

c) The subject lot is narrower than what is required by city code.

• City ordinance required a minimum lot width of 110 feet at setback.

• The lot width at setback for the subject property is only 93 feet and the lot is only 80 feet wide at the proposed addition.

3. Neighborhood Character:

a) If approved, the proposed project would not alter the essential character of the neighborhood.

b) The subject home currently has non-conforming side yard and aggregate side yard setbacks. The addition would maintain the same measurements for these setbacks.

c) There are five homes within 400 feet of the subject home on Lakeview Drive West that either have one side yard setback less than 10 feet or have an aggregate side yard setback of less than 30 feet.

Staff Recommendation

Adopt the attached resolution approving expansion permit to construct an addition to the single-family home at 10107 Lakeview Drive West.

Originator: Mac Leydon, Administrative Services Intern
Through: Loren Gordon, AICP, City Planner
# Supporting Information

<table>
<thead>
<tr>
<th>Project No.</th>
<th>18015.18a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>10107 Lakeview Drive West</td>
</tr>
<tr>
<td>Applicant</td>
<td>Roellofs Remodeling &amp; Renovation Inc.</td>
</tr>
<tr>
<td>Surrounding Land Uses</td>
<td>All of the surrounding properties are zoned R-1, single family residential and guided for low density residential.</td>
</tr>
</tbody>
</table>
| Planning             | Guide Plan designation: Low Density Residential  
Zoning:  
R-1 Single Family Residential |
| Property             | The Windsor Hills subdivision was platted in 1946, prior to the adoption of city ordinance. The subject property is narrow compared to required lot widths (93 feet at setback vs. the required 110 feet at setback). |
| Existing Home        | The subject home was constructed in 1956. It is single level rambler with a front loading garage. The home has 1,800 square feet of gross building area. |
| Expansion Permit v. Variance | An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure. 

By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale. 

The existing home is considered non-conforming as the structure was built prior to the adoption of the city ordinance. |
| Expansion Permit     | By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that: 

1. The proposed expansion is reasonable use of the property, considering such things as: 
   - Functional and aesthetic justifications for the expansions; 
   - Adequacy of off-street parking for the expansion; |
• Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
• 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 landowner’s 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.

Neighborhood Comments
The city sent notices to 45 area property owners and received zero comments.

Motion Options
The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to adopt the resolution approving the expansion permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the 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.

Appeals
Any person aggrieved by the planning commission’s decision about the requested expansion permit 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.

**Voting Requirement**
The planning commission action on the applicant's request is final subject to appeal. Approval requires the affirmative vote of five commissioners.

**Deadline for Decision**
August 6, 2018
Location Map

Project: Stabinger Residence
Address: 10107 Lakeview Dr W
LEGAL DESCRIPTION OF PREMISES:

Lot 6, Block 2, WINDSOR HILLS

- denotes iron marker found

Bearings shown are based upon an assumed datum.

This survey intends to show the boundaries of the above described property, the location of an existing house, and the proposed location of a proposed addition thereon. It does not purport to show any other improvements or encroachments.

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Mark S. Gronberg
Minnesota License Number 12755

Gronberg and Associates, Inc.
Consulting Engineers, Land Surveyors, & Site Planners
445 North Willow Drive Long Lake, MN 55356
952-473-4141
EXISTING FOUNDATION PLAN
Scale: 3/16" = 1'-0"
FOUNDATION PLAN

Scale: 1/4" = 1'-0"

Proposed Addition

Remove existing wdw - enlarge for access to crawl space
PRACTICAL DIFFICULTIES

Describe why the proposed use is reasonable:

The proposed addition adds much needed space to a small house for a growing family. The Owners' Suite provides space for a king-sized bed and furniture. The Master Bath is modest with double vanity for two working parents and a stool and shower. The Walk-in Closet is small but effective. The connection between the addition and the existing house sacrifices a small bedroom but provides a more open space at the top of the stairs, the primary point of arrival for the family from the tuck-under garage, some additional storage for the small Kitchen and a more serviceable entry to the existing rear yard deck.

Describe:
- Circumstances unique to the property
- Need for variance is not caused by Owner
- Need is not solely based on economic considerations

The existing house, built in the early 1950's is located on a pie-shaped lot that is quite deep (averaging 260 feet) but at its widest is 100 feet on the street. At the front building line the width of the lot is approximately 85 feet and at its narrowest is approximately 35 feet measured perpendicular to the East property line. The existing rear corner of the house (SW corner) is currently 11.8 feet from the property line measured perpendicularly from the West property line. The proposed plan moves away from the property line in two steps so that it is never closer than the existing 11.8 feet.

The current owners purchased the house in 2014 and did cosmetic work to improve the function and layout of the Kitchen and renovate the existing main floor Bathroom and Family Room located above the Garage. No revision of the building size or footprint was done at that time.

The current plan keeps the bedrooms and baths in the same area of the house for parenting small children and provides only minimal disruption to the flow of the existing living space. However the placement of the addition requires abandoning existing fuel oil storage tank and very serviceable fuel oil furnace to accomplish the plan as well as relocating the AC condenser and irrigation system controls and valves. The storage tank will be excavated and disposed of per requirements. It also sacrifices a large portion of the deck used for entertaining and family outdoor living.

Describe:
- Variance will not alter the essential character of the neighborhood

The current neighborhood will not have its character impacted by the proposed plan. The addition will be virtually hidden from the street view, not extending past the edge of the existing house or above the existing roof. The neighborhood is already under going marked changes in major remodeling projects, second story additions and tear-downs. The proposed plan is an investment the young owners are willing to make to stay in their home and raise their family. We hope after your thoughtful consideration that you agree!
Planning Commission Resolution No. 2018-
Resolution approving an expansion permit for construction
of an addition at 10107 Lakeview Drive West

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

Section 1. Background

1.01 The applicant, Roelfs Remodeling and Renovation Inc., is proposing an expansion to the home at 10107 Lakeview Drive West.

1.02 The original home predates zoning regulations and in 1975 received a side yard setback variance. The applicant is proposing to maintain their same aggregate side yard setback, requiring an expansion permit.

<table>
<thead>
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<td>Aggregate Side Yard Setback</td>
<td>30 ft.</td>
<td>16.9 ft.</td>
<td>17.1 ft.*</td>
</tr>
</tbody>
</table>

* requires expansion permit

1.03 The property is located at 10107 Lakeview Drive West. It is legally described as:

Lot 6, Block 2, Windsor Hills, Hennepin County, Minnesota.

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 city to grant expansion permits.

1.07 On May 24, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

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 proposal would meet the expansion permit standards as outlined in City Code §300.29 Subd.7(c):

1. REASONABLE EXPANSION:
   a) The proposed construction of the addition is reasonable.
   b) The proposed addition would enhance the existing property.
   c) The proposed addition would maintain the home’s existing aggregate side yard setback.

2. CIRCUMSTANCES UNIQUE TO THE PROPERTY:
   a) The existing structure has a non-conforming aggregate side yard setback.
      1. The existing house was built in 1947, prior to the adoption of the current aggregate side yard setback requirement.
      2. In 1975, the property owner received a variance to change the side yard setback from 15 feet to 4 feet.
      3. The proposed structure would maintain the current measurements of the legal non-conforming aggregate side yard setback.
   b) The home currently maintains all other setback requirements
      1. The home has a front yard setback of 47.4 feet and a rear setback of approximately 147 feet, both well within the current limits of front and rear yard setbacks.
      2. If approved, the addition would not change the front yard setback and would move 9 feet closer to the rear yard property line, still well within rear yard setback requirements.
c) The subject lot is narrower than what is required by city code.

1. City ordinance required a minimum lot width of 110 feet at setback.

2. The lot width at setback for the subject property is only 93 feet and the lot is only 80 feet wide at the proposed addition.

3. NEIGHBORHOOD CHARACTER:

a) If approved, the proposed project would not alter the essential character of the neighborhood.

b) The subject home currently has non-conforming aggregate side yard setbacks. The addition would maintain the same measurements for these setbacks.

c) There are over five homes within 400 feet of the subject home on Lakeview Drive West that either have one side yard setback less than 10 feet or have an aggregate side yard setback of less than 30 feet.

Section 4. Planning Commission Action

4.01 The above-described expansion permit and variance are hereby approved. Approval is subject to the following conditions:

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

   • Survey date stamped April 23, 2018
   • Building elevations date stamped April 23, 2018
   • Floor plans date stamped April 23, 2018

2. This resolution must be recorded with the county prior to issuance of a building permit.

3. A building permit must be issued prior to any work completed on the property.

4. If the applicant accesses the backyard from the east side of their home they must implement strategies to minimize the impact to the neighbor’s silver maple tree. This could include installation of 6”-8” of wood mulch or utilizing plywood to dissipate the weight of machinery.

5. Erosion control and tree protection must be installed and inspected prior to the building permit being issued.
6. Cash escrow, in an amount to be determined by city staff, must be submitted. 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.

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

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 24, 2018.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 24, 2018.

Kathy Leervig, Deputy City Clerk
Conditional use permit for an accessory structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101

Recommend the city council adopt the resolution approving the permit

The 1.3-acre subject property is located on the west side of County Road 101, immediately north of the Lake Minnetonka LRT Regional Trail. The property contains a home and three detached accessory structures: a detached garage, detached home office, and a storage shed. Aerial photographs suggest that all of the accessory structures have been on the site since the mid-1970s. Jim and Phyllis Alsdurf, the property owners, are proposing to remove the existing detached garage and construct a new, detached garage with second-story useable space. The proposed structure would have a footprint of 576 square feet and a total useable area of roughly 928 square feet. The existing and proposed conditions are as follows:

<table>
<thead>
<tr>
<th>Accessory Structures</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detached Garage</td>
<td>576 sq.ft.</td>
<td>928 sq.ft.</td>
</tr>
<tr>
<td>Detached Home Office</td>
<td>250 sq.ft.</td>
<td>250 sq.ft.</td>
</tr>
<tr>
<td>Storage Shed</td>
<td>130 sq.ft.</td>
<td>130 sq.ft.</td>
</tr>
<tr>
<td><strong>TOTAL sq.ft.</strong></td>
<td>956 sq.ft.</td>
<td>1,308 sq.ft.</td>
</tr>
</tbody>
</table>

By city code, a conditional use permit (CUP) is required for a detached structure exceeding 12 feet in height or an aggregate area of 1,000 square feet. The applicants' proposed garage would have a code-defined height of 14.25 feet in height and would result in total accessory structure area of over 1,300 square feet. As such, a CUP is required.

Staff finds that the applicants' proposal is reasonable, as the proposed garage would meet all minimum CUP standards as outlined in city code. These standards are detailed in the "Supporting Information" section of this report.

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure exceeding 12-feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101.
Supporting Information

**Surrounding Land Uses**
- Northerly: Single-family home; zoned and guided low-density
- Easterly: Single-family home; zoned and guided low-density
- Southerly: Regional Trail
- Westerly: Single-family home; zoned and guided low-density

**Planning**
- Guide Plan designation: low-density residential
- Zoning: R-1

**CUP Standards**
The proposed structure would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposed garage would meet the specific conditional use permit standards as outlined in City Code §300.16 Subd.3(f):

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater.
   
   **Finding:** The proposed building would be set back more than 50 feet from all property lines.

2. No additional curb cuts to be permitted;
   
   **Finding:** No additional curb cut is proposed.

3. Not to be used for commercial activities;
   
   **Finding:** The applicants have indicated the building would not be used for commercial purposes. This has been included as a condition of approval.

4. Structure to be architecturally consistent with the principal structure;
   
   **Finding:** The proposed garage has been attractively designed and would ultimately complement the existing detached structures on the property, which the applicants indicate would be upgraded.
5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties; and

**Finding:** The proposed garage would be adequately screened by mature vegetation.

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

**Finding:** The garage would meet these ordinance requirements as outlined below.

**SBP Standards**

The proposed building would comply with all site and building standards as outlined in City Code §300.27 Subd.5.

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

**Finding:** The subject property is zoned and guided for low-density residential use. As a detached garage is an allowed accessory use on residential property, the proposal is consistent with the city’s development guides. Further, the proposal has been reviewed by members of city planning, engineering, public works, and fire staff and found to be generally consistent with the community’s development guides.

2. Consistency with this ordinance;

**Finding:** The proposed structure would be consistent with ordinance requirements.

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

**Finding:** The proposed garage would be located in the general area of an existing structure; construction of the garage would not require significant removal of soil or vegetation.

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

**Finding:** The garage would be appropriately located relative to existing buildings, driveway, and natural features of the property.
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.

**Finding:** The proposed garage would not negatively impact the property’s internal sense of order, amount and location of open space, or pedestrian/vehicular circulation. Further, the design and materials of the garage would complement those of existing buildings on the property.

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

**Finding:** As new construction, the building would be required to meet energy standards.

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

**Finding:** The structure would be centrally located on the large property. Impact neighboring properties or surrounding land uses is not anticipated.

**Natural Resources**

Best management practices must be followed during the course of site preparation and construction activities. This may include installation and maintenance of a temporary rock driveway, erosion control, and tree protection fencing.
Neighborhood Comments
The city sent notices to 26 area property owners and has received no comments.

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 approve the CUP.

2. Disagree with staff’s recommendation. In this case a motion should be made recommending denial of the request. This motion must include a statement as to why the request is denied.

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

Voting
The planning commission will make a recommendation to the city council, which has final authority on the applicant’s request. Approval of the requested CUP requires the affirmative vote of a simple majority of councilmembers.

Deadline for Decision
July 23, 2018
Location Map

Project: Alsdurf Residence
Address: 4024 Co Rd 101
WRITTEN STATEMENT
We are seeking a conditional use permit to build a new 2-car detached garage (24' X 24') on our 1.29-acre property in Minnetonka. As designed, the garage is 21' 3" in height, with a roof line and in an architectural style that fit with the existing house. This garage will replace an existing garage (which will be demolished) that sits much further from the house and is in very poor condition. The new garage will be located behind the house and would not be visible from the road. It would be approximately 54' from the closest lot line and shielded from the neighbors' view by an existing row of pine trees.

One of the primary reasons to relocate the garage is to unify all the buildings with a new cement walkway and backyard patio with professional landscaping. We will work with Otten Bros. of Long Lake on a landscaping plan that will connect the house, existing detached study and new garage around a central courtyard once approval is received.

The current garage will be demolished and existing paving next to that structure will be removed. Our goal has been to minimize the removal of mature trees with this project; we will need to remove one medium-size silver maple for this project. Overall, the paved area on our property will be reduced with this project.

The garage structure has been designed to include an outside stairway up to a 1-room studio space of 320 square feet. This area will be used by one of the owners as a personal home office and not for any commercial purpose. A small existing shed (used for garden tools, storage etc.) will be moved to sit within the footprint of the old garage.

If a conditional use permit is granted, the approximate total square footage of the 4 outbuildings—detached garage (576 sq ft), garage upper studio (320 sq ft), existing detached office (250 sq ft), and existing shed (130 sq ft)—would be roughly 1276 sq. ft.

We anticipate that the building project would proceed in the following manner:
  Silver maple tree would be removed
  existing garage would be demolished
  existing paving in front of old garage would be removed
  existing shed (10' X 13') would be moved
  driveway extension would be excavated to new garage site
  exterior of existing detached office would be upgraded with new siding and trim consistent with that of the new garage
  construction of new garage would proceed according to design plans
  existing detached sauna would be incorporated into the new garage (main floor)
  driveway would be installed to new garage
  portions of existing driveway would be removed
  cement walkway would be installed from house to new garage
  landscaping of yard area between house, study and garage would begin

APR - 5 2018
MINNETONKA GARAGE ADDITION

05 APRIL 2018 - PRELIMINARY CONSTRUCTION SET

OWNER:
JIM AND PHYLLIS ALSDURF
4024 CO. RD. 101
MINNETONKA, MN 55345

SHEET INDEX
A00: COVER SHEET / SITE PLAN
A01: PLANS / DETAILS
A02: ELEVATIONS / DETAILS
A03: DETAILS
Resolution No. 2018-
Resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in total floor area at 4024 County Road 101

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

Section 1. Background.

1.01 The subject property is located at 4024 County Road 101. It is legally described on Exhibit A of this resolution.

1.02 The property currently contains three accessory structures: a detached garage, detached home office, and a storage shed. Aerial photographs suggest that all of the accessory structures have been on the site since the mid-1970s.

1.03 The property owners, Jim and Phyllis Alsdurf, are proposing to remove the existing detached garage and construct a new, detached garage with second-story useable space.

1.04 The proposed garage would have a code-defined height of 14.25 feet in height and would result in total accessory structure area of just over 1,300 square feet.

1.05 The proposal requires a conditional use permit for a detached structure exceeding 12 feet in height and aggregate accessory structures exceeding 1,000 square feet in area.

1.06 On May 24, 2018, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the following general standards that must be met for granting a conditional use permit:

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

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

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

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

2.02 City Code §300.16 Subd. 3(f) outlines the following specific standards that must be met for granting a conditional use permit for detached garages in excess of 1,000 square feet:

1. Side and rear setbacks equal to the height of the structure or 15 feet, whichever is greater;

2. No additional curb cuts to be permitted;

3. Not to be used for commercial activities;

4. Structure to be architecturally consistent with the principal structure;

5. Landscaping to be required to buffer views when the structure is highly visible from adjoining properties;

6. Site and building plan subject to review pursuant to City Code §300.27 of this ordinance.

Section 3. Findings.

3.01 The proposal would meet the general conditional use permit standards outlined in City Code §300.16 Subd. 2.

3.02 The proposal would meet the specific conditional use permit standards outlined in City Code §300.16 Subd. 3(f).

1. The proposed building would be set back more than 50 feet from all property lines.

2. No additional curb cut is proposed.

3. As a condition of this resolution, the accessory building cannot be used for commercial purposes.

4. The proposed garage has been attractively designed and would ultimately complement the existing detached structures on the property, which the applicants indicated would be upgraded with new siding and trim consistent with that proposed for the new structure.

5. The proposed garage would be adequately screened by mature vegetation.
3.03 The proposal would meet the site and building plan standards outlined in City Code §300.27.

1. The subject property is zoned and guided for low-density residential use. As a detached garage is an allowed accessory use on residential property, the proposal is consistent with the city’s development guides. Further, the proposal has been reviewed by members of city planning, engineering, public works, and fire staff and found to be generally consistent with the community’s development guides.

2. The proposed structure would be consistent with ordinance requirements.

3. The proposed structure would be located in the general area of an existing structure; construction of the garage would not require significant removal of soil or vegetation.

4. The structure would be appropriately located relative to existing buildings, driveway, and natural features of the property.

5. The structure would not negatively impact the property’s internal sense of order, amount and location of open space, or pedestrian/vehicular circulation. Further, the design and materials of the garage would complement those of existing buildings on the property.

6. As new construction, the structure would be required to meet energy standards.

7. The structure would be central located on the large property. Impact to neighboring properties or surrounding land uses is not anticipated.

Section 4. City Council Action.

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

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:

   • Site plan, dated April 5, 2018
   • Building plans and elevations, dated April 5, 2018

2. Prior to issuance of a building permit:

   a) This resolution must be recorded with Hennepin County.

   b) Proposed grading and tree preservation plan must be provided prior to issuance of the permit and must clearly indicate proposed trees to be removed.
c) Stormwater management is required if the proposal will result in 5,000 square feet or 50 cubic yards of excavation or fill.

d) Cash escrow, in an amount to be determined by city staff, must be submitted. 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.

e) Install erosion control, and tree protection fencing and any other measures required by city staff for staff inspection. These items must be maintained throughout the course of construction.

3. It is the applicant’s responsibility to obtain any necessary permits from the Riley Purgatory Bluff Creek Watershed District.

4. The accessory structure may not be used for commercial purposes.

5. The accessory structure cannot be converted into living space without a separate conditional use permit.

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 4, 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

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 June 4, 2018.

__________________________________
David E. Maeda, City Clerk
EXHIBIT A

Outlot B of MEADOW RIDGE subject to County Road, also that part of Section 19 Township 117 Range 22 described as beginning at a point on the East line of the Southeast Quarter of the Northeast Quarter distance 318.00 feet South from the Northeast corner thereof, then Westerly 335.50 feet along a line which if extended would intersect the West line of the Southeast Quarter of the Northeast Quarter at a point distant 70.00 feet Northerly at right angles from the centerline of Minnesota and St. Louis railroad right of way and 335.50 feet Westerly parallel with said centerline from the East line of the Northeast Quarter, thence Easterly parallel with the said centerline to the Ease line of the Northeast Quarter thence North to the beginning except County Road.
MINNETONKA PLANNING COMMISSION
May 24, 2018

Brief Description  Conditional use permit for an accessory apartment at 2920 Ellsworth Lane

Recommendation  Recommend the city council adopt the resolution approving the request

Proposal

Judith Chevalier is proposing to construct an accessory apartment within her existing home at 2920 Ellsworth Lane. As proposed, the walkout level of the roughly 2,500 square foot home would be remodeled to include a kitchen, living area, bathroom and two bedrooms. No changes to the exterior of the home are proposed at this time.

Accessory apartments are conditionally-permitted uses in single-family residential zoning districts. By code, “an accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.” It is important to note that an apartment of larger size does not require a variance, only city council approval.

The proposed apartment would occupy roughly 920 square feet, or 36 percent, of the existing home. As such, the city council must act not only on the proposed use, but also on the specific size of the proposed apartment.

Staff Analysis

Staff finds that the proposed accessory apartment use is reasonable.

- Aside from its size relative to the size of the existing home, the proposed apartment would meet all general and specific conditional use permit standards. These specific standards are outlined in the “Supporting Information” section of this report.
- The proposed apartment would meet the intent of the accessory apartment ordinance. It would provide a housing type which affords privacy and independence, while maintaining the character of existing single-family neighborhoods.

Staff finds that the proposed size of the accessory apartment is reasonable.

- The rambler-style layout of the existing home provides for a logical up/down split of the home.
- The size of the proposed apartment would not be apparent from the exterior of the home. Given this, the size would not alter the single-family character of the area or substantially impact the surrounding neighborhood.
Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for an accessory apartment at 2920 Ellsworth Lane.

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

<table>
<thead>
<tr>
<th><strong>Surrounding Land Uses</strong></th>
<th>All properties surrounding the subject lot are zoned and guided low density residential.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Planning</strong></td>
<td>Guide Plan designation: low density residential Zoning: R-1</td>
</tr>
<tr>
<td><strong>CUP Standards</strong></td>
<td>The proposed accessory apartment would meet the general conditional use permit standards as outlined in City Code 300.16 Subd.2.</td>
</tr>
<tr>
<td></td>
<td>1. The use is consistent with the intent of this ordinance;</td>
</tr>
<tr>
<td></td>
<td>2. The use is consistent with the goals, policies and objectives of the comprehensive plan;</td>
</tr>
<tr>
<td></td>
<td>3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and</td>
</tr>
<tr>
<td></td>
<td>4. The use does not have an undue adverse impact on the public health, safety or welfare.</td>
</tr>
</tbody>
</table>

The proposal apartment would also meet the specific conditional use permit standards as outlined in City Code 300.16 Subd.3.

<table>
<thead>
<tr>
<th>1.</th>
<th>To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finding:</td>
<td>The subject property is zoned R-1 and does not currently contain an accessory apartment. The proposed accessory unit would be the only apartment on the property.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2.</th>
<th>Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finding:</td>
<td>The property owner currently resides in the home and would continue to do so once the apartment is constructed. As a condition of approval, the property owner must live in one of the dwelling units.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3.</th>
<th>Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finding:</td>
<td>The existing garage and driveway area would provide adequate off-street parking for both housing units.</td>
</tr>
</tbody>
</table>
4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;

    Finding: The accessory apartment would be created through a remodel of the home’s existing lower level.

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

    Finding: The accessory apartment would slightly exceed 35 percent of the gross living area. However, staff finds that the apartment would not substantially impact the surrounding neighborhood and recommends that the council approve this larger size.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

    Finding: No changes to the exterior of the existing home are proposed to accommodate the apartment.

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

    Finding: This is included as a condition of approval. The accessory apartment would be required to meet all codes at the time that a certificate of occupancy is issued.

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

    Finding: The apartment would be created through a basic remodel of the lower level of the existing home and there would be little to no visual change to the exterior of the structure. As such, the proposed apartment would not have an adverse impact on surrounding properties.

9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

    Finding: The accessory apartment would comply with all other ordinance standards.
Neighborhood Comments: The city sent notices to 39 area property owners and has received no comments.

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 approve the CUP.

2) Disagree with staff’s recommendation. In this case a motion should be made recommending denial of the request. This motion must include a statement as to why the request is denied.

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

Voting: The planning commission will make a recommendation to the city council, which has final authority on the applicant’s request. Approval of the requested CUP requires the affirmative vote of a simple majority of councilmembers.

Deadline for Decision: August 6, 2018
Location Map

Project: Chevalier Residence
Address: 2920 Ellsworth Ln
Resolution 2018-

Resolution approving a condition use permit for an accessory apartment at 2920 Ellsworth Lane

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

Section 1. Background.

1.01 Judith Chevalier is requesting a conditional use permit to convert the lower level of the existing home at 2920 Ellsworth Lane into accessory apartment.

1.02 The property is legally described as follows:

Lot 16, GREEN MEADOWS, UNIT NUMBER TWO, HENNEPIN COUNTY, MINNESOTA

1.03 On May 24, 2018, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General Standards.

2.01 City Code §300.16, Subd.2, lists the following general standards that must be met for granting of the permit:

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

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

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

4. The use does not have an undue adverse impact on the public health, safety or welfare.
Section 3. Specific Standards.

3.01 City Code §300.16, Subd.3(d) lists the following specific standards that must be met for granting of the permit:

1. To be created only on property zoned for single family detached dwellings and no more than one apartment to be created in any dwelling;

2. Structures in which an accessory apartment is created to be owner-occupied, with the owner residing in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid;

3. Adequate off-street parking to be provided for both units of housing with such parking to be in a garage, carport or on a paved area specifically intended for that purpose but not within a required turnaround;

4. May be created by the conversion of living space within the house but not by conversion of garage space unless space is available for a two car garage on the lot without the need for a variance;

5. An accessory apartment must be no more than 35 percent of the gross living area of the house or 950 square feet, whichever is smaller. The gross living area includes the accessory apartment. The city council may approve a larger area where the additional size would not substantially impact the surrounding neighborhood.

6. Exterior changes to the house must not substantially alter the single family character of the structure;

7. No apartment to be created except in compliance with all applicable building, housing, electrical, plumbing, heating and related codes of the city;

8. To be permitted only where it is demonstrated that the accessory unit will not have an undue adverse impact on adjacent properties and where there will not be a substantial alteration of the character of the neighborhood; and

9. All other provisions of this ordinance relating to single family dwelling units to be met, unless specifically amended by this subdivision.

Section 4. Findings.

4.01 The proposed apartment would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.2.

4.02 The proposed apartment would meet the general conditional use permit standards as outlined in City Code §300.16 Subd.3(e).
1. The subject property is zoned R-1 and does not currently contain an accessory apartment. The proposed accessory unit would be the only apartment on the property.

