Planning Commission Agenda

April 25, 2019 – 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: March 21, 2019

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda
   A. Resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height at 1,000 square feet in area at 19100 Old Excelsior Blvd

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

      • Recommendation to City Council (May 6, 2019)
      • Project Planner: Susan Thomas

   B. Resolution approving building and sign plans for proposed façade changes to the building at 14525 Hwy 7.

      Recommendation: Adopt the resolutions the proposal (5 votes)

      • Final Approval, subject to appeal
      • Project Planner: Ashley Cauley

8. Public Hearings: Non-Consent Agenda Items
   A. Items concerning Walser Nissan at 15906 Wayzata Blvd.

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

      • Recommendation to City Council (May 6, 2019)
      • Project Planner: Drew Ingvalson
B. Items concerning Highcroft Meadows, a 14-lot residential subdivision at 14410 Orchard Road.

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

- Recommendation to City Council (May 6, 2019)
- Project Planner: Susan Thomas

9. Adjournment
Notices

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

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

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Shady Oak Crossing, master development plan amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Address</td>
<td>4312 Shady Oak Road</td>
</tr>
<tr>
<td>Assigned Staff</td>
<td>Loren Gordon</td>
</tr>
<tr>
<td>Ward Councilmember</td>
<td>Bob Ellingson, Ward 1</td>
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</tbody>
</table>
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

It is possible that a quorum of members of the city council may be present. However, no meeting of the city council will be convened and no action will be taken by the city council.
Minnetonka Planning Commission Meeting
April 25, 2019

Agenda Item 4

Previous Meeting Minutes
1. Call to Order

Chair Kirk called the meeting to order at 7:45 p.m.

2. Roll Call

Commissioners Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk were present.

Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley, and Planner Drew Ingvalson.

3. Approval of Agenda

Sewall moved, second by Hanson, to approve the agenda as submitted with additions provided in the change memo dated March 21, 2019.

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

4. Approval of Minutes: March 7, 2019

Knight moved, second by Powers, to approve the March 7, 2019 meeting minutes as submitted.

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

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of March 18, 2019:

- Adopted a resolution approving a correction to the resolution for Inverness Estates.
- Introduced an ordinance for a site and building plan review for Walser Nissan Dealership.
- Adopted a resolution approving items for a brewery and taproom for Boom Island.
- Adopted a resolution approving items for Doran/Marsh Run.
- Adopted a resolution approving items for Chabad, a religious institution.
- Park dedication assignments related to the Ridgedale Center 10th Addition.

The third Opus Launch joint meeting will be held April 18, 2019.
6. **Report from Planning Commission Members**

Sewall visited houses in the Parade of Homes tour located on Austrian Pine Lane in Minnetonka. He invited commissioners to visit the houses to see the result of the commission’s approval for the project.

Henry is participating in the eight-week Minnetonka Police Academy program. The group visited the training facility in Edina where they participated in police officer virtual reality training scenarios. He found the program beneficial and invited others to try it next time.

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

8. **Public Hearings**

   A. **Resolution approving a conditional use permit for accessory structures exceeding 1,000 square feet and 12 feet in height to add a garage/horse stable at 3000 Surry Lane.**

   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.

   Sandra Brown, 3000 Surry Lane, applicant, stated that Ingvalson did a great job with the report. She stated that there would be running water, but not sewer to the building. She described the drive through and hay loft.

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

   Chair Kirk suggested the applicant try to prevent manure from draining into the wetland. Ingvalson noted that a community service officer would address that type of situation if it would become an issue.

   **Powers moved, second by Knight, to recommend that the city council approve the conditional use permit for the proposed accessory structure.**

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

   Chair Kirk stated that the item is tentatively scheduled to be heard by the city council April 1, 2019.

   B. **Resolution approving site and building plan review for several improvements at Cargill at 15407 and 15421 McGinty Road West.**

   Chair Kirk introduced the proposal and called for the staff report.
Cauley reported. She recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

In response to Henry’s question, Cauley explained that the applicant provided a detailed tree inventory to illustrate what tree mitigation would be required for the project.

Chair Kirk asked about stormwater management of the site. Cauley answered that the city’s water resources engineering coordinator would review the calculations. The applicant would be required to treat water runoff for an increase in impervious surface and newly disturbed areas.

Chair Kirk asked if the private roundabout would accommodate emergency vehicles. Cauley stated that the resolution has a condition requiring a turning radius that would allow emergency vehicles to navigate the site. There is currently a private roundabout on Cargill’s western property.

Jon Knutson, of Loucks and Associates, representing Cargill, the applicant, stated that:

- Cargill is very safety focused. The access would be made more perpendicular to McGinty Road West. The proposal would slow down drivers. Right now, the intersection is a weird “T” with a middle space in between two roads.
- There is typically one accident a month at the intersection. There are approximately 1,700 to 1,800 vehicles a day traveling to and from the campus. The roundabout would slow drivers down and hopefully eliminate collisions.
- The increase in the number of accidents at the intersection began after 1,000 employees were added to the site about a year ago.

Henry asked if utilizing a pervious parking surface or solar panels had been considered. Mr. Knutson stated that because of the high volume of traffic, the size of the trucks, and the way the surfaces would be treated in the winter, it would be difficult to maintain a pervious parking surface. Solar panels are not included in the plan.

Henry asked if Cargill had a plan to reduce its salt use. Mr. Knutson was not aware of one.

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

Sewall stated that the intersection is terrible. He was not surprised to hear that an accident occurs there every month. The Cargill site is the best piece of property in Minnetonka. He hoped that the applicant would protect the beauty of the property as much as possible.

**Hanson moved, second by Powers, to adopt the attached resolution approving the site and building plans for Cargill at 15407 and 15421 McGinty Road West.**
Henry, Knight, Luke, Powers, Sewall, Hanson, and Kirk voted yes. Motion carried.

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

9. Elections

Sewall moved, second by Powers, to elect Brian Kirk to serve as the planning commission chair for the remainder of 2019.

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

Powers moved, second by Hanson, to elect Josh Sewall to serve as the planning commission vice chair for the remainder of 2019.

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

10. Bylaws and Policies

Gordon reported. There are no changes to the bylaws or policies this year. He discussed the difference between ordinances and policies.

Luke suggested creating a policy regarding front porches. Gordon stated that examples of previously applied for front-yard setback variance requests to allow construction of a front porch could be researched and presented to the commission to consider creating a policy or ordinance amendment.

Henry moved, second by Sewall, to adopt the bylaws and policies of the Minnetonka Planning Commission.

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

11. Adjournment

Powers moved, second by Knight, to adjourn the meeting at 8:43 p.m. Motion carried unanimously.

By:  __________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
April 25, 2019

Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION
April 25, 2019

Brief Description
Conditional use permit for an accessory structure exceeding 12 feet in height and 1,000 square feet in total floor area at 19100 Old Excelsior Blvd.

Recommendation
Recommend the city council adopt the resolution approving the permit

Proposal
Ryan Carlson, property owner, is proposing to construct a detached garage northeast of the existing home. Located 28 feet from the east property line, the 24-foot by 36-foot garage would include second-story space, resulting in a total usable area of 1,308 square feet. By city code definition, the garage would be 21 feet in height. Accessory structure over 12-feet in height and/or 1,000 square feet in area are conditionally-permitted in residential zoning districts.

Background Information

<table>
<thead>
<tr>
<th>Property</th>
<th>Access</th>
<th>Old Excelsior Blvd</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>1.2 acres or 52,270 square feet</td>
<td></td>
</tr>
<tr>
<td>Natural Resources</td>
<td>A variety of mature trees</td>
<td></td>
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</tbody>
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Staff Analysis
Staff finds that the applicant’s proposal is reasonable, as the garage would meet all minimum conditional use permit standards outlined in city code. These standards are detailed in the “Supporting Information” section of this report.

Staff Recommendation
Recommend that the city council adopt the resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and 1,000 square feet in total floor area at 19100 Old Excelsior Blvd.

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

Surrounding Land Uses
- Northerly: Single-family home; zoned and guided low-density
- Easterly: Single-family home; zoned and guided low-density
- Southerly: Old Excelsior Blvd and Highway 7 beyond
- Westerly: Single-family home; zoned and guided low-density

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

Usable Space
The International Residential Code (a building code, rather than zoning code) notes that habitable space must have a ceiling height of not less than seven feet. Staff uses this dimension in determining the square footage of upper level “storage space” in accessory structures.

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 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 28 feet from the east property line, 80 feet from the north property line, and well over 100 feet from south and west 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 applicant has 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 complement the existing home.

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 a general “open area” of the property; 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 the existing home.

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 located over 90 feet from the closest neighboring structure. Impact on neighboring properties or surrounding land use is not anticipated.

Natural Resources

Best management practices must be followed during the 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 35 area property owners and has received no comments to date.

**Pyramid of Discretion**

![Pyramid Diagram]

**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 to 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 22, 2019
Location Map

Project: Carlson Residence
Address: 19100 Old Excelsior Blvd

CITY OF MINNETONKA
12/12 pitch
to match house
12/12 pitch
to match house
Resolution No. 2019-

Resolution approving a conditional use permit for an accessory structure exceeding 12 feet in height and 1,000 square feet in total floor area at 19100 Old Excelsior Blvd

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 19100 Old Excelsior Blvd. It is legally described as:

Lot 002, AUDITOR’S SUBDIVISION NO. 334, HENNEPIN COUNTY, MN

1.02 Ryan Carlson, property owner, is proposing to construct a detached garage northeast of the existing home on the site. The proposed garage would have a code-defined height of 21 feet and would result in a total accessory structure area of just over 1,300 square feet.

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

1.04 On April 25, 2019, 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 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 28 feet from the east property line, 80 feet from the north property line, and well over 100 feet from south and west 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 complement the existing home.
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 garage would be located in a general “open area” of the property; 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 the existing home.

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

7. The structure would be located over 90 feet from the closest neighboring structure. Impact on neighboring properties or surrounding land use 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, received date March 26, 2019
   - Building elevations, received date March 26, 2019

2. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County.
   b) Submit 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.

  c) Install erosion control, and tree protection fencing and any other measures required by city staff for staff inspection. These items must be maintained throughout 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 May 6, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent: Happe
Resolution adopted.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on May 6, 2019.

__________________________________
Becky Koosman, City Clerk
MINNETONKA PLANNING COMMISSION
April 25, 2019

Brief Description
Items regarding Woodhill Plaza at 14525 Hwy 7:

- Expansion permit for an increase in building height within the front yard setback; and
- a sign plan.

Recommendation
Adopt the resolution approving the proposal

Background
In 2013, the city received a request to convert the existing, three-story Woodhill Plaza office building into a mixed-use building, with retail, service commercial, and office uses. The city approved the request, amending the site’s comprehensive guide plan designation from office to commercial and rezoning the property to B-3, General Business District. Since the approval, several retail and commercial users have occupied the first floor, while office users have continued to occupy the second and third floors.

In 2015, Landmark Architectural signs, on behalf of Dunn Brothers Coffee, submitted a proposal to install three wall signs on the building. Two of the signs met the city’s sign ordinance, but a vertical-orientated – or blade – sign on the northwest corner of the building did not. Under the sign ordinance, the sign required variances to allow a sign projecting more than 18-inches from the building and outside of the Dunn Brother’s lease space.

Current Proposal
The required front yard setback for the mixed use building is 50 feet. The existing building has a nonconforming 35-foot setback.

The property owner is proposing several improvements to the building, including (1) a refacing of the façade; (2) installation of crowns on the top of the building; (3) screening of mechanical equipment in front of the building; and (4) a sign plan.
The façade refacing and mechanical screening has already been approved administratively with a building permit. The installation of the crowns requires an expansion permit to increase the height of the building within the required setback. The property owner is also proposing a sign plan to organize existing and future signage on the building. Both the expansion permit and sign plan requires planning commission review and approval.

Staff Analysis

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

- **Is the proposed expansion permit reasonable?**

  Yes, the expansion permit request is reasonable as it would meet the required standards outlined in City Code §300.29 Subd. 7(c):

  1. **Reasonableness and Neighborhood Character:** The proposed height increase would only occur at the “corners” of the building and would not encroach further into the required setback than the existing building. The height increase would not visually change the height of the building from the street.

  2. **Unique Circumstance:** While a majority of the building meets the required setback, the existing building has “point intrusions” which extend into the required setback. This is a circumstance not unique to every similarly zoned property.

- **Is the proposed sign plan reasonable?**

  Yes. By ordinance, a sign plan is appropriate when a development has mixed-uses. As is the case with other mixed-used buildings, staff has historically applied the commercial sign standards to the first floor of the subject building and office sign standards to the upper floors. However, this application of the ordinance has resulted in a building that lacks sign uniformity. The proposed sign plan would:

  - allow for signs that have dimensions consistent with the sign ordinance;
  - establish a visual separation between each sign;
  - establish a visual sign band by requiring that signs are 11-feet from grade; and
  - organize existing and future signage on the building.

Changes since the last report

Since the distribution of the last planning commission packet, the applicant requested to clarify the language of the sign plan further. Staff concurs and has made the following changes to the resolution:

LakeWest Development, LLC has submitted a sign plan to organize existing signage and provide clarity to future tenants. The following summarizes the proposed sign plan:

1. Signs on the first floor:
a) must be consistent in size as to what is allowed by the sign ordinance for multi-tenant commercial signs; and

b) must have a 4-foot separation between each sign; and

c) must be located on the metal panel sign band located 11-feet from grade. Any increase or decrease in the height of the entire sign band can be administratively approved by city staff;

d) must not be located on mechanical screening; and

e) may be located outside of the tenant lease lines.

2. Signs on the second and third floor must comply with what is allowed by the sign ordinance for office signs.

3. The previously approved variances for a vertically orientated blade sign on the northwest corner of the building are recognized.

Staff Recommendation

Adopt the following:

- Resolution approving an expansion permit to increase the height of the building within the required setback; and

- Resolution approving the sign plan.

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

**Project No.**
06054.18a

**Property**
14525 Hwy 7

**Applicant**
LakeWest Development, LLC

**Surrounding Land Uses**
- Northerly: Hwy 7
- Easterly: Office building, zoned B-1
- Southerly: Tower Hill and Williston watertower
- Westerly: Restaurant and bank beyond, zoned B-2 and B-1 respectively

**Planning**
- Guide Plan designation: Commercial
- Zoning: B-2

**Burden of Proof**
By city code, 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.
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.

**Sign Plan**
By ordinance, a sign plan to allow signage with differing requirements than the sign ordinance can be approved by the city. These factors are considered:

1. The development includes a high rise (greater than 3 story) structure:
2. The development includes multiple structures and/or substantial site area;
3. The development includes mixed uses;
4. A sign plan is uniquely adapted to address the visibility needs of a development while remaining consistent with the intent of this section to direct high quality signage; and
5. The sign plan includes permanent sign covenants which can be enforced by the city.
Findings: The city’s sign ordinance does provide clear sign placement requirements on mixed-use buildings. The proposed sign plan would require that signs on the lower level be located 11 feet from grade. This would visually establish a sign band on the building, which currently has signs located within lease lines but at staggered heights. The sign plan would also establish clear standards for the mixed-uses within the building.

Pyramid of Discretion

Motion options

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made adopting the resolutions approving the expansion permit and sign plan.

2. Disagree with staff’s recommendation. In this case, a motion should be denying the request. The motion should include findings for denial.

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

Voting Requirement

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

Appeals

Any person aggrieved by the planning commission’s decision about the requested variances may appeal such decision to the city council. A written appeal must be submitted to the planning staff within ten days of the date of the decision.

Neighborhood Comments

The city sent notices to 59 area property owners and received no comments.

Deadline for Decision

June 21, 2019
Location Map

Project: Lake West Building
Address: 14525 Hwy 7

CITY OF MINNETONKA
February 21, 2019

Ashley Cauley
Senior Planner
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: Written Statement for Expansion Permit

Mrs. Cauley,

Lake West Building (formerly known as Woodhill Plaza) is a three-story, 23-tenant building located at 14525 State Highway 7. The owner of the building, Curt Fretham, would like to propose an increase of the height of the building by approximately 1'-0” for a more distinct look at the corners of the building with extruded metal crowns and coping (Exhibit A & B). The existing building height is 36'-2” from ground level (see Sheet A1, bldg. ht. noted at entrance and A2, verified ht.) and will be increased to approximately 37'-2” at the corner crown locations. The existing parapet structural components will remain intact and re-faced with matching material of the proposed siding and crowns. The material for the extruded crown and coping will be the same material I have shown you for the Mechanical Fence.

If there is any additional information I can provide, please advise.

Sincerely,

Steven Eggert
Planner
952-653-1346
steveeggert@lwestdev.com

Attachments
February 21, 2019

Drew Ingvalson  
Planner  
City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, MN 55345

RE: Written Statement for Sign Permit

Mr. Ingvalson,

Lake West Building (formerly known as Woodhill Plaza) is a three-story, 23-tenant building located at 14525 State Highway 7. The owner of the building, Curt Fretham, would like to propose a multi-tenant sign band on three sides of the building displaying existing and future tenant names towards Highway 7 and the frontage road (Service Road) that provides access to the parking lot. The existing signs are relative to their tenant locations within the building but not quite the vision we had imagined with staggered heights and random spacing. The new sign band will unify the signs in height at approximately 11’-0” from ground level (see Proposed Sign Elevations and Exhibit A, B). It will house electrical components of the existing and future signs inside a 1’-0” wide by 1’-0” tall “shoebox” and will be mechanically attached to the proposed 2019 exterior renovation (Permit MI229918).

The existing signs (Exhibit C) will be taken down and retrofitted to the new sign band for uniformity. We do not plan to submit new sign permits for existing signs as they will not change in size, but they will be condensed to 4’-0” spacing. The existing “Edina Realty” sign will be moved to the upper left corner (similar to old placement) after new siding is installed and shall not require a sign permit. Any future signs proposed for the unoccupied office/retail space shall require a new sign permit and will conform to City code requirements including a maximum 26” height and a 4’-0” minimum spacing between signs. The purpose of the 4’-0” minimum spacing was discussed over the phone to provide space to avoid the look of a run-on sentence. Please see “Existing Signs” table on the Proposed Sign Elevations sheet for intended locations of new and existing signs.

If there is any additional information I can provide, please advise.

Sincerely,

Steven Eggert  
Planner  
952-653-1346  
steveeggert@lwestdev.com

Attachments
Exhibit A - Proposed Expansion Crowns - Perspective
Exhibit B - Proposed Expansion Crowns - Perspective
Crowns (two) encroaching front setback to be constructed upon Expansion Permit approval.

(proposed height) 37'-2"
(verified ht. from survey) 36'-2"
(exg. height) 36'-2"
OPTION 1

2x4 KICKER @ 2'-6" o.c.
SIMPSON A34 CLIP
W/ #9x1.5" SD SCREWS

SIMPSON LTP4 W/8dx1.5"

3/4" OSB STIFFENER @ 2'-0" o.c. W/ 8x @ 8" MAX

1/2" DIA. HILTI KWIK HUS-EZ @ 1'-0" o.c.

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

Signature: Matthew Deardoff
Typed or Printed Name: Matthew Deardoff
Date: 12/20/2018 License Number: 55899

OPTION 2

2x4 KICKER @ 2'-6" o.c.
SIMPSON A34 CLIP W/ #9x1.5" SD SCREWS

SIMPSON LTP4 W/8dx1.5"

3/4" OSB STIFFENER @ 2'-0" o.c. W/ 8x @ 8" MAX

1/2" DIA. HILTI KWIK HUS-EZ @ 1'-0" o.c.

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

Signature: Matthew Deardoff
Typed or Printed Name: Matthew Deardoff
Date: 12/20/2018 License Number: 55899
Exhibit C - Existing Signage
**Placement of each sign is subject to change with future tenants.**

Future signs subject to 26" ht. max and 4'-0" spacing between each sign.

**Company Tenants** or **Company** are placeholders for future tenants TBD.

**Number of future tenants may vary depending on available space remaining.**
<table>
<thead>
<tr>
<th>Existing Signs</th>
<th>Exg. Location</th>
<th>Proposed Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edina Realty</td>
<td>North (2nd Floor)</td>
<td>No Change</td>
</tr>
<tr>
<td>Snap Fitness</td>
<td>North (1st Floor)</td>
<td>East (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Sanctuary Float Spa</td>
<td>North (1st Floor)</td>
<td>North (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Sakada</td>
<td>North (1st Floor)</td>
<td>North (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Thrive Chiropractic</td>
<td>North (1st Floor)</td>
<td>North (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Edward Jones</td>
<td>North (1st Floor)</td>
<td>North (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Be Balanced</td>
<td>North (1st Floor)</td>
<td>North (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>&quot;14525&quot; Address</td>
<td>North (1st Floor)</td>
<td>No Change</td>
</tr>
<tr>
<td>Dunn Brothers (Horizontal)</td>
<td>West (1st Floor)</td>
<td>No Change</td>
</tr>
<tr>
<td>Dunn Brothers (Vertical)</td>
<td>North (1st Floor)</td>
<td>No Change</td>
</tr>
<tr>
<td>Company Tenant 1</td>
<td>N/A</td>
<td>West (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Company Tenant 2</td>
<td>N/A</td>
<td>West (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Company Tenant 3</td>
<td>N/A</td>
<td>East (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Company Tenant 4</td>
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</tr>
<tr>
<td>Company Tenant 5</td>
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</tr>
<tr>
<td>Company Tenant 6</td>
<td>N/A</td>
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</tr>
<tr>
<td>Company Tenant 7</td>
<td>N/A</td>
<td>North (1st Floor - Sign Band)</td>
</tr>
<tr>
<td>Company Tenant 8</td>
<td>N/A</td>
<td>North (1st Floor - Sign Band)</td>
</tr>
</tbody>
</table>

*"Company Tenants" or "Company" are placeholders for future tenants TBD

**Number of future tenants may vary depending on subdividable space remaining
C. Variances for a blade sign at 14525 State Highway 7.

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

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

Chair Kirk asked if it happens very often that a blade sign is on an area of a building that is not leased by the tenant who the sign identifies. Thomas identified a difference from this application and the applications submitted by Red Stone and Kona Grill. Red Stone and Kona Grill had visibility from the major roads and parking lot without increasing the height of the signs. The Dunn Brothers’ location would not have clear visibility to its location from the frontage road or highway without the proposed sign.

Calvert asked if staff anticipates the applicant would request another sign located closer to the road. Thomas answered in the negative. Only one monument sign is allowed to identify a building itself, not individual tenants. She directed that question to the applicant.

Chair Kirk thought the building was beginning to look a little “billboardish.” He asked if it would get worse or if there is a limit. Thomas explained that all of the existing signs meet current code requirements. She agreed that some of the signs seem out of place for this building, particularly the signs in the windows.

In response to Chair Kirk’s question, Thomas explained that the developer proposed some changes to the exterior of the building which have not been done, but are not required to be done. That would be a good question for the property owner.

Knight asked if there is more floor space available that could be occupied by businesses. There are trees in the front so there is not a lot of space. Thomas answered that there are vacant tenant spaces in the building. The trees were part of the original landscape plan, so they cannot be removed without city approval.

Richard Gunderson, applicant, stated that he appreciated staff’s help to understand the process. He respected the concerns regarding the signage on the building being somewhat of a billboard, so he chose a blade sign so it would be more discreet and add to the ambiance of the building itself. It better represents what a coffee shop is about. Signage is important for a business to be successful and for people to find their way to the business. The blade sign is a good compromise. It would be visible from the street, but not obnoxious. The signage above the property follows city code requirements. None of the Dunn Brothers’
signs would be lighted. He requested the commission's approval. He appreciated them listening.

Calvert confirmed with Mr. Gunderson that the sign would not be illuminated.

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

Chair Kirk felt that the request would be appropriate. The flag sign on the corner helps direct traffic to the drive thru. His comments earlier referred to the building and not Dunn Brothers.

Calvert liked the blade sign orientation. It would be tasteful and well placed.

Knight moved, second by Magney, to adopt the resolution approving variances for a blade sign at 14525 State Highway 7 (see pages A8-A11 of the staff report).

