1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: July 21, 2016

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda
   A. Variance to allow construction of a covered porch and an expansion permit to reconstruct and increase the pitch of the roof at 12926 Rutledge Circle.

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

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

8. Public Hearings: Non-Consent Agenda Items
   A. Setback variances to allow the installation of a solar array at 3528 Moorland Road.

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

     • Final Decision Subject to Appeal
     • Project Planner: Ashley Cauley
B. Items concerning a licensed daycare facility at 6030 Clearwater Drive.

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

- Recommendation to City Council (Tentative Date: August 22, 2016)
- Project Planner: Ashley Cauley

C. Items concerning Station Pizzeria at 13008 Minnetonka Boulevard.

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

- Recommendation to City Council (Tentative Date: August 22, 2016)
- Project Planner: Susan Thomas

D. Items concerning construction of that portion of the Southwest Light Rail Transit line located in the City of Minnetonka.

Recommendation: Recommend the city council adopt the ordinance and resolution approving the requests. (4 votes)

- Recommendation to City Council (Tentative Date: August 22, 2016)
  Project Planner: Susan Thomas

E. Ordinance regarding Temporary Family Health Care Dwellings.

Recommendation: Recommend the city council adopt the ordinance (4 votes)

- Recommendation to City Council (Tentative Date: August 22, 2016)
  Project Planner: Susan Thomas

9. Other Business

A. Concept Plan for Crest Ridge Senior Living at 10955 Wayzata Boulevard.

Recommendation: Discussion only. No formal action required.

- Recommendation to City Council (Tentative Date: August 22, 2016)
  Project Planner: Susan Thomas

10. Adjournment
Notices

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

2. Applications and items scheduled for the August 18, 2016 Planning Commission meeting:

   Project Description: The applicant is proposing to remove the existing home and detached garages and subdivide the property at 15014 Highwood Drive into three single-family residential lots. The proposal requires: (1) preliminary plat and; (2) setback variance.
   Project No.: 05039.16a               Staff: Ashley Cauley
   Ward/Council Member: 3—Brad Wiersum        Section: 27

   Project Description: The applicant is requesting an expansion permit for front yard and shoreland setbacks at 1813 Traymore Rd. The proposal requires: (1) expansion permit.
   Project No.: 16017.16a               Staff: Drew Ingvalson
   Ward/Council Member: 2—Tony Wagner        Section: 01

   Project Description: Gatehouse Properties, LTD. is proposing to tear down the existing single-family home at 11901 Minnetonka Blvd. for a three-unit townhome building. The proposal requires: (1) preliminary plat; (2) final plat; and an (3) amendment to the master development plan.
   Project No.: 16015.16a               Staff: Ashley Cauley
   Ward/Council Member: 1—Bob Ellingson       Section: 14

   Project Description: The applicant is proposing a cold storage building at 3830 Baker Road. The proposal requires: (1) conditional use permit and (2) site and building plan.
   Project No.: 95012.16a               Staff: Drew Ingvalson
   Ward/Council Member: 1—Bob Ellingson       Section: 22
WELCOME TO THE MINNETONKA PLANNING COMMISSION MEETING

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

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

2. Staff presents their report on the item.

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

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

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

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

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

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

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

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

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

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

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

2. Roll Call

Commissioners Odland, Powers, Calvert, Hanson, Knight, O'Connell, and Kirk were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Senior Planner Ashley Cauley, Water Resources Technician Tom Dietrich, and Natural Resource Manager Jo Colleran.

3. Approval of Agenda

Odland moved, second by Hanson, to approve the July 21, 2016 agenda with the changes provided in the July 21, 2016 change memo including the removal of Item 8F in response to the applicant’s request.

Odland, Powers, Calvert, Hanson, Knight, O'Connell, and Kirk voted yes. Motion carried.

4. Approval of Minutes: July 7, 2016

Odland moved, second by Calvert, to approve the July 7, 2016 meeting minutes as submitted.

Odland, Powers, Calvert, Hanson, Knight, and O'Connell voted yes. Kirk abstained. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting of July 11, 2016:

- Adopted a resolution providing preliminary plat approval for Fretham 18th Addition.
- Adopted a resolution approving rezoning of Highview.
- Tabled action on the adoption of the Glen Lake neighborhood
study.

There will be a joint planning commission meeting with the city of Hopkins July 26, 2016 at 7 p.m. to discuss the Shady Oak station zoning.

The next planning commission meeting will be August 4, 2016.

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

7. **Public Hearings: Consent Agenda**

No items were removed from the consent agenda for discussion or separate action.

*Odland moved, second by O’Connell, to approve the items listed on the consent agenda as recommended in the respective staff reports as follows:*

**A.** Variances to allow construction of a mudroom at 3130 Shores Boulevard.

Adopt the resolution on pages A11-A14 of the staff report. This resolution approves a side yard setback and aggregate side yard setback variance for a mudroom.

**B.** Variances to allow construction of an attached garage at 3218 Shores Boulevard.

Adopt the resolution on pages A17-A20 of the staff report. This resolution approves a side yard setback variance for an attached garage at 3218 Shores Boulevard.

**C.** Conditional use permit for telecommunications facility at 12475 Marion Lane West.

Recommend that the city council adopt the resolution on pages A13-A22 of the staff report. This resolution approves a conditional use permit for 26-foot tall telecommunications facilities on the property at 12475 Marion Road West.

*Odland, Powers, Calvert, Knight, Magney, O’Connell, and Kirk voted yes. Motion carried and the items on the consent agenda were approved as submitted.*
Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.

8. Public Hearings

A. Items concerning the construction of a new house at 2512 Bantas Point Road.

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.

Andre Latondresse, JAL Architects, representing the applicant, stated that he has been involved with two other projects on Bantas Point Road. He took into consideration the scale of the neighborhood. He provided views of the proposed house. It would be a story-and-a-half design with a floodable understory. The current house would be damaged every time there is a high water. The proposal would protect the house for the long term.

Knight asked how the house would be constructed to prevent water damage. Mr. Latondresse explained the anchor and hollow-floor system that would be waterproof.

The public hearing was opened.

Lyle Scott, 2508 Bantas Point Lane, asked what could be done about the excess water that runs off buildings. He provided pictures that showed another lot he owns at 2507 Bantas Point Lane with standing water. His renters have to walk through water to get to their vehicles. It has been going on for 12 years.

No additional testimony was submitted and the hearing was closed.

Calvert asked how fill would impact the area. Dietrich explained that the structure would be built on grade beams, so the area below the garage and house would be floodable. It would be a vast improvement to what currently exists. The proposal would create space for water to be stored.

Cauley added that the proposal would decrease the amount of impervious surface on the property from 50 percent to 30 percent.
Odland moved, second by Powers, to recommend that the city council adopt the resolution on pages A38-A46 of the staff report which approves an expansion permit and variances for the construction of a new house at 2512 Bantas Point Lane and the resolution on pages A47-A50 of the staff report which approves a floodplain alteration permit for a new house at 2512 Bantas Point Lane.

Odland, Powers, Calvert, Hanson, Knight, O’Connell, 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.

B. Variances for a blade sign at 1700 Plymouth Road.

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

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

Ann Hurlbert, Landform Professional Services, and Paul Guidera, director of real estate for Caribou Coffee, representing the applicant, introduced themselves. Ms. Hurlbert stated that:

- The proposed sign would allow Caribou Coffee and Einstein Bagels to advertise on the same sign.
- It would provide movement, liveliness, and character.
- It would be compatible with other signs in Minnetonka in commercial areas.
- The location is important because it is the only representation of the coffee and bagel sign that would be visible to motorists.
- The code did not anticipate this type of sign. She appreciated staffs’ open mindedness.
- There should be no distraction to motorists. There would be no flashing lights. It would move slowly. There would be no changing message. The inside 24 inch medallion part would move in two locations. It would be subtle, but allow both businesses to be advertised.
- She and Mr. Guidera were available for questions.
- The sign would be internally lit and not super bright. There would be no flashing.
In response to Chair Kirk’s question, Mr. Guidera provided examples of the same sign on 11th and Nicollet in Minneapolis and one at a similar location in Edina.

The public hearing was opened.

Jonathan Kurlander, 1816 Fairfield Road South, stated that he was concerned that it would distract drivers. He was concerned other businesses would also want animated signs and there would be no limit. It would be a problem for motorists.

Jim Olson, 13420 Larkin Drive, stated that:

- The applicant presented the case that the code violations are reasonable and necessary. Staff found that the proposal meets variance standards and would be similar to other signs recently approved in the city. Staff deals with this stuff every day. Commissioners are volunteers who are bombarded with full agendas at meetings. Approval of the application may not be the wisest decision. Approval or denial of this application would set the tone for future decisions.
- He questioned how many of this type of sign would be allowed in the area.
- The application needs to be denied.
- The businesses in Ridgedale have a monument stating the tenant names. This would be a deviation from that. It does not fit the sign ordinance and does not fit the established look. It would set a tacky precedent for the highly-valued regional center. He favored quality fixtures to make people proud. Caribou’s proposal would lower standards.
- Customers would find the new location. The traffic pattern is challenging.
- He believed that a variance did not stay with the building or future tenant.

No additional testimony was submitted and the hearing was closed.

Hanson asked how many of the proposed type of sign would be allowed in the area. Gordon explained that the code allows business identification on the face of a building or signs in yard space on the site. The variance would be given to the property for the particular condition assigned to it in the variance resolution. If the tenant would change, then the new tenant could use the new sign by refacing it.
The city cannot dictate what the sign says. The code restricts the speed at which
dynamic signs can change to address distracted driving.

Powers noted that any sign would distract a person. After viewing it, he found the
proposed sign minimally distracting. He did not think that it would set a precedent
for future signs.

Odland was concerned with visual pollution. It might take a step back from
tasteful signs.

Calvert thought the proposal would be a departure from the tasteful plans for the
Ridgedale area.

Chair Kirk noted the business’ difficulties with the site. He noted that a blade sign
was approved for Bar Louie. Red Stone and Macy’s received sign variances. The
proposal would set a precedent since it would rotate. It is a final decision by the
commission.

Calvert understood the practical difficulties of the shared businesses, but she
agreed with Chair Kirk’s comments. Calvert said that signs in the area are more
for way finding than brand identification. She did not entirely support the
variance. The signs are supposed to be located with the business.

Hanson was not against the proposal. He understood the argument for it. He did
not think one set of code could cover hundreds of different retail tenants. It would
be offensive to some, but not to others.

O’Connell did not think Time Square was being created. The sign would be
tastefully done and rotates very slowly. He agreed that there is an issue of it
being located on the opposite side of the building, but the city wants businesses
to succeed.

Odland worried that the amount of signage in the area could grow to a point
where it would not be tasteful.

Knight is not against the rotation, but is against the location of the sign so he
supports denial of the application.

**O’Connell moved, second by Powers, to adopt the resolution approving
variances for a blade sign at 1700 Plymouth Road (see pages A22-A26 of
the staff report).** Powers and O’Connell voted yes. Odland, Calvert, Hanson,
Knight, and Kirk voted no. Motion failed.
Odland moved, second by Calvert, to deny the resolution approving variances for a blade sign at 1700 Plymouth Road (see pages A22-A26 of the staff report). Odland, Calvert, Hanson, Knight, and Kirk voted yes. Powers and O’Connell voted no. Motion carried.

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

C. Conditional use permit, with parking variance, for Eden Prairie Islamic Community Center at 5620 Smetana Drive.

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.

O’Connell confirmed with Cauley that the proposed use would utilize Lot 2. The adjacent lot may be used for parking. No legal agreement is required for the applicant to use another site for parking, but staff recommended to the applicant that an easement agreement may be beneficial.

Chair Kirk confirmed with Cauley that the parking requirements depend on square footage except for uses such as daycares, schools, and religious institutions which use the number of users. The resolution ties the approval to the standards and identified type of use. If there would be a change or intensification of use, then a review of the conditional use permit would be required.

Mohammod Ibrahim, board member of the Eden Prairie Islamic Community Center (EPIC), applicant, stated that he was present with Bilal Mamdani, Nemat Janetkhan, and Bilal Mamdani who are additional members of the board. He stated that EPIC hopes to foster a community that is engaged and vibrant rooted with a spiritual foundation. EPIC would host activities to better the community. He explained the floorplan. The first floor would be used primarily for prayer.

Hanson asked if the current location has multiple uses or if it is used primarily as a prayer hall. Mr. Ibrahim answered that the current building is only used as a prayer hall.

Powers asked about the daycare. Mr. Ibrahim explained that the daycare would not begin right away. When an operator is secured, then all requirements would be met. Powers asked if there would be an outdoor recreation area. Mr. Ibrahim
said that would be taken into consideration at the time a daycare provider would be selected. The daycare plan would be submitted to the city for approval.

Chair Kirk suggested that the applicant research the regulations for a daycare because playground space would be required. Mr. Ibrahim agreed.

The public hearing was opened.

Alexander, 5601 Smetana Drive, Cloud 9, stated that:

- He thinks there are other issues than real estate. He was worried about security.
- The applicants are nice, local people.
- He is an immigrant himself.
- He would like to know the source of the money funding the project.
- Islam is a religion of peace.
- Radical organizations finance religious institutions.
- He is worried about neighborhood tension. Prayers start at 4:30 a.m. He did not want to see traffic driving at 4:30 a.m.
- There should be an outside play area for the children.
- He wanted to know the plan for the second building.
- He is not against the religious institute of Islam in Minnesota.
- He requested the proposal be rejected.

Matt Teplitski, 5601 Smetana Drive, Cloud 9, stated that:

- He was worried about noise outside of usual business hours.
- The daycare would not be feasible without an outdoor play area.
- There would be many visitors on holidays. The overflow traffic would use his building’s parking lot.
- The city would lose the property tax income, so the neighbors would have to pay higher taxes.
- His property value would decrease because the building would be busier.

Alexander Teplitski, 2916 Plymouth Road, stated that:

- His children have apartments at 5601 Smetana Drive.
- He is worried about radical terrorists and the security of his children and grandchildren.
- He did not want the area to change. He would lose money.
Patty Aossey, 13501 Larkin Drive, stated that:

- She supports the good people submitting the application.

Karen Howe, 3528 Moorland Road, stated that:

- She was worried about people who have to worry about their safety because the color of their skin make them a target.

Chair Kirk instructed speakers to stay focused on the conditional use permit issues and not on race or religious issues.

James Kenser, Moorland Road, stated that:

- The applicants should not be alienated for the actions of others.

Nemat Janetkhan introduced his wife, Mona Fahmy, Shakopee resident. Ms. Fahmy stated that she is part of the governing board of the EPIC Center. She stated that:

- She grew up in Iowa and is an optometrist. Everyone at the EPIC Center supports America.
- She works hard against negativity across the globe and teaches children to treat everyone with respect.
- Many Muslims are hurt by lunatics that hijacked the name of their religion.
- The report details the times and number of people who will visit the center.

No additional testimony was submitted and the hearing was closed.

Chair Kirk reiterated the purview of the planning commission.

O’Connell asked what would happen if the number of visitors would be much higher than the anticipated number. Cauley explained that a condition of approval would require review of the conditional use permit if attendance increased to 600 drivers. The conditional use permit could be revised or revoked if conditions would be different than those approved.

Chair Kirk confirmed with Cauley that there would be no additional proof of parking. Cauley stated that there may be an opportunity for a parking
arrangement with the Brenwood Business Park. At this time, that would not be necessary.

Powers asked for the proposed hours of operation. Cauley answered 4:30 a.m. to 10 p.m. Memorial services and weddings happen in the evening.

Odland asked what public transportation would be available near the site. Wischnack answered that there is transit service available just north of the site.

Knight knew that neighbors of ball fields complain about noise. He asked if the city receives noise complaints from neighbors of religious institutions. Gordon said that noise complaints are most commonly about commercial uses, followed by schools, and then everything else. Staff did not anticipate a problem with noise at the proposed location.

Calvert said that police assist with directing traffic on holidays at her religious gathering place. She noted that the traffic was congested in St. Paul during one religious holiday where worshipers were outside. She asked if traffic control could be required for special occasions. Cauley answered that could be included as a condition of approval. Gordon stated that there are a few religious institutions that have traffic congestion during special occasions and request help from the police department who usually provide reserve officers to assist.

Odland asked if a play area would cut into the available parking. Cauley said that an outdoor play area may be required by the state licensing agent.

Powers asked how a noise issue occurring at 4:30 a.m. would be addressed. Cauley noted that 30 people are expected to visit the site at 4:30 a.m. City hall has not received a noise complaint when there have been more than 30 staff members present when she has arrived at city hall at 4:30 a.m.

Wischnack explained that if the property would become tax exempt, it would not impact the property taxes of any other Minnetonka property owner because Minnetonka has such a large commercial and industrial tax base that Minnetonka gives money to the pool of fiscal disparities around the metropolitan area. The impact to taxation are not the same in Minnetonka as it would be for another city. Minnetonka is the third highest fiscal disparities payer in the metropolitan area.

Wischnack noted that the city has not seen property values diminish when located near a religious institute.

Chair Kirk said that the noise ordinance would address noise issues.
Odland encouraged the applicant to research the requirements of a daycare before remodeling the building.

Calvert liked the creative use of the building. She liked the variety of uses.

**Powers moved, second by Odland, to recommend that the city council adopt the resolution on pages A15-A22 of the staff report. This resolution approves a conditional use permit with parking variance for Eden Prairie Islamic Community Center at 5620 Smetana Drive.**

**Odland, Powers, Calvert, Hanson, Knight, O’Connell, and Kirk voted yes. Motion carried.**

Chair Kirk stated that Minnetonka prides itself on being welcoming without prejudice. He apologized if anyone was offended. He was being respectful of the speakers, but emphasized that this is not the proper forum to debate race or religion. He appreciated everyone being respectful.

The city council is tentatively scheduled to review this item August 8, 2016.

**D. Preliminary plat of Highview Place, a nine-lot subdivision, generally located at the northwest corner of Interstate 494 and Highway 7.**

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.

Colleran clarified that Ash trees are not classified as high priority trees. Cauley reviewed the tree preservation plan which is a worst-case scenario. Natural resources staff visit the site during development to ensure compliance. Storm water management would be part of the development.

Rob Eldridge, with Ridge Creek Custom Homes, applicant, stated that:

- He is excited about the project. He has worked hard to make the proposal fit in the neighborhood.
- He and Jo spent a lot of time looking at the trees. The tree removal would be watch very closely. He came up with a floor plan to save trees.
- The site is unique. He hopes to mitigate the busy location.
• He was available for questions.

Colleran explained that she already included trees that may survive grading of their critical root zones in the number of trees that would be removed.

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

Chair Kirk said that the proposal is what was expected.

Powers trusts that Ridge Creek Builders will do exactly what they say they will do. Chair Kirk agreed that the builder did a great job of working with the neighbors.

Knight moved, second by Odland, to recommend that the city council adopt the resolution on pages A18-A30 approving the preliminary plat of Highview Place.

Odland, Powers, Calvert, Hanson, Knight, O’Connell, and Kirk voted yes. Motion carried.

The city council is tentatively scheduled to review this item August 8, 2016.

E. Side yard setback variance from 10 feet to .75 feet for installation of a solar array at 3528 Moorhead Road.

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

Gordon reported. He recommended denial of the application based on the findings listed in the staff report.

Calvert asked staff to explain the difference between the existing cement slab and the solar array. Gordon answered that the cement slab is approximately 3 feet from the property line. It is further back than where the solar array would be located. The setbacks were created to protect the visual impact, fire code issues, and community standard. Hard surface conditions are not looked at in the same manner.

Karen Howe, 3528 Moorland Road, applicant, stated that she appreciated the commission considering the variance request. The setback would be one foot and three inches wide. She provided pictures included in the presentation that show that shrubs, solid fencing, garages, and sheds would block the view of the
solar array. Her adjacent neighbors as well as 42 other neighbors support the solar panels being installed. She was unable to get approval from 8 houses since 2 were on vacation, 1 was vacant, and she got 1 more signature today. The value of the house would increase by $15,000. That would benefit the city. A huge house would block sun. Her proposal would have less impact than what was there previously.

Tim Parnell, electrical engineer for the applicant, provided a technical consult on the amount of reasonable sunlight in these situations. Another location would reduce the energy production which would make it less financially viable. He referred commissioners to the website: solar.maps.mn.edu as a good resource to see how much available sunlight would be available, but it is not accurate enough to provide confirmation.

Knight liked that the applicant worked hard to create a plan of which the neighbors approve. He asked how a tree planted on the neighbor’s property would impact the panels gathering sunlight. Mr. Parnell said that it would decrease the energy output. Knight noted that the proposed location might be the best location for today with the current neighbor, but it may not be the best location over time.

The public hearing was opened.

James Kinzer, 3600 Moorland Road, stated that the adjacent neighbor’s property near the driveway would not support a mature tree in the area that would block light to the solar array. The proposal is the optimum location for the solar array. He supports the project. The applicant has done her homework and is respectful of others. Everyone who has a line of sight to the property supports the proposal. He does tree work for all of the neighbors and has seen all of the views.

No additional testimony was submitted and the hearing was closed.

In response to Chair Kirk’s question, Gordon explained staff’s concern with the proposed setback and noted other areas where the solar array could be located.

Ms. Howe stated that option one would obstruct access to the garage. Mr. Parnell stated that option two would diminish production of the solar array. Chair Kirk assumed that the north side would be built to a level to allow the solar array to face the south. Ms. Howe said that would eliminate her garden. Ms. Howe stated that the west side orientation would decrease energy production by 20 percent which is the difference between reasonable and optimal. Ms. Howe stated that President Obama stated that solar panels should be made accessible
to households with low and moderate incomes. This is a moderate home and property which decreases the number of location options. She would like to keep her garden.

Calvert was aware that the city encourages solar gardens. She asked how the city encourages the use of solar panels. Gordon said that solar panels are encouraged. Each property is looked at on an individual basis. The preservation of trees is also a priority. The city has bought into a solar farm.

Odland confirmed with Gordon that the solar array is similar to an accessory structure in terms of setback requirements. Odland noted that the most optimum location is not required to be allowed when there are reasonable alternatives.

Chair Kirk noted that the carport is what is difficult to approve. He questioned if the proposal would need a setback variance for just a metal frame holding solar panels. Gordon answered that would also be considered an accessory structure.

O’Connell noted that the accessory structure would be larger than half of the garage. The accessory structure could be reduced in size to still have room for a carport and increased setback. He would support the setback variance if the carport would not be so big.

Chair Kirk reviewed that commissioners are concerned with the small setback for the carport solar array. Ms. Howe stated that she chose the option that the neighbors preferred and would impact the neighbors the least amount. A huge pole with solar panels on top would be less aesthetically pleasing. Chair Kirk suggested she work through the options with staff. He explained the option of tabling the item and the applicant’s right to appeal a denial to the city council.