2. As a condition of this resolution, the property owner must live in one of the dwelling units.

3. The existing garage and driveway area would provide adequate off-street parking for both housing units.

4. The accessory apartment would be created through a remodel of the home’s existing lower level.

5. The accessory apartment would slightly exceed 35 percent of the gross living area. However, the apartment would not substantially impact the surrounding neighborhood.

6. No changes to the exterior of the existing home are proposed to accommodate the apartment.

7. As a condition of this resolution, the apartment must comply with all applicable building, housing, electrical, plumbing, heating and related codes of the city.

8. The apartment would be created through a basic remodel of the lower level of the existing home and there would be little to no visual change to the exterior of the structure. As such, the proposed apartment would not have an adverse impact on surrounding properties.

9. The accessory apartment would comply with all other ordinance standards.

4.03 The size of the proposed apartment is reasonable.

1. The rambler-style layout of the existing home provides for a logical up/down split of the home.

2. The presence of an apartment of this size would not be apparent from the exterior of the home. Given this, the size would not alter the single-family character of the area or substantially impact the surrounding neighborhood.

Section 5. City Council Action.

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

1. A copy of this resolution must be recorded with the county.
2. The accessory apartment must be constructed and maintained in substantial compliance with the floor plans attached to the planning commission staff report, dated May 24, 2018.

3. The structure must be owner occupied. The property owner must reside in either unit on a continuous basis except for temporary absences throughout the period during which the permit is valid.

4. The apartment must comply with all building, housing, electrical, plumbing, heating and related codes of the city.

5. All other provisions of the ordinance relating to single family dwelling units must be met, unless specifically amended by this resolution.

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

7. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 4, 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 June 4, 2018.

David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting

May 24, 2018

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION  
May 24, 2018

Brief Description  Expansion permits and a variance to allow construction of three home additions at 16912 Grays Bay Blvd.

Recommendation  Adopt the resolution approving the request

Background

The subject area was platted in 1917 with small, narrow lots. This platting, done prior to city ordinance, has created several legal non-conforming properties within the area. The subject home was originally constructed in 1925, prior to city ordinance. It has the following with legal non-conforming setbacks:

- Front yard;
- Side yards;
- Vertical floodplain; and
- Horizontal floodplain setbacks.

Proposal

The applicant, Michael Hayes, is proposing to construct three additions on the existing single-family home. The proposed additions would encroach into the side yard and floodplain (horizontal and vertical) setbacks. For the remainder of this report, the additions will be called:

1. Dining Addition – an addition over an existing, first floor deck. This addition requires an expansion permit for horizontal and vertical floodplain setback and variance for side yard setback.

2. Garage Connection Addition – a closet off the master bedroom, entry way closet, and new laundry room. This addition requires an expansion permit for side yard and vertical floodplain setback.

3. Entryway and Porch Addition – an entryway, bathroom, and covered porch. This addition requires an expansion permit for vertical floodplain setback.

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard setback (east property line)</td>
<td>7 ft.</td>
<td>6 ft.</td>
<td>2.5 ft.*</td>
</tr>
<tr>
<td>Side yard setback (west property line)</td>
<td>7 ft.</td>
<td>1.29 ft.</td>
<td>2 ft.*</td>
</tr>
<tr>
<td>Vertical floodplain setback</td>
<td>2 ft.</td>
<td>Below floodplain</td>
<td>1 ft.*</td>
</tr>
<tr>
<td>Horizontal floodplain setback</td>
<td>20 ft.</td>
<td>9 ft.</td>
<td>14 ft.*</td>
</tr>
</tbody>
</table>

*requires expansion permit  
**requires setback variance

Staff Analysis

For purposes of this review, the staff analysis will be split into two different sections. The first section will analyze the request for the side yard setback variance and expansion permit. The
Side Yard Setback Variance and Expansion Permit

Staff finds that the applicant’s proposal for the Dining, Garage Connection, and Entryway/Porch additions are reasonable:

1. **Purpose and Intent of the Zoning Ordinance:** The proposal is in harmony with the general purposes and intent of the zoning ordinance.

   The intent of the side yard setback requirement is to provide consistent building lines within a neighborhood and to provide for adequate separation between homes. Several homes near the subject property do not meet the required side yard setback requirements due to being constructed prior to the city ordinance or granted a variance by the city. The proposed additions would be generally consistent with setbacks of the other existing homes within the neighborhood.

   In addition to having setbacks consistent with other properties within the neighborhood, the subject additions would have additional separation from homes, as the adjacent properties are considered. To the west, there are two lots that are owned by property owners across the Grays Bay Blvd. These lots are not large enough to accommodate a new home. These two lots create an additional separation of over 40 feet between the subject property and the nearest property with a home. To the east, there is another lot, again owned by the property owner across the street, which is not large enough to accommodate a new home. This lot would create an additional separation of over 20 feet between the properties with homes. (See attached).

2. **Consistent with the Comprehensive Plan:** The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

3. **Practical Difficulties:** There are practical difficulties in complying with the ordinance.

   - **Reasonableness:** Staff finds that the request for a variance and expansion permit from the side yard setbacks is reasonable. The proposed additions would continue the expected and established building line on the west and east side of the existing home and would maintain a reasonable separation between the structure and the side property line. In addition, the vacant lots to the west and east would serve as an additional buffer between the proposed structures and the neighboring homes. Again, the vacant lots are not buildable and would require significant variances to be deemed buildable.

   - **Circumstance Unique to the Property:** The non-conforming lot dimensions and size are unique characteristics of the property. The property is only 57 feet wide at the front yard setback. The lot does not comply with the required minimum lot width at setback (110 feet). In addition to being narrow, the lot becomes narrower near the rear of the lot. At the location of the proposed Dining Addition, the lot is approximately 41 feet wide.
The subject lot is just over 6,000 square feet in size. This is nearly one quarter of the minimum lot size requirement (22,000 square feet). The small size of the lot constricts additional options for the property owner.

The subject home was originally constructed in 1925. It has legal, non-conforming setbacks. The original construction of this home predated city ordinance by 40 years.

- Neighborhood Character: The area has a long history of variances and non-conformities due to the early platting of the land (1917). The city has approved 17 variance and expansion permit requests within 400 feet of the subject property (see attachments). Based on aerial images and review of the area, it appears that several other structures encroach into the side yard setback.

**Vertical and Horizontal Floodplain Expansion Permits**

Staff finds that the applicant’s proposal for the Dining, Garage Connection, and Entryway and Porch additions are reasonable as:

1. **Reasonableness:** The proposed additions would also maintain the existing legal non-conforming low floor elevation (vertical setback) and floodplain setbacks. The Dining Addition would have a larger floodplain setback (14 feet) than the existing structure on the east side of the building (nine feet). Additionally, unless additions were completed on a second level, built up area, or stilts, there are no locations on the property that would meet the vertical setbacks.

2. **Circumstance Unique to the Property:** The subject property has a legal non-conforming vertical and horizontal floodplain setback. The proposal would maintain these non-conformities or have a reduced non-conformity compared to the existing structure.

3. **Neighborhood Character:** The area has a long history of variances and non-conformities due to the early platting of the land (1917). There are several homes in this area that encroach into the required floodplain setbacks (horizontal and vertical). The proposed project would not alter the essential character of the neighborhood if the applicant’s expansion permit requests were approved.

**Staff Recommendation**

Adopt the resolution approving the expansion permits and variance for the three additions at 16912 Grays Bay Blvd.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>18013.18a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>16912 Grays Bay Blvd</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Michael Hayes</td>
</tr>
<tr>
<td><strong>Owner</strong></td>
<td>Paul Chamberlain</td>
</tr>
</tbody>
</table>

### Surrounding Land Uses

All properties to the east, west and south are zoned R-1 and are guided for low density residential. Lake Minnetonka is located north of the subject property.

### Planning

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

### Small lot

By City Code §300.10 Subd.7, properties that are defined as qualifying small lots are allowed lesser setbacks from property lines than “typical” properties. To be defined as a small lot, a property must be less than 15,000 square feet; have been a lot of record prior to February 12, 1966; and must be located in an area in which the average size of residential lots is less than 15,000 square feet.

The subject property meets these qualifications as:
- the property was platted in 1917;  
- the property is 6,376 square feet in area; and  
- the average lot size of lots in the surrounding neighborhood is approximately 12,750 square feet.

Due to being classified as a small lot, the principal structure setbacks are:
- Front Yard: 20 feet;  
- Side Yard: 7 feet;  
- Aggregate Side Yard: N/A;  
- Rear: Determined by shoreland setback  
  - Shoreland Setback: 35 feet and behind line across adjacent homes (See attached.)

### Floodplain Setbacks

Floodplains within the city are determined by calculations of 100-year storm events and described by elevations. For the subject property, the floodplain level is the 931.5 elevation. (See attached).

The city requires two types of setbacks from floodplains: vertical and horizontal. Required vertical setback for principle structures is two feet above the floodplain elevation. Horizontal setbacks for principle structures are 20 feet from the floodplain elevation.
Site Features

The subject property was platted in its current configuration in 1917; it is 6,376 square feet in size. The property is improved with a 1,230 square foot, one-story building that was originally constructed in 1925. There is also a 720 square foot, detached, two-stall garage. The existing buildings (principle structure and detached garage) do not meet R-1 zoning setbacks (small lot).

Garage

Front: 18 feet (non-conforming)
Sides: 1.82 feet (non-conforming) and 25 feet (conforming)
Shoreland: Over 90 feet (conforming)
Floodplain (vertical): 1.24 (non-conforming)
Floodplain horizontal: 42 feet (conforming)

Principle Structure

Front: 60 feet (conforming)
Sides: 1.29 feet (non-conforming) and 6 feet (non-conforming)
Shoreland: 42 feet (conforming)
Floodplain vertical: the basement is below the flood plain (non-conforming)
Floodplain horizontal: 9 feet (non-conforming)

Impervious Surface on Lot

The subject lot currently exceeds the maximum allowed impervious surface coverage (30%). The majority of the proposed additions would be located over existing impervious surfaces. For instance, the Garage Connection addition would be over existing patio pavers. However, the surface beneath the deck (Dining Addition) is unknown and the Entryway and Porch additions would add additional impervious surface to the lot and increase the current non-conformity, requiring a variance.

Instead of increasing the impervious surface non-conformity on the property, staff has included, and the applicant has agreed to, a condition of approval that requires the project to not exceed the existing impervious surface. Strategies to meet this requirement would be to potentially remove plastic landscaping lining, driveway pavement, or other impervious surfaces at the same square footage as the proposed additions not currently shown over impervious surfaces, exchange the existing pavement for previous pavement, or a combination of the two.

Neighborhood Variances

The variance request for reduced side yard setbacks is rather small compared to the typical side yard setback requirement (10 feet). However, the subject neighborhood is largely characterized by small side yard setbacks. The city has recognized this previously with variance requests. Specifically, since 2000 and within 400 feet of the subject property, the city has approved side yard setback variances of:
• 1.2 feet (17009 Grays Bay Blvd.)
• 2.4 feet (17012 Grays Bay Blvd.)
• 3.8 feet (17008 Grays Bay Blvd.)

Ownership of Adjacent Properties

The property to the east and the two properties to the west of the subject property are currently owned by the property owners across the street from each parcel (see attached). As existing, the owners of these small lots may use the lots to build a small shed, decks, patios, or docks, but they would not be permitted to build new single-family homes on their lots. These properties would require city council approval to make them buildable for a single-family home.

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.

As proposed, the property would comply with the McMansion Policy. Currently, the property’s FAR is 0.28. The proposed additions would increase the FAR to 0.48, still below the largest FAR within 400 feet, which is 0.69. (See attachments).

Expansion Permit v. Variance

An expansion permit is required for an expansion of a non-conforming structure when that expansion maintains the same setbacks as the existing non-conformity. A variance is required for expansion of a non-conforming structure when the expansion would intrude into one or more setback areas beyond the distance of the existing structure.

By definition, a non-conforming structure is one that is not in full compliance with the regulations of the ordinance and either: (1) was legally established before the effective date of the ordinance provision with which it does not comply; or (2) became non-conforming because of other governmental action, such as a court order or a taking by a governmental body under eminent domain or negotiated sale.

The existing home is considered non-conforming as the structure was built prior to the adoption of the city ordinance. The Garage Connection and Entryway and Porch additions require an expansion permits as they do not encroach closer within required setbacks. The Dining addition requires a variance as it encroaches closer to the eastern side property line than the existing home.

Expansion Permit

By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandate, when an applicant meets the burden of proving that:

1. The proposed expansion is reasonable use of the property, considering such things as:
- Functional and aesthetic justifications for the expansions;
- Adequacy of off-street parking for the expansion;
- Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
- 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 landowner’s 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.

Variance Standard

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)

Pyramid of Discretion

Natural Resources

Best management practices must be followed during the course of site preparation and construction activities. This would include installation and maintenance of erosion control and tree fencing.

Motion Options

The planning commission has three options:
1. Concur with staff’s recommendation. In this case a motion should be made approving the expansion permits and variance requests.

2. Disagree with staff’s recommendation. In this case a motion should be made denying the expansion permits and variance requests. This motion must include a statement as to why the requests are denied.

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

<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 46 area property owners and has received no comments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting Requirement</td>
<td>The planning commission action on the applicant’s request is final subject to appeal. Approval requires the affirmative vote of five commissioners.</td>
</tr>
<tr>
<td>Appeals</td>
<td>Any person aggrieved by the planning commission’s decision about the requested variance 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>Deadline for Decision</td>
<td>August 11, 2018</td>
</tr>
</tbody>
</table>
Location Map

Project: Chamberlain
Address: 16912 Grays Bay Blvd.
MIKE HAYES

Property located in Section 17, Township 117, Range 22, Hennepin County, Minnesota.

HARD COVER CALCULATIONS

Total area of hardcover = 4014 +/- sq. ft.
Area of Lot to shoreline is 7047 sq.ft.
57% of lot covered by hardcover

The only easements shown are from plats of record or information provided by client.

We hereby certify that this is a true and correct representation of a survey of the boundaries of the above described land and the location of all buildings and visible encroachments, if any, from or on said land.

Surveyed by us this 6th day of March 2006.

Charles F. Anderson, Minn. Reg. No.21763 or
Gregory R. Prasch, Minn Reg No. 24992
Planning Commission Resolution No. 2018-
Resolution approving expansion permits and a variance to allow construction of three home additions at 16912 Grays Bay Blvd.

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

Section 1. Background.

1.01 Michael Hayes, on behalf of the property owner, is proposing to construct three additions on a single-family home. The proposed additions would encroach into the side yard and floodplain setbacks. The additions would be for a:

1. Dining Addition – an addition with an existing, first floor deck
2. Garage Connection Addition – a closet off the master bedroom, entry way closet and new laundry room

1.02 The property is located at 16912 Grays Bay Blvd. It is legally described as:
Lot 18, Block 1, Thorpe Bros. Re-Arrangement of Groveland Shores, Hennepin County, Minnesota.

1.03 City Code §300.10 Subd. 7(c)(2) requires a minimum side yard setback of 10 percent of the lot width measured at the building setback line on each side of the structure, but in no case less than seven feet. The subject lot width at the building setback line is 57 feet, creating a 7-foot side yard setback due to the required minimum.

1.04 City Code §300.24 Subd. 8(e) requires additions to existing structures be setback a minimum of 20 feet from the 100-year floodplain elevation and a minimum low floor elevation not less than 2 feet above the designated 100-year flood elevation.

1.05 The applicant is requesting the following variances:

<table>
<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard setback (east property line)</td>
<td>7 ft.</td>
<td>6 ft.</td>
<td>2.5 ft.*</td>
</tr>
<tr>
<td>Side yard setback (west property line)</td>
<td>7 ft.</td>
<td>1.29 ft.</td>
<td>2 ft.*</td>
</tr>
<tr>
<td>Vertical floodplain setback</td>
<td>2 ft.</td>
<td>Below floodplain</td>
<td>1 ft.*</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------</td>
<td>------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Horizontal floodplain setback</td>
<td>20 ft.</td>
<td>9 ft.</td>
<td>14 ft.*</td>
</tr>
</tbody>
</table>

*requires expansion permit
**requires setback variance

1.06 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the Planning Commission to grant variances and expansion permits.

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

1.08 City Code §300.07 authorizes the city to variances.

1.09 City Code §300.29 Subd.7(c) authorizes the city to grant expansion permits.

Section 2. Standards.

2.01 By City Code §300.29, an expansion permit for a non-conforming use may be granted, but is not mandated, when an applicant meets the burden of proving that:

1. The proposed expansion is reasonable use of the property, considering such things as:
   a) Functional and aesthetic justifications for the expansions;
   b) Adequacy of off-street parking for the expansion;
   c) Absence of adverse off-site impacts from such things as traffic, noise, dust odors, and parking;
   d) 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 landowner’s 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.

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 proposed additions would meet the expansion permit standards as outlined in City Code §300.29.

1. REASONABLENESS. The proposed addition would continue the expected and established building line on the west side of the existing garage and home and would maintain a reasonable separation between the structure, the side property line and the neighboring home. In addition, the vacant lots to the west would serve as an additional buffer between the proposed structure and the neighboring home as the vacant lots are not buildable and would require variances to be deemed buildable.

The proposed additions would also maintain the existing legal non-conforming low floor elevation (vertical setback) and floodplain setbacks. The Dining Addition would have a larger floodplain setback than the existing structure. Additionally, unless additions were completed on a second level or stilts, there are no locations on the property that would meet the vertical setback.

2. UNIQUE CIRCUMSTANCE: The non-conforming lot dimensions and size are unique characteristics of the property. The property is only 57 feet wide at the front yard setback. The lot does not comply with the required minimum lot width at setback (110 feet). In addition to being narrow, the lot becomes narrower near the rear of the lot. At the location of the proposed Dining Addition, the lot is approximately 41 feet wide at its narrowest point.

The subject lot is just over 6,000 square feet in size. This is nearly one quarter of the minimum lot size requirement (22,000 square feet). The small size of the lot constricts addition options for the property owner. The subject home was originally constructed in 1925 with legal, non-conforming setbacks. The original construction of this home predated city ordinance by 40 years. In addition, the subject property has a legal non-conforming vertical and horizontal setbacks. The proposal would maintain these non-conformities or have a reduced non-conformity compared to the existing structure.

3. NEIGHBORHOOD CHARACTER: The area has a long history of variances and non-conformities due to the early platting of the land (1917). The city has approved 17 variance and expansion permit requests within 400 feet of the subject property. Based on aerial images and review of the area, it appears that several other structures encroach into the required side yard and floodplain setbacks (horizontal and vertical). If
the applicant’s expansion permit requests were approved, the proposed project would not alter the essential character of the neighborhood.

3.02 The proposed Dining Addition would meet the variance standards as outlined in City Code §300.07.

1. INTENT OF THE ORDINANCE. The proposal is in harmony with the general purposes and intent of the zoning ordinance.

The intent of the side yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes. Several homes near the subject property do not meet the required side yard setback requirement due to being constructed prior to the city ordinance or granted a variance by the city. The proposed additions would be generally consistent with setbacks of the other existing homes within the neighborhood.

In addition to having setbacks consistent with other properties within the neighborhood, the subject addition would have additional separation from the nearest eastern home as the adjacent property is considered unbuildable for a single-family home. The eastern property is owned by the property owner across Grays Bay Blvd. and is not large enough to accommodate a new home. This lot creates an additional separation of over 20 feet.

2. CONSISTENT WITH COMPREHENSIVE PLAN. The proposed variance is consistent with the comprehensive plan. The guiding principles in the comprehensive guide plan provide for maintaining, preserving and enhancing existing single-family neighborhoods. The requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

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

a) REASONABLENESS. The proposed addition would continue the expected and established building line on the east side of the existing home and would maintain a reasonable separation between the structure, the side property line and the neighboring home. In addition, the vacant lot to the east would serve as an additional buffer between the proposed structure and the neighboring home as the vacant lot is not buildable and would require variances to be deemed buildable.

b) UNIQUE CIRCUMSTANCE: The non-conforming lot dimensions and size are unique characteristics of the property. The property is only 57 feet wide at the front yard setback. The lot does not comply with the required minimum lot width at setback (110 feet). In addition to being narrow, the lot becomes narrower near the
rear of the lot. At the location of the proposed Dining Addition, the lot is approximately 41 feet wide at its narrowest point.

The subject lot is just over 6,000 square feet in size. This is nearly one quarter of the minimum lot size requirement (22,000 square feet). The small size of the lot constricts addition options for the property owner.

The subject home was originally constructed in 1925 with legal, non-conforming setbacks. The original construction of this home predated city ordinance by 40 years.

c) NEIGHBORHOOD CHARACTER: The area has a long history of variances and non-conformities due to the early platting of the land (1917). The city has approved 17 variance and expansion permit requests within 400 feet of the subject property. Based on aerial images and review of the area, it appears that several other structures encroach into the side yard setback.

Section 4. Planning Commission Action.

4.01 The planning commission approves the expansion permit for the side yard setback and horizontal and vertical floodplain setbacks, and the side yard setback variance for the three additions as described in section 1.05 of this resolution based on the findings outlined in sections 3.01 and 3.02 of this resolution. Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Survey dated April 13, 2018.
   - Plans and elevations dated April 13, 2018.
   - Floor Plans issue dated May 12, 2018

2. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) Confirm the location of the storm sewer line, adjacent to the home, which conveys water from Grays Bay Blvd. to Lake Minnetonka to ensure that there is adequate separate to allow for maintenance of the line. This information must be added to the survey.
   c) The applicant must verify to staff the type of surface beneath the rear deck.
d) Impervious surface on site may not increase beyond the existing amount.

e) A hold harmless agreement must be filed against the property.

f) The applicant must install erosion control and tree protection fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction. Tree protection is required adjacent to the trees along the east lot line to protect them from construction.

g) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document, the builder and property owner will acknowledge:

a. 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

b. If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.

4. This variance will end on December 31, 2019, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 24, 2018.

______________________________
Brian Kirk, Chairperson

Attest:

______________________________
Kathy Leervig, Deputy City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 24, 2018.

_____________________________________
Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION  
May 24, 2018

**Brief Description**  
Items concerning Ridgedale Executive Apartments located at 12501 Ridgedale Drive.

1) Rezoning from Planned I-394 District (PID) to Planned Unit Development (PUD);

2) Master development plan;

3) Final site and building plan

**Recommendation**  
Recommend the city council deny the requests.

---

**Background**

Rotenberg Companies, property owner, is proposing to redevelop a portion of the property located at 12501 Ridgedale Drive. The project consists of demolishing the existing restaurant building and constructing a new four-story, residential apartment building with underground parking. The building would include 77 apartment units with a number of indoor and outdoor amenities.

**Proposal Summary**

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

- **Existing Site Conditions**

  The 4.43-acre subject property is located east of the Hennepin County Ridgedale Service Center and Library and directly south of Ridgedale Center mall. The property has two distinctive features – a developed northern portion and a wooded undeveloped southern portion. Two buildings exist on the 2.83-acre northern portion of the property – a 6,500 square foot former restaurant building and a 16,000 square foot two-story office building located south of and behind the restaurant building. The buildings are surrounded by parking lots containing 181 stalls. Approximately 50 of the 181 stalls are located on the adjacent YMCA property which is secured through a lease arrangement. The southern 1.6-acre undeveloped portion of the property contains several noticeable natural features, including a north facing slope that changes 30 feet in elevation, a wetland that separates the northern and southern site areas, and a wooded area that contains significant and high-priority trees.

- **Proposed Building and Site Improvements**

  As proposed, the existing restaurant building and parking lot would be removed and a new 4-story 77-unit apartment building would be constructed. The existing office building would remain. The reconfigured development site would incorporate the proposed apartment
building, existing office, parking and drive isles on the northern portion of the site. Existing parking on the YMCA site would be removed and restored to green space. Site access is provided with two access points to Ridgedale Drive. Vehicular circulation incorporates both one-way clockwise and two-way movements. Other site improvements include sidewalks, an outdoor pool and amenity deck.

Primary Questions and Analysis

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

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

  Yes. The city’s 2030 Comprehensives Guide Plan guides the property and area for a mix uses. In addition, the Ridgedale Vision Plan identifies housing for the area. Current PID zoning also allows residential housing as a permitted use.

- **Is the use of PUD zoning appropriate?**

  No. Planned Unit Development zoning to provide flexibility from certain ordinance regulations in order to achieve public benefits that may not otherwise be achieved. The ordinance states that, “PUD zoning may be considered by the city when it would result in one of the following public benefits.” Staff finds the proposal does not provide adequate public benefit for rezoning to PUD regarding the public benefits outlined in city code:

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

     Staff Response: No additional natural resource preservation or benefit would be provided by the proposal.

  b) Provision of affordable housing;

     Staff Response: The proposal does not provide affordable housing units.

  c) Provision of a housing type or target housing price that is desirable to the city;

     Staff Response: The city has not identified that the unit type or price is necessarily desirable.

  d) A mix of land use types;

     Staff Response: The proposal does provides a mix of land use types, office and high-density residential. However, the proposal does not provide a logical or organized approach to site development.

  e) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts; or
Staff Response: The proposal is compatible with existing development type and intensity. The development type and intensity would be allowed in the existing PID zoning district.

f) Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development;

Staff Response: The project proposes no greater energy conservation gains with building and site design that are not achievable under non-PUD development.

g) Other public benefits as recognized by the city.

Staff Response: Staff cannot identify any other public benefits the project would provide.

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

No. The proposed apartment building footprint is too wide and massive given the office building will remain on the property. The proposed apartment building would essentially block visibility of the office building from Ridgedale Drive. This creates a challenging longer term viability issue for owners and tenants of the office building. Although access would be provided to the office building, the one and two-way drives and available surface parking areas are not intuitively designed. Additionally, 22-foot driveway does not meet driveway isle width minimums and the minimum number of parking spaces required for the office building by code are not met by outside surface stalls provided. It is unclear how the proposal addresses parking requirements of the office building unless there would be a long term arrangement to secure parking spaces with the apartment building garage. Staff does not find a common organizing principle for the buildings to coexist on the property. Rather, it seems the apartment building was placed on the property with little consideration for the long term viability of the office building. This building-behind-building relationship does not promote an active and walkable environment the city desires for the Ridgedale area.

**Summary Comments**

Although the proposed project does provide some of the desirable elements of a mixed use environment envisioned for the Ridgedale area, the proposal’s site and building design presents a problematic arrangement. It is not uncommon for a property to have more than one principal use or building, the site and building design is not appropriately integrated into existing and proposed surrounding development. The project fails to adequately transition land use types, architectural types and spatial relationships of residential and office land uses.

**Staff Recommendation**

Recommend the city council adopt the attached resolution denying rezoning, master development plan and site and building plans for the Ridgedale Executive Apartments.