Knight, Magney, O’Connell, Powers, Calvert, and Kirk voted yes. Odland was 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.
Planning Commission Resolution No. 2019-

Resolution approving an expansion permit for an increase in building height at 14525 Hwy 7

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

Section 1. Background.

1.01 LakeWest Development, LLC is proposing improvements to the building located at 14525 Hwy 7.

The property is legally described as:

The East 397.00 feet of the West 442.00 feet of Lot 3, Block 1, TOWER HILL, Hennepin County, Minnesota.

Torrens Property – Torrens Certificate No. 1352614

1.02 The required front setback for the building is 50 feet. The existing building has a non-conforming front yard setback of 35 feet.

1.03 The applicant is proposing façade improvements to the building. The proposed improvements would increase the height of the building by one foot within the required setback but would not encroach further into the required setback.

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

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

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

Section 2. Standards.

2.01 City Code §300.29 Subd.7(c) states that an expansion permit may be granted, but is not mandated, when an applicant meets the burden of proving that:
1. The proposed expansion is a reasonable use of the property, considering such things as functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the 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 application for the expansion permit is reasonable and would meet the required standards outlined in City Code §300.29 Subd.7(c):

1. Reasonableness and Neighborhood Character: The proposed height increase would only occur at the “corners” of the building and would not encroach further into the required setback than the existing building. The height increase would not visually change the height of the building from the street.

2. Unique Circumstance: While a majority of the building meets the required setback, the existing building has “point intrusions” which extend into the required setback. This is a circumstance not unique to every similarly zoned property.

Section 4. Planning Commission Action.

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

1. Subject to staff approval, the property must be developed in substantial conformance with the following plans, except as modified by conditions below.
   - Survey dated Feb. 5, 2014
   - Perspectives dated Feb. 20, 2019
   - Building elevations dated Aug. 15, 2018

2. Prior to issuance of a building permit, this resolution must be recorded with Hennepin County.
3. Any increase in height over 37-feet, 2-inches within the required setback will require a new expansion permit.

4. This expansion permit approval will end on December 31, 2020, unless the city has issued a building permit for the project covered by this expansion permit approval or approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on April 25, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, 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 April 25, 2019.

Fiona Golden, Deputy City Clerk
Resolution No. 2019 -

Resolution approving a sign plan for the LakeWest building at 14525 Hwy 7

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

Section 1. Background.

1.01 LakeWest Development, LLC is proposing improvements to the building located at 14525 Hwy 7.

The property is legally described as:

The East 397.00 feet of the West 442.00 feet of Lot 3, Block 1, TOWER HILL, Hennepin County, Minnesota.

Torrens Property – Torrens Certificate No. 1352614

1.02 In Nov. 2015, the planning commission approved variances to allow for a blade sign on the building.

1.03 LakeWest Development, LLC has submitted a sign plan to organize existing signage and provide clarity to future tenants. The following summarizes the proposed sign plan:

1. Signs on the first floor:
   a) must be consistent in size as to what is allowed by the sign ordinance for multi-tenant commercial signs;
   b) must have a minimum 4-foot separation between each sign; and
   c) must be located on the metal panel sign band located 11-feet from grade. Any increase or decrease in the entire sign band can be administratively approved by city staff;
   d) must not be located on mechanical screening; and
   e) may be located outside of the tenant lease lines.

2. Signs on the second and third floor must comply with what is allowed by
the sign ordinance for office signs.

3. The previously approved variances for a vertically oriented blade sign on
   the northwest corner of the building are recognized.

1.03 On April 25, 2019, the planning commission held a hearing on the proposed sign
plan. The applicants were provided the opportunity to present information to the
commission. The commission considered all of the comments received and the
staff report, which are incorporated by reference into this resolution.

Section 2. Standards.

2.01 By City Code §325.05 Subd.5, a sign plan to allow signage with differing
requirements than the sign ordinance can be approved by the city. The factors
are considered:

1. The development includes a high rise (greater than 3 story) structure:

2. The development includes multiple structures and/or substantial site area;

3. The development includes mixed uses;

4. A sign plan is uniquely adapted to address the visibility needs of a
development while remaining consistent with the intent of this section to
direct high-quality signage; and

5. The sign plan includes permanent sign covenants which can be enforced
   by the city.

Section 3. Findings

1. The building is three stories.

2. The building is mixed-use.

3. The sign plan would organize signage on the building.

Section 4. Planning Commission Action.

4.01 The planning commission hereby approves the sign plan described on section 1
of this resolution and as depicted on the building elevations dated Oct. 22, 2019.

4.02 Directional signs are permitted as outlined in the sign ordinance.

4.03 A sign permit must be obtained prior to installation of any sign, including the
   relocation of existing signs.
Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on April 25, 2019.

Brian Kirk, Chairperson

Attest:

Fiona Golden, Deputy City Clerk

Action on this resolution:

Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent: Schack  
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 April 25, 2019.

Fiona Golden, Deputy City Clerk
Minnetonka Planning Commission Meeting
April 25, 2019

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
April 25, 2019

Brief Description
Items concerning the demolition and construction of a new automobile dealership at 15906 Wayzata Blvd.

Recommendation
Recommend the city council approve the proposal.

Existing Property Information

- **Size:** 10.3 acres
- **Use:** Auto Dealership (Walser Nissan-Wayzata)
- **Previous Approvals:**
  - Master Development Plan
  - Site and Building Plan
  - Sign Plan
  - Conditional Use Permits
    - Auto dealership
    - Auto repair and auto body
- **Buildings:** Site is improved with a 34,000 square foot building
- **Access:** Wayzata Blvd.
- **Natural Resources:** Wetlands on the north side of the property
- **Floodplain:** Floodplain located on the north side of the property
- **Topography:** The highest point on the site is on the south side of the property (near Wayzata Blvd.). There is also a significant elevation change (berm) near the rear of the existing parking lot before it continues to fall into the wetland to the north of the parking lot.

Proposal
Jack Grotkin (R.J. Ryan Construction), on behalf of Walser Nissan-Wayzata, is proposing to demolish the existing Nissan car dealership and construct a new car dealership building and associated site improvements.

As proposed, the dealership building would be 44,721 square-feet in total area and 32 feet in height. The developed portion of the 10-acres site would increase with the expansion of the building. However, the total number of parking spaces would be reduced by 74 spaces. The applicant plans to phase construction so that the existing building would remain while the new building is constructed.
The proposal requires:

- **Master Development Plan Amendment.** The applicant’s proposal would remove the existing building to construct a new building. As such, a new master development plan is required. Master development plans may be approved only by ordinance.

- **Site and Building Plan Review.** By city code, site and building plan review is required to construct a new commercial building.

- **Conditional Use Permit Amendment.** The proposed dealership would include 333 surface parking stalls, the majority of which would be used for inventory storage and display. Outdoor storage and display are allowed within PID district only by conditional use permit. The site currently has a CUP for the auto dealership, auto repair, and auto body services, but does not have an approval for outdoor storage and display. The proposed project requires this conditional use permit.

- **Variances.**
  - **Parking Lot Setbacks.** By city code, surface parking lots must be setback at least 20 feet from public right-of-ways and exterior property lines. The current site has a 0-foot setback from the west property line and an 18-foot setback from the east property line. The applicant has proposed 10-foot setbacks to both west and east property lines, which require variances.
  - **Parking to Building Area Ratio.** Per the outdoor storage and display CUP standards, the parking-to-building square footage ratio may not exceed one space per 200 square feet. The applicant’s proposal would have 1.5 spaces per 200 square foot ratio, thus requiring a variance.

- **Sign Plan.** The applicant is requesting sign plan approval to allow for signage slightly different than would be allowed by the sign ordinance. The applicant proposes four walls signs that encompass 184 square feet to be displayed on the south elevation of the building. City code limits signage to one sign per elevation, and that sign may not exceed 150 square feet or 10% of the wall face, whichever is less.
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.

1. Is the site design appropriate?

Yes. The proposed site design accommodates the commercial needs of the dealership, while adequately buffering and screening the outdoor activity of the dealership from public view.

- **Building Location.** The proposed building would be located in the middle of the site's buildable area. As the current building is located less than 40 feet from the front property line, the proposed building placement would be more consistent with the adjacent BMW and Lexus setbacks from Wayzata Blvd. In this location, the building would screen a significant portion of the northern parking spaces from the traveling public on Wayzata Blvd. Additionally, the proposed building location would screen a substantial amount of parking from residential properties to the north, which is located over 650 feet from the parking lot.

- **Parking Lot.** While requiring parking variances, the proposed parking lot would be an improvement over the existing parking lot.
  
  - The overall existing, non-conformities of the parking lot (front yard and combined side yard setbacks) would be reduced with the proposed parking plan.
    - The existing front yard setback is 0 feet and would be 20 feet in the proposed plan.
    - The existing side yard setbacks are 0 feet (west) and 18 feet (east). The proposed plan would create 10-foot setbacks from both the east and west.
  
  - The proposed parking lot would be smaller than the existing lot by 74 spaces.
  
  - The proposed parking lot would have logical driving aisles with more turning options.
  
  - The proposed parking lot would have landscaping islands that would assist in buffering vehicles and the proposed building.

- **Natural Resources.** The proposed building would be located 170 feet from the wetland on the property, and the proposed parking lot would maintain the required wetland buffer and setbacks.

- **Grading.** The applicant has proposed a significant amount of earthwork to raise the proposed site. Specifically, the site would be raised over 10 feet in the middle of the lot.
The earthwork is intended to promote better drainage patterns. Staff finds the proposed grading acceptable.

2. **Would the building design meet the planned I-394 design requirements?**

Yes. The proposed buildings would meet the required dimensional and architectural standards for the district.

- **Materials.** As proposed, the façade of the dealership building would be composed of glass, silver and gray metal panels, and gray precast with exposed aggregate. The majority of the front façade would be glass (50%) and metal panels (37%). A small portion of the front façade would be precast cement or garage doors (13%). The majority of the side and rear, which would generally not be viewable from the public, would consist of precast with the aggregate finish.

- **Height.** The dealership building would have a maximum height of 32-feet. This height is reasonable and allowed by ordinance.

- **Overall Appearance.** The use of varying setbacks, heights and materials brings interest and a positive aesthetic to the proposed building. If approved, the building would be a positive addition to the existing buildings within the Wayzata Blvd. corridor.

3. **Does the request meet the standards for outdoor display with the Planned I-394 district?**

In July 2008, the city council amended the PID ordinance to allow for certain outdoor display, sales, and storage. At that time, the subject auto dealership was already on the site and in operation. However, with the new building proposal, the property is subject to meeting the conditional use permit requirements for outdoor display, sales, and storage.

The proposed dealership would meet all of the conditional use permit standards except for the parking-to-building square footage ratio and the lighting requirement.

- **Location.** Per the CUP requirements, the site must be located within the I-394 redevelopment overlay district No. 6 or No. 7. The subject site meets this requirement, as it is located within district No. 6.

- **Parking screening.** Per the CUP requirement, at least half of the parking on the site would be screened from public view by either the proposed building or landscaping.

- **Distance from residential properties.** The subject parcel directly abuts low-density residential parcels. However, the proposed parking lot itself would be located approximately 650 feet from the nearest residential parcel.

- **Parking Ratio.** While the proposed parking lot requires a variance to the ratio standard, the proposed ratio would be a reduction from the current parking ratio. The current parking ratio is 2.4 parking spaces per 200 square feet of building space. The proposed parking ratio would be 1.5 spaces per 200 square feet of building space.
• **Lighting.** The lighting plan submitted illustrates that the proposed lights would have greater light “spillover” off the property than the one foot-candle permitted by code. As such, staff has included a condition of approval that requires the applicant to submit a revised lighting plan meeting the ordinance standard.

4. **Are the variance requests reasonable?**

Yes. Both variances would result in a reduction in parking lot non-conformities. In other words, they would improve upon the existing situation.

• **Parking Setback.** The existing parking lot has a non-conforming front and side (both east and west) parking lot setbacks (20-foot setback requirement). The proposed site plan would bring the parking lot into conformance with the front setback requirement. The plan would also bring the west side closer to compliance (from 0-foot to 10-foot setback) but would push the east side further into non-compliance (from 18-foot to 10-foot). Overall, the combined side yard setbacks (20 feet) would be greater than the existing combination (18 feet). Additionally, if approved, the subject site would not alter the essential character of the neighborhood as other auto dealership lots in the area also have non-conforming parking lot setbacks.

• **Parking spaces to building area ratio.** As stated previously, the proposed parking lot plan would reduce the non-conformity of the existing parking-to-building ratio. Also, the proposed plan would have 74 less parking spaces than the existing site and would be an improvement from the current site’s parking lot layout.

5. **Is the sign plan reasonable and consistent with signage within the area?**

The request to have four wall signs on a single elevation is reasonable. However, staff does not support the request to have 184 square feet of signage.

Number of Signs. The proposed number of signs is reasonable as:

• The site currently has a non-conforming number of signs on the front elevation of the building. The site has three signs on one elevation and a fourth sign that faces Wayzata Blvd. Approving the proposed sign plan would not increase in total signs. Instead, it would “rearrange” the signs.

• If approved, the subject sign plan would not alter the essential character of the neighborhood, as the existing area has several dealership buildings with multiple signs on a single elevation.

Size of Signs. Staff does not support the request to have 184 square feet of signage as:

• The proposed signage would not be consistent with the sign ordinance. The sign ordinance limits signage to 150 square feet and the subject request would exceed this amount by 22 percent (or 34 square feet).

• The proposed signage would greatly exceed the existing signage on the south elevation of the building. The existing southern elevation has three signs: “Walser,” “Nissan,” and “Service.” Staff has searched our records and cannot find information regarding the size
of these signs. However, it is clear that the proposed signage would greatly exceed these signs.

It is important to note that the existing “Autoworks Collision” sign is not on the same elevation as the three previously mentioned signs and is thus not included when considering the total square footage of signage on that elevation.

After review, staff is recommending support of a sign plan that permits up to four signs on a single elevation. However, staff has added a condition of approval that limits the total amount of signage on the south facing wall to 150 square feet or 10 percent of the wall face, whichever is less.

Summary Comments

The proposed dealership would result in a considerable change to the aesthetic of the property. From staff’s perspective, this change is both reasonable and appropriate. It would represent a significant investment into the property and Wayzata Blvd corridor.

Staff Recommendation

Staff recommends that the planning commission recommend the city council adopt the following related to the Walser Nissan Development at 15906 Wayzata Blvd.:

1) Ordinance approving a master development plan and final site and building plans, with a parking setback variance; and

2) Resolution approving a conditional use permit, with a building-to-parking variance, and a sign plan.

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

Surrounding
Land Uses
North: Residential homes, zoned R-1
South: Hwy I-394
East: BMW car dealership, zoned PID
West: Lexus car dealership, City of Wayzata

Planning
Guide Plan designation: Commercial
Existing Zoning: PID, Planned I-394 District

Background
The subject auto dealership has a long history within the City of Minnetonka. During its time, the site has gone through several changes but has remained as an auto dealer since 1977. Specifically:

- **1977**: Conditional use permit approved for an auto dealership within the B-4 District.
- **1978**: Site and building plan approved for building.
  - Variance to reduce front yard setback.
  - Variance to increase the number of pylons signs to two.
- **1983**: The city council approved a sign plan for the subject site, affirming the pylon variance which permits 128 square feet of pylon signage.
- **1988**: Site and building plan approved for parking lot expansion.
- **1996**: Guide plan amendment, with site and building plan and conditional use permit amendment approved to add to the existing structure.
- **1999**: Master development plan amendment, site and building plan approved for an addition.
  - CUP approved for auto repair and body shop.

Proposed Building

- **Building Size.** The proposed building would be 44,721 square feet in area and 32 feet in height. Of the entire building:
  
  - 16,537 square feet would be used for sales;
  - 16,500 square feet would be used for the service area;
  - 8,950 square feet would be used as a body shop; and
  - 2,734 square feet would be used for a carwash.

- **Location.** The existing building is located 35 feet from the front property line. The proposed building would be located 208 feet from the front property line. The building would meet all other setback requirements as outlined later in the "Supporting Information" section of this report.

- **Architecture.** The building façade would be composed of glass, silver and gray metal panels, and gray precast with exterior aggregate finish. The majority of the front façade,
the only easily viewable area from Wayzata Blvd., would consist of metal panels and glass. The side and rear facades would be primarily precast aggregate with accents of metal and glass.

<table>
<thead>
<tr>
<th>Metal Panels*</th>
<th>Glass*</th>
<th>Precast with Aggregate*</th>
<th>Garage Doors*</th>
</tr>
</thead>
<tbody>
<tr>
<td>sq. ft.</td>
<td>%</td>
<td>sq. ft.</td>
<td>%</td>
</tr>
<tr>
<td>SOUTH FAÇADE</td>
<td>2,290</td>
<td>37%</td>
<td>3,075</td>
</tr>
<tr>
<td>EAST FAÇADE</td>
<td>1,355</td>
<td>21%</td>
<td>1,380</td>
</tr>
<tr>
<td>NORTH FAÇADE</td>
<td>400</td>
<td>6%</td>
<td>600</td>
</tr>
<tr>
<td>WEST FAÇADE</td>
<td>585</td>
<td>9%</td>
<td>1,430</td>
</tr>
<tr>
<td>TOTAL</td>
<td>4,630</td>
<td>18%</td>
<td>6,485</td>
</tr>
</tbody>
</table>

*approximate

The proposed building has a simple box-like design. However, various heights and setbacks that add interest to the building and reduce the visual scale or mass of the structure. In addition, material selection on building elements further assists to bring down the perceived mass.

- **Signage.** The applicant has proposed to have four signs on a single elevation that would total 184 square feet. There are four signs on the existing building. Three on the front elevation and one on the second level facing Wayzata Blvd.

  City code limits commercial wall signage of buildings of this size to:
  
  - One sign per elevation;
  - Signage area may not exceed 150 square feet or 10 percent of the wall face, whichever is less, and
  - Total wall signage may not exceed 250 square feet.

  As the proposed signage exceeds the maximum permitted signage for the building, the applicant has requested that a sign plan be approved for the subject site.

- **Mechanical Screening.** The applicant has proposed parapet walls to screen mechanical equipment. A condition of approval has been added requiring that all mechanical equipment is screened from public view.

**Parking**

The current site has 407 parking spaces. The applicant has proposed 333 parking spaces, or 74 spaces less than the existing site. About half of the parking spaces would be located in front of the proposed building. The rest of the parking spaces would be located to the side or rear the proposed building.

<table>
<thead>
<tr>
<th>Number of Stalls</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer</td>
</tr>
<tr>
<td>Employee</td>
</tr>
<tr>
<td>Service</td>
</tr>
<tr>
<td>Inventory</td>
</tr>
<tr>
<td>TOTAL</td>
</tr>
</tbody>
</table>
The subject parking lot currently has non-conforming front and side yard setbacks. The proposed site plan would bring the front yard setback into compliance and reduce the side yard setback non-conformity (from 0 feet to 10 feet) to the west, but increase the non-conformity to the west (from 18 feet to 10 feet).

The subject parking lot also has a non-conforming parking-to-building square footage ratio. Per the proposal, the subject parking lot would still be non-conforming. However, the non-conformity would be reduced.

<table>
<thead>
<tr>
<th></th>
<th>Existing Setback</th>
<th>Proposed Setback</th>
<th>Required Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (South)</td>
<td>0 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side (East)</td>
<td>18 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Side (West)</td>
<td>0 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
</tr>
</tbody>
</table>

Proposed Construction Phasing

The applicant has proposed to phase construction to keep the dealership business open during construction of the new building. (See attached).

- In the first phase, the rear portion of the proposed building would be constructed while the existing building would remain.
- In the second phase, the rear portion of the existing building would be demolished to construct the second part of the new building.
- In the final phase, the remaining portion of the existing building would be demolished.

Staff generally finds this to be a reasonable request. However, a condition of approval has been added to the resolution requiring escrow money to cover the costs to demolish the existing building if needed.

Grading

Considerable earthwork is proposed to accommodate the new building and parking areas, with the majority of the site being raised.

- **Front parking lot.** The southern area of the property would have minimal earthwork completed. The grade would be slightly reduced near the entrance of the property and raised 2-5 feet near the proposed building.
• **Proposed building.** The applicant has proposed raising the building footprint area to a 966 elevation. This would require raising the grade approximately five feet on the south side of the building and nearly 12 feet in the north side of the building.

• **Rear parking lot.** The final grade of the rear parking lot would be similar to the height of the existing berm in the rear of the property.

• **Filtration Basin.** Currently, there is a small pond just north of the parking lot that the applicant has proposed to modify to create a filtration basin. See to the below in blue.

• **Retaining Walls.** The applicant has proposed three retaining walls on the subject site. See to the right in red.
  
  o **East.** The plans show a retaining wall along the east property line that varies in height from 3 feet (south side) to 7.3 feet (north side tall).

  o **West.** The plans also show a retaining wall that varies in height from 2.3 feet (south side) to 5.2 feet (north side). This retaining wall connects with another retaining wall along the north side of the property.

  o **North.** The plans propose a retaining wall along the north side of the property. This retaining wall connects with the western retaining wall and varies from 2.2 feet to 14 feet in height. A portion of this wall would extend at least 4 feet above the top of grade to screen vehicles from residential properties to the north of the site.

**Landscaping**

The applicant proposes landscaping plantings along the south, west, and east properties. In addition, they have proposed plantings within landscaping islands and adjacent to the proposed building. (See attached).

The applicant proposes evergreen plantings along the north side of the parking lot to buffer the proposed retaining wall.
Drainage and Utilities

Based on proposed grades, runoff from the site would be captured throughout the parking areas and directed via storm sewer to the newly created infiltration basin. The basins would be located north of the proposed parking lot. City engineering staff have reviewed the grading and drainage plans and finds them to be generally acceptable.

Tree Impact

The property contains 69 regulated trees. The majority of these trees would be removed if this project were to be approved. However, as the proposal is for the redevelopment of the property, the level of tree removal/impact would be permitted under the tree protection ordinance.

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>4</td>
<td>4</td>
<td>100%</td>
</tr>
<tr>
<td>Significant</td>
<td>65</td>
<td>49</td>
<td>75%</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.

Setbacks, Etc.

The following are building setbacks and other design standards.

<table>
<thead>
<tr>
<th></th>
<th>City Code</th>
<th>Proposed*</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South property line</td>
<td>50 ft.</td>
<td>210 ft.</td>
</tr>
<tr>
<td>West property line</td>
<td>50 ft.</td>
<td>50 ft.</td>
</tr>
<tr>
<td>East property line</td>
<td>50 ft.</td>
<td>60 ft.</td>
</tr>
<tr>
<td>North property line</td>
<td>50 ft.</td>
<td>&gt;750 ft.</td>
</tr>
<tr>
<td><strong>Miscellaneous</strong></td>
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<td></td>
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<tr>
<td>Impervious Surface</td>
<td>70%</td>
<td>40%</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.6</td>
<td>0.1</td>
</tr>
</tbody>
</table>

*Rounded down to nearest 5 ft.
Pyramid of Discretion

Motion Options  
The planning commission has three options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the ordinance and 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 five members.

Neighborhood Comments  
The city sent notices to 42 property owners and has received no written comments to date.

Deadline for Action  
June 3, 2019
Location Map

Project: Walser Nissan Wayzata
Address: 15906 Wayzata Blvd
Walser Nissan Wayzata
Project Narrative

Location: 15906 Wayzata Boulevard
Minnetonka, MN 55391

Applicant: R.J. Ryan Construction, Inc. c/o Jack Grothkin

Proposal: Attached to this letter please find the applications of Wayzata Nissan Property LLC for Master Development Plan and Variance for the property located at 15906 Wayzata Boulevard in Minnetonka, MN. Through the attached applications, Wayzata Nissan is requesting approval for construction of a new dealership facility on the property while a portion of the existing building remains in operation. Upon completion of the new building, the existing building will be demolished and replaced with parking area. The Variance request is for a reduction to the Parking Setback from 20 feet to 10 feet. The Variance request would not alter the essential character of the neighborhood due to the existing average setbacks are 10 feet, with existing auto dealerships on both sides of this property.