**Odland moved, second by Knight, to table action on the application requesting a side yard setback variance from 10 feet to .75 feet for a solar array at 3528 Moorland Road.**

**Odland, Powers, Calvert, Hanson, Knight, O’Connell, and Kirk voted yes. Motion carried.**

**F. Preliminary and final plats, with lot area, buildable area, and lot width at setback variances at 16965 and 16957 Cottage Grove Avenue and an unaddressed adjacent parcel.**

This item was removed from the agenda at the applicant’s request.
O’Connell complemented Chair Kirk on his handling of a difficult meeting.

9. Adjournment

Knight moved, second by Odland, to adjourn the meeting at 10:10 p.m. Motion carried unanimously.

By: ____________________________
Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
August 4, 2016

Agenda Item 7

Public Hearing: Consent Agenda
MINNETONKA PLANNING COMMISSION  
August 4, 2016

**Brief Description**  
Variance to allow construction of a covered porch and an expansion permit to reconstruct and increase the pitch of a roof at 12926 Rutledge Circle

**Recommendation**  
Adopt the resolution approving the request

---

**Project No.** 16016.16a  
**Property** 12926 Rutledge Circle  
**Applicant** Gary Hansen, Hansen Hometech Inc.  
**Property Owners** Mac and Kathryn Hardin  

**Proposal**  
The applicant, Gary Hansen of Hansen Hometech Inc., is proposing to construct a 10-foot by 14-foot covered porch and reconstruct and increase the pitch of the roof of the existing home at 12926 Rutledge Circle. The existing home has a non-conforming front yard setback. The proposed covered porch would encroach further into the required front yard setback. The proposed increased pitch on the roof would vertically expand on the existing non-conforming front yard setback. (See narrative and plans on pages A1-A10).

**Proposal requirements:**  
This proposal requires:

- **Variance:** Principal structure encroaching into the required front yard setback.
- **Expansion Permit:** Principal structure expansion within the required front yard setback.

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<thead>
<tr>
<th></th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>South setback (front yard)</td>
<td>35 ft.</td>
<td>28 ft.</td>
<td>25 ft.*</td>
</tr>
</tbody>
</table>

* requires setback variance

**Approving Body**  
The planning commission action will be final action subject to the right of appeal. (City Code §300.07.4)
Staff Analysis

Staff finds that the applicant’s variance request for the construction of a covered porch is reasonable:

1. **Intent of the Ordinance:**

   The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and the public right-of-way. Several homes on the subject street do not meet the required front yard setback requirement due to being constructed prior to the city ordinance. (See page A8). The proposed porch would be generally consistent with setbacks of the other existing homes within the neighborhood.

2. **Consistent with the Comprehensive Plan:**

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

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

   a) **Reasonableness and Character of the Locality:**

   The request for a covered porch is reasonable. The applicant’s request is the minimal request required to achieve their goals. Only a small portion, roughly 14 square feet, of the proposed porch would encroach further into the existing front yard setback. (See pages A3–A4).

   Of the ten homes positioned along Rutledge Circle, five appear to have non-conforming front yard setbacks (35-foot setback along Rutledge and 50-foot setback along Plymouth). (See page A8). The majority of these homes do not meet current setback requirements because their construction predates the city’s setback ordinances. With the
exception of one structure, all structures were constructed prior to 1962. If the applicant’s variance request is approved, the proposed project would not alter the essential character of the neighborhood.

b) Unique Circumstance:

The subject home was constructed in its current location in 1961, predating city ordinance, and encroaches within the required front yard setback. Due to the current location of the home, the applicant has no other alternative to accommodate the covered porch plan without encroaching further into the front yard setback.

Staff finds that the applicant’s request for an expansion permit for the reconstruction and increase in pitch of the roof is reasonable:

1. Reasonableness:

   It is reasonable to reconstruct and increase the pitch of a roof that maintains the existing setbacks of an existing roof. The vertical expansion would be within the established setback and the principal structure would not encroach further into the existing front yard setback (see pages A5–A7).

2. Unique Circumstance:

   The expansion permit is the result of the unique positioning of the home. The subject home was constructed in its current location in 1961, predating city ordinance, and encroaches within the front yard setback. The principal structure is currently positioned 28 feet from the front property line, encroaching 7 feet into the front yard setback. Due to the current situation of the home, the applicant has no other alternative to accommodate the roof plan without vertical expansion within the front yard setback.

3. Neighborhood Character:

   The proposal would not negatively impact the character of the surrounding neighborhood. Several homes along Rutledge Circle appear to have non-conforming front yard
setbacks because their construction predates the city's setback ordinances. (See page A8). Approval of the expansion permit would allow the applicant to make reasonable improvements to the home without encroaching further into existing setbacks.

**Staff Recommendation**

Adopt the resolution on pages A11–A15. This resolution approves a front yard setback variance for a covered porch and an expansion permit to reconstruct and increase the pitch of the roof at 12926 Rutledge Circle.

Originator: Drew Ingvalson, Planner
Through:  Loren Gordon, AICP, City Planner
<table>
<thead>
<tr>
<th>Supporting Information</th>
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<tbody>
<tr>
<td><strong>Project No.</strong></td>
</tr>
<tr>
<td><strong>Property</strong></td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
</tr>
<tr>
<td><strong>Surrounding Land Use</strong></td>
</tr>
</tbody>
</table>
| **Planning**            | Guide Plan designation: low density residential  
Zoning: R-1 |
| **Site Features**       | The subject property is 25,114 square feet in size. The property is improved with a 1,206 square foot, single-story building that was originally constructed in 1961. The existing building is non-conforming, as it encroaches into the front yard setback. (See existing survey on page A3). |
| **McMansion Policy**    | The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.  
As proposed, the property would comply with the McMansion Policy. The existing FAR will not be increased by the addition of the covered porch because covered porches are not included in the FAR. |
| **Expansion permit vs. Variance** | Expansion permits are applied to the portions of the proposed home that either vertically or horizontally expand within an established non-conforming setback. By ordinance, staff could administratively approve a permit to reconstruct a roof with the same pitch and location as the existing roof. Under the current proposal the applicant is proposing to increase the pitch of the roof. While a large portion of the roof would be constructed outside of the 35-foot front yard setback, there are portions that are within the front yard setback and are an increase in the pitch of the roof, increasing the volume of the home, requiring an expansion permit. |
A variance is required for proposals that create a non-conformity or increase a non-conformity. Staff could have applied an expansion permit for the covered porch if it did not extend beyond the established 28-foot setback of the home. However, under the current proposal, a variance is required for the covered porch because it creates a 25-foot front yard setback, increasing the non-conforming front yard setback of the home.

**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 considering things such as:
   - Functional and aesthetic justifications for the expansions;
   - Adequacy of off-street parking for the expansion;
   - Absence of adverse off-street impacts from such things as traffic, noise, dust, odors and parking;
   - Improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, and are not caused by the landowner, are not solely for the landowner’s convenience, and are not solely because of economic considerations; and

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

**Variance Standard**

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

The planning commission has five options:

1. Concur with staff’s recommendation. In this case a motion should be made approving the variance and expansion permit.

2. Approve the variance request for the covered porch and deny the expansion permit request for the pitched roof. This motion must include a statement as to why the expansion permit request is denied.

3. Approve the expansion permit request for the pitched roof and deny the variance request for the covered porch. This motion must include a statement as to why the variance request is denied.

4. Disagree with staff’s recommendation. In this case a motion should be made denying both the variance and expansion permit. This motion must include a statement as to why the request is denied.

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

Neighborhood Comments

The city sent notices to 37 area property owners and has received two comments in favor of the variance and expansion permit. Ms. Dorothy Jorgenson of 12935 Rutledge Circle left a message with the city on July, 27, 2016 stating that she is “fully in favor” of the
proposal and Ms. Elizabeth Weiser Buie of 12960 Rutledge Circle emailed staff in support of the proposal (see page A10).

Deadline for Decision

August 4, 2016
Location Map

Project: Mac & Kathryn Hardin
Address: 12926 Rutledge Cir
Project No. 16016.16a
LEGAL DESCRIPTION:
Lot 5, Block 1, RUTLEDGE RIDGE, Hennepin County, Minnesota.

SCOPE OF WORK & LIMITATIONS:
1. Showing the length and direction of boundary lines of the South lot line per the legal description listed above. The scope of our services does not include determining what you own, which is a legal matter. Please check the legal description with your records or consult with competent legal counsel, if necessary, to make sure that it is correct and that any matters of record, such as easements, that you wish to be included on the survey have been shown.
2. Showing the location of observed existing improvements we deem necessary for the survey.
3. Setting survey markers or verifying existing survey markers to establish the corners of the property.
4. Note that all building dimensions and building tie dimensions to the property lines, are taken from the siding and or stucco of the building.

STANDARD SYMBOLS & CONVENTIONS:
“…” Denotes iron survey marker, set, unless otherwise noted.
Non-Conforming Setback Properties on Rutledge Circle (approximate setbacks)

- Subject Property
  - 28-foot front yard setback
  - (25.4-foot front yard proposed)
- 29-foot front yard setback
- 15-foot front yard setback
- 9-foot front yard setback
- 46-foot front yard setback*
- 33-foot front yard setback*

35-foot front yard setback required along Rutledge Circle
*50-foot setback required along Plymouth Road

Gary Hansen (applicant)
12926 Rutledge Circle
#16016.16a
Variance Application

PRACTICAL DIFFICULTIES WORKSHEET

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

1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;
2) The proposed variance is consistent with the comprehensive plan; and
3) An applicant establishes that there are practical difficulties in complying with the ordinance standard, from which they are requesting a variance. Practical difficulties mean:
   - The proposed use is reasonable;
   - The need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and
   - The proposed use would not alter the essential character of the surrounding area.

<table>
<thead>
<tr>
<th>PRACTICAL DIFFICULTIES</th>
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</thead>
<tbody>
<tr>
<td>Describe why the proposed use is reasonable</td>
</tr>
<tr>
<td>THE EXISTING HOUSE IS WITHOUT ANY FRONT STEP PROTECTION FROM RAIN OR SNOW.</td>
</tr>
<tr>
<td>Describe:</td>
</tr>
<tr>
<td>• very odd lot line that appears to be 10' wider than it actually is.</td>
</tr>
<tr>
<td>• owners did not know of the front yard setback was so odd?</td>
</tr>
<tr>
<td>• they would like their front door &amp; steps to be protected from the elements.</td>
</tr>
<tr>
<td>Describe why the variance would not alter the essential character of the neighborhood</td>
</tr>
<tr>
<td>• the surrounding houses mostly have covered or roof overhangs at their front doors.</td>
</tr>
<tr>
<td>As you see in the survey that this will appear 36&quot; from the street.</td>
</tr>
</tbody>
</table>

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE
Hello,
After meeting with Mac Hardin and reviewing the rebuild of a roof and a front yard covered porch, we are in complete agreement with their rebuild project and wish both Mac and Kathryn Hardin much success with this project. They are great neighbors, being very helpful and responsible for the wellbeing of our neighborhood.
Thank you.
Elizabeth Weiser Buie
12960 Rutledge Circle
Minnetonka, MN 55305
Planning Commission Resolution No. 2016-
Resolution approving a front yard setback variance for a covered porch and an expansion permit to reconstruct and increase the pitch of the roof at 12926 Rutledge Circle

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

Section 1. Background.

1.01 Gary Hansen of Hansen Hometech Inc. has requested a front yard setback variance for a covered porch and an expansion permit to reconstruct and increase the pitch of the roof. (Project #16016.16a).

1.02 The property is located at 12926 Rutledge Circle. It is legally described as: Lot 5, Block 1, Rutledge Ridge, Hennepin County, Minnesota.

1.03 City Code §300.10 Subd. 5(b) requires a minimum front yard setback of 35 feet.

1.04 The existing house has a front yard setback for 28 feet. As the house was constructed in 1961 prior to the adoption of the city’s first zoning ordinance, the front yard setback is considered non-conforming.

1.05 The covered porch addition would have a front yard setback of 25 feet. A variance is required.

1.06 The reconstruction and increase of the pitch of the roof requires an expansion permit, as it would maintain the existing non-conforming front yard setback of the home.

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

1.08 City Code §300.29 Subd. 3(g) allows expansion of a nonconformity only by variance or expansion permit.
Section 2. Standards.

2.01 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.

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

1. The proposed expansion is a reasonable use of the property, considering such things as: functional and aesthetic justifications for the expansion; adequacy of off-site parking for the expansion; absence of adverse off-site impacts from such things as traffic, noise, dust, odors, and parking; and improvement to the appearance and stability of the property and neighborhood.

2. The circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and

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

Section 3. Findings.

3.01 The proposal would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. INTENT OF THE ORDINANCE. The proposal is in harmony with the general purposes and intent of the zoning ordinance. The intent of the front yard setback requirement is to provide for consistent building lines within a neighborhood and to provide for adequate separation between homes and the public right-of-way. Several homes on the subject street do not meet the required front yard setback requirement due to being constructed prior to the city...
ordinance. The proposed porch would be generally consistent with setbacks of the other existing homes within the neighborhood.

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

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

a) REASONABLENESS AND CHARACTER OF THE LOCALITY: The proposed setback variance is reasonable and would not negatively impact the character of the surrounding neighborhood. The addition would:

1) Enhance the use of the existing home;

2) Result in just 14 square feet of further encroachment into the existing non-conforming setback;

3) Be generally consistent with the setbacks of other existing homes within the neighborhood. Several properties do not meet the current front yard setback requirements and have similar or greater non-conforming setbacks.

b) UNIQUE CIRCUMSTANCE: The absence of a covered porch and existing non-conformity of the primary structure are unique characteristics of the property.

1) The subject home was originally constructed in 1961 without a covered porch.

2) The existing home encroaches within 28 feet of the front (southern) property line.

3) There are no alternatives available for the property owner to construct the proposed covered porch.

3.02 The proposal would meet the expansion permit standards as outlined in City Code §300.29 Subd. 7(c):
1. REASONABLENESS: It is reasonable to reconstruct and increase the pitch of a roof. The vertical expansion would be within the established setback and the principal structure would not encroach further into the existing front yard setback.

2. UNIQUE CIRCUMSTANCE: The expansion permit is the result of the unique positioning of the home. The subject home was constructed in its current location in 1961, predating city ordinance, and encroaches within the front yard setback. The principal structure is currently positioned 28 feet from the front property line, encroaching 7 feet into the front yard setback. Due to the current situation of the home, the applicant has no other alternative to accommodate the roof plan without vertical expansion within the front yard setback.

3. NEIGHBORHOOD CHARACTER: The proposal would not negatively impact the character of the surrounding neighborhood. Several homes along Rutledge Circle appear to have non-conforming front yard setbacks because their construction predates the city's setback ordinances. Approval of the expansion permit would allow the applicant to make reasonable improvements to the property and home without encroaching further into existing setbacks.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance and 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 site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

   - Survey drafted July 4, 2016.
   - Plans and elevations submitted with application and date stamped July 8, 2016.

2. Prior to issuance of a building permit:

   a) A copy of this resolution must be recorded with Hennepin County.
b) The applicant must install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

3. This variance will end on December 31, 2017, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on August 4, 2016.

________________________________________
Brian Kirk, Chairperson

Attest:

________________________________________
Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 4, 2016.

________________________________________
Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
August 4, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION
August 4, 2016

Brief Description
Setback variances to allow the installation of a solar array at 3528 Moorland Road

Recommendation
Adopt the resolution approving the request

Background
On July 21, 2016, the planning commission reviewed a setback variance request by Oxbow Sunworks, on behalf of the property owner, to allow the installation of a solar array on the south side of the existing garage at 3528 Moorland Road. The planning commission supported the incorporation of solar on the property but was uncomfortable with the proposed 0.75-foot side yard setback. Ultimately, the planning commission voted to table the item to allow the applicant time to revise the plans and show an increased setback. (See staff report and planning commission minutes on pages A12-A15 and A40–A42.)

Revised Proposal
Since the last planning commission meeting, the applicant has reconfigured the solar array into a linear formation. (See pages A3–A5). This effectively increased the side yard setback. The following chart is intended to summarize the setbacks of the previous and current proposals:

<table>
<thead>
<tr>
<th></th>
<th>Ordinance Requirement</th>
<th>Previous Proposal</th>
<th>Current Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side yard setback</td>
<td>10 ft</td>
<td>0.75 ft</td>
<td>6 ft</td>
</tr>
<tr>
<td>Rear yard setback</td>
<td>10 ft</td>
<td>8 ft</td>
<td>6 ft</td>
</tr>
</tbody>
</table>

Staff Analysis
Staff finds that the applicant’s proposal meets the variance standard outlined in city code:

- **Purpose and intent of the zoning ordinance:** The proposed variances would meet the intent of the zoning ordinance. The intent of residential setback requirements is to ensure neighborhoods retain residential characteristics while also ensuring adequate separation between structures. Staff finds that the proposed setbacks would allow for reasonable separation between the proposed solar array and the existing garage on the adjacent property to the south.
• **Consistent with the comprehensive plan:** The proposal would be consistent with the comprehensive plan. One of the primary goals of the comprehensive plan is to maintain, preserve, and support the character of the existing neighborhoods. If approved, the side and rear setbacks would be similar to those previously approved within the Moorland Road neighborhood.

• **Reasonableness:** The proposed rear and side yard setbacks are reasonable, as:
  1. The requested side and rear yard setback variances are similar to what exists and what has been previously approved within the neighborhood. (See page A6.)
  2. The subject property has a lot area of less than half the minimum required by ordinance.
  3. The proposed setbacks would allow for the incorporation of additional solar panels while allowing for continued and reasonable recreational use of the property.

• **Neighborhood Character:** The proposal would not negatively impact the character of the surrounding neighborhood. The STARING’S TONKA WOOD-CROFT subdivision was platted in 1924. As a result, many of the properties within the surrounding area are substandard in lot size and are improved with non-conforming structures. The proposed setbacks would be consistent with existing and previously approved side and rear setbacks of principal and accessory structures in the area.

• **Unique circumstance:** There are 63 properties within the defined neighborhood area of the subject property. Nearly 90 percent of these properties are substandard in lot area. The average lot size in the area is over 15,000 square feet; as such, the subject property is cannot be classified as small lot. However, if the largest property within the defined neighborhood area were excluded, the average lot size would fall below 15,000 square feet and the subject property would be considered a small lot by ordinance. Accessory structures on small lots are allowed to maintain seven-foot side and rear yard setbacks. While the proposal would still require a setback variance it would visually maintain the required setback. The property’s 10,000 square foot lot area is not uncommon to the immediate area, but is not common to all similarly zoned properties.

**Staff Recommendation**

Adopt the resolution on pages A7–A10, which approves side and rear variances for a solar array at 3528 Moorland Road.

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

Surrounding Land Uses

The lots on all sides of the subject property are zoned and guided for single-family homes.

Planning

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

Small Lot

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

Variance Standard

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

Natural Resources

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

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.

Approving Body

The planning commission has final authority to approve or deny the request. (City Code §300.07 Subd.4)

Neighborhood Comments

The city sent notices to 52 area property owners and received no new comments since the last planning commission meeting.
Deadline for Decision

September 26, 2016
Location Map

Project: Oxbow Sunworks
Address: 3528 Moorland Rd
Project No. 16013.16a

This map is for illustrative purposes only.
Current Proposal
Proposed solar array on existing garage

Proposed solar carport

Driveway

Moorland Rd

1440"

274"

16' 7"

6' 1"

38' 11"

6' 1"
* Approved side and rear setbacks of 5 ft or greater.
Planning Commission Resolution No. 2016-

Resolution approving side and rear yard setback variances for installation of a solar array at 3528 Moorland Road

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

Section 1. Background.

1.01 Oxbow Sunworks, on behalf of property owners Karen Howe and Leilani Hotaling, is proposing to install a solar array on the south side of an existing detached garage at 3528 Moorland Road.

1.02 The subject property is legally described as:

Lot 8 and the South Half of Lot 7, Block 3, Staring’s Tonka Wood-Croft, Hennepin County, Minnesota

1.03 By City Code §300.10 Subd.6(c)(1), accessory structures must conform to the setbacks established for principal structures, except that accessory structures located more than 10 feet from a principal structure may be located a minimum of 10 feet from a rear or side lot line.

1.04 The proposed solar array would be located more than 10 feet from the principal structure on the site. The applicant is requesting variances to allow the array to be located 6 feet from the side lot line and 6 feet from the rear lot line.

1.05 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the planning commission to grant variances.

Section 2. Standards.

2.01 By City Code §300.07 Subd.1(a), a variance may be granted from the requirements of this ordinance including those placed on nonconformities. A variance is only permitted when it is in harmony with the general purposes
and intent of this ordinance and when the variance is consistent with the comprehensive plan. A variance may be granted when the applicant establishes that there are practical difficulties in complying with this ordinance. Practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by this ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes inadequate access to direct sunlight for solar energy systems. Inadequate access means the failure to achieve reasonable access to direct sunlight, not optimal or maximal access.

Section 3. Findings.

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

1. **Purpose and intent of the zoning ordinance:** The proposed variances would meet the intent of the zoning ordinance. The intent of residential setback requirements is to ensure neighborhoods retain residential characteristics while also ensuring adequate separation between structures. The proposed setbacks would allow for reasonable separation between the proposed solar array and the existing garage on the adjacent property to the south.

2. **Consistent with the comprehensive plan:** The proposal would be consistent with the comprehensive plan. One of the primary goals of the comprehensive plan is to maintain, preserve, and support the character of the existing neighborhoods. If approved, the side and rear setbacks would be similar to those previously approved within the Moorland Road neighborhood.

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

   a. **Reasonableness:** The proposed side and rear setbacks are reasonable, as:

      1. The requested side and rear yard setback variances are similar to what exists and what has been previously approved within the neighborhood.

      2. The subject property has a lot area of less than half the minimum required by ordinance.
3. The proposed setbacks would allow for the incorporation of additional solar panels on the property while allowing for continued and reasonable recreational use of the property.

b. Neighborhood Character: The proposal would not negatively impact the character of the surrounding neighborhood. The STARING’S TONKA WOOD-CROFT subdivision was platted in 1924. As a result, many of the properties within the surrounding are substandard in lot size and are improved with non-conforming structures. The proposed setbacks would be consistent with existing and previously side and rear setbacks of principal and accessory structures within the surrounding neighborhood.

c. Unique Circumstance: There are 63 properties within the defined neighborhood area of the subject property. Nearly 90 percent of these properties are substandard in lot area. The average lot size in the area is over 15,000 square feet; as such, the subject property is cannot be classified as small lot. However, if the largest property within the defined neighborhood area were excluded, the average lot size would fall below 15,000 square feet and the subject property would be considered a small lot by ordinance. Accessory structures on small lots are allowed to maintain seven-foot side and rear yard setbacks. While the proposal would still require a setback variance it would visually maintain the required setback. The property’s 10,000 square foot lot area is not uncommon to the immediate area, but is not common to all similarly zoned properties.

Section 4. Planning Commission Action.

4.01 The planning commission hereby approves the above-described variance based on the findings outlined in section 3 of this resolution.