Originator: Loren Gordon, AICP, City Planner
Supporting Information

**Surrounding Land Uses**

<table>
<thead>
<tr>
<th>North:</th>
<th>Ridgedale Center mall; zoned PID</th>
</tr>
</thead>
<tbody>
<tr>
<td>South:</td>
<td>residential property; zoned R-1</td>
</tr>
<tr>
<td>East:</td>
<td>YMCA; zoned R-1</td>
</tr>
<tr>
<td>West:</td>
<td>Stormwater ponding; zoned R-1</td>
</tr>
<tr>
<td></td>
<td>Hennepin County Service Center and Ridgedale Library; zoned PID</td>
</tr>
</tbody>
</table>

**Planning**

<table>
<thead>
<tr>
<th>Guide Plan designation:</th>
<th>mixed use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Zoning:</td>
<td>PID, Planned I-394 District</td>
</tr>
</tbody>
</table>

**Required Actions**

The proposal requires the following:

**Land Use**

- **Rezoning.** The applicant is requesting that the property be rezoned to PUD. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the rezoning.

- **Master Development Plan.** Under the zoning ordinance, a master development plan is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the master development plan.

- **Final Site and Building Plans.** By city code, site and building plan review is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the final site and building plans.

**Previous Reviews**

The project has changed since the initial the concept plan. The building height and unit count has reduced from 6-stories and 117-units to 5-stories and 89 units to the current 4-stories and 77 units. The placement of the apartment building on the site has changed very little in each of the revised plans with the exception of additional setback from Ridgedale Drive.

**Grading**

The property would require excavation to construct the below grade parking garage which is approximately 7 to 10 feet below the existing site grade. As proposed, finished grades surrounding the proposed building would be very similar to the elevations of the existing site.

**Tree Impact**

Based on the proposed grading plan, the majority of high-priority and significant trees would be preserved.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>14</td>
<td>11</td>
<td>79%</td>
</tr>
</tbody>
</table>
As the proposal is for redevelopment of property, the proposed level of tree removal/impact would be permitted under the tree protection ordinance.

**Stormwater**

As proposed, stormwater runoff would be directed to several catch basins and directed via pipe to one of three stormwater facilities located under the proposed drive isles.

Engineering staff has reviewed the plans associated with the proposal and finds them to be generally acceptable. As a condition of approval, final plans must meet both the city’s Water Resources Management Plan standards and Bassett Creek WMO rules.

**Utilities**

Public water and sewer facilities are available at the site. Fire hydrants must be provided around the perimeter of the apartment building. Hydrants should be no more than 500’ apart as measured along the drive aisles. Newly installed private hydrants would require a private hydrant maintenance agreement.

Private water service to southern most building is thought to come from the main on the eastern side of the property. Applicant needs to confirm and may need to relocate service to the southern building. Provide a looped connection to the proposed building.

**Parking**

As proposed, parking would be constructed as follows:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under Building</td>
<td>0</td>
<td>161</td>
</tr>
<tr>
<td>Surface</td>
<td>181</td>
<td>46</td>
</tr>
<tr>
<td>TOTAL</td>
<td>181</td>
<td>207</td>
</tr>
</tbody>
</table>

The parking ratio proposed would be slightly less than at other apartment buildings in the community. However, it would be consistent with Institute of Transportation Engineers suggested parking demand.

**Pedestrian Improvements**

The project proposed to connect to future Ridgedale Drive sidewalk and trail systems. Additional sidewalk connections are provided along the east side of the site along the access drive. The west access drive does not contain sidewalk connections to the office building.
Setbacks, Etc.  
The PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc. However, the following chart outlines these items for informational purposes:

<table>
<thead>
<tr>
<th>Proposed Apartment Building</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>North property line</td>
<td>50 feet</td>
</tr>
<tr>
<td>South property line</td>
<td>405 feet</td>
</tr>
<tr>
<td>East property line</td>
<td>35 feet</td>
</tr>
<tr>
<td>West property line</td>
<td>37 feet</td>
</tr>
<tr>
<td><strong>Height</strong></td>
<td>54 feet</td>
</tr>
<tr>
<td><strong>FAR</strong></td>
<td></td>
</tr>
<tr>
<td>0.79 - property total</td>
<td></td>
</tr>
<tr>
<td>1.19 - northern portion of property</td>
<td></td>
</tr>
<tr>
<td><strong>Impervious Surface</strong></td>
<td>51.3 percent</td>
</tr>
</tbody>
</table>

SBP Standards  
Staff review of the site and building standards as outlined in City Code §300.27 Subd.5 are as follows:

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

   **Finding:** The proposed high-density residential development is generally consistent with the 2030 Comprehensive Guide Plan and water resources management plan.

2. Consistency with this ordinance.

   **Finding:** The proposal is not consistent with ordinance requirements including with parking drive isle width and parking minimums.

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

   **Finding:** The proposal would not impact the southern natural site area.

4. Creation of harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development.
Finding: The proposal does not result in a harmonious relationship of buildings. The project fails to adequately transition between land use and architectural types and spatial relationships.

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

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

Finding: The proposal fails to:

- Create an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community.
- The developed portion of the site provides no open space for the enjoyment of residents.
- Provide intuitively designed vehicular and pedestrian circulation, adequately designed internal driveways and circulation and the arrangement and location 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.

Finding: The project if approved, would be required to meet minimum building and landscaping requirements.

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

**Finding:** The proposal would visually and physically alter the property and the immediate area. However, this would change would occur with any redevelopment of the site.

**Pyramid of Discretion**

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 adopt the resolution denying the request.

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

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

**Voting Requirement**

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

**Neighborhood Comments**

The city sent notices to 1114 property owners and has received no written comments to date.

**Deadline for Action**

June 15, 2018
Location Map

Applicant: Rotenberg Companies
Address: 12501 Ridgedale Dr

City of minnetonka
Where quality is our nature
### Parking Summary

<table>
<thead>
<tr>
<th>Office Required Parking Spaces:</th>
<th>14361 SF / 1000 X 4 = 57 Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment Required Parking Spaces:</td>
<td>77 Units X 2 Spaces / Unit = 154 Spaces Required</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category</td>
</tr>
<tr>
<td>Office</td>
</tr>
<tr>
<td>Apartment</td>
</tr>
<tr>
<td>Total</td>
</tr>
</tbody>
</table>

Total Parking Provided: 206

### Building Area Above Grade Not Including Garage

- 1st Floor: 21480 SF
- 2nd Floor: 36724 SF
- 3rd Floor: 36452 SF
- 4th Floor: 35998 SF
- Grand total: 130653 SF

### Garage Total Area

- 1st Floor Garage: 23531 SF
- Underground Garage: 44920 SF
- Grand total: 68451 SF

### Parking Required: 211
Parking Provided: 206

### FAR Calculation

- Total Site Area: 4.43 Acres / 193,047 SF
- Protected Wetland Area: 6838 SF
- Total Buildable Area: 186,209 SF

- Non-Garage Building Area (130,654 SF) + Existing Office Area (14,361 SF) / Buildable Land Area (186,209 SF) = 0.79 FAR

### Minnetonka Zoning

- 2035 Ridgedale Village Center Vision:
  - Pedestrian Friendly
  - Revitalize Use
  - Additional Residential Growth
  - Vitality Encouraged by Mixed Uses

### Unit Mix by Type

<table>
<thead>
<tr>
<th>Unit Count</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed</td>
<td>46</td>
</tr>
<tr>
<td>2 Bed</td>
<td>31</td>
</tr>
<tr>
<td>Grand Total</td>
<td>77</td>
</tr>
</tbody>
</table>

### Parking Schedule

- Exterior: 45
- Interior: 161
- Grand total: 206
NOTES & DETAILS

PERENNIAL BED PLANTING

NOTES & DETAILS

UNDERSTORY VEGETATIVE MATERIAL. CLEAR MATERIAL AND DESIGN OF BEDS OR OVERALL PLANTING

SELECTIVELY CLEAR & GRUB EXIST. WWW.GOPHERSTATEONECALL.ORG

Owner: B L Graybow & C L Graybow

PROJECT NO.: 17195

S89°32'30" W                                                                                                                     469.06

N27°43'05" E

EXISTING GRADE

SURROUNDING GRADE

TO RESTRICTED ACCESS.

DESCRIPTION

SHREDDED CYPRESS MULCH OVER FILTER FABRIC, 1" DIA. DECORATIVE ROCK MULCH OVER FILTER FABRIC,

NEW MATERIAL TO BE AS LARGE AS POSSIBLE TO MINIMIZE NEED FOR EXCAVATION.

MODIFY PLACEMENT OF MATERIAL UNDERNEATH VALVE AND VALVE BOX. GRAVEL SHALL EXTEND 3" BEYOND PERIMETER OF VALVE BOX.

STAKES SHALL BE PLACED AT 120° TO ONE ANOTHER.

METHODS MAY BE PROPOSED BY CONTRACTOR.

THREE 2"X4"X8' WOODEN STAKES, STAINED BROWN

ARCHITECT TO IMPROVE APPEARANCE (RETAIN NATURAL SHAPE FOR SPECIES)

STAKED LANDSCAPE EDGER AS SPECIFIED, SEE MANUFACTURER'S

IRRIGATION NOTES:

AVOID HOT SUN BURN FOR PLANTS. PROTECT FROM FROST. PLANTS MAY REQUIRE STAKING TO HOLD UP

IRRIGATION WATER LINE CONNECTION SIZE IS 1" DIA. 30" DEEP. 3" SLEEVES TO TOP OF PAVEMENT. EXTEND SLEEVES TO 2'-0" BEYOND PAVEMENT.

ROCKET VALVE BOXES TO BE PLACED IN PEAK OF EARTH. USE GREASE OR OIL TO SECURE 2"X2"X8' WOODEN STAKES

IRRIGATION CONTROL PANEL SHALL BE LOCATED IN A DRY AREA, SECURED TO A CONCRETE BASE OR PEAK OF EARTH, SECURED TO AN ALUMINUM FRAME OR HANGING FROM A CEILING. SECURE WITH 3" LAG BOLTS.

COUPLING WIRE: 14 GAUGE DIRECT BURIAL, SOLID COPPER IRRIGATION WIRE.  RUN UNDER MAIN SERVICE AND METERING FACILITIES.

ALL MAIN LINES SHALL BE 18" BELOW FINISHED GRADE.

ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.

ALL PLANT MATERIALS SHALL BE WATERED AND MAINTAINED UNTIL ACCEPTANCE.

IRRGATION WATER LINE CONNECTION SIZE IS 1" DIA. 30" DEEP. 3" SLEEVES TO TOP OF PAVEMENT. EXTEND SLEEVES TO 2'-0" BEYOND PAVEMENT.

CONTRACTOR SHALL MANAGE 2 WETLAND BUFFER WITHIN PROPERTY = 6838.5 SF

NEW MATERIAL TO BE AS LARGE AS POSSIBLE TO MINIMIZE NEED FOR EXCAVATION.

IRRIGATION SERVICE AND METERING FACILITIES.

PLANT TRUNK ROOTS AT OUTER EDGE OF ROOTBALL LOOSENED TO 16.5' MANAGE 2 WETLAND BUFFER

USE SCREENS ON ALL HEADS.

IRRIGATION CONTROL PANEL SHALL BE LOCATED IN A DRY AREA, SECURED TO A CONCRETE BASE OR PEAK OF EARTH, SECURED TO AN ALUMINUM FRAME OR HANGING FROM A CEILING. SECURE WITH 3" LAG BOLTS.

ALL EXPOSED PVC RISERS, IF ANY, SHALL BE GRAY IN COLOR.

PLANT TRUNK ROOTS AT OUTER EDGE OF ROOTBALL LOOSENED TO 16.5' MANAGE 2 WETLAND BUFFER

RULE OF THUMB - MODIFY EXCAVATION BASED ON SLOPE SIDES OF HOLE OR VERTICAL SIDES AT EDGE OF HOLE.

CONTACTOR SHALL MANAGE 2 WETLAND BUFFER WITHIN PROPERTY = 6838.5 SF

NEW MATERIAL TO BE AS LARGE AS POSSIBLE TO MINIMIZE NEED FOR EXCAVATION.

IRRIGATION NOTES:

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NEW MATERIAL TO BE AS LARGE AS POSSIBLE TO MINIMIZE NEED FOR EXCAVATION.
- Austrian Pine, Min. 14' HT.

Protect exist. trees to remain.

Selectively clear & grub exist, understorey vegetative material. Clear area for 92" Min. tree spade access.

Balled & burlapped, (Min. 8' HT.) trees may be used due to restricted access.

Modify placement of material on-site, coordinate with owner. New material to be as large as regionally available.

Understory vegetative material. Clear area for 92" Min. tree spade access.

Prohibit existing trees to remain.

Proposed canopy & evergreen tree symbols - see schedule and plan for species and planting sizes.

Proposed deciduous and evergreen shrub symbols - see schedule and plan for species and planting sizes.

Shrub symbols - see schedule and plan for species and planting sizes.

Proposed perennial plant symbols - see schedule and plan for species and planting sizes.

Deciduous tree symbols - see schedule and plan for species and planting sizes.

Adjoining property additional screening landscape.

Owner: M P Stesin & H L Stesin
Owner: B L Graybow & C L Graybow

Gopher State One Call
WWW.GOPHERSTATEONECALL.ORG
(800) 252-1166 Toll Free
(651) 454-0002 Local

MATCHLINE: SEE SHEET L1.1 FOR ADDITIONAL LANDSCAPING

10/10/18

Patrick J. Sarver

LICENSE NO.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

01/24/18

CivilSiteGroup.com
Matt Pavek
763-213-3944
Pat Sarver
952-250-2003

01/24/18

Ridgedale Executive Apartments, Inc.
12455 Ridgedale Drive, Minnetonka, MN 55305
12455 Ridgedale Drive, Suite 103, Minnetonka, MN 55305

Rotenberg Companies, Inc.
4931 W. 35th St. Suite 200
St. Louis Park, MN  55416

Civil Site Group
Minnetonka, MN 55343

Civil Site Group
Minnetonka, MN 55343

Enlargement
South

Schedule and Plan for species and planting sizes.
ATTACHMENT B: SWPPP INSPECTION FORM

INSTRUCTIONS: THIS CHECKLIST MUST BE COMPLETED TO THE SATISFACTION OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) CONSTRUCTION STORMWATER PERMIT ISSUED ON AUGUST 1, 2013. THE COMPLETION OF THIS CHECKLIST DOES NOT GUARANTEE THAT ALL PERMIT REQUIREMENTS ARE IN COMPLIANCE; IT IS THE RESPONSIBILITY OF THE PERMITTEE(S) TO READ AND UNDERSTAND THE PERMIT REQUIREMENTS.

FACTOR INFORMATION
SITE NAME: RIDGEDALE EXECUTIVE CITY:
COPYRIGHT 2017 CIVIL SITE GROUP INC.

PROJECT NO.: 17195

INSTRUCTIONS
INFORMATION
INSPECTOR NAME: PHONE NUMBER: DATE OF INSPECTION: WHICH DEDICATED SWPPP INSPECTOR WAS ON-SITE?

TOTAL VISITS:
Y N NA

DATE (MM/DD/YYYY): _____________________
TIME: ____________ AM / PM

CITY SUBMITTAL
NOTE: THIS INSPECTION REPORT DOES NOT ADDRESS ALL ASPECTS OF THE NATIONAL APPELLANT DISCHARGE ELIMINATION SYSTEM/STATE DISPOSAL SYSTEM (NPDES/SDS) CONSTRUCTION STORMWATER PERMIT ISSUED ON AUGUST 1, 2013. THE COMPLETION OF THIS CHECKLIST DOES NOT GUARANTEE THAT ALL PERMIT REQUIREMENTS ARE IN COMPLIANCE; IT IS THE RESPONSIBILITY OF THE PERMITTEE(S) TO READ AND UNDERSTAND THE PERMIT REQUIREMENTS.

ATTACHMENT C: MAINTENANCE PLAN FOR PERMANENT STORM WATER TREATMENT SYSTEM

1. STORMWATER RETENTION, DETENTION, AND TREATMENT BASINS MUST BE INSPECTED AT LEAST ONCE A YEAR TO DETERMINE THAT BASIC REQUIREMENTS FOR THE BASIN ARE MEETED. PERMANENT TREATMENT BASINS MUST BE INSPECTED DIVIDED PERIODICALLY OR BY ADMISSION OF THE戀MENTRANSFON/CONSTRUCTION PERMIT. THE CITY WILL AMEND NO PART 4A INSPECTION REQUIREMENTS, OR THE INSPECTION PERIODS UNTIL ANOTHER PERMITTEE HAS OBTAINED COVERAGE UNDER THIS PERMIT ACCORDING TO PART II.B.5., OR THE PROJECT HAS UNDERGONE FINAL STABILIZATION AND A NOTICE OF TERMINATION HAS BEEN SUBMITTED TO THE MPCA.

2. ALL DITCH CHAMBERS, DRAIN CATCH BASINS, DRAIN MANHOLE/LID STRUCTURES, CURB INLETS, CULVERTS, AND OTHER STORMWATER STRUCTURES MUST BE INSPECTED AT LEAST ONCE EACH YEAR. UNTIL 30 DAYS OF THE INSPECTION DATE, ALL ACCUMULATED SEDIMENT DEPOSITS MUST BE REMOVED. CONTINUING STORMWATER BASINS MUST BE INSPECTED AT LEAST ONCE EACH YEAR. UNTIL 30 DAYS OF THE INSPECTION DATE, ALL ACCUMULATED SEDIMENT DEPOSITS MUST BE REMOVED. CONTINUING STORMWATER BASINS OR ANY OTHER STRUCTURES OR INFRASTRUCTURE MUST BE IN GOOD OPERATIONAL CONDITION AT ALL TIMES. THE INSPECTION MUST ENSURE THAT SEDIMENT TRAPS AND FOREBAYS ARE TRAPPING SEDIMENT AND THAT MORE THAN 50 PERCENT OF THE STORAGE VOLUME REMAINS.

INLET PROTECTION ON ALL CATCH BASINS AND CULVERT INLETS?

RECOVERED WITHIN 7 DAYS?

IS THE SITE WITHIN ONE AERIAL MILE OF A SPECIAL OR IMPARED WATER?

ARE ALL INFILTRATION AREAS PROTECTED WITH A PRETREATMENT DEVICE?

ARE ALL INFILTRATION SYSTEMS MARKED TO AVOID COMPACTION?

IS THE CONCRETE WASHOUT AREA MARKED WITH SIGN?

DOES ON-SITE FUELING ONLY OCCUR IN A CONTAINED AREA?

ARE ALL INFILTRATION SYSTEMS PROTECTED?

ARE ALL PREVIOUSLY STABILIZED AREAS MAINTAINING 90% GROUND COVER?

ARE APPROPRIATE BMP'S INSTALLED PROTECTING INLETS/OUTLETS?

HAS THE NEED TO DISTURB STEEP SLOPES BEEN MINIMIZED?

ARE THERE BMP'S FOR ONSITE STOCKPILES?

ARE INFILTRATION SYSTEMS CORRECTLY INSTALLED?

ARE ALL INFILTRATION SYSTEMS USED AS DESIGNED?

ARE ALL INFILTRATION SYSTEMS MAINTAINED?

EREOSION CONTROL REQUIREMENT (PART II.B)

7. EROSION CONTROL INCREASES ON ALL DRAINAGE CARRYING PYE.

IS THE SITE WITHIN ONE AERIAL MILE OF A SPECIAL OR IMPARED WATER?

ARE ALL INFILTRATION SYSTEMS PROTECTED?

ARE ALL INFILTRATION SYSTEMS CORRECTLY INSTALLED?

ARE ALL INFILTRATION SYSTEMS USED AS DESIGNED?

ARE ALL INFILTRATION SYSTEMS MAINTAINED?

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ARE ALL INFILTRATION SYSTEMS USED AS DESIGNED?

ARE ALL INFILTRATION SYSTEMS MAINTAINED?

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IS THE SITE WITHIN ONE AERIAL MILE OF A SPECIAL OR IMPARED WATER?

ARE ALL INFILTRATION SYSTEMS PROTECTED?

ARE ALL INFILTRATION SYSTEMS CORRECTLY INSTALLED?

ARE ALL INFILTRATION SYSTEMS USED AS DESIGNED?

ARE ALL INFILTRATION SYSTEMS MAINTAINED?
COMPARISON OF PLANS
Formal Plan Submission – 4-stories (north elevation)

Comparison of Revised Concept Plan (5-stories) to Formal Plan Submission – (4-stories)

Comparison of all plans

Original Concept Plan (6-stories)  Revised Concept Plan (5-stories)  Formal Plan Submission – (4-stories)
CONCEPT PLAN MINUTES
PLANNING COMMISSION NOVEMBER 30, 2017 MEETING MINUTES

A. Concept plan for Ridgedale Executive Apartments, a 112-unit luxury apartment building, at 12501 Ridgedale Drive.

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

Gordon reported. He recommended that the planning commission provide comments and feedback on the identified key issues and others the planning commission deems appropriate. The discussion is intended to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Chair Kirk noted that he is the YMCA director of architectural services, but there is no conflict for him with the proposed application as a member of the planning commission.

Schack confirmed with Gordon that the density would equal 25 to 30 units per acre.

Richard Rotenberg, applicant, stated that he purchased the property in 1986. He built the office building at 12455 Ridgedale Drive. Red Stone Grill recently terminated its lease agreement. The site is fantastic. The proposed plan fits with the city’s 2035 vision.

Charlie Carpenter, attorney for the applicant, stated that he has studied the city’s vision statement for Ridgedale Village. The concept would fit pretty well. The property lies at the center of Ridgedale Drive. Given its prominent location and natural beauty, the proposal would create a center piece for the Ridgdale Center Village. There is a substantial demand not being met for up-scale rental housing. The largest demand is from empty nesters who want high-quality homes, freedom, and the amenities of a luxury apartment. Young professionals would also reside in the proposal. The proposal would serve as a catalyst for investment in the Ridgedale area. The project would include heated parking, electronic vehicle charging stations, wash bays, a private yoga studio, boardrooms equipped with communication technology, virtual golf, a putting green, and a concierge. The high quality of the project would set it apart. It would become an iconic presence.

Jesse Hamer, design architect for the applicant, stated that he was directed to create a luxury, elegant, and beautiful building. The proposal would have 111 units, 6 stories, and exterior made of natural stone.

Knight moved, second by Calvert, to extend the meeting until midnight.
Calvert, Knight, O'Connell, Powers, Schack, Sewall, and Kirk voted yes. Motion carried.

Mr. Hamer stated that glass with glazing would be used to allow more light to come inside. Details at the base would include metal panels. The building was designed to be pushed up against Ridgedale Drive to make it part of the community, maximize the number of parking stalls between the buildings, and create as much distance between the neighbors on the south side as possible. The site is wooded which is a big amenity. There would be wood floors and marble countertops in the units. The proposal would be an asset to the neighborhood.

Dan Rhodes, applicant's landscape architect, addressed the concerns expressed at the neighborhood meeting. The building would be pushed close to Ridgedale Drive and away from neighbors on the south. The closest residence would be 130 feet from the nearest point of the building. The Ridgedale Library and YMCA are further south than the proposed building. The bluff between the site and adjacent south neighbors would provide effective screening. The applicant has agreed to work with neighbors to add more screening such as evergreens that would be more effective in the winter. There would be a path along the pond and a path that would tie in with the government center.

Mr. Rotenberg is looking forward to doing a great project. The Ridgedale area is the center and hub of the city. It belongs to the entire city of Minnetonka. It would be a great project for everyone and would be impressive when done.

Powers confirmed with Mr. Rotenberg that the existing building and proposed building would complement each other.

The public was invited to comment.

Kim Leventhal, 2030 Norway Pine Circle, asked if 4.3 acres encompasses the entire site. Gordon answered affirmatively. It includes the developed portion of the site and the portion that would be in a conservation easement.

Dr. Mark Stesin, 2000 Norway Pine Circle, stated that he spoke on behalf of the neighborhood. He did not believe that one would not be able to see a six-story building through the trees from his house. The path would cause people to walk through the residents' back yards. There is not enough room to tear down trees, put in a path, and install railings to prevent people from falling into the pond. Commissioners need to visit the site. He welcomed commissioners to his back yard. He was not opposed to building on the property, but six stories would be way out of proportion for the density and proximity to the neighborhood.
Gary Van Cleave, attorney on behalf of Mark and Heather Stesin at 2000 Norway Pine Circle, Felix and Donna Ricco at 2010 Norway Pine Circle, and Andy and Zhanna Schectman at 2074 Austrian Pine Circle stated that:

- The property owner has the right to develop the property, but the proposal is not the right size. There are inconsistencies between the proposal and the comprehensive guide plan and zoning ordinances. The building would exceed the allowed size and scale for the area. He disagreed that the proposal would fit within the context of the surrounding neighborhood.
- The PID I-494 district does not allow a mixed-use development.
- The height and mass would be grossly out of scale and character with the surrounding area.
- There would not be adequate buffering between different land uses.
- The proposal would increase traffic, noise, and light exposure. Balconies would face sideways toward the neighborhood.
- The zoning district limits FAR to .75. The proposed FAR is 1.06.
- The trail adjacent to the single-family residences would not provide adequate buffering, would cause tree removal, and result in bluff destabilization.
- The neighbors he represents strongly object to the proposed project. He urges commissioners and city councilmembers to direct the applicant to work with staff to develop a project consistent with policies and law and work with neighbors.

Annette Bertelsen, 13513 Larkin Drive, stated that:

- The proposed path would be a park trail that would be paid for with park and trail improvement funds. It would be maintained by the park and trail budget. Adding a trail around the pond had never been mentioned before this proposal. The trail would be 10 feet from houses. The trail would be a loop that would go nowhere. The trail is not needed. The funds should be used for other parks and trails.

Zhanna Schectman, 2074 Austrian Pine, stated that:

- Her house was built four years ago. The back of the house is all windows. The second floor of her house would overlook the proposed building. Her fear is that people with binoculars would look in her windows. Her house would have no privacy if the building would be six stories tall. The back of her house would be lit up all night long. She opposed the proposal.

Richard Campion, 12700 Sherwood Place, stated that:
• The easement travels to Woodbine.
• When the leaves are down, the Ridgedale Service Center is visible and residents are used to the view. When the leaves are on, none of the buildings are visible.
• He understood that the trail could connect to Plymouth Road and the sidewalk. He asked if that would be the grand plan. He questioned if another path is necessary.
• Two lanes of traffic are needed instead of making it look green and pretty. Adding hundreds of people around Ridgdale would cause a traffic problem. Cops could tell commissioners about traffic better than an engineer.
• Bike paths provide escape routes for burglars.
• He did not think the trail would be necessary.

Heather Stesin, 2000 Norway Pine Circle, stated that:

• The swing set in her back yard would be 25 feet from the path. She did not think it would be safe.
• Helicopters have looked for shoplifters in the woods before. The path would make it more convenient for criminals to leave a getaway car on her cul de sac.
• The building would be an albatross. The library is two stories and the Sheraton Hotel is three stories. The proposal would not fit in the neighborhood. She would be fine with a three-story building.

Felix Ricco, 2010 Norway Pines Circle, stated that he agrees with his neighbors’ comments.

In response to Schack’s question, Gordon explained that the trail would not travel south into the neighborhood. It would go around the pond.

Powers requested Dr. Stesin provide photos from his house of the view. Powers liked the idea of a luxury apartment building. There is a demand. The Ridgedale Center area would be the right place. He did not have enough visual evidence yet to determine if six floors would be appropriate.