The property is zoned PID (Planned I-394 District), in which exterior display, sales or storage of motor vehicles is a conditionally permitted use within districts No. 6 and No. 7. It appears the site is located in overlay district No. 1. However, the use of the site will not be changed and it appears that the new and existing building sizes are comparable; therefore it is assumed the proposed use will continue to be permitted.

Extensive landscaping restoration is proposed which will improve site aesthetics considerably. The exterior of the building will consist of ACM panels, glass and decorative precast; this redevelopment would be a significant improvement to the neighboring area.

Company: The philosophy of Walser Nissan Wayzata is to have a nice consumer experience.

Operations: No change to existing operations.

Employment: Walser Nissan Wayzata’s existing facility provides for 60 employees currently in the community.

Landscaping & Screening: Landscape screening between the proposed parking lot and adjacent businesses will meet the City’s mandated minimum requirements. A variety of coniferous, deciduous, and ornamental trees will be provided throughout the site. Trees will be a hardy mix of native of non-native species and will be provided within interior parking islands to minimize the heat island effect. On the north end of the auto storage area we propose a mix of buffer plantings. Native plants
are predominantly used in the 40’ wetland buffer. Shrubs and/or trees will wrap the west and east sides of the parking lot and create an aesthetically pleasing presentation. The service area is screened from the east by large shrub massings. At the front of the building more densely planted areas highlight the entry points.

**Signage:** The existing monument sign in the southeast corner will be replaced with a new monument sign. The new facility will have building signage similar to what they currently have on the site and building. Small navigational signage for guiding vehicle traffic is also proposed.

**Lighting:** Lighting will be in conformance with City Code. All lighting will be shielded as necessary to avoid any overlap to adjacent properties and programmable to reduce lighting during non-business hours.

**Adjacent Land Use:** Similar automotive uses are adjacent to this proposed site to the east and west.

**Parking:** 333 parking spaces are proposed for the Walser Nissan Wayzata redevelopment.

**Traffic Impacts:** None

**Hazards:** We do not feel there will be any negative impacts on neighboring properties due to noise, dust, odors, hazards, or lighting. No hazardous materials will be stored onsite that exceed NFPA requirements.

We respectfully request City support for the enclosed applications by Wayzata Nissan Property LLC for Master Development Plan and Variance for the 15906 Wayzata Boulevard parcel depicted on the enclosed Architectural and Civil/Landscape Plans. We look forward to reviewing this application with the City of Minnetonka in the weeks ahead.

Sincerely,

Jack Grotkin
R.J. Ryan Construction, Inc.

Chad Ayers, PE
Sambatek, Inc.
Preliminary Site Development Plans
for Walser Nissan Wayzata
Minnetonka, Minnesota
Presented by: R.J. Ryan Construction, Inc.
1. Subject property's address is 15906 Wayzata Boulevard, its property identification number is 04-117-22-23-0013.
2. The gross area of the subject property is 10.30 Acres or 448,605 Square Feet.
3. The building and lot line dimensions of the outside wall at grade level are shown on the survey. It may not be the foundation wall.

BENCHMARKS
1. The vertical datum is based on NAVD88. The originating bench marks are MNDOT BM 2789 AA and MNDOT BM 2789 BA, both referenced from the MnDOT Geodetic Database.

SURVEY NOTES
3. The leveling system for this survey is based on the Hennepin County coordinate system, NAD83 (1986 Adjustment). The west line of the northwest quadrant, Section 04, Township 117N, Range 22W is assumed to bear N01° 15' 42"E. The originating monuments utilized to establish the horizontal position of this survey was the northwest section corner and the west quarter corner of said section.

5. Initial field work completed on 11/14/2018.
**DEVELOPMENT SUMMARY**

**PROPOSED BUILDING**

- **R-1-864 BD**

**KEY NOTES**

- **CONCRETE SIDEWALK**
- **CONCRETE PAVING**
- **POND MAINTENANCE AREA**
- **RETAINING WALL**
- **PIPE BOLLARD**
- **CURB & GUTTER**
- **FRONT EASEMENT**
- **BUILDING EASEMENT**
- **WETLAND LIMITS**
- **EXISTING ZONING**
- **EXISTING IMPERVIOUS COVERAGE**
- **EXISTING IMPERVIOUS AREA**
- **EXISTING FLOOR AREA RATIO**
- **EXISTING DEVELOPMENT SUMMARY**

**DEVELOPMENT NOTES**

1. **AN AMENDMENT UNDER THIS THE REZONING THROUGH FILE**
2. **AN AMENDMENT REQUESTED TO THE PLAN OF USE TO ENSURE THAT THE REFERENCED SITE**
3. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**
4. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**
5. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**
6. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**
7. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**
8. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**
9. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**
10. **SHOWS A PLACE FOR USE OF LAND. THE REFERENCED SITE**

**DEVELOPMENT HISTORY**

- **No Change by Submittal / Revision**

**Certification**

R.J. RYAN CONSTRUCTION, INC.

Client

R.J. RYAN CONSTRUCTION, INC.

Location

MINNETONKA, MN

Summary

Preparation: Blueprint

Revision History

No. Date By: Submission / Revision

Sheet Title

SITE PLAN

Sheet No. Revision

C3.01

Project No.

21556
### TREE INVENTORY

<table>
<thead>
<tr>
<th>Tree #</th>
<th>Size</th>
<th>Tree Name</th>
<th>Remarks/Mitigation</th>
</tr>
</thead>
<tbody>
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<td>10.00</td>
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<td></td>
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<tr>
<td>02</td>
<td>12.00</td>
<td>Ash - Green (Fraxinus pennsylvanica)</td>
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<tr>
<td>03</td>
<td>13.00</td>
<td>Maple - Sugar (Acer saccharum)</td>
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</tr>
<tr>
<td>04</td>
<td>14.00</td>
<td>Fir - Balsam (Abies balsamea)</td>
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<td>05</td>
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<td>07</td>
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<tr>
<td>08</td>
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<tr>
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<td>19.00</td>
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<tr>
<td>20</td>
<td>30.00</td>
<td>Cottonwood (Populus deltoides)</td>
<td></td>
</tr>
</tbody>
</table>

### TREE PROTECTION MEASURES

1. A CERTIFIED ARBORIST SHOULD EVALUATE THE TREES AND RECOMMEND PRUNING PRIOR TO COMMENCEMENT OF THE PROJECT.  THE TREE INFORMATION SHOULD BE ARCHIVED FOR FUTURE PROJECTS.
2. PROPOSED SITE DRAINAGE PROFILES WILL BE UPON REQUIREMENT AND MAINTAINED TO PREVENT ADDITIONAL DRAINAGE FROM THE PROTECTED TREES.
3. PROPOSED DRAINAGE SYSTEMS Will BE UPON REQUIREMENT AND MAINTAINED TO PREVENT ADDITIONAL DRAINAGE FROM THE PROTECTED TREES.
4. PROPOSED DRAINAGE SYSTEMS WILL BE UPON REQUIREMENT AND MAINTAINED TO PREVENT ADDITIONAL DRAINAGE FROM THE PROTECTED TREES.
5. PROPOSED DRAINAGE SYSTEMS WILL BE UPON REQUIREMENT AND MAINTAINED TO PREVENT ADDITIONAL DRAINAGE FROM THE PROTECTED TREES.
6. PROPOSED DRAINAGE SYSTEMS WILL BE UPON REQUIREMENT AND MAINTAINED TO PREVENT ADDITIONAL DRAINAGE FROM THE PROTECTED TREES.

**NOTES**

- See project plan for specific tree protection measures.
- All trees to be protected as per Minnesota Code.
- Tree protection fences should be set up prior to demolition and maintained throughout the construction process.
- A certified arborist should evaluate the trees and recommend pruning prior to construction on an as-needed basis.
- All trees to be protected as per Minnesota Code.
- Tree protection measures will be coordinated with the appropriate regulatory agency.
Phasing Plan

WAYZATA BLVD

PHASE 1

PHASE 2

EXISTING BUILDING FOOTPRINT
1. Exterior Precast Color to match Sherwin Williams Color 7076 – “Cyberspace.” Will have an exposed aggregate finish.

2. Exterior Metal Panels

![Metal Panels](image_url)
Window Metal & Glass

Window Metal

Glass
An ordinance approving a master development plan and final site and building plans, with a variance, to demolish and construct a new auto use building at 15906 Wayzata Blvd

The City Of Minnetonka Ordains:

Section 1. Background

1.01 On June 28, 1999, the city council adopted Ordinance No. 99-18. The ordinance amended a master development plan, and approved the final site and building plans, for the Wayzata Nissan at 15906 Wayzata Blvd.

1.02 The subject property is legally described as:

Section 3, Township 117, Range 22, West 356 feet of Southwest ¼ of Southwest ¼
Except Road

Section 2.

2.01 Jack Grotkin (R.J. Ryan Construction), on behalf of Walser Nissan-Wayzata, is now proposing to demolish the existing building and construct a new car dealership building on the site.

2.02 To facilitate this redevelopment, this ordinance hereby repeals and replaces Ordinance No. 99-18 and approves a new master development plan and final site and building plans. Approval includes the following variances:

1. East and West parking lot setbacks from 20 feet to 10 feet. (City Code §300.31(7)(a)(5)(b)).

Section 3.

2.01 City Code §300.27 Subd.5 outlines the site and building plan standards. These standards are incorporated by reference into this resolution.

2.02 City Code §300.07 Subd.1 outlines variance standards. These standards are incorporated by reference into this resolution.
Section 3.

3.01 This ordinance approval is based on the following findings:

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

   a) The proposal would replace an existing auto dealership with a new auto dealership building, which is consistent with the site’s commercial land use designation. Further, the proposal has been reviewed by city planning, public works, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water resources management plan.

   b) The proposal requires variances from the zoning ordinance standards. As outlined in Section 4.01 of this resolution and within the Resolution 2019-___, the proposal requests meet the variance standards.

   c) As proposed, the grade of the existing parking lot and building area would be raised. This area currently consists of the existing building pad, asphalt, and turf grass. While grade changes in this area would visually alter the site, the work would not significantly impact any natural areas. In addition, the applicant has proposed earthwork in the rear of the site to create the proposed filtration basin. The filtration basin area would take advantage of an existing depression to limit the grading needed for stormwater.

   d) The Wayzata Blvd. corridor is currently developed, so future changes to the area should look to enhance views from the corridor and buffer views from new construction. The existing dealership building is only 64 feet from the Wayzata Blvd. curb. Both of the adjacent buildings are located over 270 feet from Wayzata Blvd. As proposed, the new building would be moved back to be approximately 245 feet from the Wayzata Blvd. This movement will create a more consistent building line within the Wayzata Blvd corridor.

   Currently, there are a few plantings along the east and west property lines and on the west side of the subject building. However, the proposed landscaping plan would add significant tree buffering along the front of the property and within the parking lot that will create a visually pleasing view from Wayzata Blvd. The applicant has also proposed plantings in the rear of the property to buffer views from residential properties to the north to the proposed retaining wall that would be constructed.

   e) In comparison to the existing site, the proposal would enhance onsite vehicle circulation with a more orderly layout of parking for visitors. The proposal also addresses protections of adjacent and neighboring properties through reasonable provisions. The proposed site would
mitigate for runoff on site, using a filtration basin in the rear of the property. Additionally, the proposal would buffer views of the proposed structure through landscaping along Wayzata Blvd., the rear of the parking lot, and neighboring property lines.

2. The parking lot setback proposal would meet the required standards for a variance as:

   a) The proposal and resulting variance request would meet the intent of the city’s zoning ordinance. The intent of the ordinance, as it pertains to parking lot setbacks, is to ensure an appropriate separation between structures and parking lots. The proposed 10-foot setback would be consistent with several nearby properties, which also have reduced parking lot setbacks.

   b) The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for commercial, and a parking lot setback variance would not create an inconsistency with the comprehensive plan.

   c) There are practical difficulties in complying with the 20-foot parking lot setback ordinance.

      1) The request for a 10-foot parking lot setback is reasonable as the existing site has an 18-foot parking lot setback to the east and a 0-foot setback on the west. The proposed setbacks would shift the parking lot footprint to the east to make an even setback distance on both sides of the property. The combined side yard setback would expand by 2 feet.

      2) There are three other properties along Wayzata Blvd. that have non-conforming parking lot setbacks. If approved, the subject parking lot would not alter the essential character of the locality.

Section 4. Approval

4.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans unless modified by the conditions within Resolution 2019-___:
   - Site plan date-stamped Feb. 21, 2019.
   - Grading, Drainage and Erosion Control Plan email received April 3, 2019.
   - Landscaping Plan Trees email received April 4, 2019.
   - Landscape Plan Shrubs date-stamped Feb. 21, 2019
   - Building elevations date-stamped Feb. 21, 2019.
   - Utility plan date-stamped Feb. 21, 2019.
   - Illumination plan date-stamped Feb. 21, 2019.
The above plans are hereby adopted as the master development plan and a final site and building plans, with a variance.

2. The approval of this ordinance is subject to the conditions outlined in Resolution 2019-______.

3. A copy of the ordinance must be recorded at Hennepin County.

Section 5. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 6. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on April 25, 2019.

______________________________
Brad Wiersum, Mayor

ATTEST:

______________________________
Becky Koosman, Acting City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: Mar. 18, 2019
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:

SEAL
Resolution 2019-

A resolution approving an amendment to an existing conditional use permit, with a variance, and a sign plan at 15906 Wayzata Blvd.

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 R.J. Ryan Construction, Inc. is requesting an amendment to its existing conditional use permit for exterior display, sales, and storage associated with an automobile dealership. Approval includes the following variance:

- On-site parking-to-building ratio from one space for every 200 square feet to 1.5 spaces for every 200 square feet.

1.02 The applicant is also requesting a sign plan to permit three signs on a single elevation. City Code only permits one sign per elevation. (City Code §325.06 (2)(a)(1)).

1.03 The subject property covered by this approval is located at 15906 Wayzata Blvd. and is legally described as:

Section 3, Township 117, Range 22, West 356 feet of Southwest ¼ of Southwest ¼ Except Road

1.04 On April 25, 2019, 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 resolution.

Section 2. Standards.

2.01 General Conditional Use Permit Standards. City Code Section 300.31, Subdivision 4, lists the following general standards that must be met for granting of a conditional use permit:

1. The use met the specific standards as outlined in code.

2. The use is in the best interest of the city.
3. The use is compatible with other nearby uses.

4. The use is consistent with other requirements of the ordinance.

### 2.02 Specific Conditional Use Permit Standards

City Code Section 300.31, Subd.4 further lists the following specific standards that must be met for granting of the permit:

1. The parcel is located within the I-394 redevelopment overlay district No. 6 or No. 7.

2. All inventory and display vehicles located outside of a building or structure must be at finish grade level. No jack stands, risers or other mechanisms may be used to elevate any vehicle for display purpose.

3. Class II motor vehicle sales (used car sales) are allowed only as an accessory part of the new car sales.

4. The sale of vehicles may occur during the times and days allowed by state law.

5. Vehicles must not be displayed in any yard area, drive aisle, or fire lane.

6. The overall hard surface coverage must not exceed 70%, and floor area ratios must not exceed 0.6 except that the hard surface coverage may extend to 80% with innovative stormwater management methods and treatment measures subject to approval by the city engineer.

7. The architectural and site standards must comply with section 300.31 Subd.7(a).

8. The landscaping must comply with Section 300.31 Subd.7(b) and must contain a wall, berm or other feature that is constructed for long term durability when adjacent to the residentially zoned property to minimize to the greatest extent reasonably possible, noise and visual impacts.

9. Parking lot and site security lighting must comply with section 300.31 Subd.7(c) and in addition, the following requirements:

   a) Maximum of 450 watts per fixture.

   b) Maximum height of light standards is 30 feet in outdoor display areas as defined in 300.31 Subd. (4)(a)(3)(b) and 25 feet in all other outdoor areas.

   c) Maximum of 1 watt per square foot surface parking area.

   d) The lighting plan shall be designed to have 0.0 foot-candles at residential property lines with the understanding that ambient light
from other sources may spill on the property and influence actual on-site measurements.

10. Parking requirements must comply with one of the following:
   a) fifty percent of the total on-site parking spaces must be in a structured parking ramp, or
   b) if the city deems appropriate, surface parking without a ramp under the following conditions:
      1) total on-site parking must not exceed one parking space for every 200 square feet of building area, and
      2) submittal of a plan that adequately screens 50% of the total parking spaces from public view.

11. Vehicles parked within a parking structure must be screened from view from surrounding residential uses.

12. The customer parking spaces must be clearly signed and may not be used at any time for inventory vehicle parking.

13. All pick-ups and drop-offs of vehicles must occur on site and off public streets.

14. All loading and unloading of vehicles must occur on site and off public streets.

15. Customer testing of vehicles may occur only on non-residential streets and only with a store employee.

16. No loudspeaker paging system may be used.

17. All rooftop equipment must be fully screened from ground level view of adjacent properties.

18. All signs must be consistent with this code.

19. Poured-in-place concrete curbs must be constructed and maintained on the perimeter of parking lots and traffic islands.

20. All trash and recyclable materials must be screened from public view.

2.03 Sign Plan Standards. By City Code §325.05 Subd.5, a sign plan to allow signage with differing requirements than the sign ordinance can be approved by the city. The factors are considered:
1. The site is currently non-conforming with the number of signs on the south elevation.

2. The subject building would be moved further away from Wayzata Blvd., decreasing the business’ visibility.

3. The site is located in an area with other car dealers that have multiple signs on a single elevation.

4. The proposed wall signage would not exceed 150 square feet on a single elevation, matching the city code requirements.

5. The sign plan includes permanent sign covenants which can be enforced by the city.

2.04 Variance Standard. 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

Section 3. Findings.

3.01 The proposal meets the specific conditional use permit standards.

3.02 The subject request meets the specific conditional use permits with the exception of:

1. The proposed on-site parking-to-building ratio exceeds one space for every 200 square feet. Per the subject plan, the applicant has proposed 1.5 spaces for every 200 square feet.

3.03 The proposed parking-to-building square footage ratio would meet the required standards for a variance as:

1. The proposal and resulting variance request would be meet the intent of the city’s zoning ordinance. The intent of the ordinance, as it pertains to parking lot to building ratios, is to ensure that the parking lots are sized appropriately proportional to the building they are associated with. The proposal would reduce the parking ratio and would reduce the total number of parking stalls on the site. Thus, bringing the property closer to conformance with the ordinance.

2. The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for commercial, and a parking-to-building ratio variance would not create an inconsistency.
3. There are practical difficulties in complying with the parking lot to building square footage ratio requirement.

   a) The request is reasonable as the proposed parking lot would increase driver safety. The current lot has several drive aisles that are less than 26 feet wide and are extremely long with no turning options. All of the drive aisles in the proposed plan would be at least 26 feet in width, and the proposed parking lot creates a more logical driving path, with shorter aisles and landscaping islands.

   b) The variance request is caused by circumstances unique to the property. Specifically, the subject site is currently non-conforming. It has approximately 407 parking spaces and a parking-to-building ratio of 2.4 spaces to every 200 square feet of building space. The proposal reduces the total number of parking spaces to 333 with the proposed plan, resulting in 1.5 spaces to every 200 square feet of building space. The proposal would bring the subject property closer to compliance with the parking-to-building square footage ratio.

   c. If approved, the proposed project would not alter the essential character of the neighborhood. The immediate area is characterized by auto dealerships with large parking lots. The proposal reduces total on-site parking by 74 parking spaces.

3.04 The proposed sign plan is reasonable, as:

1. The subject site currently has a non-conforming number of signs on the front elevation of the building. The site has three signs on one elevation and a fourth sign that faces Wayzata Blvd. Approving the proposed sign plan would move an existing rear elevation sign, which faces Wayzata Blvd, to the south elevation of the building.

2. The sign plan would not permit more signage area than would be permitted by city code. Instead, it will only permit a greater number of signs.

3. If approved, the sign plan would not alter the essential character of the neighborhood, as the existing area has several dealership buildings with multiple signs on a single elevation.

Section 4. City Council Approval.

4.01 The city council hereby approves the proposal. Approval is based on the findings outlined in section 3 of this resolution. Approval is subject to the following conditions:

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

- Site plan date-stamped Feb. 21, 2019.
- Grading, Drainage and Erosion Control Plan email received April 3, 2019.
- Landscaping Plan Trees email received April 4, 2019.
- Landscape Plan Shrubs date-stamped Feb. 21, 2019
- Building elevations date-stamped Feb. 21, 2019.
- Utility plan date-stamped Feb. 21, 2019.
- Illumination plan date-stamped Feb. 21, 2019.

2. Prior to issuance of a building permit:
   a) Schedule and hold a pre-construction meeting with engineering, planning, and natural resources staff.
   b) Pay any outstanding property taxes.
   c) Submit the following:

   1) A revised lighting plan for staff review and approval. The lighting plan must comply with section 300.31(7)(c) and in addition, the following requirements:
      a. Maximum of 450 watts per fixture.
      b. Maximum height of light standards is 30 feet in outdoor display areas as defined in 300.31 (4)(a)(3)(b) and 25 feet in all other outdoor areas.
      c. Maximum of 1 watt per square foot surface parking area.
      d. The lighting plan shall be designed to have 0.0 foot-candles at residential property lines with the understanding that ambient light from other sources may spill on the property and influence actual on-site measurements.

   2) Final stormwater management is required for the entire site’s impervious surface. The plan must demonstrate conformance with the following criteria:
      a. 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.
      b. Volume: provide for onsite retention of 1-inch of runoff from the entire site’s impervious surface.
c. Quality: provide for runoff to be treated to at least 60- percent total phosphorus annual removal efficiency and 90-percent total suspended solid annual removal efficiency.

3) A final landscape plan. The plan must:

a. Meet minimum landscaping and mitigation requirements as outlined in city ordinance. This plan must include information related to species, sizes, quantities, locations, and landscape values. It must also include pollinator-friendly species. Note, only small shrubs, perennials, and grasses may be located in public easements.

b. Include vegetative screening north of the parking lot. Deer guards must be provided on all deciduous trees.

4) A tree mitigation plan. The plan must meet mitigation requirements as outlined in the city ordinance. However, at the sole discretion of staff, mitigation may be decreased.

5) A salt and chloride management and snow removal plans, for staff review and approval, to ensure protection and survival of the plantings and protection of the wetland and wetland buffer areas. This plan must also include a salt and chloride management plan.

6) 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. The management plan must be accompanied by a cash escrow, in the amount of $2,000, and a waiver document prepared by the city attorney and signed by the applicant. Through this document the applicant will acknowledge: (1) 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 (2) 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) A MPCA NPDES permit.

8) A MDH permit for the proposed water main or documentation that a permit is not required.
9) Truck turning exhibit. The exhibit must use the templates for the city’s largest fire truck and illustrate that the truck can maneuver through the site. Note: fire lanes must be designated on the plans submitted for building permit review. These lanes must be acceptable to the fire marshal.

10) A materials board to city staff for review and approval.

11) The following legal documents:
   a. Drainage and utility easements over wetlands, floodplains, and stormwater management facilities.
   b. A conservation easement of the required 25-foot wetland buffer. The easement must be fully executed before issuing the permit. Note: the wetland buffer area must be fully established with native vegetation prior to full release of any landscaping securities, which may require the use of a restoration contractor if established by seed.
   c. A stormwater maintenance agreement in city approved format for review and approval of city staff.
   d. A private hydrant maintenance agreement in city approved format for review and approval by city staff.
   e. A private access agreement from the neighboring property allowing the driveway to cross their property. Note: if no access agreement existing or can be achieved, the western access must be straightened to be perpendicular with the extended property line.

12) Escrow money to cover the costs to demolish the existing building. This amount will be determined by staff. Grading cash escrow in the amount of $2,000.

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

d) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures as identified as the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

e) No wetland impacts are allowed, and all proposed work must meet wetland setbacks. The silt fence, outlet pipe, rip-rap (or other dissipation devices), and all grading, filling or other work must be located outside the wetland.

f) Any utility work within the right-of-way requires a right-of-way permit.

A grading permit is required if the applicant elects to complete grading work prior to issuance of a building permit.