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

   • Site plan dated July 26, 2016
   • Perspectives dated July 26, 2016

2. Prior to issuance of a building permit:
a) A copy of this resolution must be recorded with Hennepin County.

b) Submit a revised survey that is consistent with the site plan dated July 26, 2016.

3. This resolution does not authorize the enclosure of the area underneath the solar array.

4. The variance will end on December 31, 2017, unless the city has issued a building permit for the project covered by this variance or has approved a time extension.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on August 4, 2016.

Brian Kirk, Chairperson

Attest:

Kathy Leervig, Deputy City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Planning Commission of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 4, 2016.

Kathy Leervig, Deputy City Clerk
Brief Description  Side yard setback variance from 10 feet to 0.75 feet for installation of a solar array at 3528 Moorland Road

Recommendation  Adopt the resolution denying the request

Proposal

Oxbow Sunworks, on behalf of property owners Karen Howe and Leilani Hotaling, is proposing to install a solar array on the south side of an existing detached garage at 3528 Moorland Road. A minimum 10-foot side yard setback is required. As proposed, the solar array would be located 0.75 feet from the south property and a side yard setback variance is required. (See pages A1–A18.)

Staff Analysis

The city may grant a variance to zoning ordinance requirements only when: (1) the requested variance is consistent with the purpose and intent of ordinance standards; (2) the requested variance is consistent with the comprehensive plan; and (3) an applicant establishes that there are practical difficulties in complying with ordinance standards. Practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by this ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Both state law and city code recognize that inadequate access to direct sunlight for solar energy systems constitutes a practical difficulty. However, city codes goes onto state that, “inadequate access means the failure to achieve reasonable access to direct sunlight, not optimal or maximal access.” (See pages A19–A20.)

Staff finds that there is no practical difficulty in complying with the required 10-foot setback. There are at least four locations on the property where the proposed solar array could be located that would both meet the minimum setback requirement and allow for reasonable access to sunlight. (See pages A21–A22.) The locations are:

1. Breezeway. The array could form a “breezeway” type connection between the existing home and garage. The array would have a southerly exposure.

2. North Side. The array could be located on the north side of the home, which has reasonable exposure to sunlight.

3. West Side. The array could be located on the west side of the home, which has reasonable exposure to sunlight.
4. Backyard. The array could be located in the backyard. The array would have a southerly exposure.

These locations may not be preferred by the property owners due to the fact that they may cost more to install or may not allow for optimal or maximal solar access. However, neither economic considerations nor failure to achieve optimal or maximal solar access constitutes a practical difficulty.

**Summary Comments**

The City of Minnetonka supports and encourages the use of alternative energy sources and staff commends the property owners for their efforts to improve the energy efficiency of their home and reduce their carbon foot. Nevertheless, from staff’s perspective, the positive goal of optimal access to sunlight does not outweigh or negate setback regulations or the variance standard.

**Staff Recommendation**

Adopt the resolution denying the side yard setback variance from 10 feet to 0.75 feet for a solar array at 3528 Moorland Road. (See pages A25–A27.)

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

Surrounding Land Uses
The lots on all sides of the subject property are zoned and guided for single-family homes.

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

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

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 adopting the resolution denying the variance request.

2. Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for approval to be presented at the next meeting the commission. This motion should include a statement on how the variance standard is met.
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.

**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 52 area property owners. A petition in support of the request was received and is attached on pages A23–A24.

**Deadline for Decision**
September 26, 2016
Location Map

Project: Oxbow Sunworks
Address: 3528 Moorland Rd
Project No. 16013.16a

This map is for illustrative purposes only.
Legal Description:

Owners: Kaaren Howe and Leilani Hotaling
Address: 3528 Moorland Rd
PID: 17-117-22-42-0019
Municipality: MINNETONKA
Addition Name: STARINGS TONKA WOOD-CROFT
Lot: 003
Block: 003
LOT 8 AND S 1/2 OF LOT 7

Written Statement:

We are asking for a variance to allow a solar array installation on our home property that does not meet the ten foot setback requirements for structures.

We are long time business owners and residents of Minnetonka. We have owned Minnetonka Animal Hospital since 1998. We completed an extensive remodeling project in 2013. We have lived in Minnetonka since 1998. When we downsized from our home on The Strand, we purchased 3528 Moorland Road in December 2014. We moved one block, to stay in Minnetonka and keep a small commuting carbon footprint.

We have made substantial improvements to our Moorland home, focusing on improved energy efficiency, including:

- Windows: replaced all but five windows with Marvin Ultimate energy efficient windows
- Insulation: spray foam insulation used in the upper ⅔ story and half of the main floor
- Electric: rewired the majority of the house, all replaced light fixtures use LED lights
- HVAC: replaced furnace with a very energy efficient unit, added an air exchanger, replaced the oversized heat ducts to appropriate size, moved the supply side to the interior walls of the house and the returns on the exterior walls of the house to improve energy efficiency, and replaced the air conditioner with a heat exchanger
- Plumbing: installed on demand water heater, bathroom toilet is Water Sense labeled as is the faucet (0.3 gallon/minute solar powered motion activated faucet). Low flow shower head and kitchen sink faucet. All plumbing pipes have been replaced
- Appliances: refrigerator, washer and dryer are Energy Star certified
- Roof: replaced with Shasta White Energy Star certified shingles

Suffice to say, we are committed to creating the most energy efficient home we can.

Adding solar to our home is another way we can decrease our carbon footprint. The average American household generates 7.4 tons of carbon dioxide per year through electrical use. Carbon dioxide has been...
proven to cause global warming, which is wreaking havoc on our Earth—causing glaciers to melt, shorelines to erode and animals to be endangered. In addition, solar reduces reliance on foreign and nonrenewable energy sources.

In November of 2015, we won the state solar incentive lottery to install twenty Minnesota Made solar panels. The only unshaded, south facing roof space is on the garage at the back of the property. However, the garage only fits eight of the twenty panels. To accommodate for this we would like to install the rest of the 12 solar panels on posts that would allow for canoes or a car to be parked underneath them. The space next to the garage where the carport is being proposed currently has a concrete pad that is used to store canoes. The previous owners parked their RV (which was taller than the garage itself) in that location, see photo.

The carport array would be three rows of four panels. The setback on the south side is one foot three inches from the property line. The west setback is eight feet one third inch. The type of panels being used are tenKsolar panels, which come with a reflector, made of 3M reflective material that increase the productivity of the panels. These reflectors are very aesthetically pleasing, see example photo.

The structure will be used to produce clean electricity to provide us with a financial benefit, energy security and provide the community with pollution free energy. The structure will also be used to provide shelter for canoes or car.

We explored other options for the solar panels to see if we could meet City setback requirements.

1. A layout of two rows of six panels each would give a setback of six feet on the south however the carport would either stick out beyond the garage to the east, which would obstruct use of the garage, or it could be centered on the garage in the east west positon. This design still would not meet setback requirements.
2. Mount the panels on the south face of the house. The tenKsolar panels cannot be mounted on the side of a house.
3. Mount the panels on the west side of the house. Due to site limitations such as heavy tree foliage blocking the light penetration to the panels, this option will produced twenty percent less electricity.
4. Raise the support structure and relocate it above the garage... not a viable option per the solar contractors.
Any redesign of the structural support for the panels will result in increased charges of at least $750 for structural engineering, closer to $8000 for option 4.

The carport design will have virtually no impact on the adjacent neighbors, as the intersection of the properties where the carport will be located has dense foliage and existing structures that will block the carport from site. See attached picture.

A neighborhood petition of support for the project will be delivered prior to the meeting.

We believe that our proposal meets the Practical Difficulties requirements for a variance in that the proposal is reasonable, the need for the variance is caused by circumstances unique to the property, and the proposed use would not alter the essential character of the surrounding area. Minnesota law, variance procedure Section 300.07, allows local zoning boards to create variances in zoning rules in situations where practical difficulties, such as lack of access to sunlight for solar-energy devices, impinge on a particular property. In addition, Minnetonka zoning code does allow variances to be granted for the specific purpose of capturing solar resources. In our case, the variance is needed in order to provide adequate access to direct sunlight for the solar energy system. We have demonstrated above that there are no reasonable alternatives and that the project does not create problems or diminish community character.

The following are the specific sections of Minnetonka’s Comprehensive Plan that are pertinent to our request for a variance in that they encourage and support the use of “green Technologies” including solar panels:

Ch. III Overall Policy and Growth Strategies
p. III-3 Policy Use and Definitions
   B. Definitions
       c. Green technology: applications to conserve the natural environment and resources, and to mitigate the negative impacts of human involvement in the built environment. Examples include the use of solar panels, incorporating plants and landscaping on portions of buildings, and the use of renewable energy sources.

p. III-7 Policies
   C. Land Use, Development and Redevelopment
      Community Values: *promote use of green technology and sustainable development
p. III-13 D. The Natural Environment
Community Values: promote use of green technologies and sustainable development

p. III-14 D. The Natural Environment
Green Technology: Since the early 1990s the city has incorporated green technologies and techniques to conserve and reduce reliance on nonrenewable energy sources. Current green technologies utilized and encouraged by the city include recycling, use of solar energy, and non-toxic cleaning methods for utility and facility management.

Policy No. 3: Provide education and programs to residents and businesses to encourage the use of green technologies.
Policy No. 6: Encourage the use of technologies, including solar access and other or new forms of renewable energy, oriented towards energy conservation and efficiency.

Finally, Minnetonka is a GreenStep City, and has claimed credit for Best Practice #26 Renewable Energy: Remove barriers to and encourage installation of renewable energy generation capacity. “Minnetonka Resolution No. 2013-123, Section 2.02 Will claim credit for having implemented and will work at its own pace toward implementing at least 16 GreenStep best management practices that will result in energy use reduction, economic savings, quality of life improvement and reduction in the City's greenhouse gas footprint.” Thus far, Minnetonka has achieved Action Step 1 and 3 towards the Greenstep solar energy standards:

★★Action 1: Adopt solar energy standards or a wind energy ordinance that allows or encourages appropriate renewable energy installations.
Date completed/entered: 02/23/2015
Date updated: 02/23/2015
- Implementation details: The Minnetonka City Code allows solar equipment as a permitted accessory use within all residential zoning districts...Additionally the city has recommended approval to the planning commission of solar equipment in other zoning districts as part of the site and building plan review process. Conditional use permit standards include setbacks, system design control standards, and compliance with applicable building and electrical code requirements.
- Outcome measures/metrics: The city has been tracking the installation of solar panels within the city through the submission of building permits. The city has seen an increase in solar panel installation in recent years.

★★★★Action 3: Create/participate in a renewable energy financing program such as PACE for commercial property owners to install generation capacity/energy efficiency equipment.
Date completed/entered: 07/21/2014
Date updated: 08/07/2014
- Implementation details: The City of Minnetonka has entered into a joint powers agreement with the St. Paul Port Authority. The St. Paul Port Authority is designated as the implementing entity to implement and administer the MN PACE program. The program provides a financial opportunity to construct or install energy efficient improvements.

By granting our request for a variance for the solar panels that encroach on the setback requirements, Minnetonka would be making a step forward towards Action 2:
Adopt the Minnesota Solar Challenge land use best practices...with provisions that promote rather than restrict renewable energy installations. Include incentive provisions such as...fast-tracking permits (as noted in action 26.7).

Greenstep provides examples of model solar energy standards that support implementation of solar projects. One component would be to protect access to solar resources such that development of neighboring properties (structures or vegetation) does not restrict a homeowner’s access to direct sunlight. Another example would be to commit to meeting climate protection goals by removing regulatory barriers to solar energy such as ensuring reasonable access not unduly limited by height, setback, or coverage limitation, recognizing the distinct design and function of solar technologies.

We commend the City on its progressive stance on sustainability. We look forward to receiving a variance for the setback requirements for our proposed solar array. Please let us know if you have any questions.

Kaaren Howe, DVM, MBA
Leilani Hotaling, DVM
3528 Moorland Rd
Minnetonka MN 55345
952-237-7380
952-237-7381
Option 4
Proposed Carport Structure.
Built in accordance with Structural Review Letter for Ground Mount Solar Installation at the Howe Residence, dated 9/1/2015
MMY Project #15554

Existing Garage

See Sheet A04

W6X9 Post
Embedded 60"
in concrete
Typ.

Concrete pier 20" x 72"
Typ.

W6X9 grade A992 Steel post
Typ.

13'-0"
8'-0"
10'-11"
5'-0"
6'-0"
1'-8"

Oxbow Sunworks
3528 Moorland Rd
16013.16a
Note:
All attachments between panels, rail, L feet and standoffs are per manufacturers specified methods and using manufacturers specified hardware and torqued appropriately.
study and report and may not be acted upon by the governing body until it has received the recommendation of the planning agency on the proposed amendment or until 60 days have elapsed from the date of reference of the amendment without a report by the planning agency.

Subd. 5. Amendment; certain cities of the first class. The provisions of this subdivision apply to the adoption or amendment of any portion of a zoning ordinance which changes all or part of the existing classification of a zoning district from residential to either commercial or industrial of a property located in a city of the first class, except a city of the first class in which a different process is provided through the operation of the city's home rule charter. In a city to which this subdivision applies, amendments to a zoning ordinance shall be made in conformance with this section but only after there shall have been filed in the office of the city clerk a written consent of the owners of two-thirds of the several descriptions of real estate situate within 100 feet of the total contiguous descriptions of real estate held by the same owner or any party purchasing any such contiguous property within one year preceding the request, and after the affirmative vote in favor thereof by a majority of the members of the governing body of any such city. The governing body of such city may, by a two-thirds vote of its members, after hearing, adopt a new zoning ordinance without such written consent whenever the planning commission or planning board of such city shall have made a survey of the whole area of the city or of an area of not less than 40 acres, within which the new ordinance or the amendments or alterations of the existing ordinance would take effect when adopted, and shall have considered whether the number of descriptions of real estate affected by such changes and alterations renders the obtaining of such written consent impractical, and such planning commission or planning board shall report in writing as to whether in its opinion the proposals of the governing body in any case are reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use, and shall have conducted a public hearing on such proposed ordinance, changes or alterations, of which hearing published notice shall have been given in a daily newspaper of general circulation at least once each week for three successive weeks prior to such hearing, which notice shall state the time, place and purpose of such hearing, and shall have reported to the governing body of the city its findings and recommendations in writing.

Subd. 6. Appeals and adjustments. Appeals to the board of appeals and adjustments may be taken by any affected person upon compliance with any reasonable conditions imposed by the zoning ordinance. The board of appeals and adjustments has the following powers with respect to the zoning ordinance:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by an administrative officer in the enforcement of the zoning ordinance.

2. To hear requests for variances from the requirements of the zoning ordinance including restrictions placed on nonconformities. Variances shall only be permitted when they are in harmony with the general purposes and intent of the ordinance and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in section 216C.06, subdivision 14, when in harmony with the ordinance. The board of appeals and adjustments or the governing body as the case may be, may not permit as a variance any use that is not allowed under the zoning ordinance for property in the zone where the affected person's land is located. The board or governing body as the case may be, may permit as a variance
SECTION 300.07. VARIANCES.

1. Limitations.

a) A variance may be granted from the requirements of this ordinance including those placed on nonconformities. A variance is only permitted when it is in harmony with the general purposes and intent of this ordinance and when the variance is consistent with the comprehensive plan. A variance may be granted when the applicant establishes that there are practical difficulties in complying with this ordinance. Practical difficulties means that the property owner proposes to use the property in a reasonable manner not permitted by this ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, would not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties. Practical difficulties also includes inadequate access to direct sunlight for solar energy systems. Inadequate access means the failure to achieve reasonable access to direct sunlight, not optimal or maximal access. Variances must be granted for earth sheltered construction as defined in state law, when in harmony with this ordinance. The city may impose conditions in the granting of a variance. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.

b) A lot that does not meet the minimum requirements of this ordinance and section 400 is not buildable unless a variance is granted. No variance will be granted to declare a substandard lot buildable unless, in addition to meeting the criteria enumerated in paragraph (a) of this subdivision, the applicant has exhausted all reasonable possibility of combining the lot with an adjacent vacant lot. Notwithstanding the above, no variance is needed to declare buildable any lot which was a lot of record zoned for single family residential use on February 12, 1966 and which meets all of the following minimum standards:

1) 15,000 square feet;
2) 90 feet in width at building setback line; and
3) 110 feet in depth.

c) No variance shall be granted to permit a use which is not allowed as a permitted use, accessory use or conditional use under this ordinance for property in the district in which the land is located.

d) No variance shall be granted in the wetlands, floodplain or shoreland districts which allows for a lesser degree of flood protection than is required by sections 300.23, 300.24 or 300.25 of this ordinance.

e) A variance from the standards applicable to another land use approval, such as a site plan, conditional use permit, and subdivision, does not require a separate application, but the applicant for the underlying land use approval must provide a written narrative explaining the justification for any requested variance. The planning commission and city council may act separately on
OPTION 1: “BREEZEWAY” CONNECTION

OPTION 2: NORTH SIDE OF GARAGE
OPTION 3: WEST SIDE OF HOME

OPTION 4: BACKYARD
Petition to City of Minnetonka Planning Commission

Petition summary and background

We, Kaaren Howe and Leilani Hotaling of 3528 Moorland Rd Minnetonka MN, are asking the City of Minnetonka Planners to approve a variance for a carport with solar panels that will be within the ten foot setback requirement. We applied for and won the state solar incentive lottery to install twenty Minnesota Made solar panels. The only unshaded, south facing roof space is on the garage at the back of the property. However, the garage only fits eight of the twenty panels. To accommodate for this, we would like to install the rest the panels (12) on posts that would allow canoes or a car to be parked under them. This space is next to the garage and currently has a concrete pad that the previous owners used to park a RV that was taller than the garage. The solar panels will not extend above the garage. This corner of the property has extensive vegetation and structures on the adjacent neighbors properties so the solar panels should not interfere aesthetically for these neighbors. We have evaluated other options for solar panel placement and the proposed location is the only functional location for the panels. The structure will be used to produce clean electricity and provide the community with pollution free energy (any excess energy produced goes back into the grid for use by other people in the community).

Action petitioned for

We, the undersigned, support the installation of solar panels, which provides pollution free energy, on a carport as described in the above Petition Summary. We recognize that the carport will be within the normal ten foot setback that is required by the City of Minnetonka. We have reviewed plans for the carport and find the plan to be aesthetically acceptable.

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Oxbow Sunworks
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16013.16a
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<td>3528 Moorland Rd</td>
<td></td>
<td>7/11/16</td>
</tr>
</tbody>
</table>
E. Side yard setback variance from 10 feet to .75 feet for installation of a solar array at 3528 Moorhead Road.

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

Gordon reported. He recommended denial of the application based on the findings listed in the staff report.

Calvert asked staff to explain the difference between the existing cement slab and the solar array. Gordon answered that the cement slab is approximately 3 feet from the property line. It is further back than where the solar array would be located. The setbacks were created to protect the visual impact, fire code issues, and community standard. Hard surface conditions are not looked at in the same manner.

Karen Howe, 3528 Moorland Road, applicant, stated that she appreciated the commission considering the variance request. The setback would be one foot and three inches wide. She provided pictures included in the presentation that show that shrubs, solid fencing, garages, and sheds would block the view of the solar array. Her adjacent neighbors as well as 42 other neighbors support the solar panels being installed. She was unable to get approval from 8 houses since 2 were on vacation, 1 was vacant, and she got 1 more signature today. The value of the house would increase by $15,000. That would benefit the city. A huge house would block sun. Her proposal would have less impact than what was there previously.

Tim Parnell, electrical engineer for the applicant, provided a technical consult on the amount of reasonable sunlight in these situations. Another location would reduce the energy production which would make it less financially viable. He referred commissioners to the website: solar.maps.mn.edu as a good resource to see how much available sunlight would be available, but it is not accurate enough to provide confirmation.

Knight liked that the applicant worked hard to create a plan of which the neighbors approve. He asked how a tree planted on the neighbor’s property would impact the panels gathering sunlight. Mr. Parnell said that it would decrease the energy output. Knight noted that the proposed location might be the best location for today with the current neighbor, but it may not be the best location over time.

The public hearing was opened.
James Kinzer, 3600 Moorland Road, stated that the adjacent neighbor’s property near the driveway would not support a mature tree in the area that would block light to the solar array. The proposal is the optimum location for the solar array. He supports the project. The applicant has done her homework and is respectful of others. Everyone who has a line of sight to the property supports the proposal. He does tree work for all of the neighbors and has seen all of the views.

No additional testimony was submitted and the hearing was closed.

In response to Chair Kirk’s question, Gordon explained staff’s concern with the proposed setback and noted other areas where the solar array could be located.

Ms. Howe stated that option one would obstruct access to the garage. Mr. Parnell stated that option two would diminish production of the solar array. Chair Kirk assumed that the north side would be built to a level to allow the solar array to face the south. Ms. Howe said that would eliminate her garden. Ms. Howe stated that the west side orientation would decrease energy production by 20 percent which is the difference between reasonable and optimal. Ms. Howe stated that President Obama stated that solar panels should be made accessible to households with low and moderate incomes. This is a moderate home and property which decreases the number of location options. She would like to keep her garden.

Calvert was aware that the city encourages solar gardens. She asked how the city encourages the use of solar panels. Gordon said that solar panels are encouraged. Each property is looked at on an individual basis. The preservation of trees is also a priority. The city has bought into a solar farm.

Odland confirmed with Gordon that the solar array is similar to an accessory structure in terms of setback requirements. Odland noted that the most optimum location is not required to be allowed when there are reasonable alternatives.

Chair Kirk noted that the carport is what is difficult to approve. He questioned if the proposal would need a setback variance for just a metal frame holding solar panels. Gordon answered that would also be considered an accessory structure.

O’Connell noted that the accessory structure would be larger than half of the garage. The accessory structure could be reduced in size to still have room for a carport and increased setback. He would support the setback variance if the carport would not be so big.
Chair Kirk reviewed that commissioners are concerned with the small setback for the carport solar array. Ms. Howe stated that she chose the option that the neighbors preferred and would impact the neighbors the least amount. A huge pole with solar panels on top would be less aesthetically pleasing. Chair Kirk suggested she work through the options with staff. He explained the option of tabling the item and the applicant’s right to appeal a denial to the city council.

**Odland moved, second by Knight, to table action on the application requesting a side yard setback variance from 10 feet to .75 feet for a solar array at 3528 Moorland Road.**

**Odland, Powers, Calvert, Hanson, Knight, O’Connell, and Kirk voted yes. Motion carried.**

F. Preliminary and final plats, with lot area, buildable area, and lot width at setback variances at 16965 and 16957 Cottage Grove Avenue and an unaddressed adjacent parcel.

This item was removed from the agenda at the applicant’s request.

O’Connell complemented Chair Kirk on his handling of a difficult meeting.