Calvert agreed that there is a market for luxury, high-density residential housing. The Ridgedale area would be a likely spot for it. She asked what sustainable features would be utilized. A green roof might reduce the mass or industrial look of the building. She drove all of the streets south of the site. In her mind, a six-story building would be intrusive to the neighborhood. It would be an abrupt transition from high density to a single-family resident’s back yard. It would be a valuable project. The proposal looks very attractive. The stone exterior would be beautiful. She was concerned with the mass being located so close to a residential area. It would have an urban feel and what people love about Minnetonka is the suburban feel, so she has conflicted feelings.
Schack understood that, generally, it has been agreed that the Ridgedale area is an area suitable for high density. The proposed mass seems large to be adjacent to single-family houses. She noted that a 10-story office building would not be any better. The need for high-density housing is great, but 6 stories at the proposed location does seem like a lot. She commended the inclusion of electric-vehicle plugins, but would look for more than that from a sustainability perspective.

Sewall felt that the land use would be appropriate. There is a compromise to be made. He saw dense housing orbiting Ridgedale and funneling people towards Ridgedale.

Powers asked if the proposal would move forward if the SWLRT would not be completed. Mr. Rotenberg answered in the affirmative. He noted that the illustrations were created using actual elevations and a survey. Trees that would be planted were included in the illustration. The white building is the building based on the survey. The light pole is 15-feet tall. The building would be visible in the winter without additional buffering, but not in the summer.

Knight thought that the angle would be so low that a six-story building would not look like a six-story building from the houses. The density would work. It does not look too big. View corridors are not property rights. He would like staff, the developer, and city councilmembers to add some clarity around the favored zoning districts.

Chair Kirk wondered about the FAR in regard to high-density housing. He would be comfortable not including the trail or creating two dead-end trails that would not encroach on the neighborhood. He saw the center of Ridgedale Center as a bullseye. He thought the mass would be too large. He preferred four stories.

Calvert agreed with Chair Kirk.
B. Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive

Gordon and Wischnack gave the staff report.

Wagner noted the close proximity to Ridgedale Drive. He said he understood this was a concept plan, but questioned the setbacks as shown in the plan. Gordon said staff had not done any detailed review with how the building sits on the property. Wischnack said she thought the setbacks were similar to the Ridge.

Allendorf said he always thought there was a lot going on even with past use of the property. This concept plan would be even more in terms of footprint. He wondered if the building would even fit on the site. Gordon said staff had not run any numbers on the property. He said the plan was denser than other things on Ridgedale Drive.

Richard Rotenberg, 13924 Emerald Ridge, said he owned the property since 1996. The reason he purchased it was because of the beauty of the property including the pond. It was a serene setting. He owned Redstone and built the office building. He looked at a number of ideas for the site and determined the best thing was for a luxury apartment building. He attempted to fit in with the city’s vision for 2035 and thought this plan was ideal.

Charlie Carpenter, an attorney with the Fabyanske Westra Hart & Thomson law firm, provided information about the concept plan. He said there was high demand for upscale rental housing. The upscale apartment building would serve as a catalyst for investment in the Ridgedale center concept. The goal was for the building to become an iconic presence that everyone in the city would be proud of.

Rotenberg said the average one bedroom apartment would be around 969 square feet. This contrasts to other units in the area where the average is around 750-850 square feet. Two bedroom units would average around 1,500 square feet. There would be high ceilings and the appliances would be luxurious.

The project architect, Jesse Hamer from Momentum Design Group, presented further details about the plan. Pushing the building north maximized the parking between it and the office building. It also increased the distance between the building and the neighbors to the south. The
majority of parking would be enclosed both underground and at grade at the first level. The six story building would be approximately 55 feet in height. The natural screening of the site was very important to maintain and was a big amenity. This was set as a priority at the beginning of the process.

Dan Rosen, an attorney with the Kluger, Kaplan, Silverman, Katzen & Levine law firm, said Rotenberg only did things at the highest level. Rosen noted the council received a letter from the Larkin Hoffman law firm representing some of the neighbors. He said the legal argument in the letter was a considerable reach and was inconsistent with the city’s comprehensive guide plan and zoning code. At the end of the day the fundamental opposition was not wanting a six story building. The common response to a development was “But I can see it and I couldn’t see it before.” In the summer, the neighbors would not be able to see the building. In the winter, there was no question something would be seen but the question was what the developer was doing to elevate the neighborhood. The choice was the luxurious vertical surface or a horizontal surface that might be asphalt roadways, driveways or rooftops. These were the only alternatives available. He said the city was looking for density in housing for the area. Without this plan, it would be difficult to achieve that goal. The idea then was to do it in the nicest way possible. He pledged the developer would be 100 percent respectful to the neighbors. The plan would be a tremendous upgrade from Redstone.

Jacob Steen, an attorney with the Larkin Hoffman, said the law firm was representing several of the most affected neighbors who live in the low density residential neighborhood to the south. There was no doubt this would be a nice facility and that it was appropriate for some level of development to occur on the site. It was apparent there was just too much being shoehorned onto the site with this plan. He said looking at the massing in context was important because the city spent a considerable effort with the community to develop policies that specifically address the south end of the Ridgedale area. The comp plan in several places referenced this single family, low density neighborhood by name specifically in the context of the buffers, the transition, massing and height. The buffers and transition were supposed to be buffering from the mall over this property to the single family residential neighbors. This plan would create a high density residential development directly abutting the lowest density residential development in the area. He urged the council to look through this lens as it was evaluating the plan. The comp plan specifically referenced minimizing the impacts of development on this property with managing impacts on nearby low density to the south. He said he hoped the idea of a proposed trail would be dropped because it
was one of the neighbors’ biggest concerns. He encouraged the council to
direct the applicant to right size the project.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking not only
as a neighbor whose property abuts the development property but also on
the behalf of many neighborhoods. Residents on many streets in the area
were concerned about the plan. They do not begrudge the property owner
from building on his property, but the question was what was appropriate
to be built on the property. He said he was very concerned about the mass
impacts. This high density building would directly abut the single family
residential homes without any transition. Currently he can see the two
story office building so he does not buy into the claim the six story
apartment building would not be visible. In addition to the building, there
would be an issue with lights. This would impact many people in the
neighborhood. Noise would also be a factor with the pool and recreation
area as well as many of the balconies that will face the neighborhood.
Traffic would also be an issue. At question was what the hub of the
Ridgedale area project actually was. He said the apartment building was
way out of proportion. Another issue was if the path was built as in the
plan, his backyard would be about 10 feet away. This would cause safety
issues related to crime creating an escape route from Ridgedale.

Heather Stesin, 2000 Norway Pine Circle, said Allendorf was right about
being concerned with the footprint. The massive building would impose on
the neighboring properties. She showed pictures from her property looking
at the development property. She questioned if anyone would want a path
so close to their property with the amount of crime in the world. She noted
she and her husband along with some neighbors own the property in the
center of the cul-de-sac so nothing will be built there. She showed a
picture of the current three story building lit up at night and said she
couldn’t imagine all the light coming from a six story building. She said
people move in and out of apartments all the time and there would be
many deliveries. Traffic would be an issue as will noise and lights for the
entire neighborhood.

Wagner said one of the things that came up at the planning commission
hearing was concern about the trail. He said during the discussion about
the reconstruction of Ridgedale Drive, there were comments about making
the area more walkable, and opening up Crane Lake as a park, although it
was unknown how that would be funded. This would be a much better
place for park dedication funds to be used than for a path around this
building. He asked Gordon the distance between the west edge of
Highland Bank and the neighborhood. Gordon indicated it was around 850
feet. Wagner said the council had indicated support for density around
Ridgedale as part of the vision for the area as well as a mixed use of
housing. He strongly supported that strategy. The council had also discussed stepping down density as it gets closer to residential neighborhoods. He didn’t begrudge the idea of apartments on this site but he did have concern about a six story building. He said there was a desire to do a lot of the density on the Ridgedale property itself but that would require a approval from the mall owner as well as the anchors of the mall.

Bergstedt said he agreed with much of Wagner’s comments. He thought the trail was a terrible idea for a lot of reasons. The building had a massive footprint and was six stories high. He thought the proposed use of luxury apartments was fine for the site but more creativity was needed because the concept plan was too massive.

Wiersum said it was an attractive concept from a building perspective but he agreed the mass and scale were too much. He said it clearly needed to be a smaller building to get his support.

Acomb said housing was appropriate for the site. She was concerned about the setback from the road. She said the apartment building would dwarf the office building so it felt out of scale. The mass not only was too big as a transition to the single family residential neighborhood but also with the office building. She questioned if there was a council policy around an affordability component if a property was rezoned. Wischnack said the council adopted a resolution that an affordable component may be required by the council as part of rezoning. Acomb said while she appreciated that there was a market for executive and luxury apartments, she wondered if affordable housing could be included as well. She agreed park dedication fees would be better spent elsewhere in the Ridgedale area.

Allendorf said everybody loved trails but not in their yard. He didn’t think a trail belonged in this plan either. He said he wasn’t just concerned about the height of the building but also what was going on within the property. The footprint was too big. Something had be shrunk in order for him to support it. The issue of lights was unfortunate but did not concern him because there would be lights even with a four story building. He thought the site was the perfect place for luxury apartments but didn’t think a mix with affordable apartments made sense.

Ellingson agreed the trail was not appropriate. When Cherrywood Pointe was approved there was discussion about a trail for that development. This would have required cutting into the hillside and removing trees and would have ruined the natural area. He was concerned about the setback from Ridgedale Drive although he appreciated the effort to add distance
from the single family home neighborhood. He agreed it would be better if the building wasn’t so big.

Schneider said when the council discussed the vision for the area there was a lot of discussion about the YMCA moving to a different location. When the YMCA decided to stay and upgrade the site the council discussed four or five story apartment buildings in the area that would have been even higher than this building given the topography. He said the desire to implement the vision incrementally for higher density housing in the Ridgedale area was still, for him, a top priority. The question was whether this concept was right or wrong and he thought it wasn’t right. He wasn’t sure what it would take to make it fit right. The visual impacts on the immediate adjacent homes would be similar with a four, five, or six story building. He encouraged Rotenberg to move forward with a high density project, and to work with the neighbors with landscaping their view shed so when the leaves were gone there still would be screening. His biggest concern was the building was 300 feet long, six stories high, and close to the road. He thought the Highland Bank was different because it had a lot of character to it with a lot of ins and outs, balconies and softer colors. This plan looked like a long wall. He would like to see more articulation.
C. Concept plan review for Ridgedale Executive Apartments at 12501 Ridgedale Drive

Robert Weinstine, an attorney with the Winthrop & Weinstine law firm, said he represented the property owner. Since the council last saw the concept plan, the property owner seriously considered all the feedback he received from the council. Neighborhood issues were reflected upon. Earlier in the day there was a neighborhood meeting that was attended by five or six people and also city staff. He said the plan was generally well received. As a result of listening to the neighbors, the building height was reduced from six stories to five stories. This was a significant financial contribution from the property owner given all the amenities that were being included to make it a first class development. For comparison, he noted the building at 1700 Plymouth Road was six stories. The building southeast of the YMCA was four stories and was much closer to residential homes and the topography was much higher. In addition to reducing the size of the building, the building was moved further back on the property. As a result the closest home would be 423 feet away. The area was wooded and the plan would not affect the trees in any way. The design of the building has been softened. The proposed path was removed. He said the development would be very attractive to empty nesters and young professionals.

Gordon and Community Development Director Julie Wischnack gave the staff report.

Wagner noted the reduced height was about seven feet while most apartment buildings a story was eight to 12 feet high. He asked if part of the reason for this was the amount of parking, which was 250 parking spots for 93 units. He asked if this was discussed at the neighborhood meeting. Gordon said the information Wagner was referencing was a staff interpretation and not from the architect. He said the concept plan indicated floor to ceiling heights around 10 feet. There would also be around two to three feet between floors. As far as the parking, he noted the office building was part of the site. The plan was for two to three spots per unit, visitor parking spots, plus spots for the office building. Staff would do more analysis on the parking if an application was submitted.

Jesse Hamer, from Momentum Design Group, the architect for the project, said the revised height of the building would be about 65 feet, about a nine foot reduction. The current plan met the city’s full parking requirement. There were two spaces per units and 57 spaces for the office building. He said in addition to moving the building back, there was an effort to increase the connection to the pedestrian walk area. There also was a plaza area added in front of the building.

Dr. Mark Stesin, 2000 Norway Pine Circle, said he was speaking on behalf of a coalition of neighbors. None of the coalition attended the neighborhood meeting earlier in the day and they remain opposed to the project. They do not oppose bringing in new residents to the city with high density apartment buildings as long
as they comply with the comprehensive plan and do not encroach on neighbors who have lived in the city for decades. He said the change in the height of the building doesn’t get at the core issues discussed at the previous council meeting. The building was still too big, bulky and dense for the property. There still were balconies facing the neighborhood, a pool, a recreation area and now an outdoor barbeque area. The trees may buffer the building from being seen but they would not buffer the noise. The entire character of the neighborhood abutting the property would change. There was not enough buffer for going from high density to low density.

Acomb said the she appreciated the developer making changes to address concerns but looking at a drawing of the building it looks like a big wall along Ridgedale Drive. While there had been some accommodations she liked, she didn’t think there were enough. She noted some developments had stepped things down to break up the look of the building. She didn’t know if this was an option for this plan. She appreciated Stesin’s comments about transitioning from single family homes to high density. She thought high density was appropriate for the site although five stories still might be too high. She noted there was a lot of the development in the Ridgedale area and none of it included affordable housing. This put the city in the situation of not having any affordable housing in a commercial area. She encouraged the developer to look at including affordable housing and for the council to hold developers to the standard especially for a commercial area.

Calvert said this also was a project she reviewed as part of the planning commission. She appreciated the reduction in height. She said there seemed to be some changes in the design that helped break up the blank wall feel. She liked the materials being used and that they were really attractive. She noted the view from the east Ridgedale Drive perspective made it look like the building was almost sitting on the road. She appreciated the developer moving the building as far away from the residential property as possible, but in doing so it placed the building close to the road. This gave it a claustrophobic feeling. It also robbed the site of a suburban feeling and gave it a very urban feeling. She was concerned this might create issues given some of the changes to Ridgedale Drive. She agreed with Acomb’s comments about affordable units. She also thought the city needed to be mindful as it promoted its values and priorities, in promoting sustainability. She had not heard that discussed much for this concept plan.

Wagner said he continued to believe high density housing was appropriate for the site. While he recognized the removal of a story from the building, he encouraged the developer to evaluate concepts associated with how the parking was treated on the site. In general the council’s comments indicated although it was an appropriate use being looked at, the mass with the existing office building remained too much. Even though the look was softened, the wall along Ridgedale Drive was a concern.

Ellingson said the building was attractive and it was appropriate to have high density housing on the site. He thought it was unfortunate such a high density building was right next to a single family residential neighborhood. He noted such
an abrupt situation existed with the Best Buy site so he understood and appreciated the concerns from the neighbors. He questioned what might be acceptable for the site.

Wiersum agreed the building was an attractive building but as he considered the location and the amount of buildable land, he thought it was an overly ambitious project. The mass was still too much. A high end building built to high standards with a lot of amenities on such a small footprint next to a single family residential neighborhood with no real buffer was too ambitious. He appreciated the changes that were made to the plan, but he thought it still needed to be downscaled.
REZONING ORDINANCE
Ordinance No. 2018-

An ordinance _________ master development plans and ____________ final site and building plans for redevelopment of the property located at 12501 Ridgedale Drive

The City of Minnetonka Ordains:

Section 1. Background

1.01 This ordinance hereby _________ the master development plans and ___________ final site and building plans for construction of a residential apartment development at 12501 Ridgedale Drive.

1.02 The property is located at 12501 Ridgedale Drive and are legally described as:

Lot 3, Block 1, Ridgedale Center Fifth Addition, Hennepin County, Minnetonka

Section 2. Findings

2.01 This ordinance is based on the following findings:

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on _____________, 2018.

____________________________
Brad Wiersum, Mayor

ATTEST:

____________________________
David E. Maeda, City Clerk
Action on this ordinance:

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

Date of publication: 

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on ______________, 2018.

__________________________
David E. Maeda, City Clerk
Resolution No. 2018-_______

Resolution denying rezoning, master development plan, final site and building plans at 12501 Ridgedale Drive

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

Section 1. Background.

1.01 Ridgedale Executive Apartments, LLC, has proposed construction of a multi-family residential development at 12501 Ridgedale Drive. The site is legally described as:

Lot 3, Block 1, Ridgedale Center Fifth Addition, Hennepin County, Minnesota

1.02 The proposal requires a rezoning from Planned I-394 District (PID) to Planned Unit Development (PUD), master development plan and final site and building plan review.

1.03 On May 24, 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.

1.04 On June 4, 2018, the City Council reviewed the proposal recommending the application be denied on the following findings.

Section 2. Findings.

2.01 The proposal does not provide sufficient public benefit for rezoning to planned unit development. Specifically, the project does not meet following the criteria identified in city code section 300.22 Subd. 2:

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

b) Provision of affordable housing;
c) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts; or

d) Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development;

2.02 The proposal does not meet the following site and building standards as outlined in City Code §300.27 Subd.5:

a) The proposal is not consistent with ordinance requirements including with parking drive isle width and parking minimums.

b) The proposal does not result in a harmonious relationship of buildings. The project fails to adequately transition between land use and architectural types and spatial relationships.

c) The proposal fails to create a functional and harmonious design for structures and site features including:

1) 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.

2) The developed portion of the site provides no open space for the enjoyment of residents.

3) Provide intuitively designed vehicular and pedestrian circulation, adequately designed internal driveways and circulation and the arrangement and location of parking.

4) 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.

2.03 The proposal does not provide a logical development program for the site. The proposed apartment building would not afford easy access and visibility to the existing office building on the site.

2.04 The proposed apartment building is placed on the property with little consideration for the long term viability of the office building. This building-behind-building relationship does not promote an active and walkable environment the city desires for the Ridgedale area.

Section 3. Action

3.01 The city council denies the proposal and associated requests based on the above findings.
Adopted by the City Council of the City of Minnetonka, Minnesota, on June 4, 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 June 4, 2018.

David E. Maeda, City Clerk
**Brief Description**

Items concerning Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East.

1) Ordinance rezoning the property from I-1, industrial, to PUD, planned unit development;

2) Master development plan;

3) Site and building plan review;

4) Environmental Impact Statement declaration; and


**Recommended Commission Recommendation**

Recommend the city council:

1) Adopt the ordinance and resolutions approving rezoning, master development plan and final site and building plans;

2) Approve by motion a negative declaration on the need for an Environmental Impact Statement.

**Recommended Planning Commission Action**

Adopt a resolution declaring that proposal is consistent with the comprehensive plan

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**Background**

In 2017, Dominium presented a concept plan for redevelopment of the 9.4-acre property at 11001 Bren Road. The plan contemplated removal of an existing office building and construction of three buildings containing a total of 454 apartment units. Two of the buildings would be dedicated to workforce housing, while the third building would be affordable, independent senior housing. The city council generally indicated support for the concept, but suggested to city staff that pedestrian connections and broader park planning in OPUS be considered.

**Formal Application**

Dominium has now submitted formal applications for the redevelopment of the site. The proposal, it includes a total of 482 rental units constructed in three, new buildings. The city council introduced the proposal on April 30, 2018. The council generally reiterated its concept plan comments.
Proposal Summary

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

• **Existing Site Conditions.**

  The roughly 9.4-acres subject property is located near the west entrance to OPUS and directly west of the future Southwest Light Rail Transit (SWLRT) station. A roughly 133,000 square foot office building is centrally located on the property. The building is surrounded by parking on its south, east and west sides. Though the industrially-zoned property is considered fully developed, it does contain several noticeable natural features, including: (1) a roughly 50-foot change in elevation from the highest point on the west side of the site to the lowest point on the east side; (2) a Type-1 wetland located adjacent to Bren Road; and (3) 97 high-priority trees.

• **Proposed Buildings.**

  As proposed, the existing building and parking lot would be removed and three new apartment buildings would be constructed. The westerly building (Building A) is a proposed four-story, 83-unit, workforce housing building. The southerly building (Building B) would contain 137 workforce units. This building would have the above-grade appearance of two, five-story buildings. However, the building would share one foundation and underground garage. The northerly building (Building C) would be six-stories in height and contain 262 affordable, independent senior units. Unit mix within the building is generally proposed as follows:

<table>
<thead>
<tr>
<th>Building A General Occupancy</th>
<th>Building B General Occupancy</th>
<th>Building C Senior Occupancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>14</td>
<td>59</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>45</td>
<td>149</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>24</td>
<td>54</td>
</tr>
<tr>
<td><strong>TOTAL UNITS</strong></td>
<td><strong>83</strong></td>
<td><strong>262</strong></td>
</tr>
</tbody>
</table>

  All three buildings would include rooftop solar energy systems, capable of producing more than 562,000 kilowatts of energy per year. Dominium indicates that the solar energy system would cover roughly 20 percent of the residential development’s total electricity cost and would result in an annual power saving of over $50,000.

• **Proposed Parking and Site Improvements.**

  The proposed buildings would be served by 552 parking stalls. The majority of parking would be located within underground garage space, with surface parking generally situated between the buildings. Vehicle access to the proposed development would be via two driveways to Bren Road East. One drive would generally be located on the north side of the site and the other located on the east, across from the LRT station. Other site
improvements are also proposed, including: an internal trail system, links to the existing OPUS trail system, outdoor patio areas, an outdoor pool, a bike café, and public art.

**Primary Questions and Analysis**

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

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

  Yes. The proposed residential use is consistent with both the past plans for OPUS and the future goals for the area. During its 1970s development, OPUS was envisioned to contain residential areas “convenient to the office, commercial and industrial portions … as well as to the surrounding services, communities, mass transportation systems, parks and recreational areas.”¹ Looking to the future, the 2030 Comprehensives Guide Plan generally emphasizes accommodating a variety of housing types within the community that will appeal to a variety of residents at a variety of ages and a variety of income levels. The plan specifically notes that redevelopment within the OPUS area should include the provision of additional residential uses.

- **Is the use of PUD zoning appropriate?**

  Yes. The city of Minnetonka uses PUD zoning to provide flexibility from certain ordinance regulations in order to achieve public benefits that may not otherwise be achieved. One of the specific public benefits recognized by the ordinance is the provision of affordable housing. The Dominium proposal would result in the provision of 220 workforce housing units and 262 affordable, independent senior units.

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

  Yes. Representatives of Dominium and city staffs spent considerable time discussing the design and façade treatments proposed for each of the three buildings. In staff’s opinion the resulting plans are not only reasonable, but very attractive. The proposed building articulation and variety of materials – including glass, smooth fiber cement panels, fiber cement siding, woodgrain aluminum panels, and masonry – would provide visual interest from both onsite and offsite views.

- **Are the proposed site impacts reasonable?**

  Yes. Grading and tree impacts would occur to accommodate the proposed buildings, parking lots, and development amenities. Generally, the west half of the site would be lowered by roughly 15 feet, while the east side would be raised from 2 to 22 feet. The grading would likely result in the removal or impact to 76 high-priority trees. Staff finds this level of impact to be reasonable for full redevelopment of a site.

  The construction of SWLRT will require some associated changes to Bren Road East. If approved, construction on the Dominium project would occur well in advance of SWLRT/Bren Road East work. To address this, Dominium has provided a “phased” site plan for the east side of the property. The Phase I plan includes temporary curbing and

¹ Rauenhorst Corporation, *Opus 2: Crossroads of Tomorrow, Today.* (Minneapolis, Rauenhorst Corporation), 13.
bituminous paving at the site entrance. Phase 2 would be completed in conjunction with SWLRT completion – or by a certain negotiated date in the event SWLRT is further delayed or not completed. Phase 2 includes installation of concrete curbing and driveway entrance, landscaping, and public art.

- **Are pedestrian connections to SWLRT adequately addressed?**

  Generally, yes. With the assumed construction of SWLRT, the applicant and city staff have explored – at length – opportunities to connect the proposed residential development to the OPUS Station. To supplement the applicant/staff discussion, the city also commissioned WSB & Associates to review various connections.

  ✓ **Option #1. Grade Separated Crossing, East Side.** A grade separated crossing would be desirable from the east side of the subject property to the station area. Depending on its design, an overpass crossing would be cumbersome and costly. Moreover, anecdotally, pedestrians are less likely to go “up” to cross a roadway than they are to go “down.” Unfortunately, an underpass crossing is not viable for two reasons: (1) the existing high water table; and (2) challenges related to surface water drainage around the LRT station. Staff does not believe a grade separated crossing on the east would be appropriate at this time.

  ✓ **Option #2. Grade Separated Crossing, North Side.** While an underpass on the east side of the site has significant challenges, an underpass on the north side may be a feasible option. With a roughly 285-foot connection to the existing trail system, pedestrians could use existing trail system and underpasses to reach the LRT station. While certainly providing a viable route, many pedestrians may seek a more direct connection to the station. This connection is also discussed in the “Supporting Information” section of this report.

  ✓ **Options #3. Improved At Grade Crossing.** There is an existing, at grade crossing just south of the subject property. Improvements at this crossing could enhance the safety of what would be a nearly direct connection to LRT. Improvements could include a rectangular rapid flashing beacon (RRFB) or a high-intensity activated crosswalk beacon (HAWK). Both systems utilize pedestrian-activated lights. While an RRFB requires traffic to yield to pedestrians, a HAWK requires traffic to stop.

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It is staff’s opinion that, at this time, an improved at-grade crossing with the installation of strategically installed fencing on the east side of Bren Road East is the most appropriate option. WSB will be providing a recommendation as to which option – RRFB or HAWK – should be installed.

**Should an Environmental Impact Statement (EIS) be required?**

No. An Environmental Assessment Worksheet (EAW) is a document prepared by a Responsible Government Unit (RGU) to generally evaluate the potential environmental impact of a proposed development. An EAW includes a series of 20 questions related to land use, geology, water resources, wildlife, emissions, and traffic among other things. If the answers to these questions suggest that a project will result in a significant environmental impact, the RGU may declare that an Environmental Impact Statement (EIS) is required. An EIS is a more in-depth environmental review.

While the preparation of some EAWs is discretionary, state law mandates an EAW for residential development containing over 375 attached living units. As the Dominium project would contain 482 units, a mandatory EAW was completed. The EAW, which is attached for reference, concluded that the proposal would not result in a significant environmental impact. By law, the city must make an official “declaration” on the need for an EIS. Staff recommends that the city make a negative declaration for the Dominium project.

**Summary Comments**

The proposed residential development would result in a considerable change to the aesthetic and activity on the west side of OPUS. From staff’s perspective this change is reasonable, appropriate, and welcome. It would be consistent with both the past plans for OPUS and the future goals for the area.

**Staff Recommendation**

Staff recommends that the commission recommend the city council adopt the following related to the Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East:

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

2) Resolution approving final site and building plans.

3) A motion making a negative declaration on the need for an Environmental Impact Statement.