3. Customer parking spaces must be designated on plans submitted for building permit review.

4. All inventory and display vehicles located outside of a building or structure must be at finish grade level. No jack stands, risers, or other mechanisms may be used to elevate any vehicle for display purpose;

5. Class II motor vehicle sales (used car sales) are allowed only as an accessory part of the new car sales.

6. The sale of vehicles may occur during the times and days allowed by state law.

7. At no time may vehicles be displayed in any yard area, drive aisle, or fire lane.

8. The customer parking spaces must be clearly signed and may not be used at any time for inventory vehicle parking.

9. All pickups and drop-offs of vehicles must occur on site and off public streets.

10. All loading and unloading of vehicles must occur on site and off public streets.

11. Customer testing of vehicles may occur only on non-residential streets and only with a store employee.

12. No loudspeaker paging system may be used.
13. All rooftop equipment must be fully screened from ground level view of adjacent properties.

14. All signs must be consistent with this code or the approved sign plan.
   a) Four signs are permitted on the south elevation. The total signage on the south facing wall is limited to 150 square feet or 10 percent of the wall face, whichever is less.
   b) Sign permits are required for each new sign.

15. All trash and recyclable materials must be screened from public view.

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

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

18. 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 May 6, 2019.

Brad Wiersum, Mayor

ATTEST:

Becky Koosman, Acting City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: Mar. 18, 2019
Date of adoption: Mar. 18, 2019
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
SEAL
MINNETONKA PLANNING COMMISSION
April 25, 2019

Brief Description
Items concerning HIGHCROFT MEADOWS at 14410 Orchard Road:

1) Rezoning a portion of the property from R-1 to R-2; and

2) Preliminary plat, with variances.

Recommendation
Adopt the ordinance and resolution approving the proposal

Background
In October 2018, Charles Cudd Co. submitted a concept plan for the roughly six-acre property at 14410 Orchard Road. The plan contemplated removal of the site’s existing single-family home and accessory building and construction of 19 villa-style homes; such homes are sometimes referred to as detached townhomes. The city council generally indicated that the housing type was desirable, though the number of units and resulting density was too great. (See attached concept plan and minutes.)

Formal Application
In February 2019, Rachel Development, on behalf of Charles Cudd Co., submitted formal applications for redevelopment of the site. The plans illustrated construction of 15 villa-style homes accessed via a new cul-de-sac. Following preliminary staff review and comments, revised plans were submitted. The current proposal is for: (1) construction of 13 village-style homes accessed via a new, public cul-de-sac; and (2) construction of one single-family home accessed via Cardinal Road. The proposal requires:

1) **Rezoning.** To facilitate the development of the villa-style homes, a portion of the property would be rezoned to R-2, low-density residential.

2) **Preliminary plat, with variances.**

Primary Questions and Analysis
A land use proposal is comprised of many details. These details are reviewed by members of the city’s economic development, engineering, fire, legal, natural resources, planning, and public works departments and divisions. These details are then aggregated into a few primary questions or issues. The analysis and recommendations outlined in the following sections of this report are based on the collaborate efforts of this larger staff review team.

- **What is low-density development?**

  Low-density development is defined in the city’s comprehensive plan as one to four living units per acre.
A community’s comprehensive plan is intended to generally guide public and private land use, development, and redevelopment within a community. As a general guide, a comprehensive plan outlines the goals of community. It does not contain specific regulations intended to further those goals. Rather, the specific regulations pertaining to land use, development and redevelopment are outlined in a community’s subdivision and zoning ordinances.

The subject property is designated for low-density residential development within Minnetonka’s 2030 Comprehensive Guide Plan and the Draft 2040 Comprehensive Guide. The city’s zoning ordinance contains four traditional, low-density zoning districts: R-1, R-1A, R-2, and R-3. Development under any of these zoning classifications would be considered low-density and would, therefore, be consistent with the comprehensive plan. In some cases, the flexible Planned Unit Development (PUD) zoning district can also be considered a low-density district.

- **Does a low-density development designation allow for subdivision of the property?**

  Yes. The subject property is 6.19-acres in size. Under its current R-1 zoning, staff believes the site could be divided into seven single-family residential lots meeting all R-1 standards. The city would be legally obligated to approve such subdivision. The zoning classification of the property could also be changed to any other low-density classification – as outlined above – and the property subdivided. Rezoning a property is a legislative function of city. In other words, the city council has broad authority to rezone properties.

- **Would an R-1 development of the site be consistent with the surrounding area?**

  Yes and No. Yes, in that an R-1 development of the site would result in lot sizes similar to those immediately surrounding the site. No, in that it is likely only the lot size that would be consistent. The average year of construction for the roughly 135 homes within the project’s notice area is 1971. The average floor area of these homes is 2,530 square feet. In 2018, the city issued 40 permits for new single-family homes on properties zoned R-1. These homes ranged significantly in size, but averaged 4,405 square feet in floor area.

  It is staff's opinion that – whether the property is zoned R-1, R-1A, R-2, or R-3 – the development of this site will not look or feel like neighborhoods surrounding it. This is simply because the site will be developed nearly 50 years after the surrounding area. Other areas in the community have experienced this same change/evolution larger estates properties have been sold and developed.

- **Should the property be rezoned to R-2?**

  Yes. Maintaining the property’s existing R-1 zoning is highly unlikely to result in single-family construction consistent with the size and design of homes the surrounding area.

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1 The survey for the site notes a total area of 6.44-acres. However, the southerly 10,460 square feet is considered a prescriptive roadway easement. Staff did not considered include this easement in the total area for subdivision review purposes.

2 Floor area is defined as the sum of the fully exposed gross horizontal area of a building, including attached garage space and enclosed porch areas, and one-half the gross horizontal area of any partially exposed level such as a walkout or lookout level.
Therefore, the city must determine what type of housing should be added to the
Minnetonka community. In other words, the city must decide if more construction typified
by the homes permits issues in 2018 is desired. If yes, the property's R-1 should be
maintained. If no, then a different zoning classification should be considered for the site.

In staff's opinion, the latter is preferred. Staff supports adding variety/options to the city's
new construction that could be accommodated by R-2 zoning. Further, in recent years,
staff has found that smaller lots lend themselves to association-maintained
neighborhoods. An R-2 zoning would not be new to the area; the existing neighborhood
between Williston Road and the subject property is zoned R-2.

**Are the requested variance reasonable?**

Yes. Lot area and dimension requirements are outlined in the city's subdivision
ordinance. The proposal requires several variances to R-2 standards:

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<tr>
<th>AREA</th>
<th>WIDTH</th>
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<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>REQUIRED</td>
<td>12,500 sq.ft.</td>
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<td>Lot 1</td>
<td>16,740 sq.ft.</td>
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<td>Lot 2</td>
<td>8,810 sq.ft.</td>
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<td>Lot 3</td>
<td>8,810 sq.ft.</td>
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<td>Lot 4</td>
<td>9,335 sq.ft.</td>
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<td>Lot 5</td>
<td>13,930 sq.ft.</td>
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<td>Lot 6</td>
<td>21,185 sq.ft.</td>
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<td>Lot 7</td>
<td>18,840 sq.ft.</td>
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<td>Lot 8</td>
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<td>Lot 9</td>
<td>12,560 sq.ft.</td>
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<td>Lot 10</td>
<td>9,745 sq.ft.</td>
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<td>Lot 11</td>
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<td>Lot 12</td>
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<tr>
<td>Lot 13</td>
<td>16,940 sq.ft.</td>
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<tr>
<td>Lot 14</td>
<td>74,490 sq.ft.</td>
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*R-2 (Block 1)*

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<td>Total</td>
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<tr>
<td>Lot 14</td>
<td>74,490 sq.ft.</td>
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</table>

**Lot Area and Dimensions.** The property could be divided into 14 lots meeting all
minimum R-2 standards. Such subdivision would require a slightly longer cul-de-
sac and – in some cases – oddly angled lot lines. The requested area and
dimension variances are reasonable, as they would not result in more lots than
could otherwise be achieved with R-2 zoning. Rather, the variances would result
in less impervious surface and more intuitive lot lines.

In addition to the area and dimensional standards, the applicant is requesting variances
to allow construction of detached structures and to establish a maximum floor area ratio
(FAR) based on average lot size. The type of construction and FAR standards are
outlined in the zoning ordinance.
Detached Structures. The intent of the R-2 ordinance is to allow for locations within the community where twinhomes can be constructed. The proposed detached structures are not contrary to this purpose. The arrangement of a twinhome development on the subject site would be slightly different than the proposed site arrangement. However, the difference in site design would result in very little – if any – difference in overall site impact. Given this, the requested variance is reasonable. It is important to note that the zoning ordinance does not contain a district/classification that specifically accommodates villa-style homes.

FAR. Within the R-2 zoning district, the maximum FAR per lot is 0.25. Floor area ratio is defined as the total floor area of a structure divided by lot size. In Minnetonka, floor area includes all above grade enclosed spaces – including garage area and screened porches – and one-half the area of any lookout or walkout space. Applying the 0.25 FAR to the individual lots would result in varying maximum floor areas on each lot, given the varying sizes of each lot. Instead, the applicant has requested that the 0.25 FAR be applied to the average lot size. This would result in a maximum floor area of 4,384 square feet per lot. (0.25 x 17,535 square feet³) As the total square footage of building area within the development would not differ under these two methodologies, the requested variance is reasonable.

Are the anticipated on-site impacts reasonable?

Yes. Significant grading would occur to accommodate the proposed public street, installation of required public utilities, and construction of new homes. The level of site work is not entirely a function of the number homes proposed. Rather, the primary influence is the site’s existing topography.

As proposed, the soil would generally be removed from the east side of the site and added to the west side. This “leveling” of the property would result in “cut” of up to 12 feet in depth on the east. The current plans illustrate the base of a two-tier retaining wall would be located in the rear yards of the new homes situated east of the new cul-de-sac. The tiers would each range in height from two feet to six feet and be separated by a roughly 4-foot wide horizontal area within which new landscaping would be planted. Up to 10 feet of fill would be added on the west side of the site. The top of a two-tier retaining wall would be located in the rear yards of the new homes on this side of the development. Similar to the east, tiers would be separated by a roughly 4-foot wide landscape area. Each tier would range in height from two to four feet.

Though considerable grading is proposed, the submitted plans illustrate removal or significant impact just eight – or 22 percent – of the site’s high-priority trees would be removed or significantly impacted. This would be under the 35 percent threshold established by the tree protection ordinance.

Are the anticipated off-site impacts reasonable?

Yes. The proposal’s impact on Orchard Road and area drainage patterns have been evaluated. Staff finds the impacts would be reasonable.

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³ All 14 lots were included when calculating average lot size.
Traffic

Orchard Road is classified as a local street; local streets comprise the majority of
Minnetonka roadways. Generally, two-lane local streets can accommodate up to 3000
vehicle trips per day while still operating as a Level of Service A.\(^4\) Orchard Road,
between Williston Road and Hopkins Junior High School, currently experiences an
average of 700 vehicle trips per day. Though the development of the subject property
would certainly result in more daily vehicle trips on Orchard Road, the local street has
the capacity to accommodate these trips.

The width of Orchard Road, between Williston Road and the crossing of I-494, varies
between 23 feet and 30 feet. The grade of the roadway varies significantly more, with a
13 percent grade near Williston Road to a less than one percent grade adjacent to the
subject property. A new roadway of this width and grade would not be constructed today
in Minnetonka. However, Orchard Road is not entirely unique to the community. The
grade of the street at the proposed connection is constant; it would not be impacted by
the proposed development. Neither planning nor engineering staff is of the opinion that
14 new lots would exacerbate the existing functionality of the roadway.

The width and grade of roadways can be changed. It is important to note that these
changes may require significant grading and/or construction of retaining walls. Such
activity frequently results in tree removal or impact.

Stormwater

Several area residents have raised concerns about existing drainage issues in the
Orchard Road/Westmark Drive/Sunrise Drive area and how the proposal would impact
the existing situation. Public storm sewer exists in only a very few locations in the area.
The lack of infrastructure is primarily due to the age of the developments. Westmark
Estates, west of the property, was developed in 1977. Sunrise Ridge, to the east, was
platted in 1952. The city did not have stormwater management rules in place at the time
those developments were approved. In older neighborhoods, large scale drainage
improvements may be made in conjunction with street reconstruction projects. Small-
scale improvements can be made in unique and emergency situations. The city’s capital
improvement plan (CIP) does not call for the reconstruction of surrounding roadways
within the next five years.

Today’s developments must meet specific stormwater management rules which include
runoff rate control, runoff volume control, and water quality treatment. Best Management
Practices (BMPs) are incorporated into the stormwater management plan to control the
volume of water leaving the site while improving water quality by reducing pollutant
loading. Further, the rate of stormwater runoff leaving a site “post-development” must be
less than or equal to the rate of runoff leaving the site “pre-development.” Essentially,
the rule requires that new development not exacerbate any existing situation.

\(^4\) Level of Service (LOS) indicates how well an intersection operates from a capacity perspective. Intersections are given grades
between LOS A, best operation, through LOS F, when capacity is exceeded.
As proposed, runoff from the new street and all but the rear yards of the northerly lots would be directed to two infiltration basins along Orchard Road. The original designs of the site included emergency overflows from these basins to the south. However, the submitted plans include a piped emergency overflow to the north. This new storm sewer would connect through the Williston Center site to the existing storm sewer in Westmark Drive. City engineering staff, as well as staff from Barr Engineering, have reviewed the proposed stormwater management plan and find that it is acceptable.

Summary Comments

The subject property is many times larger than the properties surrounding it. It is inevitable the site will be developed. In staff’s opinion, this future development will not look or feel like surrounding neighborhoods, most of which were developed 50 or more years ago. Given this, staff is also of the opinion that it is not necessary to maintain the property’s existing R-1 zoning. Variety/options in new construction could be accommodated by rezoning the property to R-1A or R-2, which would allow for smaller lot size. The requested variances would not allow for the creation of more lots or total floor area that would otherwise be allowed under R-2 zoning. Rather, they would facilitate the development of villa-style homes, which are not specifically accommodated in any of the city’s existing zoning districts.

Staff Recommendation

Staff recommends the city council adopt the following, pertaining to HIGHCROFT MEADOWS at 14410 Orchard Road:

1) An ordinance rezoning a portion of the property to R-2, low-density residential; and

2) A resolution approving the preliminary of HIGHCROFT MEADOWS, with variances.

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

### Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Williston Center, zoned PUD</td>
</tr>
<tr>
<td>South</td>
<td>Single-family homes, zoned R-1</td>
</tr>
<tr>
<td>East</td>
<td>Single-family homes, zoned R-1</td>
</tr>
<tr>
<td>West</td>
<td>Single-family homes, zoned R-2</td>
</tr>
</tbody>
</table>

### Planning

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

### Introduction

The rezoning ordinance was introduced to the city council on Feb. 25, 2019. Councilmembers noted concerns related to topography, grading, stormwater, snow storage, and the safety of Orchard Road. Meeting minutes are attached.

### Subdivision History

The 6.19-site is located on the north side of Orchard Road 1000 feet east of the Orchard Road/Williston Road intersection. City records indicate that a home was constructed in 1949. Over the following 60 years, the site has remained relatively unchanged as the properties surrounding it have been developed.

### Site Conditions: Topography

The highest point of the site is located along the east property line. The property slopes generally downward in all directions from this point. Part of this downward slope – located in the northern portion of the site – is defined as steep slope by city code.

A steep slope is one that: (1) has an average grade of 20 percent or more; (2) that covers an area at least 100 feet in width; and (3) that rises at least 25 feet above the toe – or bottom – of the slope to the top of the slope. The code goes on to define how the toe and top of the slope are determined, which may or may not correspond to the visual bottom and top of the slope. The proposed development generally avoids impact on the steep slope.
Trees

The property does not include a defined woodland preservation area, but does contain a total of 203 regulated trees.

Site Conditions: Topography/Grading

Proposed

See Primary Question on page 4 of this report.

Trees

The proposed grading plans would result in the following:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removed*</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Priority</td>
<td>36</td>
<td>8 or 22%</td>
</tr>
<tr>
<td>Significant</td>
<td>167</td>
<td>55 or 33%</td>
</tr>
</tbody>
</table>

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

By city code, up to 35 percent of a site’s high-priority trees may be impacted during development/construction activities. For the subject property, ordinance would allow removal of 12 high-priority trees. As such, the proposed removal/impact of eight high-priority trees would be permitted.

Natural resources staff note that the amount of tree removal/impact shown on the plans is based on relatively “tight” grading limits, particularly on proposed Lots 5 and 6. While it may be possible to protect all of the trees shown, actual home design and the ability to maintain access around the homes during construction would dictate impact. To ensure compliance with the ordinance, a condition of approval is included in the staff-drafted resolution outlining the maximum number of high-priority trees allowed to be removed/impacted per lot:

<table>
<thead>
<tr>
<th>R-2 (Block 1)</th>
<th>Allowed High-Priority (HP) Tree Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 1</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot 2</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot 3</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot 4</td>
<td>N/A</td>
</tr>
<tr>
<td>Lot 5</td>
<td>No more than 2 HP trees</td>
</tr>
<tr>
<td>Lot 6</td>
<td>No more than 3 HP trees</td>
</tr>
</tbody>
</table>
Utilities

As proposed, a new sewer main would be extended into the site from the existing public sewer in Orchard Road. A new public water would be "looped" between existing mains in Orchard Road and Cardinal Road to the east. Storm sewer would be directionally-drilled from the westerly infiltration basin to the north and west, connecting with existing infrastructure in Westmark Drive.

Homes

The applicant's proposal is for subdivision of the property. The city can influence the design aesthetic of single-family homes only when PUD zoning is use. Home design within traditional zoning districts – like R-1, R-1A, and R-2 – is controlled by required minimum setbacks, maximum heights, and maximum floor area ratios in the R-1A and R-2 districts.

The following apply to R-2 zoned properties:

<table>
<thead>
<tr>
<th>Min. Front Yard Setback</th>
<th>25 ft</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min. Side Yard Setback</td>
<td>10 ft</td>
</tr>
<tr>
<td>Min. Rear Yard Setback</td>
<td>30 ft or 20% of lot depth, whichever is less</td>
</tr>
<tr>
<td>Max. Height</td>
<td>35 feet, except if the building includes a walkout or lookout elevation, in which case the maximum height is 25 feet.</td>
</tr>
<tr>
<td>Max. FAR</td>
<td>0.25</td>
</tr>
</tbody>
</table>

V = variance requested

Electrical Concerns

The city has received several complaints about power outages in the Orchard Road/Westmark Drive/Sunrise Drive area. City staff has passed on these concerns to Xcel Energy as recently as Feb. 7, 2019.
**Small Lot Discussions**  
In 2013 and 2014, the planning commission and city council spent considerable time discussing changes to the subdivision and zoning ordinances. The impetus for those discussions was a desire to understand if such lots could contribute to the variety of housing options in and around existing neighborhoods. The outgrowth of those discussions was the R-1A ordinance, which adopted in September 2014. The R-1A zoning classification, which allows for 15,000 square foot lots in certain circumstances, is intended for the construction of “smaller than typical” single-family homes. It was not intended for villa-style homes.

During the review the drafting and consideration of the R-1 ordinance, staff conducted several exercises to understand existing lot size in the community and to determine how many lots in could potentially be subdivided under the R-1A ordinance. Though five years old, the numbers continue to be illustrative. They tell a story that is contrary to many perceptions of Minnetonka.

Objective exercises involved review of existing area lots sizes.

In 2014, of the privately-owned, residentially-zoned, low-density properties in the city that are not encumbered by wetlands or woodland preservation areas:

- 51% were over 22,000 sq.ft.
- 49% are under 22,000 sq.ft.

Of those under 22,000 square feet in size, 26% are less than 15,000 square feet in area.
Subjective analysis involved reviewing existing roadway access and excluding those properties that are located on low volume or no-outlet streets. Given the subjectivity of some of the analysis, the number of properties that could be subdivided was not definitive; it was an estimate only.

In 2014, of the privately-owned, residentially-zoned, low-density properties in the city that are not encumbered by wetlands or woodland preservation areas:

- 14 could be split into two, R-1A lots
- 15 could be divided into four or more R-1A lots
- 38 could be combined with other adjacent properties and divided into four or more lots

The 67 lots that could potentially be subdivided under the R-1A ordinance, represented less than 1% of the privately-owned, residentially-zoned, low-density properties in the city.

The numbers continue to suggest that there are not many areas in the community where smaller lots can be achieved.

**Pyramid of Discretion**

**Voting Requirement**
The planning commission will make a recommendation to the city council; a recommendation requires only a majority vote of the commission. Final approval requires an affirmative vote of five council members.

**Neighborhood Comments**
The city sent notices to 137 property owners. Several written comments have been received related the original concept plan and later iterations. All received to date are attached.

**Deadline for Action**
June 3, 2019
Location Map

Project: Highcroft Meadows
Address: 14410 Orchard Rd
Narrative

Rezoning, Preliminary Plat and Variances
Narrative

Highcroft Meadows
Minnetonka, MN

LANDFORM
Revised April 5, 2019
# TABLE OF CONTENTS

Introduction and Project Overview ................................................................. 2
Rezoning ........................................................................................................ 3
Preliminary Plat ............................................................................................. 3
Variances ....................................................................................................... 5
Summary ........................................................................................................ 6
Contact Information ....................................................................................... 7
Introduction and Project Overview

On behalf of Rachel Development and Charles Cudd Companies, Landform is pleased to submit this application for rezoning, preliminary plat and variance approval to allow construction of 13 single-family villa homes and one custom home estate lot at 14410 Orchard Road. Our proposal and vision for this beautiful property is to create a luxury villa neighborhood consisting of 13 homes built by the Charles Cudd Company. The proposed development plan has been prepared and refined over the past few months with input from staff, Planning Commission, City Council and residents. An initial concept plan showing 19 lots was presented at a heavily attended neighborhood meeting, Planning Commission meeting and City Council meeting. The comments received in these meetings were largely related to concerns about the density/number of lots, stormwater, tree preservation and traffic. The team took into consideration the various comments received in these meetings to make significant changes to the development plan and reduced the number of lots to 14.

An additional neighborhood meeting was held in January to get feedback on the plan and discuss the neighborhood stormwater concerns. As a result of this discussion, we redesigned the stormwater plan to direct the water to the northwest instead of going to the southeast. All of the drainage is currently running uncontrolled off this site and development allows us to manage the drainage and direct it away from the adjacent homes.

The neighborhood sits high up on a hill off Orchard Road and is proposed to be named “Highcroft Meadows”. The villa home concept works well on this site as a transition between traditional single family and higher density attached townhomes. By proposing villa homes on the site, we can keep more than 2 acres on the back (north) portion of the site natural and save most of the trees and natural topography. We will also be able to minimize the impact to the surrounding neighborhood by keeping the villa homes roof lines lower than building traditional 2- or 3-story single family homes.

This neighborhood will be designed to attract the “empty nester” buyer which is typically the 50 plus age group. The villa homes will all be designed for main level living by keeping the master bedroom and primary living spaces on the main floor. We intend to offer six or seven of the 13 lots with a slab on grade foundation, which features no steps from the garage and front entry into the home. There will also be an option, if the buyers choose, to finish an upstairs bedroom/recreational room area that would be built into the roof lines as a 1 ½ story, which would keep the lower profile of a ranch look throughout the neighborhood.

All of the homes in Highcroft Meadows will be association maintained, with the exception of the custom home lot, which would allow buyers to eliminate the need for storing equipment to do yard work and snow and removal.

The Charles Cudd Company has many years of experience designing and building for this luxury, empty nester villa buyer. There is an excellent market demand for a better designed and detailed and more luxuriously appointed villa home than is currently offered by some of the large regional and national builders. That is the more discerning buyer that we intend to attract to the Highcroft Meadows neighborhood. The buyers here are looking for a well-designed, reasonably priced and more manageable size home that they can enjoy with the maintenance advantage which allows
them more leisure and travel opportunities. Our homes will provide desirable new housing options in the community.

This unique Minnetonka property is close to shopping, dining, recreation and easily accessible to the freeway system. Highcroft Meadows also offers one of the last opportunities to build a new home in the Minnetonka community. We are excited about the improvements proposed for this site.