9. Adjournment

**Knight moved, second by Odland, to adjourn the meeting at 10:10 p.m. Motion carried unanimously.**

By: ________________________

Lois T. Mason
Planning Secretary
MINNETONKA PLANNING COMMISSION
August 4, 2016

Brief Description
Items concerning a licensed day care facility at 6030 Clearwater Drive:

1) Conditional use permit; and
2) Building plan review.

Recommendation
Recommend the city council approve the request

Background
In January 2016, the council reviewed and approved plans to for a five-story hotel on the west side of the property at 6030 Clearwater Drive. At that time, the submitted plans indicated a 22,000 square foot day care facility would be constructed on the east half of the site at some point in the future. The city approved: (1) a major amendment to the existing Minnetonka Corporate Center master development plan to allow a day care and hotel; (2) preliminary and final plats to allow separate ownership of the day care and hotel; (3) conditional use permit for a hotel; (4) site plan review for the entire site and building plan review for the hotel; and a (5) sign plan amendment to allow hotel signs. It was anticipated at this time that the identified day care provider would submit for conditional use permit and site and building plan approval for the future day care. (See pages A17–A34.)

Proposal
Since the council’s review earlier this year, The Gardner School has been identified as the provider for the day care property. The Gardner School has opened 14 facilities throughout the county since its inception in 2003. The most recent was in Chicago, Illinois. As proposed, the Minnetonka facility would be 17,800 square feet in size and would have a licensed capacity of 206 children. Typical hours of operation would be from 6:30 a.m. to 6:30 p.m. Site features include an outdoor play area and a newly constructed parking area. (See narrative and plans on pages A1–A15.) Since the site plan was approved concurrent with the hotel proposal, the current proposal requires a conditional use permit and building plan review.

Primary Questions and Analysis
A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the proposed day care center and staff’s finding.
- Is the proposed use generally reasonable?

Yes. The Minnetonka Corporate Center is a business park occupied by a variety of office and light manufacturing uses. Concurrent with the approval of the Home2 hotel earlier this year, the master development plan for the site was amended to allow the day care use. Further, the proposed day care use would meet all conditional use permit standards, which are outlined in the “Supporting Information” section of this report.

- Are the proposed site and building design reasonable?

Yes. Staff finds that the proposed building and site changes appropriate.

Site Design. Typically, site and building plans are reviewed concurrently. However to allow for site preparation, general site plans were reviewed and approved concurrent with the hotel to allow for overall site preparation. As such, staff reviewed the plans to ensure general conformance with the previously approved site plan. The following is intended to summarize staff’s findings:

1. Overall site design. The currently proposed building and footprint would be slightly ‘smaller’ than was previously approved. Staff is comfortable with this change as it would accommodate the outdoor play area. The fenced-in outdoor play area would be approximately 8,500 square feet in size and would be located such that it could be reasonably screened from adjoining properties.

2. Parking. As part of the hotel review, a parking study was completed to determine the parking demand of the site at full-build out. The study found that a total of 150 stalls would be required to accommodate the parking demand of the hotel and day care facility. A total of 197 stalls were proposed to be available on site via newly constructed surface stalls, proof-of-parking stalls and stalls available in an existing, reconfigured “overflow” lot.

The previously approved site plan allocated 44 stalls for the future day care use. The current proposal allocates 40 stalls for The Gardner’s School via a surface parking lot south of the proposed building.

Staff is comfortable with the four-stall reduction as it would not result in a parking stall deficit on the property.

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<tr>
<th></th>
<th>Proposed</th>
<th>Required to Meet Demand</th>
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<tbody>
<tr>
<td>Hotel</td>
<td>76*</td>
<td>110</td>
</tr>
<tr>
<td>Day Care</td>
<td>44-40</td>
<td>40</td>
</tr>
<tr>
<td><strong>TOTAL Stalls</strong></td>
<td><strong>120-116</strong></td>
<td><strong>150</strong></td>
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</tbody>
</table>
Building Design. Under the proposed plan, the two-story building would be similar in architectural style to The Gardner’s School existing location in Herndon, Virginia. The applicant has submitted photos of the existing location. (See pages A11–A15.) As a condition of approval, the applicant must submit a final material and color palate board.

Staff recommendation

Recommend that the city council adopt the resolution on pages A38–A45. This resolution approves a conditional use permit, with building plans, for a licensed day care facility at 6030 Clearwater Drive.

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

Project No. 15033.16a

Property 6030 Clearwater Drive

Applicant Jay Joiner, on behalf of Viking Development, LLC

Surrounding
Land Uses
Northerly: Office building, zoned PUD
Easterly: GE Osmonics; zoned I-1
Southerly: medical office building; zoned PUD
Westerly: Home2 Hotel and Interstate 494 beyond

Planning Guide Plan designation: Mixed use
Zoning: PUD

Trees As a result of the subdivision to allow separate ownership, the overall site is subject to the regulations of the city’s tree protection ordinance. The maximum amount of high priority tree removal for the site is limited to 35 percent. The previously approved plans for the hotel indicated the removal of or significant impact to 23-percent of the site’s high priority trees.

Staff reviewed the proposed site plan for the day care and found that there would be no anticipated additional impact than what was indicated on the initial plan.

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

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

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

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

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

5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

The proposal would meet the general conditional use permit standards as outlined in City Code § 300.21 Subd. 3(j):

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

   Finding: The proposed facility would serve young children. Based on the narrative, the loading and drop-off points would be designed to avoid traffic and pedestrian movements. While the site plan generally appears to meet the standard, staff has included a condition of approval requiring the applicant to submit a circulation plan.

2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

   Finding: Play areas are proposed on the northeast side of the proposed building. A newly constructed fence, proposed landscaping, and existing pond would provide a buffer to the adjacent properties.

3. One parking space for each six children based on the licensed capacity of the center; and

   Finding: The licensed capacity of the day care center would be for 206 children. As proposed, the newly constructed parking lot would have 40 parking stalls, which is the minimum required by ordinance.

4. Shall obtain all applicable state, county and city licensing.

   Finding: This has been included as a condition of approval.

**SBP Standards**

The proposal 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: Members of the city's community development, engineering, fire and public works staff have reviewed the
proposals and find that is generally consistent with the city’s development guides.

2. Consistency with this ordinance;

**Finding:** The proposal is consistent with the ordinance. Further, the proposal is consistent with the approved master development plan.

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 site impacts are in substantial conformance with the anticipated overall site impacts reviewed as part of the hotel development.

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 proposed site design would be in compliance with the site plan reviewed as part of the hotel development. The site design would be intuitive, and would result in appropriate location of buildings, parking areas, and open space relative to existing buildings, parking areas, and open spaces.

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 site design would fit into the larger intuitively-designed development. The site would provide for appropriate circulation patterns for vehicular traffic. Reasonable consideration for the improvement of pedestrian circulation internal to the site has been shown on the revised site plan.

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 proposed building would meet all current building code standards including those pertaining to energy conservation.

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

Finding: The proposal would not negatively impact adjacent or neighboring properties. In fact, staff anticipates that the proposal would provide a complementary service to existing uses.

Natural Resources

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

Motion Options

The planning commission has three options:

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

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

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

<table>
<thead>
<tr>
<th>Approving Body</th>
<th>The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)</th>
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<tbody>
<tr>
<td>Neighborhood Comments</td>
<td>The city sent notices to 29 area property owners and received no comments to date.</td>
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<tr>
<td>Deadline for Decision</td>
<td>October 28, 2016</td>
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Location Map

Project: The Gardner School
Applicant: Viking Development, LLC
Address: 6030 Clearwater Dr
Project No. 15033.16a

This map is for illustrative purposes only.
June 29, 2016

Planning and Zoning Division
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345

Re: Written Statement for Conditional Use Permit to Open Preschool at 6030 Clearwater Dr.

Dear City Staff and Planning Commission of Minnetonka:

The purpose of this letter is to apply for a Conditional Use Permit to open a daycare (preschool) facility at 6030 Clearwater Dr. in Minnetonka, MN. The Gardner School (TGS) offers educational preschool programs for children ranging in age from six weeks to five years. TGS’s program is academically focused with a research based curriculum and teaching methodology. The school’s concept was developed in 2003, and the Company opened its first school in Brentwood, TN in June of 2004. They will be opening its fourteenth facility in Chicago, IL in July of 2016. TGS would like to continue their efforts by bringing an additional daycare facility to the City of Minnetonka.

The proposed daycare facility will meet all applicable codes, rules and regulations determined by the City of Minnetonka, Hennepin County and the State of Minnesota. The licensed day care facility will have a capacity of 206 children, with the highest expected enrollment being 190 due to the fact that will always be turnover, graduation, relocation, etc. The facility will have fourteen classrooms and thirty teachers total. The total staff, including administration and kitchen staff, will be thirty-five.

The building will be 17,760 square feet and feature a large indoor play area for inclement weather, a computer lab, a dedicated enrichment studio, and a private nursing room. TGS also utilizes the PreciousStatus app, which provides “real time” communication and updates to parents regarding each child’s day. The exterior door and the door from the lobby to the classrooms both require keypad access. Hours of operation will be 6:30 am to 6:30 pm.

The facility will be designed with loading and drop-off points to avoid interfering traffic and pedestrian movements. Child drop-off and pick-up primarily occur daily between
7:00 am to 9:00 am and 4:00 pm to 6:00 pm. With this naturally staggered drop-off and pick-up window, there is never a surge in traffic as parents travel to and from work at various times.

The outdoor play area will be approximately 8,200 square feet and is inclusive to the site. On its southwest side, the outdoor play area is hidden from the proposed hotel’s view by the building’s structure. It is also screened from Clearwater Drive and the proposed parking lots by fencing, landscaping, and a modular block retaining wall. Outside storage and trash enclosures will also be screened from public views.

In regards to parking, the Conditional Use Permit Standards for a B-2 district state that one parking space is required for each six children based on the licensed capacity of the daycare center. Based off of a capacity of 206 children, the facility will require no more than 35 parking spaces. We are proposing a parking lot on the southeast side of the building. This lot will have 40 parking spaces including two handicap accessible stalls, which will be more than plenty for the daily demands of the facility.

In addition, The Gardner School’s architect will provide an aesthetically appealing building with excellent curb appeal. The proposed facility’s exterior elevations will comprise of a brick, limestone, and hardy backer board façade, which compliments the existing building vernacular of Minnetonka. Restricted building materials, such as asbestos-cement shingles and sheets, will not be included the design of the facility.

Thank you,

Nicholas Zager
Designer
NOTES:

1. SITE PLAN IS A SURVEY PREPARED BY JUICE ENGINEERING & ASSOCIATES, INC.

2. ALL EXISTING UTILITIES LOCATIONS AND ELEVATIONS SHOWN ARE APPROXIMATE. ONLY CONTRACTOR SHALL CONFIRM ALL LOCATIONS AND ELEVATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL CONTACT UTILITIES VIA COOPER STATE ONE-CALL ONLINE OR BY CALLING 1-800-255-9000.

Herndon, VA location
January 4, 2016 City Council
Existing Certs
810837
Ordinance No. 2016-02

An ordinance amending the existing master development plan of Minnetonka Corporate Center as it pertains to the property at 6030 Clearwater Drive

The City Of Minnetonka Ordains:

Section 1.

1.01 This ordinance hereby amends the Minnetonka Corporate Center master development plan as it pertains to the property at 6030 Clearwater Drive.

1.02 The property is legally described as: Lot 2, Block 1, Minnetonka Corporate Park.

1.03 The amendment approves hotel and daycare land uses on the site.

Section 2.

2.01 This ordinance is based on the following findings:

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

2. The amendment would not negatively impact the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans:

   • Site and Utility Plan, revised date December 4, 2015
Ordinance No. 2016-02

- Grading Plan, revised date December 4, 2015
- Landscape Plan, most recent date December 2, 2015
- Exterior Elevations, dated December 4, 2015
- Exterior Rendering, received December 4, 2015

The above plans are hereby adopted as the master development plan for the 6030 Clearwater Drive property.


Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on January 4, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction: November 9, 2015
Date of adoption: January 4, 2016
Motion for adoption: Wagner
Seconded by: Wiersum
Voted in favor of: Wagner, Ellingson, Allendorf, Acomb, Wiersum, Bergstedt, Schneider
Voted against:
Abstained:
Absent:
Ordinance adopted.
Date of publication: January 12, 2016

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on January 4, 2016.

David E. Maeda, City Clerk
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<th>PID(s)</th>
<th>35-117-22-33-0020</th>
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This cover sheet is now a permanent part of the recorded document.
Existing Certs
810837

This cover sheet is now a permanent part of the recorded document.
Resolution No. 2016-004

Resolution approving final site and building plans for 6030 Clearwater Drive

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

Section 1. Background.

1.01 Buhl Investors Minnetonka I LLC has requested site and building plan approval for development of the property at 6030 Clearwater Drive. As proposed, a five-story, 102-unit hotel would be constructed on the west half of the site in the near term and a two-story day care facility would be constructed on the east half of the site at some point in the future.

1.02 The property is legally described as: Lot 2, Block 1, Minnetonka Corporate Park.

1.03 On December 17, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the final site plan for the entirety of the site and final building plans for the hotel.

Section 2. Standards Findings.

2.01 City Code §300.27, Subd. 5, outlines that the following must be considered in the evaluation of site and building plans:

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

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

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

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) An internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) The amount and location of open space and landscaping;
   c) Materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

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

Section 3. Findings.

3.01 The city has considered the items outlined in City Code §300.27, Subd. 5 and finds the following:
1. The proposal has been reviewed by city planning, engineering, natural resources, public works, fire, and legal staff and found to be generally consistent with the city’s development guides.

2. The proposal would be generally consistent with the zoning ordinance, as well as the original master development plan for the site.

3. The proposal would result in significant grading. However, the level of grading and resulting tree impact would be anticipated with any development consistent with the previously approved master development plan for the site and with other existing development on adjacent and surrounding properties.

4. The proposed site design is intuitive, and would result in appropriate location of buildings, parking areas, and open spaces relative to existing buildings, parking areas, and open spaces.

5. The proposed site design is intuitive, with appropriate circulation patterns established for vehicular traffic. In addition, sidewalk connections are proposed from both the hotel and future day care to the sidewalk adjacent to Clearwater Drive. This existing sidewalk connects to the trail on Rowland Road, and ultimately to a regional trail.

6. The proposed building design would feature EIFS, with metal panel and stone accents. While this façade is unlike others in the Minnetonka Corporate Center, there is not one predominate design in the business park. Rather, the park contains buildings of almost entirely glass facades, almost entirely brick facades, facades of a combination of brick and EFIS, and others of entirely concrete panels. Given this variety, the proposed building would not detract from any existing design expression.

7. As new construction, the proposed hotel would meet all current building code standards including those pertaining to energy conservation.

8. The proposal would not negatively impact adjacent or neighboring properties. In fact, staff anticipates the proposal would complement the existing uses of these properties.
Section 3. City Council Action.

3.01 The above-described site and building plans are hereby approved subject to the following conditions:

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

   - Site and Utility Plan, revised date December 4, 2015
   - Grading Plan, revised date December 4, 2015
   - Landscape Plan, most recent date December 2, 2015
   - Exterior Elevations, dated December 4, 2015
   - Exterior Rendering, received December 4, 2015

2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

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

      1) An electronic PDF copy of all required plans and specifications.

      2) Three full size sets of construction drawings and project specifications.

      3) Confirmation that existing sanitary facilities are adequately sized to serve both the hotel and day care.

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

a. Final site plan must:

   1. Illustrate minimum sidewalk clear width of five feet. This five foot clearance must take into consideration automobile overhang into the sidewalk area.

   2. Illustrate clear crosswalk delineation between sidewalks.
3. Include an exhibit illustrating truck turning movements/templates.

4. Consider design changes suggested on Figure 6 of the December 8, 2015 SRF Traffic and Parking Study.

b. Final grading plan must:

1. Minimize grading within the critical root zones of Tree #21 and Tree #30 as identified on Tree Inventory Plan.

c. Final stormwater management plan must meet Nine Mile Creek Watershed District Rules and the requirements of city's Water Resources Management Plan, Appendix A. Design. The plan must include a narrative indicating conformance with watershed and city rules, impervious surface information, soil boring data, and modeling demonstrating rate control and water quality treatment.

d. Final utility plan must:

1. Show all existing utilities.

2. Clearly label utilities and stormwater facilities as "private."

3. Include isolation valves on water services lines to both the hotel and future day care.

4. Include a valve at the watermain connection point.

5. Include invert elevation of the sanitary manhole to confirm ability to provide gravity service to the future day care.

6. Include additional storm sewer improvements in the day care parking lot. The southern point of the parking lot must
be connected to the proposed infiltration basin.

7. Include stormwater calculations. The existing pond must be surveyed and modeled to confirm that existing runoff flow rates will be maintained leaving the site. Otherwise, the infiltration basins must be modeled to show that the rate control component is met prior to discharge into the pond.

8. Include two additional hydrants around the hotel: one located off the northeast corner of the hotel in a parking lot island and one located on the west side of the site in the grass area north of the trash enclosure.

e. Final landscaping and tree mitigation plans must:

1. Meet minimum landscaping and mitigation requirements as outlined in city code. However, at the sole discretion of natural resources staff, mitigation may be adjusted based on site conditions.

2. Include an itemized plant material list, including plantings in the infiltration basins.

3. Substitute five of the proposed Autumn Blaze maples with a different deciduous shade tree.

4. Substitute nine of the proposed Black Hills spruce with a different evergreen tree, such as Norway spruce or pine.

5. Include rain sensors on any irrigation systems.

5) The following documents for the review and approval of the city attorney:
a. Shared access agreements or easements over the properties at 6000 and 6050 Clearwater Drive. The agreements/easements must state the maintenance responsibilities of each owner.

b. Stormwater maintenance agreements/easements over all stormwater facilities.

c. Evidence that a parking lot may be constructed in the existing Electric Transmission easement.

d. If utility connections are to be made to private water and sewer lines, an easement or agreement allowing for such connection. The easement/agreement must state the maintenance responsibilities of each owner. Public utilities are available in Clearwater Drive.

6) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff.

a. The city will not fully release the letters of credit or cash escrow until:

- A final as-built survey has been submitted;

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

- Vegetated ground cover has been established; and

- Required landscaping or vegetation has survived one full growing season.
7) Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

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

8) 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.

9) All required administration and engineering fees.

b) Prior to issuance of the grading permit:

1) Obtain and submit a permit from the Minnesota Department of Health.

2) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency.

3) Install a temporary rock driveway, erosion control, 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.

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

3. Prior to issuance of a building permit for construction of the hotel:

a) Submit the following documents:
1) Proof of subdivision registration and transfer of NPDES permit.

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

b) Submit revised building elevations.

1) The parapet walls surrounding the proposed signs must all be constructed to the same height.

2) The area under the proposed southeasterly wall sign must receive a façade treatment similar to the treatment under the southerly and northeasterly wall signs, visually incorporating the sign into the wall structure.

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

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and

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

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

d) Submit all required hook-up fees.

6. Retaining walls over four feet in height must be engineered by a licensed structural engineer and fall protection must be provided.
7. During construction the street must be kept free of debris and sediment.

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

9. This resolution approves the final site plan for the entirety of the site and final building plans for the hotel only. Future construction of the day care requires separate building plan review before the planning commission.

Adopted by the City Council of the City of Minnetonka, Minnesota, on January 4, 2016.

[Signature]
Terry Schneider, Mayor

Attest:

[Signature]
David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption: Wagner
Seconded by: Wiersum
Voted in favor of: Wagner, Ellingson, Allendorf, Acomb, Wiersum, Bergstedt, Schneider
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on January 4, 2016.

[Signature]
David E. Maeda, City Clerk
14. Other Business:

A. Items concerning a hotel and day care on the property at 6030 Clearwater Drive:

1) Major amendment to the existing Minnetonka Corporate Center master development plan;
2) Preliminary and final plats;
3) Conditional use permit;
4) Site and building plan review; and
5) Sign plan amendment.

Acting City Planner Susan Thomas gave the staff report.

Allendorf said the building would be visible from I494 as well as the corporate center. He asked if it was the typical home type extended stay building or if the design could be changed to be more interesting.

Peter Deanovic from Buhl Investors said the building had to remain within the Hilton brand requirements. The proposed design was consistent with the other 120 hotels being rolled out across the country. He said it would be extraordinarily difficult to get any changes either to the interior or exterior designs.

Schneider said it looked like there was an opportunity to have different coloring on the one side. Jesse Messner, the project architect, said the
rendition Schneider was referencing was to revise the wall to mimic the other sides to carry the façade down to grade. He said he would work with staff to get that incorporated. Schneider said he would like to see white rather than grey used because it would provide something a little more interesting to that side. Allendorf agreed.

Wagner said it would be good if staff would work with the applicant on the exterior look. Looking at pictures of other locations he said there were some variations on the coloring.

Wagner moved, Wiersum seconded a motion to adopt:
- Ordinance 2016-01 approving a major amendment to the existing Minnetonka Corporate Center master development plan;
- Resolution 2016-002 approving preliminary and final plats;
- Resolution 2016-003 approving a conditional use permit for the hotel;
- Resolution 2016-004 approving final site plan for the overall site and final building plans for the proposed hotel; and
- Resolution 2016-005 approving an amendment to the Minnetonka Corporate Center sign plan.

All voted “yes.” Motion carried.

Schneider asked the time frame for the project. Deanovic indicated the plan was to break ground sometime in the spring.
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Resolution No. 2016-

Resolution approving a conditional use permit, with final building plans, for a licensed day care facility at 6030 Clearwater Drive

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

Section 1. Background.

1.01 On January 4, 2016 the city approved: (1) a major amendment to the existing Minnetonka Corporate Center master development plan to allow a day care and hotel on the 6030 Clearwater Drive site; (2) preliminary and final plats to allow separate ownership of the day care and hotel; (3) conditional use permit for a hotel; (4) site plan review for the overall site and building plan review for the hotel; and (5) a sign plan amendment to allow hotel signs. At that time it was anticipated that the identified day care provider would submit for conditional use permit and site and building plan approval for the future day care.

1.02 Jay Joiner, on behalf of Viking Development, LLC, has submitted a new proposal to operate a licensed day care facility within a newly constructed building at 6030 Clearwater Drive. (Project No. 15033.16a)

1.03 The property is legally described as Lot 2, BUHL MINNETONKA ADDITION.

1.04 The proposal requires approval of a conditional use permit and final site and building plans.

1.05 On August 4, 2016, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.
Section 2. Standards.

2.01 City Code §300.21 Subd. 2 lists the following general conditional use permit standards:

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

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

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

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

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

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

2.02 City Code §300.21 Subd. 3(j) lists the following specific conditional use permit standards for licensed day care facilities:

1. Shall have loading and drop-off points designed to avoid interfering with traffic and pedestrian movements;

2. Outdoor play areas shall be located and designed in a manner which mitigates visual and noise impacts on adjoining residential areas;

3. One parking space for each six children based on the licensed capacity of the center; and

4. Shall obtain all applicable state, county and city licenses.

2.03 City Code §300.27, Subd. 5, states that in evaluating a site and building plan, the city will consider its compliance with the following:

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

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

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

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:
   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;
   b) the amount and location of open space and landscaping;
   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and
   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

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

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.
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 300.21 Subd. 3(j) for licensed day care facilities.