Staff further recommends the planning commission adopt the resolution declaring that proposal consistent with the comprehensive plan.
Supporting Information

**Surrounding Land Uses**
- North: charter school property, zoned industrial
- South: office/industrial property, zoned industrial
- East: retail/warehouse property, zoned commercial
- West: cemetery and medium-density residential development

**Planning**
- Guide Plan designation: mixed-use
- Existing Zoning: I-1, Industrial

**Required Actions**
- The proposal requires the following:

**Land Use**
- **Rezoning.** To facilitate the proposed development, Dominium is requesting that the property be rezoned to PUD. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the rezoning.

- **Master Development Plan.** Under the zoning ordinance, a master development plan is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the master development plan.

- **Final Site and Building Plans.** By city code, site and building plan review is required in conjunction with PUD zoning. The planning commission makes a recommendation to the city council, which has final authority to approve or deny the final site and building plans.

- **Preliminary and Final Plats.** The city would not require individual buildings to be located on individual lots. In fact, within a PUD, multiple buildings are allowed on one lot. Nevertheless, Dominium has indicated that, for financing purposes, Buildings A and B should be located on one lot and Building C located on a separate lot. Plat applications, which staff would consider straightforward items, will be considered by the planning commission and city council at a future date.

- **Easement Vacation.** The site includes several existing easements, some of which will become obsolete should the Dominium proposal be approved. Vacation applications, will be considered by the council in conjunction with the preliminary and final plats.

- **Environmental Impact Statement Declaration.** Based on the number of living units proposed, an Environmental Assessment Worksheet (EAW) is required under state statute. An EAW
includes a series of 20 questions, the answers to which suggest whether a proposal will have significant environmental impact. If the Responsible Government Unit (RGU), in this case the city, determines that a project will result in significant impact, the RGU may declare that an Environmental Impact Statement (EIS) is required. An EIS is a more in-depth environmental review. The planning commission makes a recommendation to the city council, which has final authority to make a positive or negative declaration on the need to conduct an EIS.

**Finance**

- **Tax Increment Financing.** To assist with the production of affordable housing, Dominium is requesting that the city provide Tax Increment Financing (TIF) assistance in the amount of $7,809,000 with a maximum term of 26 years. The Economic Development Advisory Commission (EDAC) and city council previously reviewed this request for assistance and found the request reasonable. While the actual use of TIF is not the purview of the planning commission, the planning commission is required to determine that the redevelopment of the property is consistent with the city’s comprehensive plan.

- **Contract for Private Development.** The EDAC reviewed a draft Contract for Private Development at its April 19 meeting. The contract outlines the key points of the TIF request as well as expectations for the development. The council will review the final contract at its June 4 meeting. This contract is not the purview of the planning commission.

**Grading**

The highest point of the subject property is situated in the northwest corner of the site. The property slopes significantly downward from this point to a wetland located in northeast corner of the site. The change in grade is roughly 50 feet. Much of the area west of the existing lot is “steep” as defined by the ordinance; it has grades of 23 to 24 percent.

Significant earthwork would be necessary to accommodate the proposed buildings, parking lots, and other site improvements. A two tier retaining wall, ranging in aggregate height from roughly 10 feet to 20 feet, would be constructed parallel to the west property line. Generally, excavation would occur on the western third of the site, while fill would be placed on the eastern two-thirds. At various areas, up to 15 feet of earth would be removed and up to 22 feet of earth would be placed.

**Tree Impact**

The property contains a total of 202 regulated trees. While the trees in and around the site’s wetland were naturally seeded, the majority of the trees on the site appear to be have been planted as part of the original landscape plan for the existing building/site. These trees are, nevertheless, regulated by the tree ordinance. As proposed:
<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>97</td>
<td>76</td>
<td>78%</td>
</tr>
<tr>
<td>Significant</td>
<td>105</td>
<td>81</td>
<td>77%</td>
</tr>
</tbody>
</table>

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

As the proposal is for redevelopment of property, the level of tree removal/impact would be permitted under the tree protection ordinance.

**Stormwater**

As proposed, stormwater runoff would be directed to several catch basins and directed via pipe to one of three stormwater facilities located under the proposed parking lot. One of the facilities would be a water reuse tank; water from this tank would be used for on-site irrigation. Two underground facilities would be more “typical” underground infiltration systems. The facilities would ultimately outlet to the public storm sewer system.

Engineering staff has reviewed the plans associated with the proposal and finds them to be generally acceptable. As a condition of approval, final plans must meet both the city’s Water Resources Management Plan standards and Nine Mile Creek Watershed District rules.

**Utilities**

Public water and sewer facilities are available at the site. Existing water mains are located east of the site in Bren Road East and running parallel to the south property line. An existing sanitary sewer main runs north-south through the subject property itself; there is also a sewer main within Bren Road East.

A new private watermain would be constructed from the public main at the south property line to the north. Building A and C would be connected to this new main, while Building B would take service from the existing main along the south property line.

As proposed, the sewer main on the site and its associated public easement must be relocated. The new buildings would be connected to this new line. While the proposed plans show the relocation of the main, staff are concerned with several private improvements the plans show within close proximity to the main and within the necessary easement. These improvements include patio and pool improvements. As a condition of approval, these items must be relocated outside of the easement.

**Parking**

Dominium representatives and city staff spent considerable time discussing the provision of parking. From Dominium’s perspective, adequate parking must be provided to meet investor goals and resident demand. From city staff’s perspective, parking should certainly be provided to meet parking demand. However, assumed demand should take into consideration the availability of light rail
transit and evolving transportation choices and options (Lyft, Uber, and the possibility of self-driving cars, etc.)

Ultimately, a plan generally satisfying both Dominium and staff goals was submitted. As proposed, parking would be constructed/supplied as follows:

<table>
<thead>
<tr>
<th>Building A</th>
<th>Building B</th>
<th>Building C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underground</td>
<td>54</td>
<td>95</td>
</tr>
<tr>
<td>Surface</td>
<td></td>
<td>178</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The parking ratio proposed would be slightly less than at other apartment buildings in the community. However, it would be consistent with Institute of Transportation Engineers suggested parking demand.

<table>
<thead>
<tr>
<th></th>
<th>Stalls per Bedroom</th>
<th>Stalls per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traditional City Code Standard</strong></td>
<td>n/a</td>
<td>2</td>
</tr>
<tr>
<td><strong>PROPOSED</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Occ.</td>
<td>0.64</td>
<td>1.25</td>
</tr>
<tr>
<td>Senior Occ.</td>
<td>0.54</td>
<td>1.26</td>
</tr>
<tr>
<td><strong>ITE</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Occ.</td>
<td>n/a</td>
<td>1.0 to 1.3*</td>
</tr>
<tr>
<td>Senior Occ.</td>
<td>n/a</td>
<td>0.33 to 0.50</td>
</tr>
<tr>
<td><strong>Tonka on the Creek</strong></td>
<td>1.15</td>
<td>1.49</td>
</tr>
<tr>
<td><strong>Carlson Island</strong></td>
<td>1.03</td>
<td>1.55</td>
</tr>
<tr>
<td><strong>The Ridge</strong></td>
<td>.93</td>
<td>2</td>
</tr>
<tr>
<td><strong>Highland Bank</strong></td>
<td>1.2</td>
<td>1.78</td>
</tr>
</tbody>
</table>

** Institute of Transportation Engineers, Low/Mid-Rise Apts, within 1/3 mile of LRT station and more than 10 miles from Central Business District

**Traffic**

OPUS is sometimes maligned for its one-way road system, which casual visitors to the area can find confusing. However, from a traffic movement perspective, the roadway design is excellent.

As part of the EAW, daily traffic counts were taken on Bren Road East. The counts showed 2,497 vehicle trips per day on that stretch of roadway adjacent to the subject property. As designed, Bren Road East “can carry more than 10,000 vehicles a day at a very high level
of service.”⁴ The EAW notes that though the proposal would “substantially increase traffic on Bren Road East, the traffic volume would be well below capacity of this roadway.”

**Pedestrian Improvements**

In addition to exploring pedestrian connections to SWLRT, a city staff group – comprised of planning, engineering, legal, public works, and recreation staff – has spent time evaluating opportunities to enhance pedestrian connections in and around the area of the subject property in an effort to enhance the regional network with a connection to Shady Oak Road. Three primary routes have been identified. Aside from specific engineering factors – grade, drainage, etc. – each of these connections has positive and negative aspects and each has unknowns that would need be explored in further detail.

In staff’s opinion it would be appropriate to construct ROUTE 1A in conjunction with the Bren Road Development project. Together with public trails existing and proposed on the perimeter of the subject property, this route would provide a grade separated north/south link for pedestrians on the west side of Bren Road East. As a condition of approval, the final plat submitted by the applicant must be drafted to accommodate the underpass and short link portion of ROUTE 1A and an estimate of associated cost submitted to the city. These costs may be deducted from the required park dedication fee. The construction and cost responsibilities would be outlined through a Developer Agreement (a contract-type document signed by Dominium and the city), which is also included as a condition of approval.

Staff will continue to look at the viability of other connections to Shady Oak Road independent of this development proposal.

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⁴ Dominium EAW, 19.
Setbacks, Etc. The PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc. However, the following chart outlines these items for informational purposes:

<table>
<thead>
<tr>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong>*</td>
</tr>
<tr>
<td>North property line</td>
</tr>
<tr>
<td>South property line</td>
</tr>
<tr>
<td>East property line</td>
</tr>
<tr>
<td>West property line</td>
</tr>
<tr>
<td><strong>Height</strong></td>
</tr>
<tr>
<td>Building A</td>
</tr>
<tr>
<td>Building B</td>
</tr>
<tr>
<td>Building C</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
</tr>
<tr>
<td>Impervious Surface</td>
</tr>
<tr>
<td>Rounded down to nearest 5 ft</td>
</tr>
</tbody>
</table>

SBP Standards The proposal would meet the site and building standards as outlined in City Code §300.27 Subd.5:

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

   **Finding:** The proposed high-density residential development is consistent with the general housing goals of the 2030 Comprehensive Guide Plan and the specific Plan’s specific goal to provide additional housing in the OPUS area. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city’s development guides, include the water resources management plan.

2. Consistency with this ordinance.

   **Finding:** The proposal is consistent with the zoning ordinance.

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

Finding: The proposal would result in tree and soil removal. The subject property is a developed site, with the only “natural” area being Type-1 wetland on the northeast corner. While the proposal would result in tree and soil removal, the wetland area would not be disturbed.

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

Finding: The proposal would result in a harmonious relationship of buildings, with open space generally located at the perimeter of the site.

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

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

- The amount and location of open space and landscaping.

- Materials, textures, colors and details of construction as an expression of the design concept and compatibly of the same with the adjacent and neighboring structures and uses.

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

Finding: The proposal would result in a unique and attractively-designed neighborhood.

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

Finding: The proposal includes installation of rooftop solar energy systems, capable of producing more than 562,000 kilowatts of energy per year new. As new construction, the building code would require use of additional energy saving features within the buildings themselves.
7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and site buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

Finding: The proposal would visually and physically alter the property and the immediate area. However, this change would occur with any redevelopment of the site, which the city has long anticipated.

Pyramid of Discretion

Motion Options

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the request.

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

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

Voting Requirement

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

Neighborhood Comments

The city sent notices to 132 property owners and has received no written comments to date.

Deadline for Action

July 23, 2018
Bren Road Development
The Bren Road Development is a proposed multi-family development that will include 482 units of housing for senior and general occupancy population. The site is currently zoned as I-1 Industrial, occupied by Digi International Inc., and is being used as a commercial-office space. The proposed zoning of the project is a PUD (Planned Unit Development) and the intended use of the project is multi-family housing.
The 1086026 (See Order Document No. 1293383), as shown by recital on the Certificate of Title. Permanent easement reserved in Declaration of Industrial Standards and Protective Covenants dated April 7, 1981, filed April 8, 1981, as Document No. 1420987. Assigned as shown by Assignment dated September 6, 1983, filed April 3, 1984, as Document No. 1569305. Easements for utilities and drainage as shown on the recorded plat of Opus 2 Eighth Addition.

Subject to a reservation unto Clover Drive, Inc., its successors and assigns, of an easement 2.00 feet in width for ... purposes over, under and across that portion of said Lots 1 and 2 lying adjacent to the public right-of-way designated as

Subject to a 30 foot sanitary sewer easement in favor of the City of Minnetonka as described in Parcel No. 25 in instrument filed January 12, 1973, as CR Document No. 3995823 (Now as to part of Lot 1), as shown by recital on the Certificate of Title.

[Easements defined per plat]

Located along the south, easterly and northerly property lines, Shown hereon.

Partially vacated easements. Shown hereon as drainage and utility easements per the plat of OPUS 2 EIGHTH ADDITION.

Located along the south property line in the Southeast corner of the site, Shown hereon.

Parking stalls.

6. 427 Regular + 9 Disabled = 436 Total Parking Stalls.

Zone I-1, Industrial; Zoned R1, Residential. 

These parking stalls are located along the south, easterly and northerly property lines, shown hereon.

Any parking stalls shown in the recorded plat of Opus 2 Eighth Addition, as shown hereon.

The following items refer to Table A optional survey responsibilities and specifications

The survey was not provided utility easement documents for the subject property except for those shown on the survey. It was not aware of any proposed changes in right of way lines or evidence of recent real estate or sidewalk construction or repair shown or the process of conducting our field work.

The location of all underground utilities, which have been determined by a qualified specialist, are shown hereon.

Survey file number is (888)267-1063, (877)366-8344 (855)742-6062

Any questions or comments regarding the drawing should be directed to the undersigned.

Commercial Partners Title, LLC

7200 Hemlock Lane, Suite 300

Plymouth, MN 55441

763.424.5505 www.loucksinc.com

Max L. Stanislowski, PLS

Minnesota License No. 48988

mstanislowski@loucksinc.com
1. The trees shown hereon were identified and field located to sub-meter accuracy by Stephen Nicholson, a Certified Arborist and Forester with TreeBiz on 07/06/2017.

2. Tree diameters are measured in inches.

3. Tree heights are measured to the nearest foot.
EXISTING CONDITIONS

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING ONE CALL FOR LOCATIONS OF ALL EXISTING UTILITIES THAT MAY INTERFERE WITH THE WORK OR CAUSE HAZARDS TO PERSONNEL OR PROPERTY. THIS INCLUDES, BUT IS NOT LIMITED TO, TELEPHONE, ELECTRICAL, GAS, WATER, SEWER, AND OTHER UTILITIES. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATION OF ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL EXISTING UTILITIES AND THEIR PROPER MARKING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ANY EXISTING UTILITIES THAT MAY BE HAZARDOUS OR INTERFERE WITH THE WORK.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING OR REPLACING ANY DAMAGE CAUSED BY THE CONTRACTOR DURING CONSTRUCTION. THE OWNER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES CAUSED BY THE CONTRACTOR.

THE OWNER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES CAUSED BY THE CONTRACTOR DURING CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES CAUSED BY THE CONTRACTOR DURING CONSTRUCTION.
**NOT FOR CONSTRUCTION**

**WARNING:** The contractor shall contact Gopher State One Call at 651-454-0002 at least 48 hours in advance for the locations of all underground utilities before commencing any excavation or demolition work to prevent any damage to the utilities. The contractor shall be responsible for the cost of any damage to the utilities.

**DEMO LITITION PLAN**

- **C1-2**

**Gopher State One Call**

**WARNING:** The contractor shall contact Gopher State One Call at 651-454-0002 at least 48 hours in advance for the locations of all underground utilities before commencing any excavation or demolition work to prevent any damage to the utilities. The contractor shall be responsible for the cost of any damage to the utilities.
1. All paving, concrete curb, gutter and sidewalk shall be furnished and installed in accordance with the details shown per the detail sheet(s) and state/local jurisdiction requirements.

2. Accessible parking and accessible routes shall be provided per current ADA standards and local/state requirements.

3. All curb dimensions shown are to the face of curb unless otherwise noted.

4. All buildings are shown at full size of building unless otherwise noted.

5. Accessible parking must be accessible to persons having disabilities.

6. Site plans are schematic. All dimensions should be verified on the site.

7. Bituminous impregnated fiber board to be placed at full depth of concrete adjacent to existing structures and behind curb adjacent to driveways and sidewalks.

8. See site electrical plan for site lighting.

9. Bituminous parking stalls to be light duty bituminous. Drive isles to be heavy duty bituminous.

**Off-street parking calculations**

- **Surface accessible parking:** 6 stalls
- **Garage accessible parking:** 8 stalls

**Proposed surface parking provided:** 180 stalls

**Proposed garage parking provided:** 365 stalls

**Proposed total parking provided:** 545 stalls

**Required minimum number of accessible spaces for:**
- 151-200 stalls: 6 stalls
- 301-400 stalls: 8 stalls
1. ALL STRUCTURES CURB, CONCRETE SIDEWALK, CONCRETE PAVEMENT, HEADSTONES, AND LAWNS, WHETHER FUNERARY OR CEMETARY, SHALL BE FURNISHED AND INSTALLED IN ACCORDANCE WITH THE DETAILS SHOWN PER THE DETAIL SHEET(S) AND STATE/LOCAL JURISDICTION REQUIREMENTS.

2. ACCESSIBLE PARKING AND ACCESSIBLE ROUTES SHALL BE PROVIDED PER CURRENT ADA STANDARDS AND LOCAL/STATE REQUIREMENTS.

3. ACCESSIBLE DIMENSIONS SHOWN TO THE FACE OF CURB UNLESS OTHERWISE NOTED.

4. ALL CURB RADIUS SHALL BE 3.0' UNLESS OTHERWISE NOTED.

5. BITUMINOUS IMPREGNATED FIBER BOARD TO BE PLACED AT FULL DEPTH OF CONCRETE ADJACENT TO EXISTING STRUCTURES AND BEHIND CURB ADJACENT TO DRIVEWAYS AND SIDEWALKS.

6. SEE SITE ELECTRICAL PLAN FOR SITE LIGHTING.

7. BITUMINOUS PARKING STALLS TO BE LIGHT DUTY BITUMINOUS. DRIVE ISLES TO BE HEAVY DUTY BITUMINOUS.

WARNING:

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES. THAT SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL UNDERGROUND UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.
Grading, Drainage & Erosion Control Notes:

1. Spot Elevations represent finished surface grades, gutter/flowline, face of building, or edge of pavement unless otherwise noted.
2. Catch basins and manholes in paved areas shall be sumped 0.04 feet. All catch basins in gutters shall be sumped 0.16 feet. Rim elevations shown on plans do not reflect sumped elevations.
3. All disturbed unpaved areas are to receive minimum of 4 inches of top soil and seed/mulch or sod. These areas shall be watered/maintained by the contractor until vegetation is established.
4. For site retaining walls "TW" equals surface grade at top face of wall (not top of wall), "GW" equals surface grade at wall grade transition, and "BW" equals surface grade at bottom face of wall (not bottom of buried wall courses).
5. Streets must be cleaned and swept whenever tracking of sediments occurs and before sites are left idle for weekends and holidays. A regular sweeping schedule must be established.
6. Dust must be adequately controlled.
7. See SWPPP for additional erosion control requirements.
8. See utility plans for water, sewer, and sanitary storm information.
9. See plan for curb and bituminous taper locations.
10. See landscape plan for final stabilization.

WARNING:

The contractor shall contact Gopher State One Call at 651-646-3082 at least 48 hours in advance for the locations of all underground utilities that shall remain exposed with all utility contractors on site or nearby during the course of the work. The contractor shall be responsible for damage to underground utilities during the course of the work.

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WARNING:

THIS CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING OR arranging for CALLING BY THE OWNER, Developer, or Owner's Representative for LOCATIONS OF ALL UNDERGROUND UTILITY SERVICES LOCATION REQUIRING PROTECTION DURING CONSTRUCTION.

THE CONTRACTOR SHALL CALL Gopher State One Call at 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES BEFORE BEGINNING WORK. THE CONTRACTOR SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES BEFORE BEGINNING WORK. THE CONTRACTOR SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.

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THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES BEFORE BEGINNING WORK. THE CONTRACTOR SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.
WARNING:

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES, TO INCLUDE, BUT NOT LIMITED TO, GAS, ELECTRIC, WATER, SEWER, TELEPHONE, CABLE, AND OTHER METAL OR NON-METAL LINES. MOVING OR DAMAGING ANY OF THESE LINES WITHOUT PRIOR NOTICE TO GOPHER STATE ONE CALL MAY RESULT IN SEVERE PENALTIES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL UNDERGROUND UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE CONTRACTOR. THE CONTRACTOR SHALL REPAIR OR REPLACE WIRING, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED UTILITY LINES

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES, TO INCLUDE, BUT NOT LIMITED TO, GAS, ELECTRIC, WATER, SEWER, TELEPHONE, CABLE, AND OTHER METAL OR NON-METAL LINES. MOVING OR DAMAGING ANY OF THESE LINES WITHOUT PRIOR NOTICE TO GOPHER STATE ONE CALL MAY RESULT IN SEVERE PENALTIES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL UNDERGROUND UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE CONTRACTOR. THE CONTRACTOR SHALL REPAIR OR REPLACE WIRING, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED UTILITY LINES.
UTILITY NOTES


2. ALL PORTIONS OF THE STORM, WATER MAINS, SERVICES OR OTHER ITEMS, LOCATED WITHIN 10 FEET OF THE BUILDING OR WATER SERVICE LINE MUST BE TESTED ACCORDING TO MINNESOTA RULES, PART 4715.2820.

3. ALL JOINTS AND CONNECTIONS IN THE STORM SEWER SYSTEM SHALL BE GAS-TIGHT OR WATER-TIGHT (SEE MINNESOTA RULES, PART 4715.0700). APPROVED RESILIENT RUBBER JOINTS MUST BE USED TO MAKE WATER-TIGHT CONNECTIONS TO MANHOLES, CATCHBASINS, AND OTHER STRUCTURES.

4. HIGH-DENSITY POLYETHYLENE (HDPE) STORM DRAINS MUST COMPLY WITH MINNESOTA RULES, PART 4715.0540:
   a. PIPES 4-INCH TO 10-INCH IN SIZE MUST COMPLY WITH AASHTO M252.
   b. PIPES 12-INCH TO 60-INCH IN SIZE MUST COMPLY WITH ASTM F2306.
   c. ALL FITTINGS MUST COMPLY WITH ASTM D3212.
   d. WATER-TIGHT JOINTS MUST BE USED AT ALL CONNECTIONS INCLUDING STRUCTURES.

5. NOT FOR CONSTRUCTION

NOTICE: This information should not be relied upon in any manner or regard legal advice or contribute to any decision made by the user. The user assumes all responsibility for the accuracy and appropriateness of the information for the intended purpose. This information is provided "as is" without warranty of any kind, express or implied, and is not intended to be used as a substitute for professional advice or judgment. The user is responsible for ensuring that all actions taken are in accordance with local laws and regulations. Gopher State One Call is not responsible for any damages or losses arising from the use or reliance on this information.
ITEMS TO BE SHOWN IN FUTURE PLAT
- Utilities Easement for Water, Sanitary Sewer and Storm Sewer

ITEMS TO BE SHOWN IN FUTURE EASEMENT EXHIBIT
- Shared Surface Parking Easement
- Ingress & Egress Easement
- Irrigation Easement

WARNING:
1. THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND UTILITIES (WIRE, CABLE, CONDUIT, PIPE, WASTE, GAS, WATER, ELEVATION, HELICITY, ETC.) WHICH MAY BE SUBJECT TO DAMAGE OR INTERFERENCE DURING THE PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL TAKE APPROPRIATE MEASURES TO PROTECT THE EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED ITEMS TO BE SHOWN IN FUTURE PLAT.
2. THE CONTRACTOR SHALL CALL GOPHER STATE ONE CALL AT 651-454-0002 TO MAINTAIN THEIR SERVICE AND / OR RELOCATION OF LINES.

OWNER: [Name]
DEVELOPER: [Name]
WARNING: 

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MAINHOLES, VALVES OR OTHER BURIED UTILITIES, THAT SHALL BE COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICES AND FOR LOCATION OF LINES.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING ALL UTILITIES FOR LOCATION OF ALL BURIED UTILITIES THAT WILL BE DAMAGED DURING CONSTRUCTION AT NO COST TO THE STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED UTILITIES AT THEIR OWN EXPENSE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL UNDERGROUND UTILITIES AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MAINHOLES, VALVES OR OTHER BURIED UTILITIES THAT WILL BE DAMAGED DURING CONSTRUCTION AT NO COST TO THE STRUCTURES.
WARNING:

The Contractor shall be responsible for the locations of all underground services, and shall not disturb these services in any way.

The Contractor shall contact Gopher State One Call at 651-454-0002 at least 48 hours in advance for the locations of all underground services. Services include, but are not limited to, natural gas, electric, cable, sanitary, storm, and private utilities. This call is free of charge to the Contractor.

The Contractor shall cooperate with all utility companies in the above when damaged during construction at no cost to the Owner. The Contractor shall repair or replace wires, cables, conduits, pipes, manholes, valves or other buried structures before digging. The Contractor shall notify Gopher State One Call when work is to commence, and shall maintain their service and/or relocation of lines.

Those undertaking work shall use caution and not cause injury or damage to persons or property.

They shall cooperate with all utility companies in the above when damaged during construction at no cost to the Owner. The Contractor shall repair or replace wires, cables, conduits, pipes, manholes, valves or other buried structures before digging. The Contractor shall notify Gopher State One Call when work is to commence, and shall maintain their service and/or relocation of lines.

Gopher State One Call

Existing Utilities. They shall cooperate with all utility companies in the above when damaged during construction at no cost to the Owner. The Contractor shall repair or replace wires, cables, conduits, pipes, manholes, valves or other buried structures before digging. The Contractor shall notify Gopher State One Call when work is to commence, and shall maintain their service and/or relocation of lines.
**PROPOSED PLANT SCHEDULE:**

<table>
<thead>
<tr>
<th>#</th>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td><strong>PLAYGROUND AREA</strong></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>BP DAKOTA PINNACLE BIRCH</td>
<td>Betula platyphylla 'Fargo' 2.5&quot; CAL.</td>
</tr>
<tr>
<td>14</td>
<td>SR SUMMER STORM LILAC</td>
<td>Syringa reticulata 'Summer Storm' (PPAF) 2&quot; CAL.</td>
</tr>
<tr>
<td>1</td>
<td>HH HAPPY RETURNS DAYLILY</td>
<td>Hemerocallis 'Happy Returns' #1 CONT.</td>
</tr>
<tr>
<td>1</td>
<td>HB BLUE ANGEL HOSTA</td>
<td>Hosta 'Blue Angel' #1 CONT.</td>
</tr>
<tr>
<td>20</td>
<td>BP WHITESPIRE BIRCH (CLUMP)</td>
<td>Betula populifolia 'Whitespire' 2.5&quot; CAL.</td>
</tr>
<tr>
<td>33</td>
<td>AG AUTUMN BRILLIANCE SERVICEBERRY</td>
<td>Amelanchier x grandiflora 'Autumn Brilliance' 2&quot; CAL.</td>
</tr>
<tr>
<td>1</td>
<td>PV NORTHWIND SWITCHGRASS</td>
<td>Panicum virgatum 'Northwind' #1 CONT.</td>
</tr>
<tr>
<td>1</td>
<td>RH WALKER'S LOW CATMINT</td>
<td>Nepeta x faassenii 'Walker's Low' #1 CONT.</td>
</tr>
</tbody>
</table>

**DECIDUOUS TREES**

- 26 TA AMERICAN SENTRY LINDEN | Tilia americana 'MnKSentry' 2.5" CAL.
- 18 QB SWAMP WHITE OAK | Quercus bicolor 2.5" CAL.
- 1 EM PURPLE CONEFLOWER MINI-BELLE | Echinacea 'Mini-belle' #1 CONT.
- 1 ED JOE PYE WEED BABY JOE | Eupatorium dublum 'Baby Joe' #1 CONT.