Rezoning

We are requesting City approval of a rezoning from R-1 Low Density Residential District to R-2 Low Density Residential District for the villa home lots. The estate lot will retain the current R-1 zoning and an exhibit has been included that shows the existing and proposed zoning change. This property is the transitional property between the existing R-1 zoned property on the east and the existing R-2 zoned property on the west. The requested zoning amendment simply shifts that zoning district boundary from our west property line to our east property line to allow the addition of new villa homes.

There is an existing demand for this detached villa home product in Minnetonka, but there is no existing zoning district that specifically allows this desired home style. The proposed R-2 zoning is the best fit for the proposed development and is consistent with the Comprehensive Plan. The property is guided Low Density Residential in the adopted Comprehensive Plan which allows for residential development at 2-4 units/acre. The proposed plan is at the lower end of the required density range at 2.18 units/acre. The development also meets the comprehensive plan goal to provide, “Innovative new housing development that meets residential density requirements, complements future regional demographics, and broadens housing choice will be encouraged on appropriate properties in the city.”

The site would continue to serve as a transitional zone between a variety of differing zoning districts – R-1 with an institutional use to the north, R-2 to the west and R-1 to the south/west. We believe it’s important to note, that while the current zoning is R-1, this is not a function of intentional R-1 zoning but is likely a result of the existing single-family home on this 6.44-acre site. Up to this point, zoning it anything other than R-1 would have created a nonconforming use for that home. Given the abutting uses and preservation of sensitive areas within the site, we believe the proposed R-2 zoning is appropriate and consistent with the Comprehensive Plan. The rezoning will allow development of a single family home style that is limited in the City. The neighborhood has been thoughtfully designed to transition to the existing homes, work with the existing grades, preserve significant trees and slopes and address existing drainage concerns.

Preliminary Plat

The proposed development plan will create 13 single family villa lots and one estate lot from the existing 6.44-acre parcel. The single estate lot will be developed at a later date as a custom home lot. The development is requesting some variation from the R-2 standards for the villa home lots in order to preserve the 2-acre woodland on the northern portion of the site; however, the density of the development is consistent with the R-2 design standards.
Traffic

Traffic along Orchard Road was a concern raised by the residents. Orchard road is classified as a neighborhood collector which has a daily capacity of 8,000 – 10,000 vehicles. The average daily traffic volumes taken in 2016 show an average of 590 vehicles per day using Orchard Road. While we certainly understand concerns about traffic in any neighborhood, the road has additional capacity available.

The Institute of Transportation Engineers (ITE) trip generation guidelines show a single family detached villa home generates fewer trips per day than the average single family home due to the reduced number of people per home and different lifestyles. The few added trips from the development are well within the planned capacity for the roadway.

Parking/Snow Storage

The site plan depicts the parking available for guest parking in the proposed development. There is space to park two to three vehicles in each driveway in addition to the parking available on the east side of Bensman Cove, which provides roughly 14 additional parking spaces. This exceeds City parking requirements.

Snow storage is available between the units with additional space provided between the cul-de-sac units. In years of greater snowfalls, the stormwater ponds can be used as larger snow storage areas for both Bensman Cove and Orchard Road.

Stormwater Management

A major concern raised by the neighbors surrounding the Bensman property is the amount of rainfall water that currently flows onto/through their properties during large rain events. Currently water runs untreated off the Bensman property based on the existing slopes and drainage patterns on the property. The proposed stormwater plan for this project will control all water that falls onto the property by directing the water into the two rain gardens located on the south side of the property, where the water will be absorbed into the ground. In the event of a large rainfall, the excess water will drain through a pipe that connects into the existing stormwater system to the northwest of the site. The proposed stormwater system will greatly improve the current condition for the surrounding properties by capturing and redirecting this water.

Tree Preservation and Protection

The Bensman property is wooded property with several trees designated as high quality. The development team has taken great efforts to preserve the maximum number of trees possible. We have clustered the development to the south where most of the open land is located. This allows us to preserve the northern portion of the site where the vast majority of the high-priority and significant trees. A tree inventory was completed for the property that shows there are 167 significant trees and 36 high-priority trees.

We are proposing to remove 8 high-priority trees to allow for the construction of the infrastructure and homes. This is 22% of the high-priority trees, which is less than the 35% removal allowed by Section 300.28.19(3) of the City Code.
Landscaping

We have prepared a landscape plan that includes a variety of planting types distributed throughout the site to create an attractive development. The retaining walls on the east and west sides of the site have been tiered to reduce the visual impact. Plantings consisting of small shrubs and natural grasses have been included on each tier of the wall to enhance the visual aesthetic of the wall and create a natural looking wall. We heard concerns about the appearance of the wall and have developed plans to address this concern with this combination of tiered walls and landscaping to create an attractive feature for residents and neighbors alike.

Variances

We have included Concept Plan E-2 which shows a 14-lot compliant R-2 plan for the property. Concept E-2 impacts the natural areas of the site to a greater extent than our current development proposal. Therefore, we are requesting City approval of variances to allow a detached villa home in the R-2 district, a reduced lot width at the right-of-way, a reduced lot size and an increase in the floor area ratio.

The proposed development has been clustered on the south side of the Bensman property to preserve the natural environment on the northern portion of the site and requires variances because of the clustered layout. The site is a total of 6.44 acres, which would allow an average lot size of 20,038 square feet if the layout were not clustered to preserve the natural environment. This average lot size exceeds the 12,500 square foot size required in the R-2 district. Using the average lot size, the allowed floor area ratio (FAR) for a lot would be 5,009 square feet. All of the proposed detached villa homes will have a floor area that is smaller than this average. Lastly, we are requesting approval of the reduced lot width on Lots 8 and 9, which exceed the minimum lot width requirement at the building setback line, but because of the cul-de-sac do not meet the lot width requirement at the right-of-way.

We have reviewed the requests in accordance with the variance standards in Section 300.07 of the Zoning Ordinance and find that the ordinance standards have been met, specifically;

1. The proposed variance is in harmony with the general purposes and intent of the zoning ordinance;

The proposed plan is to develop the property for the use of detached villa homes which are not currently allowed in any zoning district but are anticipated as part of the Comprehensive Plan strategies to broaden housing choice in the city. Therefore, we are using the existing R-2 zoning district which provides the best fit for the proposed home type. While the R-2 district provides the best fit, it does not account for the proposed villa use and as such there are some minimum requirements that cannot be met. We believe that the proposed variances are in harmony with the purpose and intent of the zoning ordinance which is, “encouraging development in accordance with the city’s comprehensive plan;” and “conserving the natural beauty and environmental assets of the city including areas of steep slopes, mature trees, and wetlands”.

2. The proposed variance is consistent with the comprehensive plan;

The proposed development is consistent with the City’s Comprehensive Plan. The land use chapter identifies the following as a goal in their growth strategy, “Innovative new housing development that meets residential density requirements, complements future regional demographics, and
broadens housing choice will be encouraged on appropriate properties in the city.” Additionally, the plan identifies a goal while reviewing developments to, “encourage clustering of buildings and uses to preserve woodland preservation areas, high priority and significant trees, and other resource areas on properties.” Our proposed development plan is consistent with these goals and the larger Comprehensive Plan.

3. The proposed variance establishes that there are practical difficulties in complying with the ordinance standard from which they are requesting a variance. Practical difficulty means:
   a. The proposed use is reasonable

The proposed use of a residential subdivision with detached villa homes is reasonable for the site. The proposed homes will transition from the two-family dwellings on the west to the single-family homes on the east. The detached villa homes provide a housing type that is currently underrepresented in Minnetonka. The proposed use is within the density range allowed by the Comprehensive Plan.

b. 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 consideration;

The proposed development plans need for variances is caused by the unique natural environment on the north side of the property. Saving this natural environment, including trees and slopes, requires clustering of the structures to the south and variances from some of the minimum standards. We could develop the plan to eliminate the lot variances, but it would have a more significant impact on the trees and slopes.

c. The proposed use would not alter the essential character of the surrounding area.

The proposed use of the property is consistent with character of the surrounding neighborhood. The homes to the west are two family dwellings while the homes to the south and east are single family dwellings. The proposed 1 ½ story single family detached villa home offers increased diversity in the housing products currently offered and provides a middle ground between the existing home types that will preserve the character of the area.

Summary

We respectfully request approval of the preliminary plat, rezoning and variances to allow construction of 13 single-family villa homes and one custom home estate lot.

We understand that the applications will be heard at a public hearing at the Planning Commission meeting on April 25th and City Council action on May 6th.
Contact Information

This document was prepared by:

Kendra Lindahl, AICP
Landform
105 South Fifth Avenue, Suite 513
Minneapolis, MN 55401

Any additional questions regarding this application can be directed to Kendra Lindahl at klindahl@landform.net or 612.638.0225.
LEGAL DESCRIPTION
The land described as follows: A part of the Southeast 1/4 of the Southeast 1/4 of Section 16, Township 117, Range 22 West of the 5th Principal Meridian, situate in Hennepin County, Minnesota, containing 242,507 square feet, more or less. Said land to be used for a residential development containing 14 lots, each lot being at least 8810 square feet in area. Said land to be used for a residential development containing 14 lots, each lot being at least 8810 square feet in area.

AREA SUMMARY

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>242,507</td>
<td>Total Site Area</td>
</tr>
<tr>
<td>2</td>
<td>37,909</td>
<td>Right of Way Area</td>
</tr>
<tr>
<td>3</td>
<td>9336</td>
<td>Wetland Area</td>
</tr>
</tbody>
</table>

DEVELOPMENT PROPOSAL

1. DEVELOPMENT PROPOSAL:

   a. NAME OF DEVELOPMENT: Orchards on 16
   b. TOTAL NUMBER OF LOTS: 14
   c. PROPOSED ZONING: R-1 Low Density Residential District - Lot 1, Block 2

2. PROPOSED URBAN DESIGN:

   a. PROPOSED DENSITY: 2.18 U/A
   b. PROPOSED NUMBER OF LOTS: 14
   c. LAND USE DENSITY RANGE: Low Density Residential

3. PROPOSED SITE AREA:

   a. MINIMUM LOT DEPTH - 125 FT. (AVG.)
   b. MINIMUM LOT WIDTH AT ROW - 48.1 FT.
   c. MINIMUM LOT AREA - 8810 SF
   d. REAR - 30 FT. OR 20% OF LOT DEPTH
   e. FRONT - 25 FT.

4. PROPOSED SETBACK INFORMATION:

   a. SIDE - 10 FT.
   b. REAR - 30 FT.
   c. FRONT - 25 FT.

5. PROPOSED ZONING:

   a. PROPOSED ZONING: R-2 Low Density Residential District - Lots 1-13 Block 1
   b. PROPOSED ZONING: R-1 Low Density Residential District - Lot 1, Block 2

6. PROPOSED DESIGN ELEMENTS:

   a. PROPOSED DRAINAGE AND UTILITY EASEMENTS:
      - ALL DRAINAGE AND UTILITY EASEMENTS ARE SHOWN TRUE TO SCALE.
      - WEST ALONG CENTERLINE OF ORCHARD ROAD IN WIDTHS AND ACCORDING RIGHTS OF WAY LINES EXCEPT AS OTHERWISE SHOWN.
      - BEARING 7 FEET IN WIDTH AND ACCORDING RIGHT OF WAY LINES EXCEPT AS OTHERWISE SHOWN.
      - DRAINAGE AND UTILITY EASEMENTS ARE SHOWN TRUE TO SCALE.

7. PROPOSED WETLANDS:

   a. WETLAND AREA: 0 SF = 0 AC.

8. PROPOSED PROJECTS:

   a. TOTAL SITE AREA: 280,416 SF = 6.44 AC.

9. CURRENT ZONING:

   a. CURRENT ZONING: R-1 Low Density Residential District

10. CURRENT LAND USE:

    a. CURRENT LAND USE: Low Density Residential

11. CURRENT SITE CONDITIONS:

    a. CURRENT SITE CONDITIONS: As described

12. PROPOSED SITE CONDITIONS:

    a. PROPOSED SITE CONDITIONS: As described

13. PROPERTY TABLE:

    a. PROPERTY TABLE:

14. SITE PLAN:

    a. SITE PLAN:

15. Certification:

    a. Certification:

16. Date:

    a. Date: 04-06-2019

17. Revision:

    a. Revision:

18. Sheet:

    a. Sheet: 010

19. Scale:

    a. Scale: 1"=50'
FOR CONSTRUCTION STAKING AND SURVEYING SERVICES CONTACT LANDFORM AT 612.252.9070.

1. GENERAL NOTES
   a. All dimensions provided are for proposed construction and not for use of public road or lot. Details provided are for information only and may not reflect final design. All construction costs, including, but not limited to, excavation, utilities, and grading, shall be the responsibility of the developer.
   b. Construction will be subject to applicable building codes and regulations. All materials and workmanship shall conform to the approved plans and specifications.
   c. If the signature, seal or four lines directly above are not visible, this sheet has been reproduced beyond intended use and may not be relied upon for legal purposes.

2. ZONING AND SETBACK SUMMARY
   a. Proprietary database of the City of Minnetonka.
   b. The proposed zoning is R-2 Low Density Residential District - Lots 1-13 Block 1.
   c. The proposed density is 2.18 U/A.
   d. The proposed number of lots is 14.
   e. The land use density range is Low Density Residential.
   f. The minimum lot depth is 125 ft. (avg.).
   g. The minimum lot width at row is 48.1 ft.
   h. The current land use guiding is Low Density Residential.
   i. The front setback is 25 ft.
   j. The side setback is 10 ft.
   k. The right-of-way setback is 33 ft.
   l. The rear setback is 33 ft.
   m. The wetland area is 0 s.f. = 0 ac.
   n. The total site area is 280,416 s.f. = 6.44 ac.
   o. The net impervious surface is 30%.
   p. The net area is 242,507 s.f. = 5.57 ac.
   q. The right-of-way area is 37,909 s.f. = 0.87 ac.

3. AREA SUMMARY
   a. The parcel number is 4125 NAPIER COURT NE.
   b. The parcel area is TBD.
   c. The area for constructing is TBD.
   d. The area for construction is TBD.
   e. The area for grading is TBD.
   f. The area for streets is TBD.

4. PARKING SUMMARY
   a. The required parking is TBD.
   b. The proposed parking is TBD.
   c. The street parking spaces are TBD.

5. SITE PLAN NOTES
   a. LANDFORM.
   b. 2019.
   c. BUILDING.

6. PROJECT NO.
   a. C201RAC001.
   b. RAC18001.

7. DATE ISSUE / REVISION REVIEW
   a. 21 FEB 2019.
   b. 15 APR 2019.

8. ISSUE / REVISION HISTORY
   a. PRELIMINARY PLAT.
   b. PRELIMINARY PLAT REVISIONS.
   c. DEVELOPER.
   d. 04-05-2019.

9. CERTIFICATION
   a. RACHEL DEVELOPMENT.
   b. MINNETONKA, MINNESOTA.
   c. BSSP REVISION REPORT.
   d. 04-06-2019.

10. CONTACT ENGINEER FOR ANY PRIOR HISTORY.

11. PRELIMINARY NOT FOR CONSTRUCTION.

12. DEPARTMENT.
   a. CITY OF MINNETONKA.

13. REGISTRATION.
   a. 33.0.
   b. 156.
   c. 33.
   d. 157.

14. PROJECT NO.
   a. C201RAC001.
   b. RAC18001.
Staff-drafted Exhibits
Floor Area is defined as the sum of the fully exposed gross horizontal area of a building, including attached garage space and enclosed porch areas, and one-half the gross horizontal area of any partially exposed level such as a walkout or lookout level.
City Council Introduction Minutes
Wiersum had also attended the legislative conference as well as the newly elected officials’ meetings where he had the opportunity to meet new council members from other cities.

8. **Citizens Wishing to Discuss Matters not on the Agenda**

No one appeared.

9. **Bids and Purchases:** None

10. **Consent Agenda – Items Requiring a Majority Vote:**

   A. **Resolution approving a conditional use permit for an accessory apartment at 13615 Spring Lake Rd.**

      Ellingson moved, Calvert seconded a motion to adopt resolution 2019-017 approving a conditional use permit for an accessory apartment at 13615 Spring Lake Rd. All voted “yes.” Motion carried.

11. **Consent Agenda – Items requiring Five Votes:** None

12. **Introduction of Ordinances:**

   A. **An ordinance rezoning the property at 14410 Orchard Road from R-1, low density residential district, to R-2, low density residential district**

      City Planner Loren Gordon gave the staff report.

      Happe asked how many residents or properties would be notified. Gordon answered it was an extended notification area, but he did not have the exact number.

      Ellingson asked how many homes could be built if the property were subdivided into one-half acre lots. Gordon answered 12-units if the road were not factored in; however, he said closer to eight or nine units with R1 zoning.

      Calvert asked for an image with the proposed lot lines drawn on the map of the property. Community Development Director Julie Wischnack said staff would prepare one prior to the Planning Commission meeting.

      Wiersum explained the council would not take public comment because this was an introduction. There would be a public hearing at the Planning Commission meeting.

      Calvert noted several concerns including the topography and grading.

      Happe wanted a clear plan for ground water and was concerned with safety on Orchard Road.
Wiersum asked for a plan for snow placement before the application returned to the council.

Gordon answered an earlier question noting that 137 people were included in the mailing.

Bergstedt moved, Happe seconded a motion to introduce the ordinance and refer the item to the planning commission All voted “yes.” Motion carried.

13. Public Hearings:

A. Off-sale intoxicating liquor license for Tonka Bottle Shop LLC (DBA Tonka Bottle Shop), at 17616 Minnetonka Blvd.

Barone gave the staff report.

Wiersum opened the public hearing at 7:04 p.m.

Calvert moved, Happe seconded a motion to continue the public hearing to Apr. 1, 2019. All voted “yes.” Motion carried.

B. Resolutions supporting applications to the Department of Employment and Economic Development (DEED) and Hennepin County for funds from the Minnetonka Investment Fund, Job Creation Fund, and Economic Development Investment Fund

Wischnack gave the staff report.

Bill Wentink, PeopleNet, introduced himself and stood for question.

Wiersum stated that he was excited to have jobs coming to Minnetonka.

Wiersum opened the public hearing at 7:09 p.m. No one spoke. Wiersum closed the public hearing at 7:09 p.m.

Happe moved, Calvert seconded a motion to adopt:
1) Resolution No. 2019-018 supporting the submittal of a job creation fund application to the Department of Employment and Economic Development in connection with PeopleNet Communications Corporation
2) Resolution No. 2019-019 supporting the submittal of an application to Hennepin County for economic development infrastructure funds for PeopleNet Communications Corporation

All voted “yes.” Motion carried.

C. Public hearing related to tax increment financing for Marsh Run and update on development

Wischnack gave the staff report.
Concept Plan and Minutes
Fine Architectural Homes

We design and build fine homes for discerning people. They seek a home of artful composition, yet warm and comfortable to really live in. We work closely with them from start to finish to achieve a truly outstanding result.

For decades, the principals of Charles Cudd Co LLC have been responsible for the creation of some of the Twin Cities’ most distinctive and sought after homes.

Our work is our passion and the vast number of enthusiastic client testimonials, show it. Every one of us is deeply committed to the highest standards of principled architecture, craftsmanship and customer service. We want to exceed our customers’ expectations and achieve an outstanding result that we can be proud of. Charles Cudd Co. LLC sets the standard of excellence.
CHARLES CUDD CO.
LIFESTYLE HOMES
MODEL HOME NOW SHOWING

THE VILLAS AT BASS CREEK
10345 56TH AVE N, PLYMOUTH, MN
ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING
ASSOCIATION MAINTAINED
$695,800
OTHERS FROM $600’S

charlescudd.com
BUILDER LICENSE #BC635245
SHADYWOOD VILLAS
SHADYWOOD CIRCLE, ORONO, MN
ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING
ASSOCIATION MAINTAINED ($175 MONTHLY)
STARTING FROM $800’S
CHARLES CUDD Co.
Lifestyle Homes
MODEL HOME NOW SHOWING

VILLAS AT MEDINA COUNTRY CLUB
4172 FAIRWAY DRIVE, MEDINA, MN
ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING - ASSOCIATION MAINTAINED
MODEL AS BUILT $925,800 - OTHERS FROM $800’S

charlescudd.com
BUILDER LICENSE #BC635245
WATERFORD LANDING ON SCHUTZ LAKE IN VICTORIA, MN

ARCHITECTURALLY DESIGNED DETACHED VILLAS
MAIN LEVEL LIVING
ASSOCIATION MAINTAINED ($195 MONTHLY)
COMMUNITY PONTOON & PRIVATE BEACH
MODEL AT $968,000 OTHERS FROM THE $800’S

charlescudd.com
14. Other Business:

A. Ordinance repealing and replacing City Code 325, Sign Regulations

Gordon gave the staff report.

Calvert asked when the ordinance would go into effect. City Attorney Corrine Heine explained that an ordinance was published within ten days and then effective upon publication. This ordinance fell within an exception in the charter because it was related to land use which would become effective immediately. Calvert asked if it would be applied on county roads. Gordon answered that the county enforced its signage rules on county rights-of-way.

Happe moved, Schack seconded a motion to adopt ordinance 2018-17 repealing existing sign ordinance and adopting new sign ordinance. All voted "yes." Motion carried.

B. Resolution authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor

Barone gave the staff report.

Wiersum commented that there were more delinquent accounts this year than any year in the previous nine and asked staff if there were any trends or concerns. Finance Director Merrill King shared that the number of accounts and dollar amount was pretty stable in terms of the numbers and partly due to the annual fee increase. She noted that approximately half were repeat offenders.

Calvert moved, Bergstedt seconded a motion to adopt resolution 2018-144 authorizing the certification of delinquent water and sanitary sewer charges to the Hennepin County Auditor. Bergstedt, Schack, Acomb, Happe, Calvert, and Wiersum voted "yes." Ellingson abstained. Motion carried.

C. Concept Plan for redevelopment of the property at 14410 Orchard Rd.

Gordon gave the staff report.

Acomb asked if the 17-lot proposal met the requirements of R-1A zoning. Gordon said that it probably did not.

Happe noted that the 75 people in attendance at the neighborhood meeting were mostly against the project from a density standpoint and that the planning commission seemed to mainly agree with that. He said that the project had 2.75 units per acre and asked what the average was for the existing neighborhood. Gordon shared some of the ranges in the area, but said that there was a transition and 2.75 units per acre fits with what staff would expect for the area. Happe asked staff to talk about the impact on property taxes and whether that factored into the equation. Gordon answered that financial impact was not factored in at all and was not material to the land use decision. Happe discussed
his main concerns including the character of the neighborhood and additional traffic.

Calvert shared that she lived in this neighborhood and that there was a lot of topography. She talked about the two storm water management ponds and asked how much grading would be needed. Gordon discussed the side to side grading on smaller lot projects like this one.

City Engineer Will Manchester explained that the city examined how each project lined up with the water resources management plan and the watershed rules.

Rick Denman, Charles Cudd Co., said he understood the neighbors’ concerns, but referenced the current price of land versus the cost when the neighboring homes were built. He showed a picture of the street scape and extra parking that had been added. He talked about the green space, grading, and storm water management.

Tricia Gardiner, 14409 Orchard Road, shared about the camaraderie that existed among the current neighbors and how the existing homes were being remodeled instead of torn down. She said that the neighbors were not anti-development, but did not have the infrastructure to support 17 homes.

Marcine Purinton, 3706 Westmark Circle, said that she lived in the last high-density housing that was built in the 1980s. She talked about traffic concerns on Orchard Road.

Heather Sterner, 3635 Sunrise Drive East, talked about safety issues due to more traffic. She was also concerned with storm water management.

Beth Desmond, 14306 Orchard Road, said that the neighbors were asking for a development that felt more congruent with the current neighborhood. She said the planned development was aimed at a demographic that prioritized indoors over outdoors. She was also concerned about tree loss.

Kara Celt, 14116 Orchard Road, talked about Orchard Road and traffic concerns. She said that it was narrow and very hilly.

Dale Thielen, 14309 Orchard Road, asked the council to protect the neighborhood’s interests including the ability to walk down the street.