1. The proposed facility would serve young children. Based on the narrative, the loading and drop-off points would be designed to avoid traffic and pedestrian movements. While the site plan generally appears to meet the standard, this resolution includes a condition of approval requiring the applicant to submit a circulation plan.

2. Play areas are proposed on northeast side of the proposed building. A newly constructed fence, proposed landscaping, and an existing pond would provide a buffer to adjacent properties.

3. The licensed capacity of the day care center would be for 206 children. As proposed, the newly constructed parking lot would have 40 parking stalls, which is the minimum required by ordinance.

4. As a condition of his resolution, the applicant must obtain all applicable state, county and city licensing.

3.03 The proposed day care facility would be consistent with the site and building plan standards as outlined in City Code §300.27

1. Members of the city’s community development, engineering, fire and public works staff have reviewed the proposal and find that is generally consistent with the city’s development guides.

2. The proposal is consistent with the ordinance. Further, the proposal is consistent with the approved master development plan.

3. The site impacts would be in substantial conformance with the anticipated overall site impacts reviewed as part of the hotel development.

4. The proposed site design would be in compliance with the site plan reviewed as part of the hotel development. The site design would be intuitive, and would result in appropriate location of buildings, parking areas, and open space relative to existing buildings, parking areas and open spaces.
5. The proposed site design would fit into the larger intuitively designed development. The site would provide for appropriate circulation patterns for vehicular traffic. Reasonable consideration for the improvement of pedestrian circulation internal to the site has been shown on the revised site plan.

6. As new construction, the proposed building would meet all current building code standards including those pertaining to energy conservation.

7. The proposal would not negatively impact adjacent or neighboring properties. In fact, staff anticipates that the proposal would provide a complementary service to existing uses.

Section 4. City Council Action.

4.01 Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans, unless modified below:

- Site and utility plan with revisions dated July 22, 2016
- Elevations dated July 15, 2016
- Floor plans dated July 15, 2016
- Grading and erosion control plan dated June 28, 2016
- Landscaping plan dated July 15, 2016

1. Prior to issuance of a building permit:

   a) The final plat for Buhl Minnetonka Addition must be recorded with Hennepin County.

   b) This resolution must be recorded with Hennepin County.

   c) Submit the following items for staff review and approval:

      1) Final materials and color palate board.

      2) A revised site plan that:

         a. Provides a sidewalk connection along the west side of the property to connect the sidewalk on the private driveway.

         b. Identifies the floodplain elevation of 920.0-feet.
c. Identifies loading and drop-off areas.

3) A revised utility plan. This plan must:
   a. Confirm service from the sanitary sewer which was stubbed at 925.76 for the hotel property. If service cannot be provided, grades must be adjusted.
   b. Confirm the storm sewer elevation and location at the proposed retaining wall on the northeast corner of the parking lot.
   c. Confirm the storm sewer and retaining wall design.
   d. Relocate the storm sewer away from the playground area.
   e. Identifies the storm sewer structures under the playground as private.

4) A revised landscaping plan. This plan must:
   a. Meet the minimum landscape requirements per city ordinance.
   b. Comply with the required tree preservation per the master development plan adopted on January 4, 2016 as amended by city staff.
   c. Provide the total project value and the landscaping value.

5) A revised grading plan. This plan must:
   a. Clearly identify existing and proposed topography.
   b. Quantify all disturbance below the 920.9-foot contour.

6) A stormwater management plan. This plan must:
a. Include rate, volume, and water quality requirements based on the amount of impervious surface proposed.

b. Provide soil borings to identify infiltration rates and demonstrate that any proposed pond has 3-feet of separation between the bottom of the basin and the seasonally high groundwater table.

7) A landscaping escrow in the amount determined by city staff.

8) A construction management plan. This plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

9) Install erosion control fencing as required by staff for inspection and approval. These items must be maintained throughout the course of construction.

2. Prior to issuance of a certificate of occupancy, submit copies of all applicable state, county and city licenses.

3. Fences exceeding 7 feet in height require a building permit.

4. Retaining walls exceeding 4 feet in height must be engineered by a licensed structural engineer. Fall protection fencing must also be provided.

5. The building must comply with all requirements of the Minnesota state building code, fire code, and health code.

7. Maximum capacity of the facility is 206 students/children.

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

9. 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 August 22, 2016.
Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

**Action on this resolution:**

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

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 August 22, 2016.

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
August 4, 2016

Brief Description

Items concerning Station Pizzeria at 13008 Minnetonka Boulevard:

1) Conditional use permit for a restaurant and outdoor eating area, with variances; and

2) Site and building plan review, with variances.

Recommendation

Recommend the city council adopt the resolutions approving the proposal.

Background

On July 7, 2016 the planning commission considered the Station Pizzeria proposal. As presented, the existing Bennis Feed and Fuel building at 13008 Minnetonka Boulevard would be repurposed for use as a dine-in/take-out pizza restaurant. The interior and exterior of the existing building would be modified and an outdoor eating area and trash enclosure would be added. The site would also be altered to accommodate parking and vehicle circulation. The planning commission tabled consideration of the proposal, requesting that more information be provided regarding: (1) off-site parking opportunities; and (2) mitigation of possible nuisance issues. The staff report and minutes from the July 7 meeting are attached to this report.

Since the Previous Hearing

Since the July planning commission meeting the property owner, city staff, and area residents have done the following:

- **Commission Questions:** The property owners have provided staff with answers to several nuisance-related questions raised by planning commissioners:

  - **Outdoor Speakers:** Speakers will not be installed in the outdoor eating area.
  
  - **Enclosure:** The outdoor eating area will be enclosed by a decorative wood fence, as well as small plantings.
  
  - **Smoking:** No smoking will be allowed on the premises.
  
  - **Snow:** Parking stalls will not be blocked by snow storage; snow will be moved off-site as necessary.
Trash and Recycling: Trash will be placed in the dumpster during afternoon hours and near the end of the evening. As is the case at other restaurants owned by the property owner, recycling will be placed in the appropriate receptacle during morning hours to prevent evening noise of glass breaking. Trash and recycling will be removed from the site twice a week.

- **Parking Agreement**: The property owner has reached an agreement with St. David’s Center for off-site parking. Under the agreement, 25 parking stalls on the south side of the St. David’s property will be made available to Station Pizzeria between 4:00 p.m. and 1:00 a.m. seven days a week. Station Pizzeria will advertise this off-site parking option on the restaurant’s website and within the restaurant itself. The parking study conducted for the proposal suggested an 18 stall parking deficit on site during peak parking demand (Saturday evenings). The 25 off-site stalls would offset this deficit.

- **Parking Counts**: Staff commissioned SRF to conduct parking counts within the Minnetonka Mills commercial area. (See pages A60–A66). The purpose of the study was to review and evaluate existing on and off-street parking. The study also looked at alternatives to provide additional public parking.

  The study found the fewest number of available parking spaces occurred midday (12:00 p.m.) during the week with 62 percent of the parking spaces in the entire commercial area occupied. There were two areas that observed higher parking rates, the DQ/People’s Organic parking lot at 96 percent and the city lot at 100 percent during that same time period.

  Friday and Saturday parking utilization rates were much lower overall than weekdays, with one-half and one-third of the spaces occupied.

- **Bridge Street/Burwell Drive Improvements**: Staff has begun evaluating possible public improvements. In the event more public parking is needed, there may be an opportunity to add additional on-street stalls on the west side of Bridge Street within existing right-of-way. The SRF study identified three potential options to increase on-street parking. The options explore parallel and perpendicular parking designs to increase parking in the area. Similarly, there may be an opportunity to add a small cul-de-sac at the intersection of Bridge Street and Burwell Drive. This would distinguish the “end” of the commercial area and provide an opportunity for vehicles to turn around prior to entering Burwell Drive. These are simply options at this time. Further detailed study would be required to understand the feasibility and costs associated with each. (See pages A64–A66.)

- **Burwell Drive Parking**: Area residents met with city staff to discuss the process for establishing “No Parking” or “Permit Parking Only” on Burwell Drive.
Summary Comments

Staff continues to recommend approval of the Station Pizzeria proposal. From staff’s perspective the proposal would further the goals of the comprehensive plan. It would contribute to the vitality and diversity of the Minnetonka Mills special use village center and would do so while maintaining one of the community’s most widely recognizable buildings.

Staff Recommendation

Recommend the city council adopt the following:

1) Resolution approving a conditional use permit for a restaurant and outdoor eating area, with variances, at 13008 Minnetonka Boulevard. (See page A35–A40.)

2) Resolution approving final site and building plans, with variances, for site and building changes at 13008 Minnetonka Boulevard. (See pages A41–A49.)

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
ADDITIONAL INFORMATION

Since the July meeting the following changes have been made to the report attachments:

- The applicants civil plans have changed in two ways: (1) the extent of pavement demolition has been scaled back to salvage more existing paving currently on the site; and (2) curb and gutter on the north side of the building was removed and replaced with pavement markings to indicate no parking zones.

- Two conditions have been added to the Conditional Use Permit resolution: (1) no outdoor speakers are permitted; and (2) no dumping of glass or other recyclables is allowed between the hours of 10:00 p.m. and 6:00 a.m. These hours correspond to garbage collection hours as allowed by city code.

- One condition has been added to the Site and Building Plan resolution: signage must be installed and maintained on-site directing patrons to off-site parking at St. David’s Center.

- Additional public comment has been added. (See pages A68–A73.)
Project: Station Pizza
Applicant: Adam Meyerring
Address: 13008 Minnetonka Blvd
Project No. 86057.16a
May 31, 2016

City of Minnetonka
Planning Division
14600 Minnetonka Blvd.
Minnetonka, MN 55345

CUP/SBP Submittal Written Statement
13008 Minnetonka Blvd.

Shea Project No.: 7479.00

To whom it may concern:

Shea Design is working with Ryan Burnet and Clark Gassen on the alteration of the existing building at 13008 Minnetonka Blvd. The existing use of the building is retail specializing in pet food supplies in conjunction with fuel sales. Part of the agreement for the purchase of the site is for the seller to remove all existing buried fuel tanks and any necessary mitigation.

The proposed repurposing of the building and site is for restaurant use with a menu focused on pizza for both dine-in and take-out. In addition to indoor dining there is a large patio component for warm season service. Proposed hours of operation are Sunday thru Thursday 11am-11pm and Friday/Saturday hours of 11am – 1am. Outdoor seating would be limited to 10:30pm. Included with this proposal is a request for a full liquor license for on-site consumption. Ryan Burnet will be the operator of the restaurant adding to his collection of restaurants which include Barrio (multiple locations), Bar La Grassa, Burch Steak and Eastside.

Architecturally the existing building is to remain as-is with minimal exterior modifications for the adapted use. There is need for an exterior cooler box which will be located at the northwest corner of the building. All existing impervious paved areas are to be maintained and will be restriped to maximize parking on-site and there are proposed modifications to the existing curb cuts to add more street parking around the site.

If you have any questions with regards to the proposed building or site modifications our office is available for comment.

Thank you,

Adam Meyerring, AIA
Exterior

SIGNAGE (neon optional)

MURAL (TBD painted mural by local artist)
1/2 Mile Radius from 13008 Minnetonka Blvd

Not an accurate survey. For illustration purposes only.
Station Pizzeria Business Plan

A. Alcohol Server Training Plan
B. Projected Food to Liquor Ratios
C. Staffing
D. Police Department Security Plan
E. Noise Management Plan
F. Maintaining Orderly Appearance and Operation
G. Entertainment
H. Hours of Operation
I. Food Service and Menu
J. Charitable Gambling Activities
K. Applicants Experience and Background with Liquor, Restaurant or Retail Sales
L. Menu
A. Alcohol Server Training Plan
   a. We will provide group training once a year using a training company (Gittleman).
   b. All new hires are trained through Gittleman throughout the year. The employee
      handbook also contains information on alcohol awareness.
   c. We will card anyone that looks 35 or under.
   d. We will do a self-audit where we will have underage people come into restaurant and
      try and order a drink.
   e. Reward is dinner for 2 at the restaurant. Discipline would come in form of termination.

B. Projected Food to Beverage Ratios
   a. 75/25 food to liquor ratio.

C. Staffing Levels
   a. The restaurant will have 2-6 hourly kitchen employees and 2-6 front of house
      employees staffed at all times.
   b. The restaurant will always have a front of house and back of house manager on duty
      during hours of operation.

D. Police Department Security Plan
   a. Security Staff
      1. Onsite Manager/Supervisor
   b. Scheduling
      1. Manager/Supervisor will be onsite during all hours of operation. Multiple
         managers will be onsite during peak business hours.
   c. Duties
      1. Manager will provide routine patrols of the interior every 15 minutes.
         a. This will include outdoor seating area during hours that
            outdoors seating is open for operation.
      2. Manager will provide routine patrols of exterior every 60 minutes.
      3. Manager will be responsible for clearing any loitering patrons from exterior of
         business 15 minutes after close.
   d. Admittance List
      1. Manager will not admit, serve or allow intoxicated persons on the premise.
      2. Management will keep records of a no admittance list for any persons that
         have been a nuisance for Station Pizzeria or neighboring businesses.
   e. Excessive Noise or Noise Complaints
      1. Will be handled on a case by case basis.
   f. Exit Strategies
      1. All emergency exits are clearly marked
a. Staff will be trained on emergency exit procedures during training.

2. Closing Time
   a. Lights will be turned up 15 minutes prior to closing time and
      music will be turned off.
   b. Management will direct patrons to main entrance to exit at
      closing time. Management will check bathrooms and do a
      walkthrough of restaurant to ensure all patrons have exited the
      restaurant.

g. Police, Fire, Emergency Medical Services
   1. EMS will be offered to any guest or staff member that is injured and may
      require medical attention.
   2. Management will be trained to automatically call EMS when an injury is
      severe or guest is unable to care for themselves.
   3. Management will call EMS and Minneapolis Police Department when the
      injury is due to a criminal act.
   4. Management will call the Minneapolis Police Department when a crime
      occurs. Staff will be trained to cooperate with responding officers.

h. Reporting Procedures
   1. Minor and major incidents will be reported in the nightly managers’ log which
      is sent to all management.
   2. Staff will be informed of incidents during daily pre shift meetings as well as
      messages, both email and text, sent by scheduling software.

E. Noise Management Plan
   a. Speakers are suspended and positioned point down to project sound at a lower height
      than ceiling height.
   b. We inform customers of last call ½ hour before closing. Management will monitor our
      customers leaving and remind any loud patrons of the neighboring residents. Generally
      we will not have a mass exit of patrons due to the style of restaurant and bar we are
      operating.
   c. All sound will be controlled by a bank of 4 volume controls that only management will
      be authorized to use. We will be playing music using an iPod as a source where all music
      has been imported at a continuous volume to eliminate sudden spikes in volume
      between recordings. Volume controls will be marked with appropriate playing levels for
      different periods of the day.
   d. Managers will be trained to keep volume of music at appropriate levels for each service
      period. Bartenders, servers and hosts will be instructed to bring any observances to
      management on any volume perceived to be louder than necessary.
      Management/Supervisors will be then only employees authorized to adjust volume.
      There will be a Manager/Supervisor on premise for all operational hours.
1. Outdoor Areas
   a. Speakers are minimally placed on patio with a separate zone control for lower volume sound. Speakers do not contain woofers so low frequency beats should be minimized. Outdoor music will be turned down at 9:45 pm and turned off at 10:00.
   b. Patio will be for seated guests only as tables become available. Management will be trained to not allow guests on the patio without a seat.
   c. We inform customers of last call ½ hour before closing the patio at 10:30. Music will be turned off at this time as well. The last seating on the patio will be prior to last call for the closing of the patio. Patrons will be asked to move inside at 10:30 for further service or exit through the inside of the restaurant. Host and management staff will inform guests when taking reservations of parking ramps in the area. Contact numbers for local cab companies will be available at the bar and host desk. Staff will be trained to offer to call guests a cab when appropriate.
   d. Management and staff will be trained to monitor guest noise on the patio. Guests that have noisy will be addressed by management and asked to be mindful of noise. If guest continues to be noisy management will ask the guest to move inside. Unruly customers will immediately have further service refused and be asked if the need help calling a cab. We refuse service to unruly guests.
   e. Management will make rounds every 15 minutes to supervise guests on patio.
   f. Noise complaints will be dealt with on a case by case basis. Any trends will be monitored and addressed by management. An email as well as phone number for our office will be available for residents to express concerns.
   g. Patio speakers will be small background speakers. The music played on them will be at a low volume background level. The patio speakers will have an independent zone control from the rest of the restaurant to adjust overall volume separately. Each speaker also has a volume control that can be set to restrict volume on each speaker. The audio processor in office will be set so that speakers are only allowed to be played at a certain volume as well.
F. Maintaining Orderly Appearance and Operation
   a. Litter and Refuse Control
      1. The opening manager will conduct a walkthrough of the entire property including exterior and parking lot. The walkthrough will be repeated prior to Dinner service.
      2. Staff will have scheduled side work throughout the day which will include sweeping of litter in parking lot as well as in trash and recycling areas.
      3. Outdoor seating areas will be maintained throughout hours of operation.

G. Entertainment
   a. There will be no entertainment other than pre-recorded music that is played through the restaurants sound system.

H. Hours of Operation
   a. Sunday - Thursday 11:00 am -11:00 pm, Friday & Saturday 11:00 am – 1 am.
   b. Outside Hours: Monday – Sunday 11:00 am – 10:30 pm
   c. Amplified music
      1. Amplified music will be played indoors from: 11:00 am to 10:45 pm Sunday through Thursday, 11:00 am to 12:45 am Friday and Saturday.
      2. Amplified Music will be played outdoors from: 11:00 am to 10:00 pm Monday – Sunday.

I. Food Service
   a. See attached menus. We will have full food service Monday-Saturday 11 am –11 pm, Sunday 11 am – 10 pm. The kitchen will be staffed with 1 to 2 chefs and 2 to 6 hourly cooks for every service.

J. Charitable Gambling Activities
   a. There will be no gambling charitable or otherwise.

K. Ryan Burnet is the primary managing partner of Barrio Restaurant Group which includes five Barrio locations in Minneapolis (2008), St. Paul (2009), Edina (2010), MPLS International Airport (2013), Target Field (2015) as well as Eastside Eat & Drink (2015). He is also an investor in Bar La Grassa (2009) and managing partner in Burch Steak and Pizza Bar (2012).

L. Menu
   a. Menu attached
Station Pizzeria

Salads

House
Organic mixed greens, house vinaigrette, radish, cucumber & carrot

Chopped
Romaine, salami, purple cabbage, manchego, tomatoes & onion with champagne vinaigrette

Caesar
Romaine, parmesan, garlic croutons & black pepper

Greek
Romaine, feta, tomato, cucumber, pickled red onion & salt cured moroccan olives

Kale
Roasted seasonal squash, toasted almonds, golden raisins & shaved pecorino

Beet
Marinated beets, frisee, candied walnuts & gorgonzola

Not Pizza

Chicken Wings
Buffalo hot sauce, carrot, celery, ranch or bleu cheese

Meatballs
Pork & beef, parmesan, parsley & oregano

Fried Shells
Fried pasta shells, Meat sauce, parmesan and parsley

Cured Meats & Pickles
La quercia meats...house pickles

Fried garlic knots
Parmesan, parsley, garlic oil

Cauliflower
Seasonal preparation...

Broccolini
Chili flake, garlic oil, parsley & lemon

Pizza

Basic
Mozzarella, parmesan, red sauce & basil

Standard
Ricotta, parmesan, red sauce & meatball

Foundation
Fontina, mozzarella, red sauce, sausage, mushroom & onion

Fundamental
Mascarpone, manchego, cremini mushrooms, oyster mushrooms, & chanterelle oil

Essential
Mozzarella, red sauce, spicy capocollo, peppers & basil

Baked Pasta

Cannelloni
Ricotta, tomato sauce, spinach, mushroom & kale

Lasagna
Ricotta, mozzarella, parmesan & sunday meat sauce

Toppings

Sausage
Onion
Fresh mozzarella
Parmesan
Pepperoni

Desserts

Pot de creme
A16 Gelato
To: Susan Thomas, AICP, Principal Planner  
   City of Minnetonka  
From: Matt Pacyna, PE, Senior Associate  
   Brent Clark, EIT, Engineer  
Date: June 30, 2016  
Subject: Station Pizza Traffic and Parking Study  

Introduction

SRF has completed a traffic study for the proposed Station Pizza development at the former Bennis Feed and Fuel located in the northeast quadrant of the Minnetonka Boulevard/Burwell Drive intersection in Minnetonka, Minnesota (see Figure 1: Project Location). The main objectives of this study are to review existing operations within the study area, evaluate traffic and parking impacts including the proposed access/circulation, and recommend any necessary improvements to accommodate the proposed development. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Existing Conditions

The existing conditions were reviewed to establish a baseline in order to identify any future impacts associated with the proposed development. The evaluation of existing conditions includes intersection turning movement counts, field observations, and an intersection capacity analysis.

Data Collection

Peak hour turning movement counts were collected at the following intersections on June 2, 2016, in addition to the existing Bennis Feed and Fuel driveways:

- Minnetonka Boulevard and Plymouth Road  
- Minnetonka Boulevard and Burwell Drive  
- Minnetonka Boulevard and Shady Oak Road

Observations were also completed during this time to identify roadway characteristics and parking supply/demand within the study area (i.e. roadway geometry, posted speed limits, and traffic controls). Average daily traffic volumes were provided by the Minnesota Department of Transportation. It should be noted that traffic volumes within the area are significantly higher than historical trends, primarily due to area construction along I-494. The current volumes are higher than historical year 2012 traffic counts by approximately 40 to 50 percent.
Minnetonka Boulevard is primarily a four-lane undivided roadway immediately adjacent to the proposed development, while Plymouth Road, Shady Oak Road, and Burwell Drive are generally two-lane roadways with select turn lanes. The posted speed limit along each study area roadway is 30 miles per hour (mph). Minnetonka Boulevard intersections with Plymouth Road and Shady Oak Road are signalized, while the Minnetonka Boulevard/Burwell Drive intersection is side-street stop controlled. Existing geometrics, traffic controls, and volumes in the study area are shown in Figure 2.

**Intersection Capacity Analysis**

An existing intersection capacity analysis was completed for the p.m. peak hour to establish a baseline condition to which future traffic operations can be compared. The study intersections were analyzed using Synchro/SimTraffic (Version 9).

Capacity analysis results identify a Level of Service (LOS), which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown of traffic flow. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metro Area.

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

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

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.

Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.
Existing Conditions
Bennis Feed and Fuel Redevelopment Parking and Traffic Study
Minnetonka, MN

Figure 2
Station Pizzeria
13008 Minnetonka Blvd
#86008.16a

Note: Traffic volumes are significantly higher than historical trends due to construction along I-494
Results of the existing intersection capacity analysis shown in Table 2 indicate that the study intersections currently operate at an acceptable overall LOS C or better during the p.m. peak hour with the existing geometric layout and traffic control. Eastbound and westbound queues were observed at the Minnetonka Boulevard/Plymouth Road intersection extending approximately 350 to 450 feet during the p.m. peak hour. These queues extended beyond Burwell Drive approximately 15 percent of the p.m. peak hour, which impact motorists along Burwell Drive as they access Minnetonka Boulevard, as well as the Southeast site access. No other significant delay or queuing issues were identified. Note that only the p.m. peak hour was reviewed as the proposed development is not expected to be open during the a.m. peak hour, as well as the higher than normal traffic volumes due to area construction impacts.

**Table 2 Existing Intersection Capacity Analysis**

<table>
<thead>
<tr>
<th>Intersection</th>
<th>P.M. Peak Hour</th>
<th>LOS</th>
<th>Delay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minnetonka Boulevard/Plymouth Road</td>
<td></td>
<td>C</td>
<td>21 sec.</td>
</tr>
<tr>
<td>Minnetonka Boulevard/Burwell Drive (1)</td>
<td></td>
<td>A/C</td>
<td>20 sec.</td>
</tr>
<tr>
<td>Minnetonka Boulevard/SE Site Access (1)</td>
<td></td>
<td>A/C</td>
<td>16 sec.</td>
</tr>
<tr>
<td>Minnetonka Boulevard/Shady Oak Road</td>
<td></td>
<td>C</td>
<td>23 sec.</td>
</tr>
<tr>
<td>Burwell Drive/NW Site Access (1)</td>
<td></td>
<td>A/A</td>
<td>3 sec.</td>
</tr>
</tbody>
</table>

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

**Proposed Development**

The proposed development, shown in Figure 3, is located in the northeast quadrant of the Minnetonka Boulevard/Burwell Drive intersection. The proposed development is expected to reconfigure the existing Bennis Feed and Fuel complex into a dine-in/take-out restaurant with a pizza focus. The proposed development will also include a large patio component for warm season service. Hours of operations are expected to be from 11 a.m. to 11 p.m. (Sunday thru Thursday) and 11 a.m. to 1 a.m. (Friday and Saturday). It should be noted that the existing building is approximately 2,400 square feet.

For purposes of this study, the proposed development was assumed to be fully operational by the year 2017. Access to the proposed development is not expected to significantly change, with one access along both Minnetonka Boulevard and Burwell Drive. A total of 27 parking spaces are proposed, which include 19 off-street (i.e. on-site) and eight (8) on-street spaces immediately adjacent to the proposed development. There is additional on-street parking near the proposed development, which will be discussed as part of the parking analysis section of the study.
Year 2018 Conditions

To identify potential impacts associated with the proposed development, traffic forecasts for year 2018 conditions were reviewed (i.e. one-year after opening). The year 2018 conditions take into account general area background growth and traffic generated by the proposed development. The following sections provide details on the background traffic forecasts, estimated trip generation, and intersection capacity analysis for year 2018 conditions.

Background Traffic Growth

To account for general background growth in the area, an annual growth rate of one-half percent was applied to the existing peak hour traffic volumes to develop year 2018 background traffic forecasts. This growth rate is generally consistent with historical trends within the study area. It should be noted that this growth rate was applied to the existing traffic counts (which were higher than normal due to construction impacts) to provide a conservative trip generation estimate and analysis.

Trip Generation

To account for traffic impacts associated with the proposed development, a trip generation estimate for the a.m. and p.m. peak hours and on a daily basis was developed. This trip generation estimate, shown in Table 3, was developed using existing traffic counts collected and the ITE Trip Generation Manual, Ninth Edition. Given that the proposed development is expected to have a large patio (primarily available/used during the summer), trip generation estimates were developed for both the summer and winter months. Results of the trip generation estimate, accounting for the existing Bennis Feed and Fuel trips, indicate the proposed development is expected to generate a similar amount of trips to the existing use during winter p.m. peak hour and daily conditions. During the summer, the proposed development will generate approximately an additional 47 p.m. peak hour and 532 daily trips compared to the existing use. This includes a 10 percent modal reduction for motorists using alternative modes of travel, such as biking, walking, and transit.

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bennis Feed and Fuel (944)</td>
<td>2 pumps</td>
<td>9</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Restaurant (932) – Winter</td>
<td>75 Seats</td>
<td>1</td>
<td>1</td>
<td>18</td>
</tr>
<tr>
<td>Restaurant (932) – Summer</td>
<td>200 Seats</td>
<td>2</td>
<td>2</td>
<td>47</td>
</tr>
<tr>
<td>10 Percent Modal Reduction (Summer Only)</td>
<td>-</td>
<td>-</td>
<td>-5</td>
<td>-4</td>
</tr>
<tr>
<td>Total Change in Site Trips (Winter)</td>
<td>( -8)</td>
<td>( -5)</td>
<td>+6</td>
<td>(-1)</td>
</tr>
<tr>
<td>Total Change in Site Trips (Summer)</td>
<td>( -7)</td>
<td>( -4)</td>
<td>+30</td>
<td>+17</td>
</tr>
</tbody>
</table>

(*) Estimated based on the ITE Trip Generation Handbook, leveraging the existing peak hour data collected.
Summer trips generated by the proposed development were distributed throughout the study area based on the directional distribution shown in Figure 4, which was developed based on existing travel patterns and engineering judgment. The resultant year 2018 traffic forecasts, which include general background growth and trips generated by the proposed development (during the summer), are shown in Figure 5. It should be noted that since the proposed development is expected to generate less trips during the a.m. peak hour, no further analysis of the a.m. peak hour conditions was conducted.

**Year 2018 Intersection Capacity Analysis**

To determine if the existing roadway network can accommodate the year 2018 traffic forecasts, a detailed intersection capacity analysis was completed using Synchro/SimTraffic software. Results of the year 2018 intersection capacity analysis, shown in Table 4, indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS C or better during the p.m. peak hour with the existing roadway geometry and traffic controls. No significant delay or queuing issues are expected.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>P.M. Peak Hour</th>
<th>LOS</th>
<th>Delay</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minnetonka Boulevard/Plymouth Road</td>
<td></td>
<td>C</td>
<td>26 sec.</td>
</tr>
<tr>
<td>Minnetonka Boulevard/Burwell Drive (1)</td>
<td></td>
<td>A/D</td>
<td>29 sec.</td>
</tr>
<tr>
<td>Minnetonka Boulevard/SE Site Access (1)</td>
<td></td>
<td>A/C</td>
<td>18 sec.</td>
</tr>
<tr>
<td>Minnetonka Boulevard/Shady Oak Road</td>
<td></td>
<td>C</td>
<td>23 sec.</td>
</tr>
<tr>
<td>Burwell Drive/NW Site Access (1)</td>
<td></td>
<td>A/A</td>
<td>4 sec.</td>
</tr>
</tbody>
</table>

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

The eastbound and westbound queues at the Minnetonka Boulevard/Plymouth Road intersection are expected to continue to extend beyond Burwell Drive approximately 15 percent of the p.m. peak hour, which impact motorists along Burwell Drive as they access Minnetonka Boulevard, as well as the Southeast site access. Based on these results, the proposed development is not expected to have a significant operational impact to the study area.
Station Pizzeria
13008 Minnetonka Blvd
#86008.16a

Figure 5

Year 2018 Build Conditions
Bennis Feed and Fuel Redevelopment Parking and Traffic Study
Minnetonka, MN

Minnetonka Blvd
Shady Oak Rd
Pymouth Rd

LEGEND
XX - P.M. Peak Hour Volume
X,XXX - Estimated Average Daily Traffic (ADT) Volume
- Side-Street Stop Control
- Traffic Signal Controlled

Note: Traffic volumes are significantly higher than historical trends due to construction along I-494.
Parking Review

As previously mentioned, the proposed development is planning to provide a total of 27 parking spaces (19 off-street and eight (8) on-street immediately adjacent to the site). To determine if the proposed parking supply will meet the demand for the site, a detailed parking review was completed using both the Minnetonka City Code as well as the *ITE Parking Generation Manual, 4th Edition*. The following information summarizes the parking demand for the proposed development.

1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for a restaurant development, the minimum number of parking spaces required is one (1) space per 50 square feet of gross floor area. Given the proposed development is expected to be approximately 2,450 square feet, a total of 49 spaces are required which results in a 22 space deficit when including the immediately adjacent on-street parking.

2) The 85th percentile peak parking demand for the proposed development based on ITE is a total of 50 parking spaces. However accounting for a similar modal reduction of 10 percent that was used for the overall site trip generation, the parking demand is expected to be 45 spaces which results in an 18 space deficit. This accounts for the peak Saturday condition, where as the ITE demand for a typical weekday is a total of 43 spaces (before any reductions).

3) It should be noted that the peak parking demand is only expected to occur during the Saturday evening peak hour, as a lesser parking demand is expected during other times of the day. This is illustrated in Table 5, which is based on information from the *ITE Parking Generation Manual*.

<table>
<thead>
<tr>
<th>Day</th>
<th>Time</th>
<th>Parking Supply</th>
<th>Parking Demand *</th>
<th>Surplus/(Deficit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekday</td>
<td>12 p.m.</td>
<td>27</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>Weekday</td>
<td>5 p.m.</td>
<td>27</td>
<td>23</td>
<td>4</td>
</tr>
<tr>
<td>Weekday</td>
<td>7 p.m.</td>
<td>27</td>
<td>39</td>
<td>(-12)</td>
</tr>
<tr>
<td>Saturday</td>
<td>12:30 p.m.</td>
<td>27</td>
<td>21</td>
<td>6</td>
</tr>
<tr>
<td>Saturday</td>
<td>6:30 p.m.</td>
<td>27</td>
<td>45</td>
<td>(-18)</td>
</tr>
</tbody>
</table>

(*) Includes a 10 percent modal reduction.

4) Results of the parking demand review by time and day of the week indicates that in addition to the peak Saturday period as noted earlier, the site is also expected to have a deficit in parking during a typical weekday of approximately 12 spaces.

a. Note that this does not account for available on-street parking beyond the spaces located immediately adjacent to the proposed development. This excludes parking along the west side of Burwell Drive, parking north of Minnehaha Creek along Burwell Drive, and to the east along Minnetonka Boulevard.
Parking Mitigation Strategies

Given the proposed development parking demand information identified, the following parking mitigation strategies are offered for consideration to reduce, manage, or provide additional parking:

1) Reconfigure the site plan to accommodate additional parking spaces. This could include converting the internal driveway circulation to one-way operations, which would allow for a reduced driveway aisle width. The space from the reduced driveway aisle could be repurposed as parallel parking. However, it is possible that the outdoor seating area may be somewhat impacted by this type of reconfiguration.

2) Develop a shared parking agreement with adjacent businesses/property owners to accommodate employee, valet, and/or patron overflow parking.

3) Implement an incentive program for patrons and employees to travel to the site using alternative modes of travel (i.e. bike, walk, transit, etc.). An example incentive could include discounts, such as two-for-one drinks or 10 percent off an item.

4) Consider allowing angled parking along the segment of Burwell Drive, south of Minnehaha Creek. This could double the on-street parking along this segment of Burwell Drive from 7 to 14 spaces. Coordination/approval from adjacent property owners would need to be conducted.

Summary and Conclusions

The following study conclusions and recommendations are offered for consideration:

1) Results of the existing intersection capacity analysis indicate that the study intersections currently operates at an acceptable overall LOS C or better during the p.m. peak hour with the existing geometric layout and traffic control.
   a. Eastbound and westbound queues were observed at the Minnetonka Boulevard/Plymouth Road intersection extending approximately 350 to 450 feet during the existing p.m. peak hour. These queues extended beyond Burwell Drive approximately 15 percent of the p.m. peak hour, impacting motorists along Burwell Drive and the Southeast site access.

2) The proposed development is expected to reconfigure the existing Bennis Feed and Fuel complex into a dine-in/take-out restaurant with a pizza focus, which was assumed to be fully operational by the year 2017.

3) The proposed development is expected to generate a similar amount of trips to the existing use during winter p.m. peak hour and daily conditions. During the summer, the proposed development will generate approximately an additional 47 p.m. peak hour and 532 daily trips compared to the existing use due to patio activity.
4) Results of the year 2018 intersection capacity analysis indicate that the study intersections and proposed access locations are expected to operate at an acceptable overall LOS C or better during the p.m. peak hour with the existing roadway geometry and traffic controls.
   a. Eastbound and westbound queues at the Minnetonka Boulevard/Plymouth Road intersection are expected to continue to extend beyond Burwell Drive approximately 15 percent of the p.m. peak hour.

5) Based on the intersection capacity analysis, the proposed development is not expected to have a significant operational impact to the study area.

6) The Minnetonka City Code requires 49 parking spaces, which results in a 22 space deficit.

7) The 85th percentile ITE parking demand for the proposed development is a total of 45 parking spaces, which accounts for a 10 percent modal reduction and results in an 18 space deficit (represents the peak Saturday condition).

8) Results of the parking demand review by time and day of the week indicates that in addition to the peak Saturday period as noted earlier, the site is also expected to have a deficit in parking during a typical weekday of approximately 12 spaces.

9) The following parking mitigation strategies are offered to reduce, manage, or provide additional parking:
   a. Reconfigure the site plan to accommodate additional parking spaces. This could include converting the internal driveway circulation to one-way operations, which would allow for a reduced driveway aisle width.
   b. Develop a shared parking agreement with adjacent businesses/property owners to accommodate employee, valet, or patron overflow parking.
   c. Implement an incentive program for patrons and employees to travel to the site using alternative modes of travel (i.e. bike, walk, transit, etc.).
   d. Consider allowing angled parking along the segment of Burwell Drive, south of Minnehaha Creek. This could double the on-street parking along this segment of Burwell Drive from 7 to 14 spaces.
Greetings All: I want to thank everyone involved for the opportunity for discourse about the potential new development at 13008 Minnetonka Blvd. We certainly recognize that this would be a welcomed addition to the block, and particularly understand that some diversity within our humble 5 count business district would be an improvement; and likely one that the neighborhood would support!

I would be less than honest, though, if I didn’t acknowledge that we join the many voices that attended the Neighborhood Meeting with concern about the parking needs this proposed restaurant will demand. When People’s Organic joined the block, we abided with the notion that the energy of a new restaurant would be “good” for business. We have learned a lot from our experience since then, and will concede more people on the block does mean more visibility for our business. However, as a few of you know, we learned first-hand, that more people on the block did not mean increased revenue for our business. In fact, we sustained a fairly significant impact on our business (revenue dropped over 30%) because the increased traffic meant that people who came with the intention of doing business with us were unable to, because they could not find parking. We are immensely grateful that the city was responsive to our concerns and appreciate that they studied the issue and concluded that placing 20 minute parking signs on Minnetonka Blvd could create a more fluid traffic flow. And we are happy to report that with diligent communication with our clientele, our business has rebounded as we have been able to assist our clients in understanding how to avoid high traffic periods around meal times. And with the generous spirit of our neighbor, Glenn’s, we have been able to also advise our clients to use his lot if they are unable to find street or parking lot access.

This time through, we are choosing to engage the conversation in an effort to be proactive rather than reactive. And where a good volume of our business has shifted to occur between the hours of 3pm - 7pm, we are concerned the new restaurant will once again impact accessibility for our clients. While I understand a traffic study is being conducted, I think if you talk with any of the business owners or tenants that reside here, you will learn that their 12+ hours on site fully understand that there are times where the parking situation is absolute chaos, a source of frustration to patrons and missed opportunity for all of the businesses. And certainly, there are admittedly lulls in the traffic patterns that leave both the lot and streets quite open. It goes without saying, the proposed 28 parking stalls that the new owners have cited on location, certainly will fall short of their full capacity occupancy. And if I understand City Code effectively, once again, this restaurant will come in with just half of the needed/projected parking.

We feel compelled to share a bit about our business to help you understand our concerns.

- Currently, the block is populated by businesses, that for the most part, will have clients persist despite mild inconvenience of parking. We all need gas, we all generally eat two to three meals a day, and most of us have a hard time passing up an
But only 10% of the buying population will ever cross the threshold of a custom frame shop/art gallery. If you inconvenience that small percentage, the effect can be crippling.

- We are fortunate to have customers who have been challenged by the parking situation, but continue to choose to do business with us. But we are a culture of convenience, if we continue to add challenge, even the most loyal may consider their options. And certainly, there may be people who heard about us, or were curious about our framing services, who may never get through the door if the parking situation is too challenging.

- It is worth noting, someone who is having a business meeting or joining friends for a beer and dinner can and will likely park some distance and walk to their dining experience. Our clients are in a slightly different situation. 80% of our revenue is generated by custom framing. When someone has made the decision to custom frame, they are coming in with a project that is either of great sentimental value, or they have spent a great deal of money to own. As such, most clients do not want to walk half a block or so with the weight of their piece or the care of their artwork at risk.

Aside from business interests, we have, perhaps, a larger social concern. Currently, when the Boulevard is lined up with SUV’s, leaving our parking lot is a risk of life or limb; particularly if you are trying to head east. The sight line is almost always obscured and if Station Pizza is proposing to add 8 more parking spots on Minnetonka Blvd by curbing the south side of their property, that is going to obscure the one sight line you currently have. I am fearful that Bridge street is going to become just as compromised in visibility as our parking lot is. And with as many young families and kids on the block, I think this issue needs a very earnest look at its impact on overall public safety.

I think the most important thing we learned through the challenges that arrived with People’s Organic is that the new business that is receiving a parking variance bears full responsibility to find parking alternatives and then place very dominate signs that help their customers understand their overflow parking options. If everything is left up to a “survival of the fittest” mentality, human nature is going to favor convenience. And the parking shortage, that is the reality of this site, is going to fall on the shoulder of businesses that are already feeling compromised.

We very much want to warmly welcome our new neighbors and be witness to the excitement that this can bring to our humble little business district. But we are entering this conversation with our eyes open, we ask the City staff and Council members to do the same. Please understand we are reaching out to you as we very much want to be creative, supportive and help brainstorm solutions that will make this feel like a win for the community and businesses alike.

Thank you for your consideration.

Melissa Williamson-Herren and Kenneth Herren
Your Art’s Desire
12928 Minnetonka Blvd
Minnetonka, MN 55305
952-988-9772
www.yourartsdesiremtka.com
Hi Susan,
My concerns with this project are with parking issues, noise, and safety.

With the business in the Minnetonka Mills district, parking is already an issue. Now with the proposal of 60 indoor seating and 60 outdoor seating, where will there be enough parking? What is the percentage of parking per seating required by the city?

What are the hours of operation?

I see many cars speeding in that section of Minnetonka Blvd and running the lights at Plymouth Road/Minnetonka Blvd and Shady Oak Road/Minnetonka Blvd.

Thanks for your time and response.

Regards,
Beverly Baker

Beverly A. Baker
12900 St. Davids Road
Minnetonka, MN 55305
Beverly,

Thank you for your emails. I will ensure they are forwarded on to the planning commission and city council.

The commission will be considering the land use aspects of the proposal on July 7. The commission’s charge is to review the requested conditional use permit (CUP) for a restaurant/outdoor patio and the proposed site and building plan changes; the liquor license is not within the purview of the commission. The commission will make a recommendation to the city council on the CUP. The council will make the final decision on both the CUP and the liquor license.

Susan

Susan M. Thomas, AICP | Assistant City Planner | City of Minnetonka
14600 Minnetonka Blvd | Minnetonka, MN 55345 | 952-939-8292

Hi Susan,
I was able to view some of the on-line proposals for Pizza Station.

I see they are applying for a full liquor license and hours of operation are:
Sunday-Thursday 11 am to 11pm
Friday and Saturday 11am to 1pm
Outdoor seating until 10:30pm

I disagree with the full liquor license and hours of operation. Peoples’ Organic located in the same area has a beer and wine license. Their hours of operation are Monday- Friday 6:30am to 9pm
Saturday 7am to 9pm
Sunday 7am to 8pm

Both of these restaurants are located in residential neighborhoods. The pizza station should be required to adhere to the same liquor license and closing hours of People’s Organic.
Thank you.

Regards,
Bevery

Beverly A. Baker
12900 St. Davids Road
Minnetonka, MN 55305
Resolution No. 2016-

Resolution approving a conditional use permit for a restaurant and outdoor eating area, with variances, at 13008 Minnetonka Boulevard

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

Section 1. Background.

1.01 Shea Design, on behalf of Ryan Burnet and Clark Gassen, is requesting a conditional use permit for a restaurant and outdoor eating area. The request includes the following variances:

1. Parking variance from 57 stalls to 19 stalls for the restaurant;
2. Setback variance from residential property from 200 feet to 90 feet for the outdoor eating area; and
3. Front yard setback variance from 50 feet to 0 feet for the outdoor eating area.

1.02 The property is located at 13008 Minnetonka Boulevard. It is legally described as follows:

Lots 21, 22, and Lot 24 except the Northeasterly 30 feet thereof, Auditor's Subdivision No. 353, Hennepin County, Minnesota.

And

Lot 16, Block 1, Creekwood, Hennepin County, Minnesota

1.03 On July 7, 2016, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff
report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the request.

Section 2. Standards.

2.01 City Code § 300.21 Subd.2 lists the following general conditional use permit standards:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.

2.02 City Code §300.21 Subd.4(i) lists the following specific conditional use permit standards for restaurants having on-sale intoxicating liquor or dance hall licenses:

1. Parking shall be in compliance with the requirements of section 300.28 of this ordinance;
2. Shall only be permitted when it can be demonstrated that operation will not significantly lower the existing level of service as defined by the Institute of Traffic Engineers on streets and intersections; and
3. Shall not be located within 100 feet of any low density residential parcel or adjacent to medium or high density residential parcels. The city may reduce separation requirements if the following are provided:
   a) landscaping and berming to shield the restaurant use;
   b) parking lots not located in proximity to residential uses; and
c) lighting plans which are unobtrusive to surrounding uses.

2.03 City Code §300.21 Subd.4(p) lists the following specific standards for accessory sidewalk cafes and outdoor eating areas:

1. Shall be located in a controlled or cordonned area with at least one opening to an acceptable pedestrian walk. When a liquor license is involved, an enclosure is required and the enclosure shall not be interrupted; access shall be only through the principal building;

2. Shall not be permitted within 200 feet of any residential parcel and shall be separated from residential parcels by the principal structure or other method of screening acceptable to the city;

3. Shall be located and designed so as not to interfere with pedestrian and vehicular circulation;

4. Shall not be located to obstruct parking spaces. Parking spaces may be removed for the use only if parking requirements specified in section 300.28 are met;

5. Shall be located adjacent to an entrance to the principal use;

6. Shall be equipped with refuse containers and periodically patrolled for litter pick-up;

7. Shall not have speakers or audio equipment which is audible from adjacent parcels; and

8. Shall be located in compliance with building setback requirements.

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

3.01 The proposed restaurant and outdoor eating area would meet the general conditional use permit standards as outlined in City Code § 300.21 Subd.2 and the staff report associated with the applicant’s request.