**CONIFEROUS TREES**

- 12 PP COLORADO SPRUCE | Picea Pungens 6' B&B
- 1 PB SCHOODIC PINE | Pinus banksiana 'Schoodic' #3 CONT.

**PERENNIALS/GROUNCOVERS**

- 26. TA AMERICAN SENTRY LINDEN | Tilia americana 'MnKSentry' 2.5" CAL.
- 18 QB SWAMP WHITE OAK | Quercus bicolor 2.5" CAL.
- 1 EM PURPLE CONEFLOWER MINI-BELLE | Echinacea 'Mini-belle' #1 CONT.
- 1 ED JOE PYE WEED BABY JOE | Eupatorium dublum 'Baby Joe' #1 CONT.

**WETLAND BUFFER AREA**

- TURFGRASS: SOD, GRAVEL
- DOG RUN, 3/8" PEA

**PLAYGROUND AREA**

- HARDWOOD MULCH, ROCK MULCH #1
- COLORED CONCRETE #1

**IRRIGATION NOTES**

- RAIN SENSORS TO BE INCLUDED WITHIN THE IRRIGATION DESIGN.

**LANDSCAPE CONTRACTOR**

- SHALL WARRANTY NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR WHICH MAY OCCUR PRIOR TO OWNER ACCEPTANCE SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR.
- IS RESPONSIBLE FOR ONGOING MAINTENANCE OF NEWLY PLANTED LANDSCAPES.
- SHALL PROVIDE THE OWNER WITH A WATERING/LAWN IRRIGATION PLAN FOR THE WHOLE SITE. ALL EXISTING CONDITIONS SHOWN ON THIS DRAWING ARE BASED ON AN OWNER REVIEWED, APPROVED AND RESIGNED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

**ARCHITECT/SITE PLAN NOTES**

- LANDSCAPE CONTRACTOR SHALL BRING TO THE ARCHITECT OR LANDSCAPE ARCHITECT'S ATTENTION IMMEDIATELY UPON BROUGHT TO THE ARCHITECT OR LANDSCAPE ARCHITECT'S ATTENTION IMMEDIATELY UPON ANY OBSERVED DEVIATIONS FROM CONDITIONS INDICATED ON THE DRAWINGS SHALL BE NOTIFIED TO THE LANDSCAPE CONTRACTOR IMMEDIATELY.
- THE CONTRACTOR SHALL FIELD VERIFY ALL CRITICAL EXISTING CONDITIONS INCLUDING, BUT NOT LIMITED TO, EXISTING BUILDING LOCATIONS, UTILITY LOCATIONS AND INVERT ELEVATIONS, AND TO MINIMIZE TREE REMOVAL AND GRADING.
- THE DESIGN AND/OR INTENT OF THE PROJECT'S LAYOUT.
- SHALL VERIFY PLAN LAYOUT AND DIMENSIONS SHOWN AND BRING CONSTRUCTION SET TO THE ARCHITECT PRIOR TO BEGINNING OF WORK.
- SHALL REVIEW THE SITE FOR DEFICIENCIES IN THE PLANT MATERIAL GROWTH REQUIREMENTS.
- GROWTH REQUIREMENTS.
- SHALL ASSURE COMPLIANCE WITH APPLICABLE CODES AND REGULATIONS GOVERNING THE WORK AND/OR MATERIALS SUPPLIED.
- SHALL BE RESPONSIBLE FOR PROVIDING A PERFORMANCE CONTRACTOR IS RESPONSIBLE FOR ONGOING MAINTENANCE OF NEWLY PLANTED LANDSCAPES.
- LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH A WATERING/LAWN IRRIGATION PLAN FOR THE WHOLE SITE. ALL EXISTING CONDITIONS SHOWN ON THIS DRAWING ARE BASED ON AN OWNER REVIEWED, APPROVED AND RESIGNED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
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- SHALL PROVIDE THE OWNER WITH A WATERING/LAWN IRRIGATION PLAN FOR THE WHOLE SITE. ALL EXISTING CONDITIONS SHOWN ON THIS DRAWING ARE BASED ON AN Owner REVIEWED, APPROVED AND RESIGNED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- SHALL PROVIDE THE OWNER WITH A WATERING/LAWN IRRIGATION PLAN FOR THE WHOLE SITE. ALL EXISTING CONDITIONS SHOWN ON THIS DRAWING ARE BASED ON AN OWNER REVIEWED, APPROVED AND RESIGNED BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
VISIONING IMAGES
BREN ROAD DEVELOPMENT
MINNETONKA, MN
CITY SUBMITTAL - APRIL 6, 2018

EXTerior RENDERING & ELEVATIONS - NATURE/PARKS
DESIGN EXAMPLES - EXTERIOR
1500 NICOLLET - MINNEAPOLIS, MN
DESIGN EXAMPLES - INTERIOR
UNION FLATS - ST PAUL, MN
DESIGN EXAMPLES- EXTERIOR
MILLWORK LOFTS- MINNEAPOLIS, MN
DESIGN EXAMPLES - INTERIOR
MILLWORK LOFTS - MINNEAPOLIS MN
DESIGN EXAMPLES - INTERIOR
WEYERHAUESER - ST. PAUL, MN
DESIGN EXAMPLES - EXTERIOR
GRAND CENTRAL FLATS - COLUMBIA HEIGHTS, MN
DESIGN EXAMPLES - INTERIOR
GRAND CENTRAL FLATS - COLUMBIA HEIGHTS, MN
DESIGN EXAMPLES - EXTERIOR
THE CAMBRIC - ST. PAUL, MN
DESIGN EXAMPLES- INTERIOR
THE CAMBRIC- ST. PAUL, MN
Parking Summary

After reviewing a number of comparable existing senior and general occupancy properties as well as new properties that are currently under construction we have come to the following conclusions. The table of this data is attached as Attachment 1.

1. **The Bren Road Development project will provide considerably less parking than existing Dominium comparable properties.**

For existing senior properties located in a mix of urban and suburban areas, the average total parking ratio is 1.18 parking stalls per unit. For existing general occupancy properties, the average total parking ratio is 1.85. Our proposed mix has a 1.03 ratio for the senior building and 1.28 for the general occupancy buildings which is considerably less than the existing properties.

2. **The Bren Road Development project will provide less parking than pending Dominium new construction properties.**

For senior new construction projects located in a mix of urban and suburban areas, the average parking ratio is 1.08 for seniors and 1.30 for general occupancy. It is important to note that two of the general occupancy properties are located in St. Paul in very urban areas where there are very limited parking options. Removing these St. Paul pending properties which are considerably more urban results in an average parking ratio of 1.13 for seniors and 1.62 for families.

On average, 83% of garage stalls are occupied in the existing general occupancy and senior properties. It is important to note that the effective occupancy of these properties is .77 stalls/unit (83% x .92 stalls/unit). Our project is proposing .78 stalls/unit of underground parking so the demand for parking based on this data, is essentially equal to the supply. We are comfortable with this ratio because of the proximity to the future LRT stop and expected surrounding mixed-use redevelopment.

**Conclusion:** Overall, the parking mix we are proposing is significantly less than what we have historically provided. There will be some time between the construction completion of our project and the light rail and our future residents will not have any options if there is an insufficient amount of parking in the interim. If driverless cars and the light rail do indeed significantly reduce the parking demand in the future, BKV has come up with some plans that show where we can remove some of the existing surface parking and provide some additional green space. Attachment 2 shows the 10 and 30 year parking plans where some of the additional surface parking can be converted to green space.
<table>
<thead>
<tr>
<th>Property</th>
<th>Address</th>
<th>City</th>
<th>Units</th>
<th>Surface Spots</th>
<th>Garage Spots</th>
<th>Surface Parking Ratio</th>
<th>Garage Parking Ratio</th>
<th>Total Parking Ratio</th>
<th>Garage Type</th>
<th># Occupied-Garage</th>
<th>% Occupied - Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building C</td>
<td>11001 Bren Road E</td>
<td>Minnetonka</td>
<td>262</td>
<td>45</td>
<td>225</td>
<td>0.17</td>
<td>0.86</td>
<td>1.03</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Buildings A &amp; B</td>
<td>11001 Bren Road E</td>
<td>Minnetonka</td>
<td>220</td>
<td>133</td>
<td>149</td>
<td>0.60</td>
<td>0.68</td>
<td>1.28</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td>482</td>
<td>178</td>
<td>374</td>
<td>0.37</td>
<td>0.78</td>
<td>1.15</td>
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<tr>
<td>The Legends at Silver Lake Village</td>
<td>2500 38th Ave NE</td>
<td>St. Anthony</td>
<td>169</td>
<td>60</td>
<td>128</td>
<td>0.36</td>
<td>0.76</td>
<td>1.12</td>
<td>Underground</td>
<td>109</td>
<td>65%</td>
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<tr>
<td>River North</td>
<td>10940 Crooked Lake Blvd. NW</td>
<td>Coon Rapids</td>
<td>167</td>
<td>57</td>
<td>116</td>
<td>0.34</td>
<td>0.69</td>
<td>1.04</td>
<td>Underground</td>
<td>112</td>
<td>97%</td>
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<tr>
<td>The Grainwood</td>
<td>5119 Gateway Street SE</td>
<td>Prior Lake</td>
<td>168</td>
<td>49</td>
<td>111</td>
<td>0.29</td>
<td>0.66</td>
<td>0.95</td>
<td>Underground</td>
<td>111</td>
<td>100%</td>
</tr>
<tr>
<td>The Cavanaugh</td>
<td>5401 51st Ave North</td>
<td>Crystal</td>
<td>130</td>
<td>66</td>
<td>94</td>
<td>0.51</td>
<td>0.72</td>
<td>1.23</td>
<td>Underground</td>
<td>81</td>
<td>86%</td>
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<tr>
<td>The Centric</td>
<td>720 East 7th St</td>
<td>St. Paul</td>
<td>113</td>
<td>120</td>
<td>86</td>
<td>1.06</td>
<td>0.76</td>
<td>1.82</td>
<td>Underground</td>
<td>55</td>
<td>64%</td>
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<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td>149</td>
<td>67</td>
<td>109</td>
<td>0.40</td>
<td>0.75</td>
<td>1.15</td>
<td></td>
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<td>Senior Properties</td>
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<td>Landings at Silver Lake Village</td>
<td>2551 38th Ave. NE</td>
<td>St. Anthony</td>
<td>263</td>
<td>231</td>
<td>214</td>
<td>0.88</td>
<td>0.82</td>
<td>1.70</td>
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<td>808 Berry</td>
<td>808 Berry Street</td>
<td>St. Paul</td>
<td>267</td>
<td>0</td>
<td>405</td>
<td>0.00</td>
<td>1.52</td>
<td>1.52</td>
<td>Underground</td>
<td>304</td>
<td>75%</td>
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<tr>
<td>Stone Creek</td>
<td>1020 West Medicine Lake Dr</td>
<td>Plymouth</td>
<td>125</td>
<td>153</td>
<td>140</td>
<td>1.23</td>
<td>1.12</td>
<td>2.34</td>
<td>Underground</td>
<td>148</td>
<td>91%</td>
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<tr>
<td>Bluffs at Nine Mile Creek</td>
<td>7479 Flying Cloud Dr</td>
<td>Eden Prairie</td>
<td>188</td>
<td>118</td>
<td>241</td>
<td>N/A</td>
<td>1.28</td>
<td>1.93</td>
<td>Underground</td>
<td>196</td>
<td>81%</td>
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<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td>211</td>
<td>121</td>
<td>230</td>
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<tr>
<td>Union Flats</td>
<td>787 Hampden Avenue</td>
<td>St. Paul</td>
<td>217</td>
<td>50</td>
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<td>1.07</td>
<td>Underground</td>
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<td>Grand Central Flats</td>
<td>4729 Grand Avenue NE</td>
<td>Columbia Heights</td>
<td>147</td>
<td>102</td>
<td>136</td>
<td>0.09</td>
<td>0.93</td>
<td>1.62</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>NW Berry Apartments</td>
<td>778 Berry Street</td>
<td>St. Paul</td>
<td>121</td>
<td>42</td>
<td>95</td>
<td>0.35</td>
<td>0.79</td>
<td>1.13</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td></td>
<td>162</td>
<td>54</td>
<td>146</td>
<td>0.33</td>
<td>0.91</td>
<td>1.30</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Under Construction</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legends of Columbia Heights</td>
<td>3700 Huset Parkway</td>
<td>Columbia Heights</td>
<td>191</td>
<td>88</td>
<td>130</td>
<td>0.48</td>
<td>0.71</td>
<td>1.17</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Legends of Apple Valley</td>
<td>14050 Granite Ave</td>
<td>Apple Valley</td>
<td>163</td>
<td>42</td>
<td>143</td>
<td>0.26</td>
<td>0.88</td>
<td>1.13</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Legends at Berry</td>
<td>7001 Emerald Street</td>
<td>St. Paul</td>
<td>140</td>
<td>41</td>
<td>175</td>
<td>0.18</td>
<td>0.73</td>
<td>0.90</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Legends of Champlin</td>
<td>11615 Theatre Drive</td>
<td>Champlin</td>
<td>184</td>
<td>73</td>
<td>138</td>
<td>0.40</td>
<td>0.75</td>
<td>1.15</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Legends of Cottage Grove</td>
<td>6999 E Front Douglas Rd 1</td>
<td>Cottage Grove</td>
<td>184</td>
<td>65</td>
<td>129</td>
<td>0.35</td>
<td>0.70</td>
<td>1.05</td>
<td>Underground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
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<td></td>
<td>342</td>
<td>154</td>
<td>243</td>
<td>0.32</td>
<td>0.76</td>
<td>1.06</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTALS - All Property Types</strong></td>
<td></td>
<td></td>
<td>179</td>
<td>78</td>
<td>184</td>
<td>0.43</td>
<td>0.92</td>
<td>1.35</td>
<td></td>
<td>153</td>
<td>88%</td>
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</tbody>
</table>
Innovation Summary

Dominium is committed to providing many innovative features on the Bren Road Development project including an enhanced trail system, a green parkway entrance, public art plazas, and a bike café. In addition, this project will feature a state-of-the-art rooftop solar energy system.

Solar Energy System:

The proposed rooftop solar energy system will include over 1,500 Jinko 325-watt panels spread over all three buildings and is capable of producing more than 562,120 kWh per year. The system will be installed by Cedar Creek Energy, who have installed similar systems on past Dominium projects.

It is estimated that the system will be able to cover roughly 20% of the project’s total electricity cost (including tenant unit electricity use), which results in annual power savings of over $50,000. After accounting for the tax benefits and utility credits the project will be eligible for, the payback time is estimated to be less than seven years.
ENVIRONMENTAL ASSESSMENT WORKSHEET

This Environmental Assessment Worksheet (EAW) form and EAW Guidelines are available at the Environmental Quality Board’s website at: http://www.eqb.state.mn.us/EnvRevGuidanceDocuments.htm. The EAW form provides information about a project that may have the potential for significant environmental effects. The EAW Guidelines provide additional detail and resources for completing the EAW form.

Cumulative potential effects can either be addressed under each applicable EAW Item, or can be addresses collectively under EAW Item 19.

Note to reviewers: Comments must be submitted to the RGU during the 30-day comment period following notice of the EAW in the EQB Monitor. Comments should address the accuracy and completeness of information, potential impacts that warrant further investigation and the need for an EIS.

1. Project title: Dominium EAW

2. Proposer: Dominium Management
   Contact person: Ryan J. Lunderby
   Title: Vice President & Project Partner
   Address: 2905 Northwest Boulevard
   City, State, ZIP: Plymouth, MN 55441
   Phone: (763) 354-5500
   Fax:
   Email: RLunderby@Dominiuminc.com

3. RGU City of Minnetonka
   Contact person: Loren Gordon
   Title: City Planner
   Address: 14600 Minnetonka Boulevard
   City, State, ZIP: Minnetonka, MN 55345
   Phone: (952) 939-8296
   Fax:
   Email: lgordon@eminnetonka.com

4. Reason for EAW Preparation: (check one)
   Required:
   □ EIS Scoping
   X Mandatory EAW
   Discretionary:
   □ Citizen petition
   □ RGU discretion
   □ Proposer initiated

   If EAW or EIS is mandatory give EQB rule category subpart number(s) and name(s):
   Residential Development
   MR 4410.4300 Subpart 19.D

5. Project Location:
   County: Hennepin
   City/Township: Minnetonka
   PLS Location (¼, ¼, Section, Township, Range): South portion of S36, T117N, R22W
   Watershed (81 major watershed scale): Lower Minnesota River (33)
   GPS Coordinates: Lat: 44.898491, Long: -93.415821
At a minimum attach each of the following to the EAW: See Figures 1-3

- County map showing the general location of the project;
- U.S. Geological Survey 7.5 minute, 1:24,000 scale map indicating project boundaries (photocopy acceptable); and
- Site plans showing all significant project and natural features. Pre-construction site plan and post-construction site plan.

Appendix A – Figures
Figure 1 – County Location
Figure 2 – USGS Map
Figure 3 – Project Location (aerial)
Figure 4 – Concept/Site Plan
Figure 5 – Existing Land Use
Figure 6 – Existing Zoning
Figure 7 – Parks and Trails
Figure 8 – Surficial Geology
Figure 9 – Bedrock Geology
Figure 10 – Soil Survey
Figure 11 – Surface Water Resources
Figure 12 – Well Locations
Figure 13 – Potential Contamination Areas
Figure 14 – MLCCS Land Cover

6. Project Description:
a. Provide the brief project summary to be published in the EOB Monitor, (approximately 50 words).

Dominium proposes to redevelop an existing 9.4-acre commercial site in the City of Minnetonka to include 482 units of rental multi-family housing. The project is near the future Southwest Light Rail (SWLRT) and Opus Station and is located in the southwest corner of Bren Road East and Bren Road West (Figure 3).

b. Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion include a description of the existing facility. Emphasize: 1) construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes, 2) modifications to existing equipment or industrial processes, 3) significant demolition, removal or remodeling of existing structures, and 4) timing and duration of construction activities.

Project Description

Dominium is proposing to redevelop an existing 9.4-acre commercial site located in the southwest corner of Bren Road East and Bren Road West. The site currently houses the approximately 409,000 square foot Digi International commercial development. The site is proposed to redevelop into 482 apartment units within four buildings. Three buildings would be four stories in height and one building would be six stories in height. The units are intended to service senior and workforce housing markets and will be priced at 60% of the area’s median income.
The site is located immediately west of the proposed SWLRT and adjacent to the future Opus Station. The development would include the four apartment buildings, 180 surface parking stalls, access onto Bren Road, and connect the existing trail system on the south and future trail system on the west to the Opus Light Rail Station. The proposed plan is shown on Figure 4.

Construction Staging/Project Schedule

Construction will consist of demolition of the current office building present on site, clearing and grubbing vegetation, grading the site, installing utilities, constructing the residential buildings, and constructing the internal roadways and parking lots. Prior to grading, erosion control and other Best Management Practices will be installed to minimize erosion and sedimentation from the site. The erosion control measures will remain in place through all phases of construction and site stabilization. The erosion control measures will be in conformance with the National Pollution Discharge Elimination System (NPDES) construction permit, Nine Mile Creek Watershed District (NMCWD) rules, and city ordinances.

The construction methods are anticipated to be conventional earthwork methods for site grading and will include scrapers, bulldozers, backhoes, and vibratory compactors. Public utilities will also be installed within trenches using this equipment. Project construction is expected to begin in 2018 and be completed in 2019.

c. Project magnitude:

<table>
<thead>
<tr>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Project Acreage</td>
<td>9.4 acres</td>
</tr>
<tr>
<td>Linear project length</td>
<td>NA</td>
</tr>
<tr>
<td>Number and type of residential units</td>
<td>482 multi-family units</td>
</tr>
<tr>
<td>Commercial building area (in square feet)</td>
<td>NA</td>
</tr>
<tr>
<td>Industrial building area (in square feet)</td>
<td>NA</td>
</tr>
<tr>
<td>Institutional building area (in square feet)</td>
<td>NA</td>
</tr>
<tr>
<td>Other uses – specify (in square feet)</td>
<td>NA</td>
</tr>
</tbody>
</table>
| Structure height(s)                        | 4-6 stories    

d. Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.

The purpose of the project is to develop affordable housing to meet demand along the future SWLRT corridor. The project is being carried out by a developer.

e. Are future stages of this development including development on any other property planned or likely to happen? □ Yes  X No

If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.

f. Is this project a subsequent stage of an earlier project? □ Yes  X No

If yes, briefly describe the past development, timeline and any past environmental review.
7. **Cover types:** Estimate the acreage of the site with each of the following cover types before and after development:

<table>
<thead>
<tr>
<th></th>
<th>Before</th>
<th>After</th>
<th>Before</th>
<th>After</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetlands</td>
<td>0.9</td>
<td>0.9</td>
<td>1.8</td>
<td>1.3</td>
</tr>
<tr>
<td>Deep water/streams</td>
<td>0</td>
<td>0</td>
<td>5.2</td>
<td>5.7</td>
</tr>
<tr>
<td>Wooded/forest</td>
<td>1.5</td>
<td>1.5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater Pond</td>
<td></td>
<td></td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Brush/Grassland</td>
<td>0</td>
<td>0</td>
<td>Other (describe)</td>
<td>Other (describe)</td>
</tr>
<tr>
<td>Cropland</td>
<td>0</td>
<td>0</td>
<td>TOTAL</td>
<td>9.4</td>
</tr>
</tbody>
</table>

8. **Permits and approvals required:** List all known local, state and federal permits, approvals, certifications and financial assistance for the project. Include modifications of any existing permits, governmental review of plans and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure. *All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules, Chapter 4410.3100.*

<table>
<thead>
<tr>
<th>Unit of Government</th>
<th>Type of Application</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal</td>
<td>US Army Corps of Engineers</td>
<td>Section 404 Permit</td>
</tr>
<tr>
<td>State</td>
<td>Department of Natural Resources</td>
<td>Water Appropriation Permit</td>
</tr>
<tr>
<td></td>
<td>Pollution Control Agency</td>
<td>NPDES Construction Permit</td>
</tr>
<tr>
<td></td>
<td>Pollution Control Agency</td>
<td>Sanitary Sewer Extension</td>
</tr>
<tr>
<td></td>
<td>Pollution Control Agency</td>
<td>Section 401 Permit</td>
</tr>
<tr>
<td></td>
<td>Department of Health</td>
<td>Watermain Extension</td>
</tr>
<tr>
<td></td>
<td>Department of Health</td>
<td>Permit to abandon and seal private wells</td>
</tr>
<tr>
<td>Local</td>
<td>City of Minnetonka</td>
<td>Development Application/Land Disturbance Permit</td>
</tr>
<tr>
<td></td>
<td>City of Minnetonka</td>
<td>Building Permits</td>
</tr>
<tr>
<td></td>
<td>City of Minnetonka</td>
<td>Preliminary and Final Plat Approvals</td>
</tr>
<tr>
<td></td>
<td>City of Minnetonka</td>
<td>Wetland Conservation Act Approval</td>
</tr>
<tr>
<td></td>
<td>Nine Mile Creek Watershed District</td>
<td>Grading Permit</td>
</tr>
<tr>
<td></td>
<td>Nine Mile Creek Watershed District</td>
<td>Erosion and Sediment Control</td>
</tr>
<tr>
<td></td>
<td>Nine Mile Creek Watershed District</td>
<td>Stormwater Management</td>
</tr>
<tr>
<td></td>
<td>Metropolitan Council</td>
<td>Sanitary Sewer Connection Permit</td>
</tr>
</tbody>
</table>

Cumulative potential effects may be considered and addressed in response to individual EAW Item Nos. 9-18, or the RGU can address all cumulative potential effects in response to EAW Item No. 19. If addressing cumulative effect under individual items, make sure to include information requested in EAW Item No. 19
9. Land use:
   a. Describe:
      i. Existing land use of the site, as well as areas adjacent to and near the site, including parks, trails, prime or unique farmlands.

         The existing land use is currently Industrial. There is an existing paved trail along on the southern portion of the project area (Figure 7). The existing land use map is shown on Figure 5.

         The project area is located in the southeast portion of the City. The closest major road is Shady Oak Road, located about 1,500 feet to the west. Trunk Highway 62 is located about 2,000 feet south of the project area, and Trunk Highway 169 is located about 3,700 feet east of the project area. Much of the surrounding land use is either Industrial or Office. A few parcels to the north and east are listed as Open Space. St. Margaret Cemetery is located immediately adjacent to the west and is listed as Institutional (Figure 5).

      ii. Plans. Describe planned land use as identified in comprehensive plan (if available) and any other applicable plan for land use, water, or resources management by a local, regional, state, or federal agency.

         The current Comprehensive Plan designates the future land use as Mixed Use. Much of the surrounding parcels are designated as Mixed Use as well. Adjacent to the project area is the future SWLRT transit extension and future Opus Station. The Opus Station area plan identifies the site and other adjacent properties in close proximity to the station as candidates for redevelopment for new housing and employment.

      iii. Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.

         The area is zoned as I-1, Industrial (Figure 6). There are no shoreland, floodplain, critical areas, or agricultural preserve areas.

   b. Discuss the project’s compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.

         The adjacent land uses are Office, Industrial, Institutional, and Open Space. Eventually, much of the surrounding area will be zoned as Mixed Use as part of the planned Opus Station Area. The adjacent zones are I-1 Industrial, R-1 Low Density Residential, and PUD Planned Unit Development. The project is compatible with the surrounding land uses. Additionally, with the planned Opus Station and SWLRT Development, these uses are compatible with the future development in the area.

   c. Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.

         The proposed development is compatible with the adjacent land use and zoning.
10. Geology, soils and topography/land forms:

a. Geology - Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.

The project parcels are listed as being in New Ulm Formations and sandy till (Figure 8). For bedrock geology, the majority of the project is located in Platteville and Glenwood Formations, with a small part of the project area in St. Peter Sandstone. The project is surrounded by these same bedrock geologies as well (Figure 9). The Minnesota DNR Aggregate Resources Web Map shows that no gravel pits exist on the site. The site is not listed as a Primary or Secondary Source on the MGS 7-County Metro Sand and Gravel. The Minnesota Karst Lands maps the project within the Covered Karst region, which is an area underlain by carbonate bedrock but with more than 100 feet of sediment cover.

b. Soils and topography - Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.