Janet Larson, 3614 Westmark Drive, shared that she lived in the twin homes and that the twin homes were supposed to be the buffer between the industrial area and the single-family homes. She talked about the current neighborhood and how it was diverse in age and culture.

Jennifer Hutchison, 3611 Westmark Drive, discussed a concern over run off from the second pond and wildlife in the pond.
David Olson, 3817 Williston Road, lived in one of the oldest homes in the area on just over one-acre. He was concerned about the current infrastructure and especially electricity.

Ravindra Chintapalli, 3711 Westmark Drive, was also concerned with electricity. He shared that his yard had been excavated three time in four years because of difficulties with sustaining the current load.

Ron Peterson, 14615 Orchard Road, challenged the applicant’s position that a person could no longer purchase a 22,000 square-foot lot in Minnetonka and provided an example.

Brent Hislop, Synergy Land Company, shared that he worked for the Bensman family who had lived there for 45 years. He said that the family had a lot of interest in the property, but went with Charles Cudd Co. because of its reputation and quality homes. He talked about density, storm water management, and pond placement.

Dennis Scherber, 14605 Orchard Road, discussed traffic concerns. He asked if there would be a traffic study and if it was possible to have access to the property from Cardinal Road.

Wiersum answered that staff would later determine if a traffic study was required after a proposal was made.

Calvert shared that she walked the property over the weekend. She thought the homes were beautiful and the scale of the homes was needed in Minnetonka. She mentioned that if the lot size was increased then the home size would probably increase. She suggested grouping the homes differently to add green space. She talked about traffic and sidewalks on Orchard Road.

Schack noted that this was a big density change and agreed that if the lot size increased the home size would increase. After driving the area, she wasn’t convinced that 17 homes would have a big impact on traffic. She was pleased with the type of development and the size of the home, but suggested scaling down the density a little bit.

Acomb said that development in Minnetonka over the last ten years had been mainly larger homes. The council had pushed for and developed R-1A zoning to encourage modest size homes. She said that 19 homes were too many and encouraged the developer to propose something that would fit R-1A.

Happe noted that the parcel was going to be redeveloped and that Charles Cudd Co. was an excellent builder with a great reputation. But he agreed that density was too high and didn’t fit with the character of the neighborhood.

Bergstedt agreed with his colleagues and was more comfortable with a proposal that would fit R-1A zoning.
Calvert also agreed with R-1A zoning.

Ellingson worried about lack of parking and losing the natural topography.

Wiersum agreed that 17 homes were too dense, but he commented on the many positives including the high-quality builder. He said that the Bensman family had the opportunity as a land owner to find the highest and best use for its property. He thought that the property would be redeveloped and it would be more dense than classic R-1 zoning. He was hopeful that something would work out and thought the potential owners would be great neighbors.

D. Lake Minnetoga pond and lake management petition

Manchester gave the staff report.

Sig Birkeland, 5301 Rogers Drive, shared that he was the president of the Minnetoga Lake and Wetlands Association. This petition was one of many projects that had been completed over the years in an effort to keep the lake clean and healthy. The petition requested that the city fund 15 rain gardens to help maintain or improve the water quality. Lake Minnetoga had a trophic state index average of 52 for the last 15 years. The city’s goal was to be less than 50.

Calvert applauded the association for its wonderful work.

Acomb hoped other associations would follow in step and wished them luck.

Wiersum asked Birkeland to come back and visit the council when the index dropped below 50.

Acomb moved, Bergstedt seconded a motion to adopt resolution 2018-145 approving the petition. All voted "yes." Motion carried.

15. Appointments and Reappointments: None

16. Adjournment

Calvert moved, Schack seconded a motion to adjourn the meeting at 9:09 p.m. All voted "yes." Motion carried.

Respectfully submitted,

David E. Maeda
City Clerk
Public Comments
Susan,

Thank you for attending the meeting last Thursday about the development in our neighborhood. I would like to provide feedback that while I believe their work is beautiful, 19 homes is too many and if the land is to be developed, improvements to Orchard Road must be considered.

Thank you,
Jenna Berneck
Mrs. Thomas,

My name is Matt Desmond and I live at 14306 Orchard Road in Minnetonka. I'm writing to you as a neighbor of the proposed development at 14410 Orchard Road. My wife Beth and I have lived here for 6 years. I'm a lifelong resident of Minnesota and grew up in St. Louis Park.

I'm not against development of the property. I do want to make sure that the city does not make a mistake in allowing this development as it is submitted. Allowing a very dense (4-5 single family homes per actual acre!) build inside a community with an average density of 2 homes per acre sets a dangerous precedent. The submitted development is much too dense and does not fit in with the established neighborhood.

On top of that, Orchard road is not safe enough to handle a development of this size. It may be classified as a collector road, but as you may know, it has many dangerous blind crests and steep grades with no sidewalks or street lights. We already risk our lives trying to back out of our driveway with folks speeding through. With 19 more homes on our street, you can bet that the traffic generated will cause serious problems like lack of parking space and winter low traction accidents.

Please take a look at the attached graphics that illustrate the proposed development density. We have developed an alternate plan for the neighborhood that fits in with the surrounding properties and their density. Ask yourself which of the options looks like it fits into the Minnetonka city plan for 2030 and beyond.

I think that the property at 14410 can be developed while respecting the neighborhood and current residents. I would welcome 8 new single family homes with comparable lot sizes to the existing neighborhood. I will miss the horse farm at the Bensman property, but things do and will change.

There are not many acres of residential property left to develop in Minnetonka. How the city handles the last of these properties shows the true character of our community. I hope we can do it with class and not jam as many homes as possible into every acre. If I wanted to live 12 feet from my neighbor, I would have stayed in South Minneapolis.

Regards,
Matt

--
Matt Desmond

--
- 19 homes built on 4.2 or less acres of the total 6.2 acre property

  = .18 acres (~8000 sq ft) per lot, which is not compatible with city planning guide

- Surrounded by primarily .5 acre+ single family housing

- Street setback must be 76 ft from center

- No more than 8 homes built on 4.2 or less acres of the total 6.2 acre property

  = .53 acres (22,000 sq ft) per lot

- Continue city land use plan, Preserve existing neighborhood pattern & density

- No ponds! Tie roof drains to sewer to alleviate water problems

- Add lilacs/trees or similar to entrance for natural look
Hi Susan,

Thanks for speaking with me today. Here are the photos of the current drainage situation on Sunrise Drive East when heavy rains occur. I live at 3635 Sunrise Drive West and these photos were taken this fall. Water not only flows from Woodhaven road but also from Orchard running onto Sunrise Drive East and West but mostly EAST.

In the winter the situation was even worse. The quick thaw we had in December caused Sunrise Drive East to be a skating rink once the temperatures dipped below zero. It was unsafe for walking and difficult to drive on. I have students that need to walk to the bus stop on Orchard and also to West Junior high and there are not adequate sidewalks to make their trek safe when the roads are frozen. The sidewalk from Woodhaven to West junior high is a joke with no raised curb so things just puddle causing students to walk in the road.

I believe without addressing this current situation, the housing proposal by Cudd builders for the property off Orchard would further add to an already dangerous, and undesirable situation.

If you have any questions please reach out and please forward these concerns to anyone who can address this issue before it gets worse.

Thank you,
Heather Sterner
From: Brad Wiersum <bwiersum@eminnetonka.com>
Sent: Sunday, February 24, 2019 4:32 PM
To: AMY O'BRIEN
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: Re: Highcroft Meadows/Orchard Road Proposed Development

Dear Ms. O’Brien:

Thank you for sharing your point of view regarding the Highcroft Meadows proposal with me.

Sincerely,

Brad Wiersum
Mayor
City of Minnetonka

Sent from my iPad

On Feb 24, 2019, at 2:46 PM, AMY O'BRIEN wrote:

I am writing today to let you know that I am among the many residents opposed to the Cudd development plan for the Bensman property on Orchard Road. There are a multitude of reasons that I am against this:

First of all, it is zoned R1. What is the point of there being zoning rules if pretty much all the developers are able to change them at will? It seems each and every time the neighbors have concerns about over-development the builders drop one of two houses out (or in this case four) and the project is approved when it is still too many.

Secondly, it is completely out of character for the neighborhood to shove 15 homes on six acres. The street is narrow, it is highly trafficked during the school year and the majority of the homes are ramblers with what used to be Minnetonka sized lots.

I live on Baker Road, a road that will be impacted by this development. We have churches, a women’s shelter, a junior high and businesses on our road and apparently little to no say in traffic input. I rarely see police do a thing about the multitude of speeders that regularly drive down my street which is disheartening to say the least.

I am also unimpressed by the current thought process of turning Minnetonka into a cookie cutter suburb by reducing lot sizes and thereby destroying the very thing that made Minnetonka special. I also thought affordability was suppose to be a concern? If so, why is it that all the new projects are luxury or high end?

Including the Bensman property plan. It seems the city’s idea of affordability and
mine are quite different.
It’s very sad to me that short-sighted greed has become the modus operandi for
development in Minnetonka. There is a reason there are television shows and
books galore about Lost Minneapolis. Now it looks like Lost Minnetonka will be
next in the series.
Amy O’Brien
3514 Baker Road
Minnetonka MN 55305
From: Deb Calvert  
Sent: Monday, March 18, 2019 9:14 PM  
To: Geralyn Barone <gbarone@eminnetonka.com>  
Subject: Fwd: Orchard Road Property  

Hi Geralyn,  
My neighbor resent her comments on Orchard Rd. Please share with the rest of council.  
Deb  

Sent from my iPhone  

Begin forwarded message:  

From: Randy & Kim Bartz  
Date: March 18, 2019 at 5:14:56 PM CDT  
To: Deb Calvert  
Subject: Orchard Road Property  

Hi, Deb!  

I have been meaning to send an email about the whole Orchard Road rezoning issue, since I know you are on the city council. I’m fine with development, but 15 houses on four acres is ridiculous and out of character with the neighborhood. I think they should stick with the current zoning of the property and not change that. There will be a developer who will make it work, if this one feels he cannot. Please don’t let the developer scare you with threats of being forced to build $1,000,000 houses that he knows won’t sell in that location anyway! Also, please don’t let him bully you guys around! Orchard road is way too narrow and already has its own problems without adding fourteen additional houses in that location! With any type of development they should widen that road and add a sidewalk. I have to think the number of 55+ people moving in who will want to take walks or walk their dogs will be high. I probably drive that stretch of Orchard Road around four times each day and much more in the summer. I often take Woodhaven Road when possible just to avoid those hills, since you can’t see what lies ahead. Then, of course, you can’t stop going down the hills in the Winter. That is obviously more concerning heading toward Williston. We carpool to school with a family right at the top of the hill. My husband slid down that hill recently toward
Williston and had to drive into the snowbank to stop for fear of sliding onto Willston and being hit. I guess he nearly took out a mailbox. I have started sliding back down it toward Willston backwards a couple times this Winter, and I have four wheel drive with bigger tires. Obviously that doesn’t matter much on ice though. I can remember at least twice where I couldn’t stop at all coming toward Willston and was relieved there wasn’t a car right there ready to hit me. Recently, I was sliding down it praying the car at the bottom went before I got there. Thankfully he did, or I would have hit him for sure. I probably drive Woodhaven Road six to ten times per day, especially in the Winter, just to avoid Orchard Road when I can. Anyway, added cars, pedestrians, and animals will not be good, nor is that road meant to handle that capacity. I’m pretty sure it is already seeing much more use than it was originally meant to see anyway.

My larger problem with the development comes in looking at the development approved on Groveland Lane. I think that development looks awful, and I can’t believe the city council of a few years ago approved that many houses crammed in that location. It looks awful and out of character with the neighborhood, hence why they are having so much trouble selling those houses. The other development approved on Williston at Excelsior Boulevard is going to look just as bad once all five houses are built. That one will be more in your face, because we will actually have to drive by all of them. These dense developments need to stop. We moved out of Southwest Minneapolis in search of more yard and more space. I do wish there were more sidewalks out here, but my understanding is that we don’t put more sidewalks or curbs in to keep the area feeling more natural. Density is going to take that feel away more than sidewalks will. Sorry this might be a little late, but hopefully it can still have an impact!

Kim
Josh & Jen Rutz
14401 Orchard Rd
Minnetonka, MN 55345
4/17/2019

Mayor, City Council, & Planning Commission
14600 Minnetonka Blvd
Minnetonka, MN 55345

Dear Mayor, City Council, & Planning Commission:

We write this letter to offer our perspective about the proposed development of the Bensman property. Let us start by saying we want that property to be developed! We would love to see 8-10 homes there. The idea of a cul-de-sac right across the street from us, with new families and more neighbors, is so appealing! We have three young children ages 6, 4, and 1 and we look forward to new friends and a safe place for a short walk while sticking close to home.

For a bit of background about us: we are a new family to Orchard Rd. We bought this home in May 2018, took the time to bring it down to the studs and remodel it with blood, sweat, and tears to be our forever home because we love the area, the neighborhood, and the people. The older homes, large wooded lots, and lack of “cookie cutter” developments are exactly what drew us here. We moved here from Eden Prairie, just 4 miles south of where we are now. Eden Prairie is also a great place to live but it lacks so much of the character that we sought and found in Minnetonka.

So, what is the issue with the proposed plan? Charles Cudd Company’s proposal is simply not in line with the Comprehensive Plan nor does it reflect the character of the neighborhood. They desire to have the Minnetonka City Council rezone the property to R-2 to be “consistent with the Comprehensive plan” (See p. 3 of their Narrative) but this is in direct contrast to their hope to build “luxury homes” that happen to be unaffordable for the majority of people who want to live in Minnetonka. At the neighborhood meeting Cudd hosted back in October 2018, the suggested price point of homes was $685,000. While we understand their target-market is a growing elderly population, we suggest you consider growing Minnetonka’s population by welcoming families with children to live, work, play, and eventually grow old in Minnetonka in homes that are actually affordable.

We would like to provide some additional thoughts for your consideration regarding Cudd’s narrative within their Proposed Plan:

- **Rezoning Request.** The 6.4 acre property has 4 acres of what Cudd considers to be viable for development due to the steep grade on the north side of the property. As Cudd specifically states on page 3, the Comprehensive Plan suggests 2-4 units per acre for this area. Cudd argues that their proposed plan is on the “lower end” of this density range. This is false, as they admit that the north side is not buildable and to suggest that they can average out the lot size by factoring back in an unbuildable 2.4 acres is ridiculous.
  - Rezoning this property to R-2 will set a dangerous precedence. Some neighbors have unverified reports of Cudd offering a lot of money to other large-lot homeowners in the immediate vicinity.
of the Bensman property (e.g. 1-acre+). This desire to develop this 6-acre property is just the beginning of their end goal – to maximize profits and create mini sub-developments on every 1-acre lots Cudd can get its hands onto. As of this letter, we have two reports of such offers to purchase.

- **Traffic & Stormwater Management.** As new neighbors we cannot comment much as to the impact the development may have on stormwater drainage and utility infrastructure. We can, however, comment on the traffic. Cudd suggests that the traffic volumes are much lower than the actual capacity of the road. That is not the real issue, however. For our family and for many others who enjoy walking the neighborhood, the issue is the speed of traffic and pedestrian safety on the road. We suggest that whomever ends up developing this property is required, in conjunction with the city, to put in sidewalks along the north side of Orchard Rd from Williston Road to the bridge over I-494. Furthermore, we strongly urge the Planning Commission and City Council to put a stop sign in right at the entrance to this development.

- **Variance Request.** Cudd’s narrative responds to Section 300.07 of the city zoning ordinance regarding variance requests and suggests that the variance would not alter the essential character of the locality solely due to the fact that there are two family dwellings directly to the west. They fail to acknowledge that it is still zoned R-1 in that area, which weakens their argument for a R-2 zoning change. The main issue we take with the variance request is that it is not caused by the property itself – the variance is requested because of the nature of the development. As we stated at the beginning. We want this lot to be developed in a way that keeps with the character of the neighborhood and also keeps in line with the Comprehensive Plan.

- **Planning Commission’s Role.** Section 300.04.2.b of the Zoning Ordinance states, in part, that “the powers and duties of the planning commission is to hear requests for variances from the literal provisions of this ordinance in instances where their strict enforcement would cause undue hardship...” I hope the planning commission asks Cudd to explain what the undue hardship is specific to this property, other than profitability. There are 4 buildable acres (in Cudd’s own words). Cudd has every opportunity to request a variance for a detached Villa-style home in an R-1 zone without needing a reduced lot size.

We are all aware that Cudd is a well-known developer with a fantastic reputation for high quality homes. We would love for this developer to be the one to build out the property, but their vision is not in line with the character of the neighborhood or the current zoning. Their representative stated at the first neighborhood meeting that “we could do a lot worse than Cudd”. We are willing to take our chances and work hard together to do better than what Cudd has proposed. We hope the Mayor, City Council, and Planning Commission will do the same. Thank you.

Josh & Jen Rutz
Elizabeth Desmond
14306 Orchard Road
Minnetonka, MN 55345
April 18th, 2019

Hello Councilmember Happe,

I write this letter regarding my concerns with the most recently proposed development plan for the Bensman property. While our neighborhood group knows that the 2030/2040 land use plans for the City of Minnetonka suggest a higher density for the future, we also want to protect the integrity and character of our neighborhoods.

The neighborhood residents oppose Cudd Company’s most recent plans because of the density they have asked for. As a group, we have continued to ask them for alternate plans that would fit into the neighborhood in a more integrated way. We ask that the property not be rezoned and/or given the extra variances that would allow a much higher density of buildings than the rest of the surrounding properties.

We posted an online petition to support you and the Minnetonka City team’s vote of NO to the requested rezoning and variances. We have collected 222 signatures to date from local citizens, and many have provided additional comments encouraging that you not allow the plan to proceed as is submitted. I have included a file with those comments for the Planning Commission Packet. (I redacted the names of those who asked not to have their name shared.)

Below is a link to the petition site with names in support of your vote of NO, and comments. https://www.thepetitionsite.com/takeaction/397/455/964/

We would like to see Cudd Company reduce the number of homes further. At the initial Planning Commission meeting, we had suggested 8 homes would be perfect for the property. We believe that lots should remain at least 15000 square feet to better keep with the character of the neighborhood. I have created an illustration (attached) to show our neighborhood’s suggested new plan with 10 homes. The parcels they showed with less than 15000 square feet of land don’t fit on Orchard Road.

Thanks and Best Regards,
Elizabeth Desmond
Protect the Character of Minnetonka Through Considered Land Use

https://www.thepetitionsite.com/397/455/964/protect-the-character-of-minnetonka-through-considered-land-use/

Author: Elizabeth Desmond
Recipient: Minnetonka City Planning Commission and City Council

Petition:

The 2030/2040 land use plans for the City of Minnetonka suggest a higher density may be the new normal for our city. As residents, we respect the need to add new housing stock, yet also want to protect our established neighborhoods. Our city is building new living with higher density & new amenities - while we applaud progress, many residents would also like to see protection of the areas that offer more rural style. The wooded lots, rustic roads, and open spaces are why we chose to live in Minnetonka. Please sign with us to ask for protection of the character of those neighborhoods as we continue to evolve our community.

In the spring of 2019, the Minnetonka Planning Commission and City Council will vote on one developer’s proposal to build 15 luxury houses on the 4 Southern acres of a larger property within a neighborhood on Orchard Road.  

The neighborhood residents oppose the developer’s plans for the high density idea they have submitted, and as a group we have continued to ask for alternate plans that fit into the neighborhood in a more integrated way. We ask that the property not be rezoned from R1 to R2, and that no additional variances be granted. We ask for a more thoughtful development plan for this land that fits our neighborhood and that addresses the traffic and walk safety of this road.

Please sign our petition to support the Minnetonka Planning Commission’s recommendation and the City Council’s vote of NO to the requested rezoning and variances. With their vote of NO, this Orchard Road development plan will not move forward as submitted. We believe that this is not just an Orchard Road issue, but a City of Minnetonka issue.
<table>
<thead>
<tr>
<th>Name</th>
<th>From</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Elizabeth Desmond</td>
<td>Minnetonka, MN</td>
<td>I’d like to see less density in the plan submitted...</td>
</tr>
<tr>
<td>Matt Desmond</td>
<td>Minnetonka, MN</td>
<td>Infrastructure in Minnetonka does support dense housing.</td>
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<tr>
<td>Trish Gardiner</td>
<td>Minnetonka, MN</td>
<td>Safety</td>
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<tr>
<td>Molly Millard</td>
<td>Eden Prairie, MN</td>
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<tr>
<td>Mark Oslund</td>
<td>Minnetonka, MN</td>
<td></td>
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<tr>
<td>Jill Johnson</td>
<td>Minnetonka, MN</td>
<td>I live in this area and I’m not opposed to development, but we need one that fits this neighborhood!</td>
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<tr>
<td>Jerry Johnson</td>
<td>Minnetonka, MN</td>
<td>Changing from R1 zoning to R2 zoning is greatly changing the character of the neighborhood and only enhancing the developer</td>
</tr>
<tr>
<td>Jean Hedlund</td>
<td>Minnetonka, MN</td>
<td>Taking away these wooded areas are ruining the character of Mtka. No wonder why I like Afton, Mn...they are keeping Afton the way it should be.</td>
</tr>
<tr>
<td>Sandra Jambeck</td>
<td>Minnetonka, MN</td>
<td>The proposal by Cudd is not appropriate for this site. It changes the character of the neighborhood and will not blend in with the surrounding homes. A dangerous precedent is being set with rezoning the use of this property. Orchard Road does not support the new traffic that this development will bring. I am very disappointed in Minnetonka for considering this change.</td>
</tr>
<tr>
<td>Lisa Sharp</td>
<td>Minnetonka, MN</td>
<td>I have lived here for years and love my neighborhood. Greed has taken over for these developers and their rezoning request are outrageous and they have no regard for the character, quality and way of life for the existing neighborhoods.</td>
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<td>Jerome Johanning</td>
<td>Minnetonka, MN</td>
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<tr>
<td>Patrick Montgomery</td>
<td>Minnetonka, MN</td>
<td>The Cudd rezoning project is totally out of character for the neighborhood. It would set a dangerous precedent for the City of Minnetonka. Vote NO.</td>
</tr>
<tr>
<td>Jesse Hughes</td>
<td>Minnetonka, MN</td>
<td>The density of the proposed development is out of character with the neighborhood and with Minnetonka as a whole. I understand that land will continue to be split for development, but unless parameters are put in place for how that can be done, every decision like this sets a precedent, and soon the thing that many of us value most in Minnetonka - green space and low density housing - will be gone, all so someone can make a buck. And I haven’t even mentioned the impacts on wetlands and traffic. This is zoned R1 for a reason; to jump from that to R2 plus is simply irresponsible.</td>
</tr>
<tr>
<td>Minnetonka, MN</td>
<td></td>
<td>The infrastructure (roads, utilities, etc) can’t support that many new homes.</td>
</tr>
</tbody>
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15. Teresa Losch  
Minnetonka, MN  
We want to keep the property zoned R1. Keep the Minnetonka feel with large lots and plenty of tree coverage. We do not want the orchard road land rezoned to R2!

16. Ryan Shaughnessy  
Minnetonka, MN  
I agree with the original intentions of the zoning ordinance that is currently I'm effect. Assuming that exceptions are made to benefit the community I do not agree that an exception should be made.

17. Minnetonka, MN  
Don't rezone the property. Thanks.

18. Minnetonka, MN  
It should be purchased by the city and made into a park. The kids would love it. Not safe for additional traffic this would create.

19. Hopkins, MN  
Losing the nature to over population, traffic concerns, water drainage, high volume of people in a small area, 4-6 homes would be more appropriate for the Minnetonka location, I grew up down this road, and watched the horses on this land, and still near the area and one day hope to have kids attend the school that drives a lot of children down this road.

20. Heidi Travis  
Minnetonka, MN  
I live on this road, and see firsthand the difficulty that already exists with lack of shoulders, no sidewalks (I had a junior high kid hit by a car and thrown into my yard) and excessive traffic already with the junior high and synagogue both having entranceways off of Orchard Road. With the steep hill at the western end at Williston, what is already too much traffic will have to flow towards Baker Road, making the situation even more dangerous. We cannot support high density housing on a road that was not built to accommodate it. Minnetonka is meant to be a SUBurban area, not urban. Higher density will do nothing to improve the city, rather with more people comes more problems, such as crime and traffic issues/accidents, not to mention the loss of the beautiful urban forest for which Minnetonka is known.