3.02 But for the requested variances, the proposed restaurant and outdoor eating area would meet the specific standards as outlined in City Codes §300.21 Subd.4(i) and §300.21 Subd.4(p) and the staff report associated with the applicant’s request.

3.03 The proposal meets would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. Intent of the Ordinance.
   a) The intent of the ordinance as it pertains to parking requirements is to ensure adequate parking is provided to meet anticipated parking demand. With appropriate provision of off-site parking, which is included as a condition of this resolution, anticipated parking demand could be met.
   b) The intent of the ordinance as it pertains to outdoor eating area setbacks is to ensure appropriate separation between these areas and residential land uses, so as to minimize real and perceived nuisance impacts. The proposed outdoor eating area setbacks would meet this intent. Generally reflecting the setbacks of the existing building, the outdoor eating area would be setback 90 feet from the closest residential lot and nearly 200 feet from the closest home. It would be separated from area homes by Minnehaha Creek and existing vegetation.

2. Consistent with Comprehensive Plan. The subject property is located in the Minnetonka Mills special purpose village center. One of overall themes outlined in the comprehensive plan is to provide development and redevelopment opportunities that encourage vitality, promote identity, and improve livability in village centers. The requested variances would result in redevelopment of an existing feed store/gas station into a new and unique gathering space, consistent with the goals of the comprehensive plan.

3. Practical Difficulties. There are practical difficulties in complying with the ordinance:
a) Unique Circumstances and Reasonableness. The subject property is unique in several ways. The 0.5-acre lot is zoned and guided for commercial use, but has just 880 square feet of buildable area due to its location adjacent to two roadways and Minnehaha Creek. Both the building and the parking lot on the property are non-conforming. The requested variances are based on these unique circumstances and the applicant’s reasonable request to repurpose the existing commercial site for a new commercial use.

b) Character of the Neighborhood. The repurposing of the existing commercial site, from feed store/gas station to restaurant would likely alter the general atmosphere of the area. However, the requested variances themselves would not.

Section 4. City Council Action.

4.01 The above-described conditional use permit and variance are 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, unless modified by the conditions below:
   - Site plan dated March 23, 2016
   - Floor plan dated May 31, 2016
   - Building rendering dated May 27, 2016

2. The outdoor patio must be controlled and cordoned off with an uninterrupted enclosure, with access only through the principal building.

3. The outdoor patio must be equipped with refuse contains and regularly patrolled for litter pick-up.

4. The outdoor eating area must be closed by 10:30 p.m. daily.

5. No outdoor sound system is allowed.

6. No dumping of glass or other recyclables is allowed between the hours of 10:00 p.m. and 6:00 a.m.
7. The restaurant and outdoor eating area must conform to all aspects of the City Code Chapter 8, Public Health and Public Nuisance Ordinances.

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

9. 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 August 22, 2016.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 22, 2016.

David E. Maeda, City Clerk

SEAL
Resolution No. 2016-

Resolution approving the final site and building plans, with variances, for site and building changes at 13008 Minnetonka Boulevard

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

Section 1. Background.

1.01 Shea Design, on behalf of Ryan Burnet and Clark Gassen, is requesting approval of final site and building plans for changes to the site and building at 13008 Minnetonka Boulevard. The changes are proposed to accommodate a new restaurant and outdoor eating area. The request includes the following variances:

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<tr>
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<th>Required</th>
<th>Proposed</th>
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<tr>
<td>Building Setbacks</td>
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<tr>
<td>South</td>
<td>50 ft</td>
<td>15.5 ft</td>
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<tr>
<td>West</td>
<td>50 ft</td>
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<td>Trash Enclosure Setbacks</td>
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<td>South</td>
<td>10 ft</td>
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<td>Shoreland</td>
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<td>Parking Lot Setbacks</td>
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<tr>
<td>Shoreland</td>
<td>25 ft</td>
<td>15 ft</td>
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<tr>
<td>Impervious Surface</td>
<td>30%</td>
<td>81%</td>
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</table>

1.02 The property is located at 13008 Minnetonka Boulevard. It is legally described as follows:

Lots 21, 22, and Lot 24 except the Northeasterly 30 feet thereof, Auditor’s Subdivision No. 353, Hennepin County, Minnesota. And
Lot 16, Block 1, Creekwood, Hennepin County, Minnesota

Section 2. Standards.

2.01 City Code §300.27, Subd. 5, outlines that the following must be considered in the evaluation of site and building plans:

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

2. Consistency with this ordinance;

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

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

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

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

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

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

   d) Vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.
6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

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

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

Section 3. Findings.

3.01 The city has considered the items outlined in City Code §300.27, Subd.5 and finds the following:

1. The proposal has been reviewed by city planning, engineering, natural resources, public works, fire, and legal staff and found to be generally consistent with the city’s development guides.

2. The subject property is a developed site. As such, the proposal would not impact natural topography or native-vegetation.

3. The proposal would utilize an existing building and parking lot. Other than a slight increase in green space on the site, the relationship between buildings and open spaces would not change.

4. The proposed site design is intuitive and would establish appropriate circulation patterns for vehicular traffic.

5. The proposal would repurpose an existing building.

6. The repurposing of the existing commercial site, from feed store/gas station to restaurant, would likely alter the general atmosphere of the
area. However, through provision of off-site parking and adherence
to city nuisance ordinances, neighboring land uses should be
adequately protected.

3.02 The proposal would meet the variance standard as outlined in City Code §300.07 Subd.1:

1. Intent of the Ordinance.

   a) The intent of the ordinance as it pertains to setbacks is to
      ensure appropriate separation between land uses for both
      safety and aesthetic reasons.
      
      1) Building and Parking Setbacks. The proposed building
         and parking lot setbacks would meet this intent. They
         reflect existing site conditions, which have been in
         place for decades without either safety or aesthetic
         complaint.
      
      2) Trash Enclosure Setbacks. The proposed trash
         enclosure setbacks would meet this intent. The
         variances are from a property line adjacent to an
         existing parking lot, and from Minnehaha Creek, which
         is significantly screened from the site at this location.
         The reduced setbacks would not negatively impact
         either safety or aesthetic.

   b) The intent of the ordinance as it pertains to impervious surface
      is to reduce the environmental and aesthetic impact of
      development on water resources. The requested variance
      would meet this intent. Though significantly higher than the
      maximum impervious surface allowed by code, the proposal
      slightly improves upon an existing condition.

2. Consistent with Comprehensive Plan. The subject property is located
   in the Minnetonka Mills special purpose village center. One of overall
   themes outlined in the comprehensive plan is to provide
   development and redevelopment opportunities that encourage
   vitality, promote identity, an improve livability in village centers. The
   requested variances would result in redevelopment of an existing
   feed store/gas station into a new and unique gathering space,
   consistent with the goals of the comprehensive plan.

3. Practical Difficulties. There are practical difficulties in complying with
   the ordinance:
a) Unique Circumstances and Reasonableness. The subject property is unique in several ways. The 0.5-acre lot is zoned and guided for commercial use, but has just 880 square feet of buildable area due to its location adjacent to two roadways and Minnehaha Creek. Both the building and the parking lot on the property are non-conforming. The requested variances are based on these unique circumstances and the applicant’s reasonable request to repurpose the existing commercial site for a new commercial use.

b) Character of the Neighborhood. The repurposing of the existing commercial site, from feed store/gas station to restaurant would likely alter the general atmosphere of the area. However, the requested variances themselves would not.

Section 4. City Council Action.

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

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
   - Site plan dated March 23, 2016
   - Floor plan dated May 31, 2016
   - Building rendering dated May 27, 2016

2. Prior to issuance of a building permit:
   a) This resolution must be recorded.
   b) Submit the following:
      1) A signed parking agreement for at least 18 off-site parking spaces.
      2) An electronic PDF copy of all required plans and specifications.
      3) Three full size sets of construction drawings and project specifications.
4) Final site, landscape, and illumination plan, and stormwater pollution prevention plan (SWPPP) for staff approval.

   a. Final site plan must:
      1. Include a bike parking facility.
      2. Include one stormwater best management practice.
      3. Illustrate a site triangle for Bridge Street to ensure adequate site lines are maintained.
      4. Illustrate replacement of curbing at existing on-site pedestrian ramp that is not currently ADA compliant.
      5. Show the existing pedestrian ramp on the west side of Bridge Street to ensure the proposed pedestrian ramp on the east side of Bridge Street is in alignment with the existing.
      6. Confirm city standard curb B612 on Bridge Street and Hennepin County approved curb on Minnetonka Boulevard.

   b. Final landscaping plan must:
      1. Meet minimum landscaping requirements as outlined in the ordinance. At its sole discretion, natural resources staff may reduce required landscaping based on site constraints.
      2. Minimize use of sod and, rather, use ornamental trees, low growing shrubs, ornamental grasses or perennials. No plant material obtaining a mature height of over three feet may be planted within 25 feet of Bridge Street or Minnetonka Boulevard.
5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot improvements and landscaping requirements. One itemized letter of credit is permissible, if approved by staff.

a. The city will not fully release the letters of credit or cash escrow until:

- A final as-built survey has been submitted;
- Vegetated ground cover has been established; and
- Required landscaping or vegetation has survived one full growing season.

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

- The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
- If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.

7) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

c) Install a temporary rock driveway, erosion control fencing, and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
3. Right-of-way permits are required from the city and Hennepin County for work within the Bridge Street and Minnetonka Boulevard rights-of-way respectively.

4. If water or sewer services are upgraded, fire sprinkler systems must be installed per Minnesota State Building Code Chapter 1306.

5. Signage must be installed and maintained on-site directing patrons to off-site parking at St. David’s Center.

6. During construction the street must be kept free of debris and sediment.

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

8. The property owner is responsible for snow removal on sidewalks adjacent to the site.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

______________________________
Terry Schneider, Mayor

ATTEST:

______________________________
David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 22, 2016.
David E. Maeda, City Clerk
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6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Items concerning Station Pizzeria at 13008 Minnetonka Boulevard.

Acting Chair Odland 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.

Powers noted that the area currently has parking and traffic issues. He asked if the application should be looked at separately or if the existing parking and traffic issues should be part of the consideration. Thomas answered both. The specific site and the surrounding area must be looked at comprehensively. Whether the proposal would be approved or not would not change the current parking issue.

Acting Chair Odland asked how many parking stalls exist within a 5-minute walk. Thomas answered that a church is 800 feet away and its parking lot has 442 stalls.

Ryan Burnet, applicant, stated that he and his business partner recognized the parking issue when they first visited the site. He is asking to put in a family restaurant. He currently owns and operates 8 restaurants. After the neighborhood meeting and the completion of the traffic study, he discussed obtaining over-flow parking agreements with surrounding property owners. He plans to have a deal in writing within the next 2 weeks to provide overflow parking. He dealt with a similar parking issue for a restaurant he operated with 11,000 square feet. Parking was secured 3 blocks away and the restaurant has been operating successfully for 3 years. The neighbors are its best customers. This will be a neighborhood restaurant for families. He wants to make sure this works for the neighborhood. It will provide an exciting redevelopment for the area.

Powers asked what parking would be available during on-peak hours. Mr. Burnet said that the parking lot with over 400 stalls would accommodate peak-hour parking. The proposed restaurant’s peak hours would be after 5 p.m. which is later than the peak hours of the surrounding uses.

Calvert asked how patrons would know the location of off-site parking. Mr. Burnet said that information would be provided on the website and on site. The servers
and manager would inform patrons who call. He would be open to posting a sign outside of the restaurant. The proposed restaurant would not be large enough to sustain valet parking. There would be low outdoor music, but it would not be loud and would be turned off after dinner.

In response to Acting Chair Odland’s question, Mr. Burnet stated that his restaurants have had no nuisance code violations.

Calvert was concerned that the restaurant would have a liquor license and its proximity to a Dairy Queen. Mr. Burnet stated that the liquor license would allow patrons to have a larger selection of alcohol. The restaurant would not be a bar. There would be no more than four bar seats. He is well versed on how to serve alcohol. Two of his other restaurants have more outdoor seating near residences.

In response to Powers’ question, Mr. Burnet stated that the patio would be fenced, but the parking lot would remain. There would be enough patio to walk around it. Patrons would have to enter the restaurant to be seated outdoors.

The public hearing was opened.

Dorothy Janssen, 12709 Burwell Drive, stated that:

- She is concerned with the traffic problems. Burwell Drive is narrow. If a vehicle is parked on the side, then a vehicle barely has room to pass it.
- The school is located close by. Parents drop off kids right after the turn to Burwell Drive. That lines up six to eight vehicles. The corner is sharp.
- She anticipates that the proposal would cause more traffic.

Stacey Avery, 12824 Burwell Drive, stated that:

- Her residence is located on a cul de sac behind the proposal.
- The area is residential. St. David’s School just closed access to its site from Burwell Drive.
- The street is 22-feet wide at its widest point. Most of it is 19-feet wide.
- Burwell Drive is part of Minnetonka’s park system. There are no sidewalks on Burwell Drive.
- Her main issue is parking on Burwell Drive.
- The entire width of a street could be used up by a vehicle parked more than 6 inches from a curb and a fire truck.
• It is not a good idea for drivers who have been drinking to drive down a narrow street.
• The traffic amount would be huge.
• Dairy Queen and People’s Organic already have parking deficits.
• The traffic study used the amount of internal seating only.
• She opposes the proposal until there is a new plan to accommodate all of the new parking safely.
• She requested the commission table action until a plan is prepared that would not include parking on Burwell Drive.

Glen Seutter, 12908 Minnetonka Boulevard, stated that:

• He can sympathize with the residents who live on Burwell Drive.
• Since the Bennis Feed and Fuel closed two weeks ago, his business has seen an increase in traffic of 25 percent. His concern is for his parking. Dairy Queen and People’s Organic patrons are using his spaces. Drivers will pick the closest parking space.
• There are vehicles parked on the boulevard all day long. There is one there now with a “for sale” sign. The signed 20-minute parking needs to be enforced.
• He has seen many close calls with vehicles.
• The construction down the road will also increase traffic.
• He did not see parking in the church lot as a reasonable fix. That is his concern. He cannot afford to lose business. He loved the idea of having a restaurant, but it has to be the right business to have the right amount of impact.

Tim Demars, 12925 Burwell Drive, stated that:

• He has had to replace six sprinkler heads from drivers parking on them.
• He opposed the site having 120 customers at one time and serving alcohol.
• He was concerned with patrons parking on his street and hearing the traffic and their conversations.
• The Dairy Queen closes at 9 p.m., so it is not much of an issue.
• People’s Organic serves beer and wine. He hears the bottles being poured into the dumpster each night.
• There would only be one handicap parking stall.
• Delivery trucks make noise early in the morning.
• The salt and oil from the commercial properties goes into Minnehaha Creek.
• He is concerned with the noise levels.
• The site is not viable for that much occupancy.
• People who smoke would be outside after 10:30 p.m. They tend to make a lot of noise.
• This use does not fit the neighborhood. Please take into consideration the concerns of long-term residents.

Peggy Klug, 12817 Burwell Drive, stated that:

• She agrees that parking is an issue.
• Her son has epilepsy. There have been situations where vehicles have been parked on both sides of the street and an emergency vehicle would not be able to get through. She has contacted St. David’s about this many times.
• She liked the idea of a pizzeria, but the problem needs to be solved in a different way. She requested “no parking” signs be installed and enforced on Burwell Drive. Once a patron would receive a ticket, then one would not park there again. She has asked many times for “no parking” signs at the corners and fireplace, but the city has not cooperated.

Beverly Baker, 12900 St. David’s Road, stated that:

• St. David’s Road is narrow. Her neighborhood has similar issues when the food shelf went in, but the issues were resolved.
• Drivers run the lights at Plymouth Road and Shady Oak Road on Minnetonka Boulevard. That is a concern.

Claudia Gundlach, 12901 Burwell Drive, stated that:

• The surrounding businesses already have variances that already infringe on the creek. She requested that the city not allow businesses to infringe on the creek.
• Glen’s has a holding pond that filters oil from traveling to the creek. The delicate eco-system needs to be considered.

Karen Schoenrock, 12852 Burwell Drive, stated that:

• Mr. Burnet said that there would be no outdoor music on the outdoor patio at the neighborhood meeting.
• He said that vehicles would enter on Bridge Street and exit on Minnetonka Boulevard. That has changed now.
• She wants to be able to trust that what was said is what would happen.
• In the winter, she has to drive on the curb to get around the corner.
• She continually sees people using the path to connect the trails.
• She was concerned with increased traffic and motorists drinking alcohol.

No additional testimony was submitted and the hearing was closed.

In response to Calvert’s question, Thomas explained that the 50’ setback is for the trash enclosure. She pointed out the additional setbacks. Calvert thought reducing the 200-foot setback on the north to 100 feet would be a huge difference.

Powers confirmed with Thomas that the parking requirements are based on interior seating. During summer months, the number of patrons does not usually increase, but where the patrons sit shifts to the outside rather than inside.

O’Connell asked if permit-parking only would be possible. Thomas explained that “no parking” signs may be installed if the city receives a petition and the city council approves the request. The residents must apply as a group for their street.

Wischnack explained that resident-only parking permits are possible. The businesses and residents have to be cooperative to navigate the area. It is a popular and convenient location which makes it a challenge.

Powers asked if a vegetation buffer would be required. Thomas agreed that there is a buffer when the leaves are on. Replacing deciduous trees with evergreens could be considered, but that would require the removal of existing deciduous trees.

Calvert asked staff to provide parking solutions within a block of the site. Thomas explained that Mr. Burnet would work out a private parking agreement with a surrounding property owner. Thomas noted that St. David’s school, the city lot, the church, and park and ride facility are in the area. There are crosswalks at each intersection. Wischnack added that the city lot is full on a regular basis. People’s Organic uses it for their employee parking. Gordon noted that SRF did a great job in the traffic study providing real implementation strategies.

Calvert asked if signs could be posted listing the location of overflow parking. Thomas answered affirmatively.
Acting Chair Odland noted that the city issues “no parking” signs for one side of a street for special occasions.

Thomas recommended that residents call 911 immediately to report an unsafe situation.

Acting Chair Odland reviewed concerns expressed by residents. Gordon noted that snow could be removed from the site. He was not aware of a current problem. Wischnack added that the proposed site’s property continues to the creek. Residents can contact city hall to have a potential snow removal violation investigated.

Thomas and Wischnack provided the noise ordinance regulations and noted that garbage haulers are allowed to function at 6 a.m. in the city. A condition of approval of a liquor license could require the bottles be dumped during a designated time frame.

Thomas clarified that this variance request is independent of existing ones in the area and that the noise ordinance prohibits the sound of music from extending outside of a property line.

Thomas stated that staff will notify the police of the vehicle with the “for sale” sign being parked in the 20-minute parking spot for an extended stay on Minnetonka Boulevard.

Acting Chair Odland suggested SRF compare the current situation with one similar to it to gain ideas on how to deal with the issues.

In response to Acting Chair Odland’s questions, Mr. Burnet stated that he was fine with not having music outside. He misspoke earlier. He is having discussions with neighboring properties to reach a deal for overflow parking. He would consider valet parking during heavy time periods. He did not expect the passionate response. There would be no delivery. A pizza could be ordered in advance and delivered to the vehicle to make it happen quickly.

Clark Gassen, Mr. Burnet’s business partner, explained that he owns his own snow removal company. At a certain inch level, the snow would be moved off site. He has never had a snow violation.

Hanson was o.k. with the proposal if it is the right operator. The proposal is consistent with the city’s long-term plan. The site is zoned for a commercial use. The management team would do a good job enforcing the noise requirements and responsibly serving the patrons. A firm parking plan would be needed before
moving forward. He assumed that Burwell Drive would become a “no parking” street.

Powers thought that the proposal is the seed of a good idea. He admires the developer and restaurant operator for their courage, but the plan is the wrong size and does not have enough detail. He did not think there would be a lot of the owner overseeing the site. The neighbors are correct that there would be pressure on the police for enforcement and on neighboring businesses. Most of the people he talked to like the idea of a restaurant at that location. The neighbors’ concerns are real. The restaurant may create a smell. He hoped to see progress.

Calvert concurred with Powers. She applauded the applicant’s desire to keep the original building. She understood the need to keep the building occupied to create vitality without burdening neighbors. It seems too big for the space. She liked the idea of the patio and preserving the building. She is aware of the narrowness of Burwell Drive. The issues are solvable, but the issues of noise, parking, light, environmental, and traffic need to be addressed.

O’Connell would be in favor of tabling the request to allow time for an off-street parking agreement to be reached. He asked the residents of Burwell Drive to request “no parking” signs be installed on the street. He suggested valet parking be offered during peak operating hours with a street-side curb cut for the valet.

Acting Chair Odland applauded the restaurant owner for looking at the site and utilizing the existing building. The Birch restaurant is on a tiny island and has no parking, but the owners have been a great partner in that area so she has no doubt that there is a solution to make this a viable property. The use would be an excellent fit. She would like to see it evolve into something. Tabling would be the best thing to do right now.

Powers thought that the footprint would be too large for the site.

Calvert agreed with tabling and that the proposal is the seed of something good.

**O’Connell moved, second by Powers, to recommend that the city council table items on the following to allow staff more time to research solutions to issues related to noise, parking, light, protecting the environment, and traffic:**

1. **A resolution approving a conditional use permit for a restaurant and outdoor eating area, with variances, at 13008 Minnetonka Boulevard (see pages A35-A40).**
2. A resolution approving final site and building plans, with variances, for site and building changes at 13008 Minnetonka Boulevard (see pages A41-A49).

O’Connell, Odland, Powers, Calvert, and Hanson voted yes. Knight and Kirk were absent. Motion carried.
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Draft Memorandum
SRF No. 0169296.01

To: Loren Gordon, AICP, City Planner
City of Minnetonka

From: Matt Pacyna, PE, Senior Associate
Brent Clark, EIT, Engineer

Date: July 29, 2016

Subject: Minnetonka Boulevard/Burwell Drive Parking Study

Introduction

SRF has completed an expanded parking study for the Minnetonka Boulevard/Burwell Drive area in Minnetonka, Minnesota. The main objectives of this study are to review and evaluate existing on- and off-street parking, recommend potential improvements to provide additional parking/reduce neighborhood impacts, and develop concept alternatives. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Project Background

In June 2016, SRF completed a traffic and parking study for the proposed Station Pizza, which is located in the northeast quadrant of the Minnetonka Boulevard/Burwell Drive intersection. The proposed development is planning to provide a total of 27 parking spaces (19 off-street and eight (8) on-street immediately adjacent of the site). Results of the parking analysis indicated that the proposed development would have a parking deficit based on a review of both the Minnetonka City Code as well as the ITE Parking Generation Manual, 4th Edition. This analysis concluded:

- The Minnetonka City Code requires 49 parking spaces, which results in a 22 space deficit.
- The 85th percentile ITE parking demand for the proposed development is a total of 45 parking spaces, which accounts for a 10 percent modal reduction. This results in an 18 space deficit during the peak Saturday condition and a 12 space deficit during the peak weekday evening.
- The following mitigation strategies were offered to reduce, manage, or provide additional parking:
  - Reconfigure the site plan to accommodate additional parking spaces. This could include converting the internal driveway circulation to one-way operations, which would allow for a reduced driveway aisle width.
  - Develop a shared parking agreement with adjacent businesses/property owners to accommodate employee, valet, or patron overflow parking.
  - Implement an incentive program for patrons and employees to travel to the site using alternative modes of travel (i.e. bike, walk, transit, etc.).
  - Consider providing additional parking along the segment of Burwell Drive.
Parking Review

Based on the findings of the Station Pizza Traffic and Parking Study, an expanded parking study for the Minnetonka Boulevard/Burwell Drive area was requested. As part of this study, an evaluation of the existing on- and off-street parking utilization for adjacent developments along Minnetonka Boulevard (between Burwell Drive and Shady Oak Road) was completed to understand current demand and determine if there are opportunities for shared parking.