The soils on the Dominium site are Lester loam 10 to 22 percent slopes (L22E), Le Sueur loam 1 to 3 percent slopes (L25A), Angus loam 2 to 6 percent slopes (L37B), Angus-Moon complex 2 to 5 percent slopes (L60B), and Urban land-Udorthents wet substratum complex 0 to 2 percent slopes (U1A). The soils are well drained to somewhat poorly drained. The existing site topography is mostly flat, with very steep hills just beyond the project area to the west and north. Figure 10 shows the soils on the site.

The volume and acreage of soil moved has been estimated based on assuming approximately 1.5 feet of material will be graded over the development area (9.4 acres). This equates to approximately 22,750 cubic yards of material being moved during grading. Development within the project area will be designed to conform with applicable state and local standards, including National Pollution Discharge Elimination System (NPDES) Construction Stormwater General Permit requirements.

NOTE: For silica sand projects, the EAW must include a hydrogeologic investigation assessing the potential groundwater and surface water effects and geologic conditions that could create an increased risk of potentially significant effects on groundwater and surface water. Descriptions of water resources and potential effects from the project in EAW Item 11 must be consistent with the geology, soils and topography/land forms and potential effects described in EAW Item 10.
11. Water resources:
   a. Describe surface water and groundwater features on or near the site in a.i. and a.ii. below.
      i. Surface water - lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any.

      One wetland exists on site. It is classified as PFO1A (Figure 11). No lakes, streams, channels, or ditches exist on the project area. Several lakes, wetlands, and streams exist within one mile of the project site. Lone Lake (50986), Shady Oak Lake (51027, 50759) several Unnamed Lakes, and Nine Mile Creek (739) are within the one-mile buffer. Nine Mile Creek is the only impaired water within the one-mile buffer. It is listed as impaired for Chloride and Fishes Bioassessments. These impairments are considered to be construction related parameters and require additional best management practices (BMPs).

      ii. Groundwater – aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a MDH wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.

         The Minnesota Well Index was reviewed and no wells exist within the project area or within the project area’s 500-foot buffer. Four wells exist outside the 500-foot buffer (Figure 12).

         The entire project area is within a Low Vulnerability portion of the Edina Drinking Water Supply Management Area (DWSMA).

   b. Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item b.i. through Item b.iv. below.

      i. Wastewater - For each of the following, describe the sources, quantities and composition of all sanitary, municipal/domestic and industrial wastewater produced or treated at the site.

         1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.

         2) If the wastewater discharge is to a subsurface sewage treatment systems (SSTS), describe the system used, the design flow, and suitability of site conditions for such a system.

         3) If the wastewater discharge is to surface water, identify the wastewater treatment methods and identify discharge points and proposed effluent limitations to mitigate impacts. Discuss any effects to surface or groundwater from wastewater discharges.
The City of Minnetonka is working with the developer to reconfigure the sewer system in the area to split flows between the Opus Lift Station and the gravity system. However, to analyze the most impactful scenario for wastewater infrastructure, the EAW reviews wastewater generated by the project will be collected at Minnetonka’s sanitary sewer system and conveyed to Opus Lift Station. From there, wastewater will be conveyed to Metropolitan Council Environmental Services (MCES) meter M410 and gravity interceptor 6801, and ultimately to the Blue Lake Wastewater Treatment Plant (WWTP). The Blue Lake WWTP has a treatment capacity of 32 million gallons per day (MGD). Given the plant’s treatment capacity and the estimated wastewater that will be generated at the apartment complex, it is anticipated that the wastewater generated at the apartments will not have significant impacts on the plant’s ability to effectively treat wastewater. Additionally, given the nature of the wastewater flow, domestic wastewater, specific pretreatment measures will not be required. An estimation of the wastewater generated by the Bren Road Apartments can be seen below.

Table 11a: Wastewater Flow Calculations

<table>
<thead>
<tr>
<th>Unit</th>
<th>Unit Value (Gal/Day/Unit)</th>
<th>Unit Type</th>
<th># of Units</th>
<th>Flow, GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>110</td>
<td>Residential</td>
<td>114</td>
<td>12,540</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>220</td>
<td>Residential</td>
<td>269</td>
<td>59,180</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>330</td>
<td>Residential</td>
<td>99</td>
<td>32,670</td>
</tr>
<tr>
<td><strong>Average Daily Flow (GPD)</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>104,390</strong></td>
</tr>
<tr>
<td><strong>Peaking Factor</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>4</strong></td>
</tr>
<tr>
<td><strong>Peak Daily Flow (GPD)</strong></td>
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<td></td>
<td></td>
<td><strong>417,560</strong></td>
</tr>
<tr>
<td><strong>Peak Design Flow (GPM)</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>290</strong></td>
</tr>
</tbody>
</table>

*Sanitary sewer peaking factor obtained from MCES Water Resources Policy Plan. This peaking factor can be further reviewed if historical wastewater data for the City of Minnetonka becomes available.

There is currently an office building located at the project site. This office building will be completely removed prior to the construction of the Dominium project. An estimation of the amount of wastewater generated by the office building was completed to obtain the existing wastewater flow generated on site (flow pre-apartment complex). Wastewater flow for pre-apartment complex conditions was estimated by counting the parking spaces of the office building and multiplying it by several assumptions. The assumptions were that each employee drives its own vehicle to work and that each employee generates 10 gallons of wastewater per day. In doing this, it was calculated that an average of 4,170 gallons of wastewater per day (gpd) are being generated by the office building. By taking this wastewater flow into consideration, the net average wastewater flow increase generated on site once the apartment complex is constructed will be 100,220 gpd.

Given the plant’s treatment capacity and the estimated wastewater that will be generated at the apartment complex, it is anticipated that the wastewater generated at the apartments will not have significant impacts on the plant’s ability to effectively treat wastewater. Additionally, given the nature of the wastewater flow, domestic wastewater, specific pretreatment measures will not be required.
ii. **Stormwater** - Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.

**Existing Conditions**

Under existing conditions the site contains an office building and parking lot with 5.2 acres of impervious surface. Existing runoff drains to catch basins in the parking lot and to the wetland south of Bren Road East. The stormwater is then discharged into the City of Minnetonka system. Runoff from 1.8 acres of the property west of the site flows to the project site and is collected in the site’s existing stormwater system. A portion of Bren Road East road runoff is also tributary to the project site. There are no existing stormwater ponds or infiltration basins on the site.

A HydroCAD Version 10.00-16 model was created to compare the existing and proposed discharge rates leaving the site. The model was based on a preliminary development design. Existing drainage patterns will be maintained post-project. The rate control comparison was made for the site improvements only and does not account for the rate control that is provided in the existing wetland in the northeast corner of the site. Site runoff will continue to outlet into the existing wetland in the northeast corner of the site. The City of Minnetonka storm sewer system conveys the runoff to the northeast.

**Table 11b: Existing Peak Discharge Rates Leaving the Site**

<table>
<thead>
<tr>
<th>Storm</th>
<th>Discharge Rate (cfs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Year</td>
<td>22.3 cfs</td>
</tr>
<tr>
<td>10-Year</td>
<td>39.8 cfs</td>
</tr>
<tr>
<td>100-Year</td>
<td>78.7 cfs</td>
</tr>
</tbody>
</table>

**Proposed Conditions**

Proposed conditions will consist of multi-family residences, a parking lot and sidewalks with 5.7 acres of impervious surface. There are 5.2 acres of impervious for existing conditions. There is an anticipated increase of 0.5 acres in proposed impervious surfaces from existing conditions.
Table 11c shows the modeled results for proposed conditions.

<table>
<thead>
<tr>
<th>Storm</th>
<th>Discharge Rate (cfs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2-Year</td>
<td>22.3 cfs</td>
</tr>
<tr>
<td>10-Year</td>
<td>39.8 cfs</td>
</tr>
<tr>
<td>100-Year</td>
<td>78.7 cfs</td>
</tr>
</tbody>
</table>

**Relevant Regulations and Considerations**

NMCWD and the City of Minnetonka regulate stormwater runoff rate, volume and treatment. The City of Minnetonka also has design standards for storm sewer conveyance systems.

Based on a review of NMCWD and City of Minnetonka rules for the type of development proposed (redevelopment of an existing parcel that disturbs over 50 percent of the existing impervious surfaces), stormwater treatment for the site must meet the following criteria:

- **Runoff rate control:** limit the peak runoff flow rates to that from existing conditions for the 2-, 10-, and 100-year storm events for all points where stormwater leaves the parcel
- **Runoff volume control:** provide on-site retention of 1-inch of runoff from all impervious surfaces. Infiltration is preferred unless site conditions prevent infiltration. Where below-ground infiltration facilities, practices or systems are proposed, pretreatment of runoff must be provided
- **Water quality treatment:** provide for all runoff to be treated to at least 60 percent annual removal efficiency for total phosphorus and 90 percent total annual removal efficiency from total suspended solids.

A stormwater facility will need to be designed to retain 1-inch of runoff from the site and to provide water quality treatment to meet NMCWD and the City of Minnetonka requirements. The developer plans to include underground infiltration and irrigation reuse to manage stormwater within the site.

A Stormwater Pollution Prevention Plan (SWPPP) will need to be prepared in accordance with NPDES guidelines and the City of Minnetonka’s Stormwater Management criteria, and will be required to be submitted and approved prior to construction. Grading, drainage, and erosion control measures must be consistent with NMCWD’s Rules and the City of Minnetonka’s Surface Water Management Plan.

There will be no anticipated downstream environmental effects from the proposed project based on the project needing to meet state and local requirements.

**iii. Water appropriation - Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use**
and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.

The Dominium project will be connecting to the City of Minnetonka’s existing distribution system. The existing system is made up of 16 production wells, and 260 miles of water mains. Groundwater pumped by production wells is chemically treated at 8 different plants and temporarily stored in 9 tanks (12 MG of total storage capacity). On average, the existing system delivers a daily flow of approximately 8 MG. Wells likely serving the apartment complex will be 13, and 13A due to their proximity with the project site. Specific appropriations for surface water and groundwater will not be needed since the apartment complex will be connecting to the existing distribution system.

It is important to note that the project area is located inside Edina’s Drinking Water Supply Management Area (DWSMA) (DWSMA ID# 546). In terms of vulnerability, the area surrounding the project site is classified as low vulnerability. In addition to Edina’s DWSMA, the project site borders Minnetonka’s 13 DWSMA (DWSMA ID# 215). This area of the DWSMA is also classified as low vulnerable. Due to the nature of the building to be constructed at the project site (apartment complex) and the types of vulnerabilities of both DWSMAs, it is not foreseen that the aquifer beneath the project site is in any danger from being contaminated from pollutants originated at the apartment complex.

An estimation of the water flows for the Bren Road Apartments can be seen below.

**Table 11d. Water Flow Calculations**

<table>
<thead>
<tr>
<th>Unit</th>
<th>Unit Value (Gal/Day/Person)</th>
<th>Unit Type</th>
<th># of Units</th>
<th>People/Bedroom</th>
<th>Flow, GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bedroom</td>
<td>95</td>
<td>Residential</td>
<td>114</td>
<td>1.3</td>
<td>14,079</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>95</td>
<td>Residential</td>
<td>269</td>
<td>1.3</td>
<td>66,443</td>
</tr>
<tr>
<td>3 Bedroom</td>
<td>95</td>
<td>Residential</td>
<td>99</td>
<td>1.3</td>
<td>36,680</td>
</tr>
</tbody>
</table>

Average Daily Flow (GPD) 117,202

Peaking Factor 3.0

Peak Daily Flow (GPD) 351,605

Peak Design Flow (GPM) 244

*A conservative peaking factor value was used when calculating peak daily flow. This peaking factor can be further reviewed if historical water data for the City of Minnetonka becomes available.*

Similar to the wastewater flow calculations, the existing office building has daily water consumption that needs to be estimated. Water usage by the office building was estimated by multiplying the number of parking spaces by a water usage assumption per employee and per parking spot. It was assumed that each employee drives its own vehicle to work and that each employee uses 12 gallons of water per day. In doing this, it was calculated that an average of 5,004 gallons of water per day are being used by the office building. By taking this water usage estimation into consideration, the net average
water usage increase on site once the apartment complex is constructed will be of 112,198 gpd. Given the water usage estimated for the project site once the apartment complex is constructed, expansion of the local distribution system will not be required at this time.

iv. **Surface Waters**

a) **Wetlands** - Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.

A wetland delineation was completed for the project site. There is approximately 0.88 acres of wetland on site (**Figure 11**). This wetland is categorized as PFO1A. This wetland is within the Open Space of the proposed development. No wetland impacts are expected with the project. However, if as design progresses, wetland impacts are anticipated, wetland impacts will be minimized to the greatest extent possible and reviewed through the local and federal wetland permitting processes.

b) **Other surface waters** - Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.

No other surface waters exist on the project site or are anticipated to be impacted by the project.

12. **Contamination/Hazardous Materials/Wastes:**

a. **Pre-project site conditions** - Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.
Publicly available data from the Minnesota Pollution Control Agency (MPCA) database were reviewed to identify verified or potentially contaminated sites that may be encountered during proposed development within the six parcels (Figure 13). The following databases were reviewed:

- MPCA “What’s in My Neighborhood?” website
- MPCA Storage Tank Leak Site website
- US Department of Agriculture “What’s in My Neighborhood?” website

Three listings exist within the project area, and several other listings exist within 500 feet of the project area. The listings on the project site include Multiple Listings (Site 1) and Hazardous Waste (Sites 2, 3, and 4). The Multiple Listings site consists of two Construction Stormwater Permits. Within 1,000 feet, the listings include Hazardous Waste, Industrial Stormwater, and Multiple Listings.

Inclusion on the Construction Stormwater Permit database indicates a permit is in place to limit erosion and pollution during and after construction at the site. Inclusion on the Small Quantity Hazardous Waste Generator database indicates that a site generates 1-1,000 kilograms of hazardous waste per year.

Based on this review, the potential to encounter contaminated soil and/or groundwater at the proposed project area is low. If any contaminated soil/groundwater or hazardous material is encountered, necessary steps to remediate will be taken.

b. Project related generation/storage of solid wastes - Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.

Development within these parcels will generate solid waste and construction debris normal to construction. Solid waste and construction debris will be disposed of in conformance with state standards. The demolition of the existing building located in the middle portion of the site will generate solid waste. This activity will be completed in conformance with state requirements and materials will be either recycled or hauled to an appropriate demolition landfill site.

The proposed development includes residential uses with no manufacturing or light industrial users planned. As a result, the waste generated should be of a similar nature to household wastes. Users will be required to recycle consistent with the city’s policies, and all recycling and solid waste disposal will be removed from the site by licensed haulers.

c. Project related use/storage of hazardous materials - Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.
Small amounts of hazardous materials typical of a construction site (e.g., fuel oil) will be stored in approved containers. As required by the NPDES Construction Stormwater Permit, the fuel containers will be required to have secondary containment by either being bermed or stored in a truck or other facility. Fuel trucks and any other hazardous material are required to be locked when not in use to avoid vandalism.

d. **Project related generation/storage of hazardous wastes** - Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.

Construction within any of the subject parcels will not involve the generation of significant amounts of hazardous wastes.

Once construction is completed, it is anticipated that the waste generated will be of similar nature to household wastes and will be disposed of similarly. There are no gas stations proposed that would include storing of hazardous materials.

13. Fish, wildlife, plant communities, and sensitive ecological resources (rare features):
   a. **Describe fish and wildlife resources as well as habitats and vegetation on or in near the site.**

   Current land cover consists mostly of buildings and pavement with 91-100 percent impervious cover, and a small portion of short grasses and mixed trees with 4-10 percent impervious cover. The only notable wildlife resources on site consist of the wetland and wooded area that surrounds it, which could contain habitat for waterfowl. No suitable fish habitat exists on site. There are no designated trout streams, Wildlife Management Areas, Waterfowl Production Areas, Wildlife Refuges, Reinvest in Minnesota (RIM) easements, wild rice lakes, or Outstanding Resource Value Waters (ORVWs) within any of the parcels. The Minnesota Land Cover Classification System (MLCCS) land cover data is shown in Figure 14. There are no Minnesota County Biological Survey (MCBS) or Areas of Ecological Significance within or near the Dominium Development.

   b. **Describe rare features such as state-listed (endangered, threatened or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number (LA-____) and/or correspondence number (ERDB #20180308) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe the results.**

   A request for data was sent to the DNR on January 18, 2018. The DNR response shows no NHIS records or listings within project area or a 1-mile buffer. Additionally, the project area is categorized as a low potential zone for rusty patched bumblebees. Based on this review and a review of the site in its current developed condition, the project is anticipated to have no impact on rare or threatened species.
c. Discuss how the identified fish, wildlife, plant communities, rare features and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.

The site currently contains commercial development. The planned development will result in the limited removal of vegetation and subsequent habitat, primarily in areas planned for development. The current site already contains a significant amount of impervious surface. The development is expected to occur on areas that are currently buildings, impervious surface, and landscaping. None of the site provides significant habitat to wildlife. The wetland on site is anticipated to be avoided at this time. Minor impacts that may occur will be minimized per requirements of the Wetland Conservation Act and US Corps of Engineers and vetted through the regulatory permitting process. Mitigation for wetland impacts would occur at a 2:1 ratio.

Invasive Species

The site may contain some invasive species, although no site-specific information is currently available.

The US Department of Agriculture’s National Invasive Species Information Center provides information regarding Best Management Practices to prevent or mitigate invasive species establishment or movement. Guidance for implementation at all parcels can be referenced at https://www.invasivespeciesinfo.gov/toolkit/preventionbmp.shtml. Appropriate actions such as cleaning equipment, chipping/destroying invasive species, and limiting and securing soil disturbances will help prevent the spread of the invasive/noxious species. If necessary, herbicide application to pockets of weed growth could be implemented during and after construction, especially if soil particles are staged, or left for future phases.

d. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.

The site concept plan has been designed to mostly avoid the wetlands on site. The plan does not include significant park or open space development. It is expected that development will occur on areas that are currently mostly impervious surface; as such, these areas are not of significant plant or wildlife resources, or of any sensitive ecological resources.

14. Historic properties:
Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include: 1) historic designations, 2) known artifact areas, and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.

The State Historic Preservation Office was contacted regarding historic resources in the area. The review concluded that three historic/architectural sites, Bridges 27545 and 27546, and a farmstead are located near the project area (Appendix B). The bridges are located eastbound and westbound on Shady Oak Road over Trunk Highway 62. The farmstead is located on Feltl Road just south of
Smetana Road. The bridges are southwest of the project and the farmstead is located north of the project. No impacts to these resources are anticipated as a result of development in the project area.

15. Visual:
Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.

The Dominium Development is located north of Trunk Highway 62 and west of Trunk Highway 169 and is surrounded by developed area. Development within the project area will be similar in nature to existing development in the area. Therefore, no visual impacts are anticipated. No vapor plumes or intense lighting will result from development of the subject parcels.

16. Air:
   a. Stationary source emissions - Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project’s effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.

   No stationary sources of emission such as boiler or stacks are anticipated with development in the area.

   b. Vehicle emissions - Describe the effect of the project’s traffic generation on air emissions. Discuss the project’s vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.

   The Dominium Development project is not anticipated to significantly impact traffic in the area. Additionally, there will be less than 2,000 parking stalls for the development (545 parking stalls are planned). The project is not anticipated to impact air quality as a result of vehicle related emissions.

   c. Dust and odors - Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.

   During construction, particulate emissions will temporarily increase due to generation of fugitive dust. Construction dust control is required to be in conformance with City of Minnetonka ordinances and the NPDES Construction Stormwater permit.

   The construction and operation of the proposed site redevelopment is not anticipated to involve processes that would generate odors.
17. Noise:
Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

The project site is located within a suburban area and is surrounded by both Trunk Highway 62 and Trunk Highway 169 freeways, office, industrial, and institutional development. Existing noise sources consist mainly of traffic on the area freeways and roadways.

Construction noise levels and types typical of construction equipment will occur as a result of this project. Construction noise will be limited to daytime hours consistent with the City of Minnetonka’s construction and noise ordinances (7 a.m. to 10 p.m. Monday-Sunday). Construction equipment will be fitted with mufflers that would be maintained throughout the construction process. The table below summarizes the peak noise levels of common types of roadway construction equipment.

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Manufacturers Sampled</th>
<th>Total Number of Models in Sample</th>
<th>Peak Noise Level Range</th>
<th>Average</th>
</tr>
</thead>
<tbody>
<tr>
<td>Backhoe</td>
<td>5</td>
<td>6</td>
<td>74-92</td>
<td>83</td>
</tr>
<tr>
<td>Front Loader</td>
<td>5</td>
<td>30</td>
<td>75-96</td>
<td>85</td>
</tr>
<tr>
<td>Dozer</td>
<td>8</td>
<td>41</td>
<td>65-95</td>
<td>85</td>
</tr>
<tr>
<td>Grader</td>
<td>3</td>
<td>15</td>
<td>72-92</td>
<td>84</td>
</tr>
<tr>
<td>Scraper</td>
<td>2</td>
<td>27</td>
<td>76-98</td>
<td>87</td>
</tr>
<tr>
<td>Pile Driver</td>
<td>N/A</td>
<td>N/A</td>
<td>95-105</td>
<td>101</td>
</tr>
</tbody>
</table>

Source: United States Environmental Protection Agency and Federal Highway Administration

There are no sensitive receptors (such as hospitals) near the site which raise special concerns for further study.

18. Transportation
a. Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.

The site is currently developed and the proposed development would remove the existing building and parking areas. The proposed development would have 545 parking spaces. The trip generation for the proposed development is shown in the table below.
Trip Generation Rates are for mid-rise multi-family dwelling units from the 10th Edition of the ITE Trip Generation Manual.

This site is located near the proposed Southwest LRT line and the Opus Station is less than 200 feet from the proposed site. There is currently limited transit service to the site.

b. Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project’s impact on the regional transportation system.

If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW. Use the format and procedures described in the Minnesota Department of Transportation’s Access Management Manual, Chapter 5 (available at: http://www.dot.state.mn.us/accessmanagement/resources.html) or a similar local guidance.

This development is located in the Opus Industrial Park. This area is governed by the Opus Overlay District which establishes trip generation limits for development in the park based on a traffic analysis of the surrounding roadway system. The site where this development is located was allocated 47 trips to the Bren Road/TH 169 Interchange assuming it would develop as commercial property. The ordinance specifically excludes residential development from the trip generation limits since the peak direction of traffic is opposite of the commercial uses in this district.

The Bren Road/TH 169 Interchange was determined to be the critical capacity constraint for traffic into and out of the park. The peak direction for traffic is inbound in the AM peak hour and outbound in the PM peak hour. As a commercial use it was assumed that the site would have about 37 inbound trips using the Bren Road/TH 169 Interchange in the AM peak hour and 37 trips outbound at the Bren Road and TH 169 Interchange in the PM peak hour. The other 10 trips allocated to this site would be in the non-peak direction. The proposed use would only have 14 trips inbound in the AM peak hour and 26 outbound in the PM peak hour at the Bren Road and TH 169 Interchange.

### Trip Generation of Proposed Development

482 Apartments

<table>
<thead>
<tr>
<th>Dwelling Units</th>
<th>Trips/DU</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Daily</td>
<td>Total</td>
<td>In</td>
</tr>
<tr>
<td>Trips/DU</td>
<td></td>
<td>5.44</td>
<td>0.36</td>
</tr>
<tr>
<td>Total Trips</td>
<td></td>
<td>2622</td>
<td>174</td>
</tr>
<tr>
<td>External to Opus</td>
<td>80%</td>
<td>2098</td>
<td>139</td>
</tr>
<tr>
<td>To Bren/TH 169 Interchange</td>
<td>40%</td>
<td>839</td>
<td>56</td>
</tr>
</tbody>
</table>

Trip Generation Rates are for mid-rise multi-family dwelling units from the 10th Edition of the ITE Trip Generation Manual.
WSB also collected daily traffic counts on Bren Road just west of TH 169 to verify that current traffic volumes are within the thresholds assumed for the ordinance. The ordinance is based on a traffic analysis that has a Level of service “D” capacity of 3779 AM peak hour trips at this location with 2818 inbound and 961 outbound. In the PM peak hour, the study determined the Level of service capacity, which is a Level of Service D to be 3747 PM peak hour trips with 2675 outbound and 1072 inbound. The traffic counts show that there are currently 3749 AM peak hour trips at this location with 2969 inbound and 780 outbound. In the PM peak hour, there are a total of 3668 trips with 3048 outbound and 620 inbound. The proposed development would create fewer peak direction trips than the assumed use for this site and would still fall within the threshold for the capacity of this interchange.

WSB also collected daily traffic counts on Eastbound Bren Road adjacent to the site to verify that there would not be capacity issues at the site access points. This count shows there are 2497 trips per day on Bren Road East next to the site. This road is a one-way road with two lanes. This road can carry more than 10000 vehicles a day at a very high level of service. While this development would substantially increase the traffic on Bren Road East the traffic volumes will still be well below the capacity of this roadway. There is currently an at-grade crossing of Bren Road East at the southern boundary of the site. In the future, this at-grade crossing would provide access to the Southwest LRT station. Based on the volumes on Bren Road East it would be desirable to grade separate this crossing in the future. An alternative would be to maintain the at-grade crossing and provide additional enhancements such as a rectangular rapid flashing beacon (RRFB) or a High-Intensity Activated cross walk beacon (HAWK). The development plan should incorporate accommodation for future pedestrian crossings in this area.

c. Identify measures that will be taken to minimize or mitigate project related transportation effects.

Based on the information in the previous section it was concluded that there are no measures required to mitigate the projects transportation related effects. If the Southwest LRT line is developed as expected the actual trip generation for this site will likely be less than shown in the table, since it is based on surveys of similar developments in generally suburban locations with limited transit use.

19. Cumulative potential effects: (Preparers can leave this item blank if cumulative potential effects are addressed under the applicable EAW Items)

a. Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.

Development is expected to begin in 2018 and be completed in 2019. Redevelopment is occurring in some areas of the City around the area. The proposed Southwest Line Light Rail (SWLRT) extension and light rail station will be located immediately east of the proposed Dominium development. The SWLRT is expected to be in operation by 2023. An Environmental Impact Statement (EIS) has been completed for the SWLRT project.
b. Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.

There are no past projects whose footprints overlap with the Dominium Development project. Future projects need to be considered if the project is likely to occur and sufficient information is available to understand the possible cumulative impact. As stated, the SWLRT project and light rail station are proposed immediately east of the Dominium Development site. The EIS for the SWLRT included the potential that the rail line would spur redevelopment. Additionally, the City of Minnetonka has planned for redevelopment in this area through their Comprehensive Plan process. No other specific future projects are known at this time.

c. Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.

The Dominium Development project site as well as the surrounding areas are developed. Redevelopment is anticipated in the area, but there are no specific future projects known at this time. The SWLRT is proposed and cumulative potential effects have been evaluated as part of the EIS for the SWLRT project. General development in the area has been planned for in the City’s Comprehensive Plan.

20. Other potential environmental effects: If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

No additional environmental effects have been identified.