21. Sandy Syfko  
Minnetonka, MN  
I live here and 15 townhomes ..'villas' call them what you want .. on 6 acres is ludicrous. Traffic, drainage, roads can't accommodate all this splitting of land Minnetonka is allowing. Crime has gone crazy in last 18 months. Is the city prepared to expand roadways and infrastructure for Minnetonka Blvd. and Highway 7 to accommodate this development?!? And all the others already underway.

22. Sandy Thielen  
Minnetonka, MN  
Safety is key with current traffic volume already too busy.

23. Ajda Mesic  
Golden Valley, MN  
Developers benefit from profits while our neighborhoods suffer from influx of new residents, car and truck traffic and change the make up of threaten the quiet and safe lifestyles we are used to. Not to mention demolition of natural resources caused by urbanization and overpopulation.
24. Kristin Harley Minnetonka, MN
The site is zoned R1 residential and should retain this zoning designation. "Special" zoning designations are a recipe for disaster - I speak as someone who has been a recording secretary for Planning and Heritage Preservation commissions in other cities. "Special," willy-nilly rezoning without considering process and larger context set a horrible precedent, and considering the site - a steep hill and pre-existing traffic problems - this development smacks of desperation. Minnetonka should not cram as many people in as possible merely to raise tax revenue. We risk losing what makes this community a desirable place to live in the first place.

25. Mary Desmond Marietta, GA
Our son and his wife live in the neighborhood that would be heavily impacted by this development. It is NOT a high density area. People live there to enjoy nature and space and peace. The traffic would increase dramatically which would affect the noise level. There should be no special zoning designations for this property.

26. Elisa McBride Minnetonka, MN
27. CareTwo Support REDWOOD CITY, CA
28. Karen Schlichting Minneapolis, MN
We need green space. Enough building new houses
29. Joseph Wenzel LAKE ELMO, MN
30. Sarah Madsen Chaska, MN
31. Jackie Gardner Urbdandle, IA
Our children live in the area and it will most likely cause traffic, utility, public sewer etc issues.
32. Tara Koenig Minnetonka, MN
33. Alan Stone Minnetonka, MN
Large treed lots are why we moved to beautiful Minnetonka. We live on the other end of Orchard and I cannot imagine 15 homes squeezed on that property. If you want to see an example of this type of density just look at the development on Minnetonka Blvd. East of 101 by Gonyea builders, the houses are extremely close together and run 700k and up, not what we expect for Minnetonka. Also, Orchard Road is a narrow road and is very dangerous in that area especially now with the snowbanks making it that much narrower.

34. Amy O’Brien Minnetonka, MN
This road cannot support that much housing density. The zoning needs to remain R-1 and the city should stop kowtowing to every builder who wants to change zoning and alter neighborhoods.
35. Tammy Guderian Minnetonka, MN
36. Minnetonka, MN
The proposal is too high density for the area and the city. It is currently zoned properly for the area and shouldn’t be changed
37. Ryan Nicholls Minnetonka, MN
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<td>38.</td>
<td>Hopkins, MN</td>
<td>Please do not rezone this property!! The development across the street from Groveland Elementary does not fit the surrounding area and looks horrible! The development at the end of Williston at Excelsior Boulevard also looks equally as bad. Both developments already are out of character with their neighborhoods. We don’t need another development like those! I live on Baker Road and drive on Orchard Road to Williston multiple times per day running kids to school, running errands, and running to various sporting events. I hate going up and down the hills on each side of that property! The road is already too narrow. If the city isn’t going to widen the road and put in a sidewalk, there is no way it should be rezoned for high density!! It would be great to put in some houses for 55+, but that age group is definitely going to want to go for walks, and that road is completely unsafe! We definitely don’t need to add any more cars than necessary to it. Please keep the density to a minimum that fits in with the surrounding neighbors!</td>
</tr>
<tr>
<td>39. Mary Davy</td>
<td>MINNETONKA, MN</td>
<td>Our cities infrastructure is quickly becoming overcrowded and this land should not support that many houses. It’s a disruption to the neighborhood and families that already live in the area.</td>
</tr>
<tr>
<td>40. Kristin Baker</td>
<td>Minnetonka, MN</td>
<td>The development doesn’t fit the needs of the community. We need smaller more affordable one level homes for seniors. This proposal says it’s designed to attract seniors, yet none of the homes fit what most seniors are looking for.</td>
</tr>
<tr>
<td>41. Emily Wallin</td>
<td>Minnetonka, MN</td>
<td>You may think I live too far away to actually care, but I don’t. This road is on my husbands and my regular walking route in nice weather, me and my children use this road on our bicycles, and this road is already a conduit between Williston Road and Baker Road. Please do not make changes to the zoning that can increase traffic risks on this busy enough, narrow road. I do not like the smoke being blown in our faces about the driving patterns of the proposed new residents. Unless it is in the mortgage that they legally promise to vacate their homes or not drive on the roads in the winter months you can not promise they will be snowbirds. The steep hill makes this road tricky enough already.</td>
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<tr>
<td>42. Nikki Watson</td>
<td>Minnetonka, MN</td>
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<tr>
<td>43.</td>
<td>Minnetonka, MN</td>
<td>You may think I live too far away to actually care, but I don’t. This road is on my husbands and my regular walking route in nice weather, me and my children use this road on our bicycles, and this road is already a conduit between Williston Road and Baker Road. Please do not make changes to the zoning that can increase traffic risks on this busy enough, narrow road. I do not like the smoke being blown in our faces about the driving patterns of the proposed new residents. Unless it is in the mortgage that they legally promise to vacate their homes or not drive on the roads in the winter months you can not promise they will be snowbirds. The steep hill makes this road tricky enough already.</td>
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<tr>
<td>44. Sarah Steichen</td>
<td>Minnetonka, MN</td>
<td>It is important to me to keep our road safe with less traffic going through and to preserve the esthetics of our neighborhood.</td>
</tr>
<tr>
<td>45.</td>
<td>Minnetonka, MN</td>
<td>Too much traffic on Orchard. Not safe to walk Orchard.</td>
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<tr>
<td>46. Janet Edwards</td>
<td>Minnetonka, MN</td>
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<td>47. Adrienne Johnson</td>
<td>Minnetonka, MN</td>
<td></td>
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<tr>
<td>48. Karl Johnson</td>
<td>Minnetonka, MN</td>
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<tr>
<td>Name</td>
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<td>49. Rey F</td>
<td>Minnetonka, MN</td>
<td>While I am far enough away not be directly affected by this development (near Ridgedale), we agree with the issues being presented in the petition. Why the need for such density in property development? And Orchard road is not designed to support the traffic this would generate. Vote No.</td>
</tr>
<tr>
<td>50. Bruce Schultz</td>
<td>Wayzata, MN</td>
<td>Things change. Most understand that Minnetonka land is increasingly precious and preservation more problematic. I always support the rights of property owners to do what they will with their property, but here we have a request for rezoning that, if approved, will increase traffic and alter the character of neighborhood. In my view, the request is simply too dense for the available space and rezoning will set a negative precedent. Thanks!</td>
</tr>
<tr>
<td>51. Robert Bertelsen</td>
<td>Minnetonka, MN</td>
<td>This density changes neighborhood character and sets precedent that could affect many other Minnetonka neighborhoods. Developer claims they are not requesting a variance for economic reasons but that is not true—they are requesting much higher density than would be allowed on the full 6 acres, regardless of where it is placed and regardless of any natural resources protection.</td>
</tr>
<tr>
<td>52. Ann Bertelsen</td>
<td>Minnetonka, MN</td>
<td>More appropriate would be to retain the R1 zoning and consider a variance to allow the developer to put a little more density on the 4 southern acres to protect the natural features on the 2 northern acres. Why does the city okay rezoning on virtually EVERY project in Minnetonka? It's just a game to hide the real (and very large) variances that our elected/appointed city council members keep approving. REMEMBER THIS WHEN VOTING IN THE NEXT CITY ELECTION.</td>
</tr>
<tr>
<td>53. Jeff Mock</td>
<td>Hopkins, MN</td>
<td>I LOVE Minnetonka and how the housing is less dense then the surrounding suburbs. I have always wanted to live in Minnetonka due to the character of the larger lots and space between houses. Minnetonka is losing what makes it great by allowing smaller lots and subdivisions. This project is way too dense and proposals like these will turn Minnetonka into another nondescript suburb. Please vote “No” and stand with the original vision of such a great city.</td>
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<tr>
<td>54. Julie Milnes</td>
<td>Minnetonka, MN</td>
<td>I live on Orchard Road.</td>
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<td>55. Jodi Schoenauer</td>
<td>Minnetonka, MN</td>
<td>That’s way to many homes for that space</td>
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<tr>
<td>56. Eric Thompson</td>
<td>Minnetonka, MN</td>
<td>Let’s preserve the unique characteristics of our city</td>
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<td>57. Karen Hopp</td>
<td>Minnetonka, MN</td>
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<td>58. Sandy Lubarski</td>
<td>Minnetonka, MN</td>
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<tr>
<td>59. Rita Sandstrom</td>
<td>Minnetonka, MN</td>
<td>We don’t need all these houses in one area</td>
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<td>60.</td>
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</tbody>
</table>
61. Elizabeth Lindholm  Minnetonka, MN
   This is way too many houses on the land proposed. By changing this to R2, the city should either allow all areas to be R2 or leave it as is. Allowing a developer to jam in housing with a special zoning is not right.

62. Kelly Hennessey  Minnetonka, MN
   I agree that it is way too many homes on that piece of land. One of the main reasons we haven’t moved from our current Mtnka home (that we are beginning to grow out of) is that it is hard to find the same privacy with mature trees that our current home offers. I really don’t like what has happened to the area across from Groveland Elementary...it’s so congested now.

63. Rachel Mein  Minnetonka, MN

64. William Campbell  Minnetonka, MN

65. [blank]  Minnetonka, MN

66. Jennifer Indermaur  Minnetonka, MN
   Does not fit in with the neighborhood and likely traffic issues

67. Judy Miller  Minnetonka, MN

68. Kenneth Schindler  Minnetonka, MN
   As a builder, I see these exceptions that the city is allowing as setting a precedence for future projects that the residents will also not be in favor of. Zoning should only be modified in cases of extreme undue hardship to the property owner.

69. Adam Celt  Minnetonka, MN
   The feel of the neighborhood would be dramatically altered. Also, that section of Orchard road isn’t designed to handle the current traffic load much less any additional traffic. Add to that, that there is only one outlet for the new development. Too many new houses crowded into an area that can’t support it will impact the neighborhood negatively in multiple ways.

70. Josh Schlueter  Minnetonka, MN
   Development is too dense for the area. No reason to change the zoning.

71. Jen Rutz  Minnetonka, MN
   I love the plan for developing the area and the developer seems high quality but it is TOO DENSE.

72. Veronica Fashant  Hopkins, MN
   I do not want density in this area with many stores and businesses

73. Chris Nelson  Hopkins, MN
   I’ve spent 30+ years of my life living in Minnetonka, I grew up with the Minnetonka Horseman’s Association, and live next door in Hopkins today. High density houses is important (& part of the reason we moved to Hopkins in 2018). However a high density housing on Orchard Rd is problematic since the road can’t handle more traffic and this will not be a walkable development, so everybody will need to use a car to come and go. This will make for a significant change to Orchard Rd.
74. Lisa Gose-Nelson  Hopkins, MN  I was a long time Minnetonka resident - the beauty of wooded, non-developed areas near my home adds value to my life when I bike, walk or drive through. It’s a developers money grab-take it someplace else.

75. Kristine Dezentje  Minnetonka, MN

76. Heidi Hoy  Mound, MN  I have lived out here for 31 years. I love the land and the character of the area. Please do not allow it to be commercialized for individual profits. Once it is gone, it is gone.

77. Ralph Dacut  Minnetonka, MN

78. Del Sipma  Minnetonka, MN  keeping high density housing low so it's consistent w/ rest of neighborhood.

79. Deb P.  Minnetonka, MN  This is completely unnecessary to the proposed extent. The Orchard Rd area does not need and cannot handle 15 homes. Preserving the suburban feel of our city and the safety of our community should be the utmost priority.

80. Sara Lovelace  Minnetonka, MN
81. Jennifer March  Minnetonka, MN  We moved to Minnetonka because of the schools and the large lots. We love our neighbors, but don't want to be looking into their windows from ours. Seeing these huge homes being built that take up most of the lot is disappointing.

82. Lorna Levine  Minnetonka, MN  City governments should represent the citizens and uphold their rights. Increasing revenue generation by rezoning and increasing density is not what the citizens want nor is safe traffic wise nor environmentally better in this particular case. Even with 15 homes the real density will be closer to R3 or R4 not R2 as 2.2 acres will have no structures. The 2+ unbuildable acres are being incorrectly used in the math to make an R4 real density appear to be an R2. There is no justification to allow a real R4 density sub-neighborhood which does not have access to mass transit facilities, parking or access roads in the middle of a R1 zoned area as is the case here.

83. minnetonka, MN

84. Minnetonka, MN  I live in the neighborhood, and it would change both the character and aesthetic as well as property values of surrounding homes.

85. Mara Korbmbacher  Minnetonka, MN  We live near to the potential developed area. We bought our house this last July. The charm of this neighborhood is the large lots! Gorgeous homes being updated with beautiful lots. I’d hate to see the land be reduced per home. Also we have two curb/sewer runoffs which the city has yet to respond to us about. They are clogged and need to be addressed!!!
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<td>87. Terry Devine</td>
<td>Minnetonka, MN</td>
<td>I have live on Woodhaven Road for almost 27 years and the problems that have been stated by residents are not new. Orchard is very dangerous. 20+ years ago, our children were required to cross Orchard road to get on the bus at Sunsest. After obtaining residential support, we were successful in having the bus stop changed to Woodhaven Road due to safety concerns - slope, visibility, narrow road, etc. The city and state are continuing to dismiss all the concerns brought forth by the residents. SAFETY IS OF UPMOST IMPORTANCE.</td>
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<td>88. Mark Oslund</td>
<td>Minnetonka, MN</td>
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<td>89.</td>
<td>Minnetonka, MN</td>
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<td>90. Kari Konopliv</td>
<td>Minnetonka, MN</td>
<td>Character of the neighborhood; too many houses clustered on a beautiful plot of land on an already troublesome road with no sidewalks.</td>
</tr>
<tr>
<td>91. Wendy Montoya</td>
<td>Minnetonka, MN</td>
<td>I do not support any new developments in Minnetonka. New construction should only happen on existing plots of land.</td>
</tr>
<tr>
<td>92. Dawn Crawford</td>
<td>Minnetonka, MN</td>
<td>The road is already old and narrow without walking paths. We moved to this area because of the large lots and mature trees. Building 15 homes on that one lot will change the look and feel of this neighborhood for worse. Do not rezone that lot from R1 to R2. The road can't handle the extra traffic. I live on Orchard Road, two houses down from the proposed rezoning. Please find a developer willing to abide by the R1 zoning, currently in place.</td>
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<td>93. Paul Lorinser</td>
<td>Minnetonka, MN</td>
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<td>94. Monika Szilagy</td>
<td>Independence, MN</td>
<td>I'm extremely worried about the safety of our neighborhood children who must navigate on Orchard as they make their way to school, buses and to visit friends. As it stands, Orchard is dangerous to everyone Pedestrians and vehicles alike. The steep hills and narrow road coupled with the lack of a buffer (sidewalk) is a concern already! Please do not Make this situation worse by adding an additional number of homes with and traffic to add to the fray!</td>
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<td>95. Geri Peterson</td>
<td>Minnetonka, MN</td>
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<td>96. Amy Gibson</td>
<td>Minnetonka, MN</td>
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<td>97. Marcine Purinton</td>
<td>Minnetonka, MN</td>
<td>I live very near this proposed development - at the top of the large hill near Orchard Rd and Williston Rd. This is already a very unsafe area with many people passing through, most speeding, and no shoulder or sidewalk for pedestrians. After only living here a few months, I have already witnessed a handful of car on car and car on mailbox/trash can collisions! I see this high density development as not only a change of (continues on next page)</td>
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<td>98. Kim Becquer</td>
<td>Minnetonka, MN</td>
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<td>99. Katherine Brom</td>
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99. Katherine Brom
Minnetonka, MN

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neighborhood character (of typically larger sized lots), but also a danger to cars and potential pedestrians due to the added car traffic. Similarly, I wonder how this roadway will handle heavy machinery for construction/development? And how the neighborhood will take on the added stormwater runoff from impervious roofs, pavement, etc. My husband and I only recently bought our house in this neighborhood and we want to see this charming neighborhood flourish, not crumble under a major change in character and safety.

100. Andrew Swingley
Minnetonka, MN
Moved here for space not excited about higher density with out the right amount of space or infrastructure

101. Jen Hoiska
Minnetonka, MN
Come on minnetonka you’re better than this. This isn’t needed. Please don’t allow this to happen

102. Minnetonka, MN
We moved to Minnetonka for its suburban wooded feel. We have continued watching the council make it look like Minneapolis

104. Judi Micoley
Wayzata, MN

105. Kerry Krueger
Minnetonka, MN
The proposed land plans are not a good fit to the current neighborhood. Nor can Orchard accommodate the increase is traffic. It is a scary, dangerous road, without adding the traffic of 15 new homes.

106. Ronald Peterson
Minnetonka, MN
The proposed development is out of character for our neighborhood and presents significant safety issues for walking and biking on Orchard Road. To our Planning Commission and City Council, I urge you to vote NO.

107. Ellen Sweetman
Minnetonka, MN

108. Minnetonka, MN
St. Louis Park, Edina, Golden Valley and other suburbs have overbuilt their communities. I live in Minnetonka because of the great green spaces, and quiet neighborhoods. Cramping this many homes on 4 acres is out of character for our community.

109. Linda Jorgenson
Minnetonka, MN

110. Minnetonka, MN
I don’t want huge house built right on top of each other. They all end up looking the same. The neighborhood turns into a non descriptive bunch of houses. All the mature trees get cut down. It’s ugly

111. Tracy Gagnon
Minnetonka, MN

112. Samuel Gibson
Minnetonka, MN

113. Gwyneth Gibson
Minnetonka, MN
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<td>114. [Redacted]</td>
<td>Minnetonka, MN</td>
<td>because bit by bit of vacant land keeps being sold to developers who put up housing so close it’s ridiculous - the City of Mtka won’t be recognizable at the rate lots are being scooped up, trees torn down and big fat homes built. It’s sad. Not in the almost 30 yrs I’ve been in Mtka did I see this coming.</td>
</tr>
<tr>
<td>115. CHRISTOPHER SPARGO</td>
<td>Minnetonka, MN</td>
<td>Stuffing a development like this into an already difficult roadway infrastructure with no sidewalks or other access is out of place with the neighborhood.</td>
</tr>
<tr>
<td>116. Jon Bakken</td>
<td>Minnetonka, MN</td>
<td>Our Oak Drive Lane neighborhood went through the exact same ordeal regarding the Chalet Pizza building. We did petitions like this and fought it for 3 years. We sat down with several of the Planning Commission members individually. They all said they were on our side until it was time to vote and all flipped. My point here is that the Planning Commission and City Council will do what they want.</td>
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<tr>
<td>117. Chjrtis Aanestad</td>
<td>Minnetonka, MN</td>
<td>No need to rezone this as R2 or R3 as it is a great place for single family</td>
</tr>
<tr>
<td>118. Heidi Gray</td>
<td>Minnetonka, MN</td>
<td>No more traffic on dangerous road</td>
</tr>
<tr>
<td>119. Kris Falk</td>
<td>Minnetonka, MN</td>
<td>Too much development already. Just about the money</td>
</tr>
<tr>
<td>120. Jeffrey Swanson</td>
<td>MINNETONKA, MN</td>
<td>We moved to Minnetonka 17 years ago because it was unlike most suburbs, an escape. Trees, large lots, not a cookie-cutter conglomerate. The city is failing to support its residents in favor of greed. I urge the city council/planners to think carefully about the longterm ramifications of overdevelopment.</td>
</tr>
<tr>
<td>121. Cassidy Al-Kaissy</td>
<td>Minnetonka, MN</td>
<td>One of the reasons Mtka is a high demand suburb is for the large lots. It is great not having neighbors so close. I do not support rezoning this development. This will cause traffic issues for an area that is already congested. I can support this knowing it is only because the developer wants to make more money.</td>
</tr>
<tr>
<td>122. Michael White</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>123. Eric Timba</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>124. Melissa M</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>125. [Redacted]</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>126. Christy M Cekander</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>127. [Redacted]</td>
<td>Wayzata, MN</td>
<td>This is happening all over Minnetonka and has to stop. VOTE VOTE VOTE in November. Your Ward council member will be up for election as well as a special election for an at-large seat.</td>
</tr>
<tr>
<td>128. Jayme Neary</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>129. Adam Amato</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>From</td>
<td>Comments</td>
</tr>
<tr>
<td>--------------------</td>
<td>-----------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>130.</td>
<td>Minnetonka, MN</td>
<td>Road can not handle more traffic &amp; parking issues for guests.</td>
</tr>
<tr>
<td>131.</td>
<td>Minnetonka, MN</td>
<td>We loved to Minnetonka from Minneapolis for the lower density, large lot sizes and connection with nature. Since moving here 4 years ago we have seen multiple large wooded lots in the community divided into Mpls sized parcels. None of these building sites are visible to me but I do not approve of the variances and resining that has been happening. We have a few very large lots near our home and I am concerned that this is becoming the new normal in Minnetonka and the 5 acre lot three doors down from me will soon suffer the same dire consequence of the actions of greedy builders and a city council that doesn’t have the neighborhoods and those that live in them in mind.</td>
</tr>
<tr>
<td>132.</td>
<td>Minnetonka, MN</td>
<td>It’s just up the road. We’ve lived here since 1984 and the traffic in Williston is outrageous! To add another 15 homes multiplied by more drivers/residents - overcrowding and dangerous!</td>
</tr>
<tr>
<td>133. Arin Olson</td>
<td>Minnetonka, MN</td>
<td>I think it is important to keep the character of the area as much as possible. We recently moved to this area and the character of the neighborhood is a large reason why we decided to live here. I have young children who go to school nearby and I worry about the increased traffic flow to this neighborhood as well. Please consider all factors in this decision.</td>
</tr>
<tr>
<td>134. Rich Martinson</td>
<td>Minnetonka, MN</td>
<td>It doesn’t conform to what Minnetonka is supposed to be. Large and spacious lots.</td>
</tr>
<tr>
<td>135. sonya tangen</td>
<td>Minnetonka, MN</td>
<td>We moved to Minnetonka three years ago because of the spacious lots, beautiful scenery and natural wildlife. Building multiple housing developments throughout the city will make me want to leave. Please don’t ruin this city’s natural beauty with housing developments that don’t even provide individuals with an outdoor space.</td>
</tr>
<tr>
<td>136. Mollie Harig</td>
<td>Minnetonka, MN</td>
<td>I’m worried about this in my neighborhood</td>
</tr>
<tr>
<td>137. Lindy Kreibich</td>
<td>Wayzata, MN</td>
<td>The neighborhood in consideration is valued because of a lack of dense development. The quiet, large wooded natural lots are precisely why this area is so beautiful and special. Cutting it up on to small parcels does not serve anyone besides the developer...</td>
</tr>
<tr>
<td>138.</td>
<td>Minnetonka, MN</td>
<td>The proposed development is completely out of character with the immediate neighborhood and with greater Minnetonka.</td>
</tr>
<tr>
<td>139. Robert Gjengdahl</td>
<td>Minnetonka, MN</td>
<td>I understand there will be development there. But there’s no reason to rezone. Keep it at R1. Orchard traffic is so problematic already, don’t make it worse.</td>
</tr>
</tbody>
</table>
141. Ann Woodson-Hicks Minnetonka, MN

I have lived in Minnetonka my entire life and do not like the high density developments that are being built, in quiet neighborhoods.

142. mark pearson Minnetonka, MN

There is no reason to rezone our area

143. Mark Murphy Minnetonka, MN

144. Summer Rischmiller Minnetonka, MN

145. Alison Salita Minnetonka, MN

146. Patricia Celt Eden Prairie, MN

Orchard Rd. is very busy already and when I back out of my sons place I can not see if a car is coming over the hill. I also have grandchildren on that road and by adding more traffic it makes Orchard that more dangerous. There are no side walks on Orchard either or bike trails...It's a narrow street. PLEASE use common sense when making decisions for this land.

147. Christy Cekander Minnetonka, MN

The local neighborhood and environment was not meant for this type of large-scale development, as it stands today. Our roads are not ready to handle this type of activity, and the plans do not support them.

148. Shannon DiMarco Minnetonka, MN

149. Alyssa Rach-Nelson Minnetonka, MN

150. [redacted] Minnetonka, MN

To big of a development for that area. To much traffic for Orchard rd!!

151. [redacted] Minnetonka, MN

I want to maintain the general look and feel of the neighborhood. I choose to not live in a condensed new housing development and I fear that this new development will feel just like that. I'm also concerned with it depreciating the value of my home for the same reason

152. Rick Giovannetti Minnetonka, MN

153. Tanya LeBeda Minnetonka, MN

154. Ann Korando Minnetonka, MN

155. Suzanne Williams Minnetonka, MN

156. Amy Siggelkow Duffing Minnetonka, MN

A huge part of why we love Minnetonka is that lot sizes are typically larger than other cities which makes it feel more spacious and less crowded.

157. Jennifer Doane Minnetonka, MN

I would like to see this property remain zoned as R1 to keep in character with the rest of the neighborhood.

158. briana bers minnetonka, MN

159. Nicole Baunel Minnetonka, MN

160. Colette Kastner Minnetonka, MN

161. Mckaya Kastner Plymouth, MN

162. Katie Born Minnetonka, MN
163. Richard Graft  Minnetonka, MN
   My feelings are the same as many of my neighbors. I too respect the need to add new housing stock, and this property is available. But it should allow for much less density and not necessarily "luxury" houses. We need housing which is reasonably priced. Orchard is a very dangerous road, with hills, no sidewalks, and cars going faster than they should. My driveway is at the top of the first hill coming up from Williston. I am experiencing an increase in traffic coming east, and need to look more than once. I see school buses, walkers, and runners. With winter conditions, I am challenged to make it up the hill with my Chevy Cuze, and often take my 4 wheel drive Suburban. Going down requires caution so as to not slide into Williston. In fact, when it was very icy, they blocked the road- a wise decision. And turning left on Williston requires great patience. Approving what this developer is proposing makes no sense for this property.

164. Sarah LaFrance  Minnetonka, MN
165. Elizabeth Mohr  Minnetonka, MN
166. Alice Cho  Minnetonka, MN
   I believe strongly in people being able to maintain the neighborhood style they invested in.
167. Hannah Daniels  Minnetonka, MN
   Those people that want new luxury houses can choose a different suburb. Let's keep Minnetonka the way that it is. These new houses are such an eyesore, with no yards and no character.

168. Jena Ziegler  Minnetonka, MN
   Keep the rural wooded large lots, oppose big development and re zoning to high density spaces

169. Mike McCalla  Shorewood, MN

170. [redacted]  Minnetonka, MN
   I love the green space!

171. Linda Whittleaker  Minnetonka, MN
   Decent lot size and mature forested greenery is what makes Minnetonka desirable. Without it, we are just like any other over built suburb. No character, no brand.

172. Kelly Menth  Wayzata, MN

173. Barbara Schaub  Minnetonka, MN

174. Kathleen Nelson  Minnetonka, MN
   This is a DRASTIC change from the character of the neighborhood. Will this be the beginning of the end of the large lots and distinctive homes with character?

175. [redacted]  Minnetonka, MN
   Want to keep the open spaces and rural look of Minnetonka.

176. Julie Hughes  Minnetonka, MN

177. DENNIS SCHAUB  Minnetonka, MN
   Traffic is already fast and busy on Orchard.

178. [redacted]  Minnetonka, MN
   We moved to Minnetonka for the larger lots and open spaces, not sure letting developers drastically change the land is good for anyone. Keeping the zoning as is with a few (continues on next page)
(continued from previous page)

homes would be the best option. Keep the nature that’s been here long before any of us

This is happening again and again all throughout Minnetonka -- cutting larger lots into shreds of land and it needs to stop. We live in this neighborhood, and aside from the fact that adding that much housing and traffic in an already dangerous area because of the steep hills is ridiculous, the city cost to put in the additional infrastructure is on the taxpayers shoulders, shifting the money from the developers to me. We moved to Minnetonka for the large lot sizes, and anything zoned R1 should remain so. A developed can still make plenty of money with the appropriate amount of houses on the land. Just not greedy amounts of money. Minnetonka has worked hard through the years to develop its unique character, and it’s a shame to see what the current city council and planning commission is doing to ruin that.

This is too many houses and I am concerned about the repercussions of building so many houses on top of hill. The water run off on the properties east and north of the proposed site already have issues with drainage with heavy rains and snow melt. More concrete would exaggerate an already existing problem. Not to mention the influx of increased traffic from so many home on already unsafe congested road.

I really enjoy the less density character of Minnetonka. When homes are built like this proposal, we lose mature trees, traffic patterns change (usually for the worse) and above all, Minnetonka loses it’s core identity! We need to keep our precious space!

Ridiculous amount of homes for the space. Hipocracy with rezoning just for a developer. Seems disrespectful to the neighboring homes for ignoring issues with traffic, possible issues with water run off, etc.

Wouldn’t be as opposed if it wasn’t so many houses for such a tight space. Just absurd!

I drive Orchard Rd every day. This road can be especially treacherous during the winter. Adding a development with 15 homes would increase traffic and make this route even more dangerous.
<table>
<thead>
<tr>
<th>Name</th>
<th>From</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lisa Kuehn</td>
<td>Minnetonka, MN</td>
<td>I feel that this is too many homes for Orchard road to support. I do not feel it is safe to have all these houses to exit onto Orchard.</td>
</tr>
<tr>
<td>Rebecca Nealy</td>
<td>Minneapolis, MN</td>
<td>As a zoning inspector for a small city in a different state, I had to balance development and tax base and quality of life for new developments. The density for this development is too much for the 4 acres being developed. Zoning areas are established to maintain the quality of local life and the requested density does not maintain that quality. Keep the number of houses in line with the area density.</td>
</tr>
<tr>
<td>Linda Baule</td>
<td>Minnetonka, MN</td>
<td>I am in agreement that this is too large of a development for this neighborhood.</td>
</tr>
<tr>
<td>James Crowe</td>
<td>Minnetonka, MN</td>
<td>The proposed small lots don’t fit the character of the neighborhood. It appears the plan was to cram in many expensive homes rather than develop a thoughtful plan that preserves land space and views.</td>
</tr>
<tr>
<td>Meagan Gustafson</td>
<td>Minnetonka, MN</td>
<td>The health, safety and aesthetics of the community will be affected by this outrageous change to the neighborhood.</td>
</tr>
<tr>
<td>Cindy Ische</td>
<td>Minnetonka, MN</td>
<td>As a lifelong resident of Mtka, my family and I cherish Mtka’s open spaces and nature. Mtka is rapidly losing its reputation for beautiful neighborhoods due to too much building and density. One its gone, we can’t get it back...</td>
</tr>
<tr>
<td>Sue Sachetti</td>
<td>Minnetonka, MN</td>
<td>Minnetonka has a history of always, always changing the zoning codes. I don’t know why they pretend to have a comprehensive plan at all. It’s time to put a stop to that.</td>
</tr>
<tr>
<td>Sarah Dibble</td>
<td>Minnetonka, MN</td>
<td>Increase Traffic and loss in traditional housing in the area.</td>
</tr>
<tr>
<td>John Jambeck</td>
<td>Minnetonka, MN</td>
<td>Increase in traffic and loss of traditional community and housing.</td>
</tr>
<tr>
<td>Kathy Ellefson</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Beverly G.</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Melissa Block</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Ann Longtin</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Angela Doyle</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Molly Birkeland</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Megan Rosvold</td>
<td>Plymouth, MN</td>
<td>Tax payers have the right to protect their neighborhood and decide to keep views, traditions, green areas whatever they chose to.</td>
</tr>
<tr>
<td>Whitney Frisch</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>From</td>
<td>Comments</td>
</tr>
<tr>
<td>-----------------------</td>
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<td>----------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Padma Chintapalli</td>
<td>Minnetonka, MN</td>
<td>Highcroft Meadows is literally in my backyard. I am very concerned about: Increased traffic (Orchard is not a very safe road even now, the increase in traffic will make it further dangerous, especially for children). Destruction of natural beauty. More pollution. Over taxed infrastructure.</td>
</tr>
<tr>
<td>Becky Elston</td>
<td>Minnetonka, MN</td>
<td>Takes away from the charm of our small neighborhood, more clutter, parking issues, more traffic and we already have too much, more drivers and already an issue. Cause drop in value of property. Wildlife issues. Etc...</td>
</tr>
<tr>
<td>Terry Danielson</td>
<td>Minnetonka, MN</td>
<td>High density housing on such a road is ridiculous and just shows that money can buy anything. This is a travesty!</td>
</tr>
<tr>
<td>Mark Nelson</td>
<td>Minnetonka, MN</td>
<td>A large development doesn’t belong on this land. It will change flow of traffic and space for the jr. High and surrounding area.</td>
</tr>
<tr>
<td>Andrew Kalman</td>
<td>Minnetonka, MN</td>
<td>The existing zoning should be upheld for this property. The current proposal has too many houses for a street that already can be dangerous.</td>
</tr>
<tr>
<td>Rebecca Lahr</td>
<td>Minnetonka, MN</td>
<td>This development doesn't fit the character of Minnetonka (particularly this neighborhood) and presents all kinds of issues for transportation in this area.</td>
</tr>
<tr>
<td>Dakotah Woller</td>
<td>REDWOOD FALLS, MN</td>
<td>We moved from SW Mpls to Minnetonka to get away from high density housing, the increased traffic, etc. Minnetonka is beautiful because of its spacious feel and the nature around us.</td>
</tr>
<tr>
<td>Barry Svee</td>
<td>Minnetonka, MN</td>
<td>Larger lot size is what makes Minnetonka so special.</td>
</tr>
<tr>
<td>Robyn Barton</td>
<td>Minnetonka, MN</td>
<td>I oppose changing the character of Minnetonka by making tiny treeless lots the norm compared to the lot sizes of existing neighborhoods.</td>
</tr>
<tr>
<td>Name</td>
<td>From</td>
<td>Comments</td>
</tr>
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<td>--------------</td>
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<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>224. Judith P</td>
<td>Minnetonka, MN</td>
<td>We are getting way too much high density building in Minnetonka. Many people move here for somewhat country feel which we are losing</td>
</tr>
<tr>
<td>225.</td>
<td>Minnetonka, MN</td>
<td>This development doesn’t fit with the look and feel of our Minnetonka lifestyle.</td>
</tr>
<tr>
<td>226. Judy Ramsey</td>
<td>Minnetonka, MN</td>
<td></td>
</tr>
</tbody>
</table>
Cudd's April 2019 Proposal

Orchard Road Neighbors Group Suggestion

Created April 18th, 2019
Ordinance No. 2019-

An ordinance rezoning the property at 14410 Orchard Road from R-1, low density residential district, to R-2, low density residential district

The City Of Minnetonka Ordains:

Section 1.

1.01 A portion of the subject property at 14410 Orchard Road is depicted on Exhibit A of this ordinance is hereby rezoned to R-2, low density residential district.

1.02 The property is legally described as:

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would be consistent with the intent of the zoning ordinance and of the comprehensive guide plan.

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

2.02 This ordinance is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:
   
   • Preliminary Plat, dated April 5, 2019
   • Site Plan, dated April 5, 2019
   • Grading, Drainage, and Erosion Control Plan, dated April 5, 2019
   • Utilities Plan, dated April 5, 2019
   • Landscape Plan, dated April 5, 2019
2. The development must further comply with all conditions outlined in City Council Resolution No. 2019-____, adopted by the Minnetonka City Council on ______________, 2019.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on ______________, 2019.

________________________
Brad Wiersum, Mayor

Attest:

________________________
Becky Koosman, Acting City Clerk

**Action on this ordinance:**

Date of introduction: Feb. 25, 2019
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 ______________, 2019.

________________________
Becky Koosman, Acting City Clerk
Resolution No. 2018-058
Resolution approving the preliminary plat of HIGHCROFT MEADOWS at 14410 Orchard Road

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 14410 Orchard Road. It is legally described as:

THAT PART OF THE SE 1/4 OF THE SE 1/4 SEC 18 T 117 R 22 Lying E of the Plat of Westmark Estates and Lying S of a line run from a pt on the E line of the N 1/2 of said SE 1/4 of the SE 1/4 dist 197.5 ft N from the SE Cor of said N 1/2 to the NE Cor of Lot 6 Blk 2 Westmark Estates Ex Road

ABSTRACT

1.02 Rachel Development has submitted formal applications to redevelop the subject property. The submitted plans illustrate: (1) construction of 13 village-style homes accessed via a new, public cul-de-sac; and (2) construction of one single-family home accessed via Cardinal Road. The proposal requires:

- Rezoning a portion of the property from R-1 to R-2;
- Preliminary plat, with the following variances:

<table>
<thead>
<tr>
<th>Lot Area</th>
<th>Required</th>
<th>Variance to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 2</td>
<td>8,810 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>Lot 3</td>
<td>8,810 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>Lot 4</td>
<td>9,335 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>Lot 10</td>
<td>9,745 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>Lot 11</td>
<td>8,810 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>Lot 12</td>
<td>8,810 sq.ft.</td>
<td></td>
</tr>
<tr>
<td>Lot 2</td>
<td>12,500 sq.ft.</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Width At Right-of-Way</th>
<th>Required</th>
<th>Variance to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 7</td>
<td>45 ft</td>
<td></td>
</tr>
<tr>
<td>Lot 8</td>
<td>50 ft</td>
<td></td>
</tr>
<tr>
<td>Lot 7</td>
<td>55 ft</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Lot Depth</th>
<th>Required</th>
<th>Variance to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 5</td>
<td>120 ft</td>
<td></td>
</tr>
<tr>
<td>Lot 9</td>
<td>120 ft</td>
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</tr>
</tbody>
</table>

- Variance to allow construction of detached structures; and
- Variance to establish maximum floor area ratio based on average lot size.
On April 25, 2019, the planning commission held a hearing on the proposed plats. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve rezoning and the preliminary plat, with variances.

Section 2. Standards

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

2.02 By City Code §400.055, variances to subdivision standards may be granted, but are not mandated, when an applicant meets the burden of proving that: (1) the proposed variance is a reasonable use of the property, considering such things as functional and aesthetic justifications for the variance and improvement to the appearance and stability of the property and neighborhood; (2) the circumstances justifying the variance are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and (3) the variance would not adversely affect or alter the essential character of the neighborhood.

2.03 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties means: (1) the proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal requires variances to lot area and width standards outlined in City Codes §400.030 and to structure type and floor area ratio standards outlined in City Code §300.11.

3.02 The requested variance would meet the variance standards as outlined in City Codes §400.055 and §300.07.

1. Comprehensive Plan. The requested variance would result in a residential development of 2.26 units per acre. This is within the one to four units per acre defined as low-density within the comprehensive plan.

2. Intent of the ordinances.

a) Lot area, width, depth, and floor area. The general intent of residential ordinance standards is to promote orderly
development, compatible with adjacent property. Any development of the existing property will result in a visual change to the immediate area; the requested variances would not, in and of themselves. Further, as the variances would generally apply to the new development as a whole, they would establish a new order and consistency along the newly created street.

b) Detached Structures. The intent R-2 ordinance is to allow for locations within the community where twinhomes can be constructed. The proposed detached structures are not contrary to this purpose. The arrangement of a twinhome development on the subject site would be slightly different than the proposed site arrangement. However, this difference in site design would result in very little – if any – difference in overall site impact.

c) Floor Area. Applying the 0.25 floor area ratio to the individual lots would result in varying maximum floor areas on each lot, given the varying sizes of each lot. Instead, the applicant has requested that the 0.25 floor area ratio be applied to the average proposed lot size: 0.25 x 17,535 square feet. This would result in a maximum floor area of 4,384 square feet per lot. As the total square footage of building area within the development would not differ under these two methodologies, the requested variance is reasonable.

3. Unique Circumstance. The subject property is unique to the neighborhood. It is four times larger than the next largest lot in the project notice area. The northerly one and half acres of the property is encumbered by a steep and wooded slope. This encumbered area itself is larger than the next largest lot in the project notice area.

4. Character of Locality. The subject property is six-acres site surrounded by properties that developed roughly 50 years ago. It is highly unlikely that any development of the site would result in construction consistent with the size and design of homes in the surrounding area. The requested variances would not, in and of themselves, impact the character of the locality. Rather, any development of the site would result in a visual change to the immediate area.

Section 4. City Council Action.

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

1. Final plat approval is required.

a) A final plat will not be placed on a city council agenda until a complete final plat application is received. The following must be submitted for a final plat application to be considered complete:
1) A final plat drawing that clearly illustrates the following:

   a. A minimum 10-foot wide drainage and utility easements adjacent to the public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.

   b. Utility easements over existing or proposed public utilities, as determined by the city engineer.

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

2) Documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

   1. Title evidence that current within thirty days.

   2. A conservation easement on Lot 1, Block 2 depicted as a large drainage and utility easement on a preliminary plat dated April 4, 2019. The easement may allow removal of hazard, diseased, or invasive species and installation and maintenance of public utilities. The easement must be recorded in conjunction with the final plat.

   b) Prior to final plat approval, the documents outlined in section 4.01(1)(a)(2) above must be approved by the city attorney.

   c) Prior to release of the final plat for recording, submit the following:

      1) Two sets of mylars for city signatures.

      2) An electronic CAD file of the plat in microstation or DXF.

      3) Park dedication fee of $65,000.

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

   - Preliminary Plat, dated April 5, 2019
   - Site Plan, dated April 5, 2019
   - Grading, Drainage, and Erosion Control Plan, dated April 5, 2019
   - Utilities Plan, dated April 5, 2019
   - Landscape Plan, dated April 5, 2019
3. A grading permit is required. This permit will cover grading and installation of sewer and water mains, stormwater facilities and retaining walls. Unless authorized by appropriate staff, no site work (including tree removal) may begin until a complete grading permit application has been submitted, reviewed by staff, and approved. This permit does not cover grading or any other site work on Lot 1, Block 2, which can only be done in conjunction with an approved building permit for the lot.

a) The grading permit application must be submitted through the city's online ePermits system. A complete application must include:

1) Street and utility specifications.

2) A utility exhibit. The exhibit must show only property lines, sewer, water and stormwater facilities. The exhibit must clearly note which lines are public and which are private.

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

a. Final grading plan. The plan must:

- Illustrate no more than 12 high-priority trees to be removed over the entirety of the plat. A tree is considered removed if 30 percent or more of the critical root zone of is compacted, cut, filled or paved.

- In Block 1, as depicted on preliminary plat dated April 5, 2019:

  - No more than two high-priority trees may be removed from Lot 5
  - No more than three high-priority trees may be removed from Lot 6
  - No more than three high-priority trees may be removed from Lot 7.

b. Final utility plan. The plan must:

- Reevaluate basement floor elevations to determine if sanitary sewer run between MH1 and MH2 can be increased beyond minimum grade.
• Note 8-inch DIP CI 52 watermain.

• Illustrate directional-drilling of the storm sewer line to the north and west to avoid tree, slope, and potential wetland impacts.

• Not include any wetland impact. If work is proposed in areas of potential off-site wetlands, adequate information must be provided and confirmed to verify those areas are incidental prior to beginning work or the work must be relocated to avoid potential wetland areas.

c. 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:

• Provide detail of drainage improvements on 14509 Minnetonka Drive (Williston Center).

d. Final landscape plan. The plan must:

• Meet minimum landscaping and mitigation requirements, as outlined in the ordinance. Note, only small shrubs, perennials and grasses may be located in public easements.

• Not include any trees within the public right-of-way. Newly planted deciduous trees must be located at least 15 feet from pavement edge and coniferous trees at least 20 feet from the pavement edge.
NOTE: Soils on Lots 1 through 13, Block 1 must be decompacted, amended with compost, and inspected prior to final landscaping for each unit.

e. Tree mitigation plan. The plan must:

- Meet mitigation requirements as outlined in the ordinance. However, at the sole discretion of staff, mitigation may be decreased. Based on the submitted plans, the mitigation requirements would be 57 inches plus 7 two-inch trees.

b) Prior to issuance of a grading permit:

1) The final plat must be recorded at Hennepin County.

2) Any outstanding assessments or fees must be paid.

3) Submit the following documents:

a. A development contract in a city approved format for review and approval of city staff. This document must be fully executed prior to issuance of the permit.

b. A legal agreement pertaining to future costs of maintenance/repair of the directionally-bored storm sewer line for the review and approval of the city attorney. This document must be fully executed prior to issuance of the permit.

c. An encroachment agreement for retaining walls located within public easements.

d. A recorded copy of the conservation easement.

e. A stormwater maintenance agreement in a city approved format for review and approval of city staff.

f. A MPCA NPDES permit.

g. A MPCA Sanitary Sewer Extension Permit or documentation that such permit is not required.

h. A MDH permit for the proposed water main or documentation that such permit is not required.
i. 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.

4) Submit the following:

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

b. All required administration and engineering fees.

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

d. Individual letter of credit or cash escrow in the amount of 125% of an engineer’s bid cost or 150% of an estimated cost to comply with grading permit and landscaping requirements and to restore the site. The city will not fully release the letters of credit or cash escrow until (1) an electronic CAD file or certified as-built drawings of the public infrastructure in microstation or DXF format have been submitted; (2) vegetated ground cover has been established; and (3) required landscaping or vegetation has survived one full growing season.

e. Cash escrow in an amount of $5,000. This escrow must be accompanied by a document prepared by the city 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.

5) 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 4.01 Subd.4(a) and Subd.4(b)(3) and (4) of this resolution have been submitted, reviewed by staff, and approved.

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) Permits may be required from other outside agencies. It is the applicant’s or property owner’s responsibility to obtain any necessary permits.

4. Prior to issuance of a building permit for the first new house within the development:

a) Submit the following:

1) Documents establishing a homeowners’ association. The association must be responsible for maintaining any common areas and required stormwater management facilities. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond, keeping approved vegetated or pearock cover within the pond, and removing any blockage that may impede the drainage of the site, as approved with the building permits.

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

3) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for noncompliance. If the builder is the same entity doing grading work on the site, the construction management plan submitted at the time of grading permit may fulfill this requirement.

4) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:
• The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

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

If the builder is the same entity doing grading work on the site, the escrow submitted at the time of grading permit may fulfill this requirement.

5. Except as otherwise approved by the resolution, structures on Lots 1 through 13, Block 1 are subject to the all R-2 zoning standards. In addition:
   a) Maximum floor area per lot is 4,383 square feet. Floor area is defined as the sum of the fully exposed gross horizontal area of a building, including attached garage space and enclosed porch areas, and one-half the gross horizontal area of any partially exposed level such as a walkout or lookout level.

6. Except as otherwise approved by this resolution, the home on Lot 1, Block 2 is subject to R-1 zoning standards. In addition:
   a) No grading or tree removal may occur on this lot until a building permit has been issued for the lot.
   b) The grading and tree preservation limits must be in general conformance with the grading plan dated April 12, 2019.
   c) Construction must comply with steep slope ordinance.
   d) No more than one high-priority tree may be removed from the lot. Additional high-priority trees may be removed if: (1) construction is completed on all lots in Block 1, (2) that construction resulted in saving additional high-priority trees such that total of 12 is not exceeded for the whole development; and (3) removal is specifically approved by city staff.

7. All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.
8. During construction, the streets must be kept free of debris and sediment.

9. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 6, 2019.

Brad Wiersum, Mayor

Attest:

Becky Koosman, Acting City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held May 6, 2019.

Becky Koosman, Acting City Clerk

SEAL