RGU CERTIFICATION.  (The Environmental Quality Board will only accept SIGNED Environmental Assessment Worksheets for public notice in the EQB Monitor.)

I hereby certify that:
- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature:  
Date: April 26, 2018

Title: City Planner
Appendix A

Figures
Figure 1: Project Location - County Location
Dominium EAW
Minnetonka, MN
Figure 2: Project Location
- USGS Topographic Map
Dominium EAW
Minnetonka, MN
Figure 4: Concept Site Plan

Dominium EAW
Minnetonka, MN
Figure 5: Existing Land Use
Dominium EAW
Minnetonka, MN
Figure 6: Existing Zoning
Dominium EAW
Minnetonka, MN

Project Location

Existing Zoning
- B-1, Office
- B-2, Limited Business
- B-3, General Business
- I-1, Industrial
- PUD, Planned Unit Development
- PURD, Planned Unit Residential Development
- R-1, Low Density Residential
- R-4, Medium Density Residential
- R-5, High Density Residential
Figure 7: Parks and Trails
Dominium EAW
Minnetonka, MN
Figure 8: Surficial Geology

New Ulm Fm loam till high-relief

New Ulm Fm sandy till

Quaternary peat and muck

New Ulm Fm outwash (Des Moines)

Project Location

Dominium EAW
Minnetonka, MN

1 inch = 500 feet

Feet

0 500

1 inch = 500 feet
Figure 9: Bedrock Geology

Minnetonka, MN

Project Location

Bedrock Geology

- Platteville and Glenwood Formations
- St. Peter Sandstone
Figure 10: Soil Survey of Hennepin County
Dominium EAW
Minnetonka, MN

<table>
<thead>
<tr>
<th>Map unit symbol</th>
<th>Map unit name</th>
<th>Drainage class</th>
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</thead>
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<tr>
<td>L22E</td>
<td>Lester loam, 10 to 22% slopes</td>
<td>Well drained</td>
</tr>
<tr>
<td>L25A</td>
<td>Le Sueur loam, 1 to 3% slopes</td>
<td>Somewhat poorly drained</td>
</tr>
<tr>
<td>L37B</td>
<td>Angus loam, 2 to 6% slopes</td>
<td>Well drained</td>
</tr>
<tr>
<td>L60B</td>
<td>Angus-Moon complex, 2 to 5% slopes</td>
<td>Well drained</td>
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<td>U1A</td>
<td>Urban land-Udorthents, wet substratum, complex 0 to 2% slopes</td>
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Figure 11: Surface Water Resources
Dominium EAW
Minnetonka, MN

- Unnamed
- Unnamed
- Unnamed

1 inch = 500 feet
Figure 12: Well Locations and Groundwater Resources
Dominium EAW
Minnetonka, MN
Figure 14: MLCCS Land Cover
Dominium EAW
Minnetonka, MN

- 5-10% Impervious
- 11-25% Impervious
- 26-50% Impervious
- 51-75% Impervious
- 76-100% Impervious
- Short Grasses
- Maintained Tall Grass
- Forest
- Wetland Shrubs
- Tall Grasses
- Wetland Emergent Veg.
- Wetland Open Water

1 inch = 500 feet
Appendix B

Agency Correspondence
<table>
<thead>
<tr>
<th>PROPERTY NAME</th>
<th>ADDRESS</th>
<th>Twp</th>
<th>Range</th>
<th>Sec</th>
<th>Quarters</th>
<th>USGS</th>
<th>Report</th>
<th>NRHP</th>
<th>CEF</th>
<th>DOE</th>
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<tr>
<td>Felt Farmstead</td>
<td>5435 Feltl Rd.</td>
<td>117</td>
<td>22</td>
<td>36</td>
<td>NW-NW-NW</td>
<td>Hopkins</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>HE-MKC-014</td>
</tr>
<tr>
<td>Bridge 27545</td>
<td>Shady Oak Road over TH 62 WB</td>
<td>117</td>
<td>22</td>
<td>36</td>
<td>SW-SW</td>
<td>Hokpins</td>
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<td>HE-MKC-081</td>
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<tr>
<td>Bridge 27546</td>
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<td></td>
<td></td>
<td>HE-MKC-082</td>
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</tbody>
</table>
February 27, 2018
Correspondence # ERDB 20180308

Mr. Matt Unmacht
WSB & Associates, Inc.
701 Xenia Avenue South, Suite 300
Minneapolis, MN 55416

RE: Natural Heritage Review of the proposed Dominium Development,
T117N R22W Section 36; Hennepin County

Dear Mr. Unmacht,

As requested, the above project has been reviewed for potential effects to known occurrences of rare features. Given the project details provided with the data request form, I do not believe the proposed project will negatively affect any known occurrences of rare features.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota’s rare natural features, is maintained by the Division of Ecological and Water Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota’s rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area. If additional information becomes available regarding rare features in the vicinity of the project, further review may be necessary.

For environmental review purposes, the results of this Natural Heritage Review are valid for one year; the results are only valid for the project location (noted above) and the project description provided on the NHIS Data Request Form. Please contact me if project details change or for an updated review if construction has not occurred within one year.

The Natural Heritage Review does not constitute review or approval by the Department of Natural Resources as a whole. Instead, it identifies issues regarding known occurrences of rare features and potential effects to these rare features. If needed, please contact your DNR Regional Environmental Assessment Ecologist to determine whether there are other natural resource concerns associated with the proposed project. Please be aware that additional site assessments or review may be required.
Thank you for consulting us on this matter, and for your interest in preserving Minnesota’s rare natural resources. Please include a copy of this letter in any state or local license or permit application. An invoice will be mailed to you under separate cover.

Sincerely,

Samantha Bump
Natural Heritage Review Specialist
Samantha.Bump@state.mn.us

Links: DNR Regional Environmental Assessment Ecologist Contact Info
http://www.dnr.state.mn.us/eco/ereview/erp_regioncontacts.html
OPUS DEVELOPMENT
ORIGIONAL CONCEPT
OPUS 2
CROSSROADS OF TOMORROW, TODAY.
In the early 1800's, Minnesota was a vast tract of land inhabited only by various bands of Chippewa and Sioux Indians. Around the middle of the century things started to change. Settlers arrived in increasing numbers at St. Paul Landing, the recently designated political capitol for the large expanse of land between the St. Croix and Missouri Rivers.

After a short stay in St. Paul, many of the settlers moved further up river to the smaller village of St. Anthony, the sawmill town by the falls. St. Paul and St. Anthony, both raw frontier communities, offered the excitement, hustle and bustle characteristic of newly created boom towns.

The trail to points west led from these fledgling cities past Lake Calhoun, Lake Harriet, paralleled Minnehaha Creek and eventually ended in the rich farm land surrounding Lake Minnetonka. Those here for the purpose of homesteading or farming followed this trail westward in search of fertile land.

The area comprising Hopkins, Minnetonka, Edina and Eden Prairie soon was settled with families. Civilization had come to this newly instituted Territory of Minnesota. The areas that were populated by these pioneers eventually became towns and villages that still exist today.
The Township of Eden Prairie and Minnetonka came into existence in 1858. Eden Prairie's name was bestowed on it by Elizabeth Ellet, an author of national fame. She was impressed with the beautiful rolling prairies and likened them to her conception of the Garden of Eden. Others must have agreed with her as the township was officially chartered under the name of Eden Prairie in 1858.

About the same time, the Township of Minnetonka was officially chartered, taking its name from the large lake close by. The lake was originally named Peninsula Lake by Calvin Tuttle and Simon Stevens, earlier pioneers. Governor Alexander Ramsey later renamed it Minnetonka, a Sioux word meaning big water.

Hopkins, then a part of Minnetonka Township, had its beginning roughly around 1870. The Minneapolis and St. Louis Railway purchased right-of-ways across farmers' land for their line to St. Louis, Missouri. Once the line was completed, a station was constructed opposite the home of Harley Hopkins and was given the name of Hopkins. With the added growth brought by the railroad, Hopkins became an entity in its own right and in 1887 the village was formally incorporated and separated from Minnetonka Township.

In 1888, Edina followed suit, electing to make their settlement a separate village from that of Richfield. Andrew and John Craik, immigrants from the Old World and pioneers in the new Territory, had come to Minnesota from Edinburgh, Scotland. They opened a flour mill and named it Edina in honor of their homeland. It is from the Craik brothers' Edina flour mill that the village of Edina took its name.

From their first perilous foothold, these four cities grew and prospered. Today, they offer Minnesota a heritage rich in determination, vision and progress, a history as much a part of the present and future as it is of the past.

At the convergence of these four progressive communities, a new pioneering effort has begun. 410 acres of small truck farms and private estates that once belonged to the Minnesota Pioneers has been acquired by Rauenhorst Corporation. The land, located in Minnetonka, Edina, and Eden Prairie, and bordered by Hopkins, will be the site of a new innovative community geared to our modern way of working and living.
OPUS 2

There has long been a need for a new approach to community planning, especially on a large scale. Major cities, unlike smaller communities, are decades behind in responding to our present needs, work habits and life styles. Traffic systems and patterns can no longer handle the growing number of commuters. Present day transportation is producing a pollution problem that was undreamed of back in the 1950’s and early 60’s. Today’s major cities are no longer people oriented.

Mr. Rauenhorst, aware of the direction community planning has taken in the last twenty years and of the problems that have resulted, devised an entirely new approach, one that was people oriented. He called it Opus 2.

Opus 2 combines the history of the past, needs of the present and the projected requirements of the future into a self-contained working/living center offering 95% of what is essential to life. It coordinates office, industrial, commercial and residential areas into an integral working/living environment able to provide jobs, recreation, housing, shopping, medical and cultural facilities. It is self-sustaining, making it profitable for companies to locate there, and it is convenient for commuting. Opus, which means creation, is an appropriate name to apply to this unusual approach to community planning.
A SEARCH SPARKS THE BEGINNING

Opus 2 went from concept to reality when Data 100 approached Rauenhorst Corporation to build new Corporate Headquarters, an office and plant facility. Rauenhorst was asked to find a suitable site within a designated area. Twenty-five acres were eventually located west of the Twin Cities bordered by Shady Oak Road, County Road 18 and Crosstown Highway 62. While in the process of acquiring the land for Data 100, Rauenhorst noticed that the adjoining acreage was also available. The area was ideal for the Opus 2 concept. The most important criteria were there: Proximity to the surrounding communities, existing access through roads and freeways and over 400 acres of undeveloped land in a suburban location. Rauenhorst Corporation decided to use this opportunity to implement Opus 2.
PREPARATION AND CONSERVATION

Much in-depth research was required concerning the environmental aspects of Opus 2's impact on the area. Independent studies were initiated to determine the feasibility of the automobile primary road system and the pedestrian traffic secondary road system concept as it related to the land use pattern. An environmental assessment was performed. Informal meetings were held with several different agencies, councils, commissions, and governments at the staff level including: the Nine Mile Creek Watershed District, the Environmental Quality Control Council, the Metropolitan Council, the Hennepin County Highway Department, the planning and engineering staffs of Edina, Eden Prairie, Hopkins, and Minnetonka, the Hennepin County Conservation Department and the Metropolitan Transit Commission.

Input received from these groups helped to determine the strength of each element of the Opus 2 concept and how well it would work with other elements of the plan. One of the main elements Rauenhorst Corporation considered during planning was preservation of the area's natural amenities. Rather than redesign the topography to fit the needs of Opus 2, Opus 2 has been designed to coordinate with the environment that already exists. Great care is being taken to preserve ecosystems such as wooded sections, marshes, knolls, valleys and natural water retention areas that enrich and enhance the environmental setting. It is this care and concern for the unspoiled beauty of the land that makes Opus 2 unique.
WORKING IN OPUS 2

Opus 2 is a staged development, taking an estimated ten years for completion. The industrial and office portions of Opus 2, consisting of 2 million square feet, are presently being developed. These will be coordinated with the 55,000 square foot neighborhood convenience shopping center, some residential housing and the 300,000 square foot multi-purpose service center.

Designed to fit today's working/living needs, Opus 2 offers many advantages not found elsewhere. Opus 2's location is nearly perfect for the businessman. Services such as restaurants, hotels, shopping centers, and some of the Twin Cities' greatest recreational facilities are located either in Opus 2 or are just moments away. Opus 2 is serviced by one of the metropolitan area's major arteries, Crosstown Highway 62, which puts the office, commercial and industrial areas of downtown Minneapolis, downtown St. Paul, the suburbs that circle the metropolitan area and the Minneapolis/St. Paul International Airport within minutes of the busy executive. Opus 2 is situated in the heart of the blue and white collar labor markets and is surrounded by four executive residential communities.

Added to this, buildings constructed in Opus 2 are architecturally designed to meld with the environment, avoiding visual congestion and enhancing the natural scenic amenities.

As Opus 2 was being engineered, much thought was given to controlling traffic peaks, thus avoiding rush hour traffic jams. The result is a dual roadway system.
that intra-connects Opus 2. It consists of a one-way primary roadway for standard automobiles and a two-way secondary roadway for pedestrian, bicycle traffic and electric vehicles. The two systems are totally separate and are bridged wherever they intersect. Traffic from the primary system can't cross over or interfere with traffic on the secondary system. Counter-rotating traffic circles and the use of one-way streets in the primary system enable 50,000 vehicles to move in and out of Opus 2 daily without ever encountering oncoming vehicles, traffic signals or stop signs. This transportation system permits easy employee and customer access to all areas of Opus 2 in a continuous and uninterrupted fashion.

Opus 2 is in an ideal location for eventually connecting with mass transportation systems of the surrounding communities of Hopkins, Edina, Eden Prairie, Minnetonka, Minneapolis and St. Paul. Although Opus 2 is presently only minutes from these office, commercial and industrial areas, interconnected mass transportation will further tie Opus 2 into the Metropolitan business community.
LIVING IN OPUS 2

The central feature that blends the office, commercial and industrial portion of Opus 2 with the residential areas is the focal point of the working/living community, the multi-purpose service center. This structure, intended to serve Opus 2 and the surrounding area, will combine a number of uses on the same site. Proposed are high-value specialty shops, cultural facilities such as a community theater, an ecumenical chapel, dining establishments, police, fire and medical auxiliary services, all combined and located in a uniquely designed building.

Situated within casual walking distance of the multi-purpose service center will be a number of neighborhoods, each with its own architectural style and individual characteristics. They will be serviced by the same primary and secondary roadway system that intra-connects the office, commercial and industrial portions of Opus 2.

The treatment of the residential areas will reflect the Rauenhorst Corporation commitment to preserve and enhance the natural environment. Exquisitely manicured grounds will accent the aesthetically designed buildings.

Each neighborhood will vary in density and will be convenient to the office, commercial and industrial portions of Opus 2, as well as to the surrounding services, communities, mass transportation systems, parks and recreational areas. The housing will range from rental units to condominiums, providing a way of life that is both distinctive and elegant. Residents will enjoy comfort, beauty, quality and peace of mind living.

Opus 2 living is designed for the discriminating. The over one thousand units planned will provide the ultimate in modern living, offering a new vista in housing experience.
EXCITING CHALLENGES

Numerous challenges are presented by the Opus 2 project; corporate headquarters with adjacent housing, mixed professional, commercial, office, and research facilities, industrial condominiums, preservation of natural amenities, aesthetically designed buildings, new techniques of crime prevention through internal security systems, experimentation with energy supply, the primary/secondary roadway concept, mass transit systems and people movers. These are just a few of the exciting developments planned for Opus 2.

Intense research is presently underway concerning the last category, people movers. Proposed are electric vehicles. They would be advantageous to residents as they would adapt to the dual roadway concept, would cost a fraction of the present sub-compact car, both to purchase and to operate, and they would be non-polluting.

RAUENHORST CORPORATION AND OPUS 2

Opus 2 originated from Mr. Rauenhorst’s deep-seated conviction that he and his firm have a responsibility to society to research and create new methods and ideas for living and working. These new ideas are then implemented through the Rauenhorst Corporation concept of Total Responsibility which includes: site selection, architectural design, financing, development, engineering, construction, leasing, management and maintenance—all under one unified contract. As applied to Opus 2, the Total Responsibility concept has played a major role in helping to create a compatible working/living environment, developed and maintained along stringent standards, that will provide 95% of what is essential to life as well as ensure steadily increasing property values for your firm’s investment. Therefore, Opus 2 isn’t just another development. It’s a singular working/living experience at the crossroad of what was, and what ought to be.

OPUS 2—CROSSROADS OF TOMORROW, TODAY.
Critical to the development of an enterprise such as Opus 2 is the understanding, and support of local governmental bodies during the planning, programming, and construction phases. We have been fortunate indeed to have had a cooperative endeavor emerge with a number of such governmental groups, but especially with the City of Minnetonka. Even as we wrote our Opus 2 brochure, events were moving forward with gratifying rapidity. Zoning of our industrial park and commercial areas was obtained, concept plan approval for the housing area of the plan was granted, and an industrial revenue bond issue providing for the timely completion of the industrial/commercial areas was authorized by the City Council.

We at Rauenhorst Corporation extend special thanks and appreciation to the Council, Planning Commission, and Staff of Minnetonka for their assistance in making the promise of Opus 2 a reality today.

Gerald Rauenhorst
Resolution No. 2018-

Resolution approving final site and building plans for Bren Road Development, a multi-family residential development by Dominium, at 11001 Bren Road East

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

Section 1. Background.

1.01 Dominium Acquisition, LLC. has requested approval of final site and building plans for a three building, 482-unit rental housing development at 11001 Bren Road East.

1.02 The subject property is legally described as Lots 1 and 2, Block 1, Opus 2 Eighth Addition.

1.03 On May 24, 2018 the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the final site and building plans.

Section 2. Site and Building Plan Standards and Findings.

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

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

1. The proposed high-density residential development is consistent with the general housing goals of the 2030 Comprehensive Guide Plan and the Plan's specific goal to provide additional housing in the OPUS area. Further, the proposal has been reviewed by city planning, engineering, and natural resources staff and found to be generally consistent with the city’s development guides, including the water resources management plan.

2. The proposal is consistent with the zoning ordinance.
The subject property is a developed site, with the only “natural” area being Type-1 wetland on the northeast corner. While the proposal would result in tree and soil removal, the wetland area would not be disturbed.

3. The proposal would result in a harmonious relationship of buildings, with open space generally located at the perimeter of the site.

4. The proposal would result in a unique and attractively-designed neighborhood.

5. The proposal includes installation of rooftop solar energy systems, capable of producing more than 562,000 kilowatts of energy per year new. As new construction, the building code would require use of additional energy saving features within the buildings themselves.

6. The proposal would visually and physically alter the property and the immediate area. However, this change would occur with any redevelopment of the site, which the city has long anticipated.


3.01 City Code §300.28, Subd.20, outlines several standards for construction within code-defined steep slopes. Those standards are incorporated by reference into this resolution.

3.02 The proposal would meet the standards outlined in the City Code §300.28, Subd.20.

1. The property is physically suitable for the design and siting of the proposed development. The proposal would preserve significant natural features by minimizing disturbance to existing topographical forms.
   a) Retaining walls would be used as an alternative to banks of cut-and-fill. Cuts would be less than 25 feet in depth.
   b) Off-site views of the proposed retaining walls would generally be minimized.

2. The development would not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.
   a) Construction would occur at the base of the slope.
   b) The proposal would not be located on an existing slope that has an average grade of 30 percent or more.

3. The proposed development provides adequate measures to protect
public safety.

a) As a condition of this resolution a construction phasing plan is required. The plan must detail the construction process for the proposed retaining walls.

b) The slope of driveway access would be less than 10 percent.

Section 4. City Council Action.

4.01 The above described site and building plans are hereby approved based on the findings outlined in Sections 2 and 3 of this resolution. Approval is subject to the following conditions:

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

   • Site Plan, dated April 6, 2018
   • Temporary Site and Future Entrance Plans, dated April 6, 2018
   • Grading Plan, dated April 6, 2018
   • Sanitary Sewer and Watermain Plan, dated April 6, 2018
   • Stormsewer Plan, dated April 6, 2018
   • Landscape Plan, dated April 6, 2018
   • Building Elevations, dated April 6, 2018

2. A grading permit is required. This permit will cover grading and installation of sewer, water, stormwater facilities and construction of retaining walls. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

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

      1) An electronic PDF copy of all required plans and specifications.

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

      a. Final site plan. The plan must:

         • Illustrate all existing and proposed easements. No structural improvements are allowed within the easements. This includes pool, pool deck,
fencing, ramps, stairs, playgrounds, or other elements as outlined in city policy.

- Illustrate city approved public trail improvements on the east and north side of the property as outlined in the development agreement.

- Note the required wetland setbacks, as follows:

<table>
<thead>
<tr>
<th>Structures</th>
<th>35 feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patios</td>
<td>25 feet</td>
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<tr>
<td>Trails</td>
<td>20 feet</td>
</tr>
</tbody>
</table>

b. Final grading plan must:

- Illustrate that rails and sidewalks must meet Americans with Disability Act (ADA) standards.

- Reevaluate grading near the east driveway. Runoff must be captured onsite to the greatest extent possible, rather than draining, untreated to the city storm sewer system.

c. Final utility plan. The plans must:

- Note unused services removed back to the main.

- Illustrate watermain looping.

- Consider the existing fire hydrant in the southeast corner of the site. If the retaining wall in that area remains as per grading plan dated April 4, 2018, the existing fire hydrant must be shown as removed and replaced with a new hydrant in a new location.

- Verify watermain crossings with other utilities. Provide insulation as necessary and maintain a minimum 18 inches of vertical separation.

- Indicate replacement of existing sanitary MH 1.

- Verify that Building A requires separate north and south sewer services. The city would
prefer that the service be combined, resulting in just one connection to the public sewer.

- Verify that Building C requires separate east and west sewer services. The city would prefer that the service be combined, resulting in just one connection to the public sewer on the west side of the building.

d. Final stormwater management plan is required for the entire site’s impervious surface. The plan must demonstrate conformance with the following criteria:

- Rate. Limit peak runoff flow rates to that of existing conditions from the 2-, 10-, and 100-year events at all points where stormwater leaves the site.

- Volume. Provide for onsite retention of 1-inch of runoff from the entire site’s impervious surface.

- Quality. Provide for all runoff to be treated to at least 60 percent total phosphorus annual removal efficiency and 90 percent total suspended solid annual removal efficiency.

In addition:

- The plan must include confirmed Southwest Light Rail Transit plans for storm sewer and other improvements along the east side of the subject property.

- Review drainage atop the west retaining wall. Confirm with a structural engineer whether additional drainage considerations need to be implemented to protect the wall’s integrity given the large drainage area that flows toward the wall.

- 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 facilities must be inspected by a qualified third party during installation and that
party must verify that the pressure requirements are adequately met.

e. Final landscaping plan must:

1. Illustrate restoration of the wetland area and include final plant specifications, including any seed mixes.

2. Not include Colorado spruce. Substitute with another species of evergreen.

3. Include notation of project value and demonstrating the value of the proposed landscaping will meet code requirements.

4. Illustrate all deciduous trees planted no closer than 15 feet behind the curb of Bren Road East or 10 feet from the edge of public trails and sidewalks. Evergreen trees may be no closer than 20 feet behind the curb of Bren Road or 15 feet from the edge of public trails and sidewalks.

3) Revised truck turning exhibits. The plans must include the truck dimensions and wheelbase used.

4) A utility exhibit. The exhibit must show only property lines, buildings, sewer, water, storm sewer and underground stormwater facilities. The exhibit must clearly note:

<table>
<thead>
<tr>
<th>North-South Sanitary Main</th>
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<tbody>
<tr>
<td>Existing East-West Watermain</td>
<td>PUBLIC</td>
</tr>
<tr>
<td>New North-South Watermain</td>
<td>PRIVATE</td>
</tr>
<tr>
<td>Storm sewer</td>
<td>PRIVATE</td>
</tr>
<tr>
<td>Fire Hydrants</td>
<td>PRIVATE</td>
</tr>
</tbody>
</table>

5) A sanitary sewer bypass plan to be implemented during relocation of the public sanitary sewer.

b) Prior to issuance of a grading permit:

1) This resolution must be recorded at Hennepin County.

2) Obsolete utility easements must be vacated.

3) One of the following must occur:
a. The following easements must be dedicated:

- A utility easement over the relocated sanitary sewer line must be dedicated. Prior to recording, the easement document must be submitted for review and approval of the city attorney. The easement must be 40-feet wide and centered over the line.

- Secondary roadway easements over perimeter trails and underpass. Prior to recording, the easement document must be submitted for review and approval of the city attorney.

b. Preliminary and final plats must be approved and the final plat must be released for recording.

4) Park dedication in the amount of $2,410,000 must be submitted. The city may credit verified costs for construction of the north underpass and connection trail. The details for cost verification and crediting will be outlined in the required development agreement.

5) Submit the following:

a. A development agreement in a city approved format for review and approval of city staff.

b. A stormwater maintenance agreement in a city approved format for review and approval of city staff.

c. A private hydrant maintenance agreement in a city approved format for review and approval of city staff.

d. A construction phasing plan for staff review and approval. The plan must include details regarding construction of proposed retaining walls.

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.

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 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 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.

6) Install erosion control, and tree protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
7) Hold a preconstruction meeting with site contractors and city planning, engineering, public works, and natural resources staff. The meeting may not be held until all items required under 2(a) and 2(b)(5) of this resolution have been submitted, reviewed by staff, and approved.

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

3. Prior to issuance of any building permit, submit the following documents:
   a) A snow removal and chloride management plan.
   b) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for noncompliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.

1) 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.

4. Prior to issuance of a certificate of occupancy, the existing at grade crossing must be enhanced with either a rectangular rapid flashing beacon or a high-intensity activated crosswalk beacon.

5. The property owner is responsible for replacing any required landscaping that dies.
6. Construction must begin by December 31, 2019, unless the planning commission grants a time extension.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 4, 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 June 4, 2018.

David E. Maeda, City Clerk

SEAL
Planning Commission Resolution No. 2018-

Resolution of the City of Minnetonka Planning Commission finding that a redevelopment plan for the Opus Redevelopment Project and a tax increment financing plan for the Dominium Housing Tax Increment Financing District conform to the general plans for the development and redevelopment of the city

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

Section 1. Background.

1.01 The Minnetonka Economic Development Authority (the "EDA") and the City of Minnetonka (the "City") have proposed to adopt a Redevelopment Plan for the Opus Redevelopment Project (the "Redevelopment Plan") therefor and a Tax Increment Financing Plan for the Dominium Housing Tax Increment Financing District (the "TIF Plan") therefor (the Redevelopment Plan and the TIF Plan are referred to collectively herein as the "Plans") and have submitted the Plans to the City Planning Commission (the "Commission") pursuant to Minnesota Statutes, Section 469.175, Subd. 3, and

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

1.03 Now, therefore, BE IT RESOLVED by the Commission that the Plans conform to the general plans for the development and redevelopment of the City as a whole.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on May 24, 2018.

____________________________________
Brian Kirk, Chairperson

Attest:

____________________________________
Kathy Leervig, Deputy City Clerk
Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 24, 2018.

Kathy Leervig, Deputy City Clerk