Data Collection

SRF collected on- and off-street parking utilization data during six (6) time periods between Thursday, July 14, 2016 and Tuesday, July 19, 2016. Parking counts were collected on weekday (Tuesday/Thursday), Friday, and Saturday during both the midday and evening periods to provide a wide range of parking conditions. These time periods are consistent with the peaks identified in the Station Pizza Traffic and Parking Study.

Results of the parking utilization counts shown in Table 1 indicate that the highest parking utilization occurred during the weekday midday with 62 percent of the total area parking occupied. While overall this area has adequate parking, there are locations where the parking was observed to have higher utilization (greater than 85 percent). In particular, the Dairy Queen/People’s Organic parking lot was observed to be nearly full during the weekday midday as well as the Friday midday and evening peak periods.

Although the existing Bennis Feed (proposed Station Pizza location) is currently closed, vehicles were observed in the parking lot. Given that the current parking lot configuration is not well striped, these vehicles parked wherever space was available. The vehicles parked in the Bennis Feed parking lot were assumed to be Dairy Queen or People’s Organic patrons or staff.

It should be noted that during the weekday and Friday midday observations, the Shady Oak Road parking lot (City Lot) was observed to be 100 percent and 93 percent occupied, respectively. The Shady Oak Road parking lot is utilized by trail users and occasionally as overflow parking for businesses along Minnetonka Boulevard. However, the higher utilization may be from workers at nearby construction projects.

The types of vehicles observed were generally passenger vehicles and light trucks, although a short bus was seen on-street along Minnetonka Boulevard outside of People’s Organic during the Saturday evening peak period. There was also one larger delivery truck noted at Glenn’s Gas Station during both the weekday and Saturday midday peak periods. The only other larger vehicles noted was at the TouchFree Car Wash during the weekday midday peak.
### Table 1  
Parking Utilization Counts

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Between</th>
<th>Side of Street</th>
<th>Approx. Capacity</th>
<th>Weekday</th>
<th></th>
<th>Friday</th>
<th></th>
<th>Saturday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Midday (12 pm.)</td>
<td>Evening (6 p.m.)</td>
<td>Midday (12 pm.)</td>
<td>Evening (6 p.m.)</td>
<td>Midday (12 pm.)</td>
</tr>
<tr>
<td>Burwell Drive/ Bridge Street</td>
<td>St David’s to the East</td>
<td>North</td>
<td>0 (1)</td>
<td>0 (0%)</td>
<td>0 (0%) (3)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>South</td>
<td>4 (2)</td>
<td>0 (0%)</td>
<td>0 (0%) (3)</td>
<td>0 (0%)</td>
<td>0 (0%)</td>
<td>1 (25%)</td>
</tr>
<tr>
<td>Burwell Drive/ Bridge Street</td>
<td>Minnetonka Blvd to St David’s</td>
<td>West</td>
<td>8</td>
<td>2 (25%)</td>
<td>1 (13%)</td>
<td>1 (13%)</td>
<td>1 (13%)</td>
<td>1 (13%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East</td>
<td>5 (4)</td>
<td>2 (40%)</td>
<td>0 (0%)</td>
<td>1 (20%)</td>
<td>1 (20%)</td>
<td>0 (0%)</td>
</tr>
<tr>
<td>Minnetonka Boulevard</td>
<td>Burwell Drive to Shady Oak Road</td>
<td>North</td>
<td>20</td>
<td>10 (50%)</td>
<td>3 (15%)</td>
<td>8 (40%)</td>
<td>6 (30%)</td>
<td>2 (10%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>On-Street Parking</td>
<td>37</td>
<td>14 (38%)</td>
<td>4 (11%)</td>
<td>10 (27%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Bennis Feed and Fuel/Pizza Station (5)</td>
<td>16</td>
<td>8 (50%)</td>
<td>4 (25%)</td>
<td>9 (56%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>DQ/People's Organic Parking Lot</td>
<td>26</td>
<td>25 (96%)</td>
<td>14 (54%)</td>
<td>22 (85%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Glenn's Gas Station</td>
<td>14</td>
<td>8 (57%)</td>
<td>2 (14%)</td>
<td>6 (43%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Touchfree Car Wash</td>
<td>11</td>
<td>4 (36%)</td>
<td>3 (27%)</td>
<td>4 (36%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>City Parking Lot (North of Shady Oak Rd) (6)</td>
<td>14</td>
<td>14 (100%)</td>
<td>1 (7%)</td>
<td>13 (93%)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Total Parking (On- and Off-Street)</td>
<td>118</td>
<td>73 (62%)</td>
<td>28 (24%)</td>
<td>64 (54%)</td>
</tr>
</tbody>
</table>

1. Assumed no parking on the north side.
2. Capacity was estimated from the end of the curve radius to the first driveway approach.
4. Parking on the bridge was not included in the approximate capacity.
5. Five (5) spaces adjacent to the Dairy Queen were roped off during the utilization counts (i.e. vehicles were not able to park).
6. Parking lot may be used for overflow parking for nearby construction projects.
Alternative Parking Configurations

Three alternative parking configurations were considered along Burwell Drive to increase parking within the study area, which are illustrated in Figures 1, 2, and 3. These options represent a range of alternatives (i.e. parallel versus angled parking) and could be mixed/matched depending on the desired outcome. Options were also identified to reduce the potential for patrons traveling further east along Burwell Drive, as well as to identify general right-of-way impacts.

A comparison of the alternative parking configurations is summarized in Table 2. In general, the alternatives were developed assuming 12 foot travel lanes (24 foot roadway width excluding parking) and 9 foot wide/20 foot long parking spaces. Two cul-de-sac options (65 foot and 80 foot) are shown in Figure 3 (Option 3) to illustrate right-of-way impacts. Further discussion with stakeholders should occur to determine the appropriate design vehicle. Additional signage could be incorporated to discourage non-residents from traveling along Burwell Drive east of Saint David’s.

Table 2 Alternative Parking Configuration Comparison

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Burwell Drive Parking Supply</th>
<th>Parking Increase (from Existing)</th>
<th>Pro</th>
<th>Con</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1 (Parallel Parking)</td>
<td>15 spaces</td>
<td>+2 spaces</td>
<td>- Fits within existing R/W</td>
<td>- Small net parking increase</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Provides a hammerhead design for turnarounds</td>
<td></td>
</tr>
<tr>
<td>Option 2 (90° parking)</td>
<td>39 spaces</td>
<td>+26 spaces</td>
<td>- Provides the most spaces</td>
<td>- R/W impacts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- 90° parking discourages traffic from traveling into the neighborhood</td>
<td>- Impacts sidewalk location</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Likely requires relocation of a fire hydrant</td>
</tr>
<tr>
<td>Option 3 (Combo Parking)</td>
<td>23/24 spaces*</td>
<td>+10/11 spaces*</td>
<td>- 65’ cul-de-sac diameter has minimal R/W impacts</td>
<td>- 80’ cul-de-sac diameter results in R/W impacts</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Provides a cul-de-sac for turnarounds</td>
<td>- Impacts sidewalk location</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Likely requires relocation of a fire hydrant</td>
</tr>
</tbody>
</table>

* Depends on the size of the cul-de-sac.

Each of the alternatives provide additional parking within the area, although these options have varying degrees of impacts. Further discussion and coordination with area stakeholders should occur to determine the appropriate mitigation desired.
Option 1 (Parallel Parking)

Minnetonka Boulevard/Burwell Drive Area Parking Study
City of Minnetonka, Minnesota

Figure 1

Station Pizzeria
13008 Minnetonka Blvd
#86008.16a
Option 2 (90° Parking)
Minnetonka Boulevard/Burwell Drive Area Parking Study
City of Minnetonka, Minnesota

Figure 2
Option 3 (Parallel/Angled Parking)

Minnetonka Boulevard/Burwell Drive Area Parking Study
City of Minnetonka, Minnesota

Figure 3

Station Pizzeria
13008 Minnetonka Blvd
#86008.16a
Hello Susan and Tony

I understand you are working with the developers of the proposed Pizza restaurant on Minnetonka Boulevard.

I live on Burwell Drive.

The coffee Shop, The Dairy Queen and St David's customers already use Bridge Street as part of their parking lot. So there are no extra parking places there. It is difficult to get through that area on a daily basis - people don't seem to know they are on a public street.

We have been putting up with St David's people using our street for parking for several years now. It has been miserable. They park on our lawns, they sometimes park on both sides of the street so no one can pass. When only 1 side is being used for parking and two cars meet - one has to back all the way down the street in reverse, so the other can pass. They speed to the end of the street and speed back out. No way an emergency vehicle could get past the mess in the wintertime.

I understand the City of Minnetonka is promising us no parking signs - great!

How about if you put them up NOW. Then we will know there will be no pizza restaurant parking on our street.

Also please add a 'No Outlet' sign at the west end of Burwell Drive. We seem to be the only dead end street in Minnetonka, without one.

Molly Brown
12811 Burwell Drive
Minnetonka, MN 55305
Thank you Tony for your response.

I’m sure it’s obvious that all of us “Burwell-ers” are quite passionate about our quiet residential/cul-de-sac gem of a neighborhood where we enjoy seeing the St. David’s children playing in their playground/being taken for walks on Burwell Drive along with all the families we see utilizing the Mtka Loop Trail System biking/walking with their children & dogs.

We feel our message is clear: “if the developers & City of Mtka want to build a restaurant on a lot that has 20 parking spaces, built a restaurant that will serve people from 20 vehicles ... not 76 people + outdoor patio”.

Best regards,

Tom & Karen Aasen
12915 Burwell Drive
Minnetonka, MN  55305
952-933-3031
Cell 952-994-4246
Tkaasen92@gmail.com

Karen and Tom ...

Thank you very much for outlining your concerns and points below. As I’ve discussed with some of your neighbors and as I watched the planning commission hearing, the items below are the absolute key considerations.

Much like you, I was excited to hear of the proposal but a robust parking plan is a critical item to be nailed down. In my opinion, Burwell Dr is not and will not be the solution, and I'm happy to hear the applicant continues to work toward more detailed plans.

You have my commitment on keeping these items top of mind as the proposal gets to the council.

Hope all is well with you and Tom ... It's been awhile!

Tony

Tony Wagner
City Council Member - Ward 2
On Jul 7, 2016, at 12:26 PM, Karen Aasen wrote:

Mr. Wagner and Ms. Thomas,

My husband Tom, and I will not be able to attend the 6:30pm hearing tonight, however we 100% concur with our neighbors concerns who will be attending and representing Burwell Drive:

- Parking on Burwell Drive
- Noise
  - Hours of operation, outside patio
  - Garbage removal
  - Nightly cleaning
- Lighting
- Garbage impact to Minnehaha Creek

As the third house down from Bridge Street we already have issues with St. David’s staff parking on the street (at times on top of our sprinkler heads which break) and then using our driveway to turn around; which we just had resurfaced mid-June and already their turn marks permanently mark the lower half of our driveway. Will realize that the St. David’s parking lot will be finished in the Fall which will relieve some of this, but it now looks as if they will be replaced with a great deal more from Station Pizza patrons ... at least the St. David’s staff cars are usually gone by 5:00pm

At first I was excited to hear of a pizza establishment replacing Bennis Feed/Fuel until the impact on Burwell Drive was realized. As our Representatives, I urge you to keep an open mind to our voiced concerns tonight and perhaps welcome compromises can be reached by both parties.

Thank you very much for your time,

Tom & Karen Aasen
12915 Burwell Drive
Minnetonka, MN 55305
952-933-3031
Cell 952-994-4246
Pursuant to our recent phone conversation.... I would like to formally go on record as opposing the development of a pizza restaurant on the site of Bennis Feed 'n'Fuel on Minnetonka Boulevard:

(1) Everyone loves pizza, for sure, but.... the world doesn't need another pizza restaurant....really.... (sorry, entrepreneurs...);
(2) Especially a busy restaurant right across the street from the idyllic park next to the Creek;
(3) Minnetonka Blvd. is a busy, high-traffic thoroughfare.... it is already prone to vehicle collisions as cars exit into the Blvd. from the existing commercial enterprises, with their views blocked by parked vehicles in front of DQ, the Coffee place, etc.; .... one can only imagine the vehicular chaos that would ensue if something else was added to that mix;
(4) 60+ PARKING SPACES???? YOU'VE GOT TO BE KIDDING!!!

All opposed say... AYE!!!!!!!!

And while I'm on the subject.....

.... the city is making at least some effort to get citizen input on "futuring" for the City.

May I be the first (but I'm sure not the only) one to state that the City should keep it small and simple.

For example: that new senior co-op going up along the Boulevard across from Big Willow Park is an absolute MONSTROSITY.

It is totally out of scale, and OVERWELMS the surrounding neighborhood. WAY TOO MUCH. Repeat...WAY TOO MUCH!~!!!!!!!!

I hope my point is understood.

In my world, every "developer" on the planning commission should be shown the door. I will be voting for new representation at my earliest opportunity.

Yours, Jack Barbier, ChFC
13001 St. David's Road
Dear Ms. Thomas:

My husband, Stu Alexander and I are the owners of the Peoples Organic Coffee & Wine Café, 12934 Minnetonka Blvd, Minnetonka.

We send this message in reference to the proposal by Station Pizzeria.

Initially we were informed by an agent to the purchasing party that it would be a Pizzeria, small dine in operation with take out. This seemed to be a nice addition to our neighborhood. Since then, we have been told it is a full service restaurant, proposing 60 seats inside and a 60 seat patio. We are baffled at how they would attempt this given an already challenging parking situation.

We are all for new business and growth of our community, but not at the expense of other businesses who have also gone through the process of gaining permits and approvals based on the situation at the time. The employees alone for this size businesses would have no where to park. It scares us to think of how his could negatively impact our little business and our customers. Several customers have already expressed concern.

As we're sure you know, customers don’t “carpool” to businesses in the suburbs. They don’t come by bus or rail. If I go out with 5 other gals for lunch or dinner, there will be 6 cars at the establishments parking lot.

Just today, our Cafe lot was full (our lot is used by us, the art gallery and the Dairy Queen), the side street spots by the park were full and the lot on Minnetonka and Shady Oak was full. The street parking on Minnetonka Blvd has been restricted to 20 minutes; which has also impacted us negatively. When we received our license, the street parking & availability of the City lot were considerations in our approval. Now these areas aren't sufficient for an added business with high volume parking.

Councilman Tony Ward, did tell me that the purchaser is being asked to submit a solution for the parking variance to be granted. I heard they are seeking use of the St. Davids parking lot using valet. Well I drive by their parking lot every day and the lot is full during the day and many times full at night, so I don't understand this as a viable option.

In addition to the parking situation, there is the proposed full liquor license. We went through a rigorous process to obtain a wine/beer license; given the proximity to Churches, Schools and Residences. We believe one of the reasons this was granted is because we are a small neighborhood café, with a casual family atmosphere; closed at 9pm on weekdays and 10pm on Friday and Saturday. Also our brand has a history of very low ratio of wine/beer sales to café sales. When we applied we informed the City of the sales statistics of the other Peoples Organic Cafes running between 7-10% of sales. We are currently at 7%. We aren’t the place people go to “drink”, because we don’t have alcohol. Now there is a proposal for a full liquor license...we anticipate the hours will then be much later than we are as well; lending itself to more “drinking”. And they anticipate a 25% ratio of liquor sales to food. In my opinion this is a significant amount of alcohol sales.

Again, we are not wanting to stand in the way of anyone pursuing their dream. Its just that the proposed business does not seem compatible or suitable to the neighborhood and neighboring businesses. We will appreciate your consideration relating to these concerns.

We regret we were not able to attend the last meeting. We will be attending the public hearing on August 4th. Had we known their plans initially, we would have expressed our sentiments long ago.

If there is anything you would suggest we do, please let us know.
Thank you.

Best regards,

Diane Alexander

Peoples Organic Coffee & Wine Cafe

Minnetonka
Mills
12934 Minnetonka Blvd
Minnetonka, MN 55305
952-938-4140
MINNETONKA PLANNING COMMISSION
August 4, 2016

Brief Description
Items concerning construction of that portion of the Southwest Light Rail Transit line located in the City of Minnetonka:

1) Wetland rezoning;
2) Wetland and floodplain alteration permit;
3) Wetland, wetland buffer, and floodplain variances;
4) Conditional use permit for impervious trails within wetland buffers; and
5) Approval of construction on a steep slope development and tree removal.

Recommendation
Recommend the city council adopt the ordinance and resolutions approving the various items

Background
The Southwest Light Rail Transit (SWLRT) line will be a roughly 14.5 mile extension of the existing METRO Green Line. Beginning at Target Field in downtown Minneapolis, the SWLRT line will serve the cities of Minneapolis, St. Louis Park, Edina, Hopkins, Minnetonka and Eden Prairie. Since 2002, when SWLRT planning began, there have been countless meetings of various committees to discuss and evaluate all aspects of the line. These committees include:

- The Metropolitan Council Corridor Management Committee – made up of policy makers associated with Met Council, Hennepin County, and each city within the transit corridor.

- The Hennepin County Community Works Steering Committee – made up of policy makers associated with Hennepin County and each city within the transit corridor.

- The Metropolitan Council Technical Project Advisory Committee (TPAC) – made up of staff planners and engineers from the State of Minnesota, Met Council, Hennepin County, Minneapolis Park Board, Three Rivers Park District, and all cities and watershed districts with the transit corridor.

- The Hennepin County Community Works Technical Implementation Committee (TIC) – made up of staff planners from Met Council, Hennepin County, Minneapolis Park
Board, Three Rivers Park District, and all cities and watershed districts within the transit corridor.

- The Metropolitan Council Community Advisory Committee – made up of appointed residents of each city within the transit corridor.

- The Metropolitan Council Business Advisory Committee – made up of appointed business owners along the transit line and within the transit corridor.

- The Technical Evaluation Panel – made up of water resource professionals including the Board of Water and Soil Resources, Army Corps of Engineers, and all cities and watershed districts within the transit corridor.

In addition to official meetings of these various committees and panels, opportunities for public input and involvement have been provided at both large and small scales.

**General Approvals**

In June 2014, the city council granted municipal consent to the SWLRT project. In granting consent, the council essentially approved preliminary design plans and the transit route through the city.

In September 2015, the city council again granted municipal consent to the project, approving revised preliminary design plans.

In April 2016, design plans were finalized.

In July 2016, the Federal Transit Administration issued a formal “record of decision” (ROD) that indicates that SWLRT line, as designed, complies with all relevant federal environmental requirements.

**Specifically Required Approvals**

Each community within the SWLRT corridor may have different zoning regulations that apply to construction of the transit line. As such, each community will have to take separate action on their separate regulations. The Minnetonka regulations pertaining to construction of the line pertain primarily to natural resources. The following approvals are required:

- **Wetland Rezoning:** By City Code §300.23 Subd.9, wetland area may be filled – or removed from wetland overlay zoning district – only by rezoning. Construction of the SWLRT line will require fill of 2.99 acres of wetland.

- **Alteration Permits:** By City Codes §300.23 Subd.10 and §300.24 Subd.9, alteration of wetland and floodplain areas is permitted only upon approval of a wetland and/or floodplain alteration permit. Construction of the SWLRT line will require temporary
alteration of 1.24 acres of wetland. It will also result in fill of 1,180 cubic yards of 100-year floodplain and creation of 1,582 cubic yards of 100-year floodplain.

- **Variances**: By City Codes §300.23 Subd.8 and §300.24 Subd.8, transportation routes – driveways, roads, rails, trails – and retaining walls associated with these routes, must maintain certain setbacks from wetlands and floodplains. Similarly, such infrastructure must be located outside of required wetland buffers. The SWLRT line requires the following variances:

<table>
<thead>
<tr>
<th>Item Requiring a Variance</th>
<th>Required</th>
<th>Proposed**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rail Line</td>
<td>25 foot setback</td>
<td>1 foot</td>
</tr>
<tr>
<td>Bridge Abutments</td>
<td>35 foot setback</td>
<td>1 foot</td>
</tr>
<tr>
<td>Transit Power Substation</td>
<td>35 foot setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Trails</td>
<td>25 foot setback</td>
<td>2 feet</td>
</tr>
<tr>
<td>Wetland Buffer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rail Line</td>
<td>25 foot buffer</td>
<td>5 feet</td>
</tr>
<tr>
<td>Bridge Abutments</td>
<td>25 foot buffer</td>
<td>1 foot</td>
</tr>
<tr>
<td>Transit Power Substation</td>
<td>25 foot buffer</td>
<td>15 feet</td>
</tr>
<tr>
<td>Trails</td>
<td>25 foot buffer</td>
<td>11 feet</td>
</tr>
<tr>
<td>Floodplain</td>
<td></td>
<td></td>
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<tr>
<td>Rail Line</td>
<td>10 foot horizontal setback</td>
<td>0 feet</td>
</tr>
<tr>
<td>Bridge Abutments</td>
<td>10 foot setback</td>
<td>0 feet</td>
</tr>
</tbody>
</table>

**Varies within the corridor. Proposed numbers are minimums.

- **Conditional Use Permit**: By City Code §300.23 Subd.7, impervious trails are allowed in wetland buffers only by conditional use permit. Small sections of relocated pedestrian trails throughout the corridor will be located with required wetland buffers.

- **Steep Slopes**: By City Code §300.28 Subd.20, development or construction activities may occur on steep slopes only if certain standards are met. Throughout the corridor there are areas of topography that are considered steep by city code definition. Appropriate best management practices and erosion control is specified in the design plans to minimize additional impacts to the site during construction.

- **Tree Removal**: By City Code §300.28 Subd.19, the city council may approve removal of trees within woodland preservation areas, as well as high-priority and significant trees, if the council finds that the removal is necessary to contribute toward a greater public good. The SWLRT project will result in tree removal within the transit corridor for construction of the rail line and within wetland and floodplain alteration areas. Many
of these trees will be located outside of the “basic tree removal area” as defined by city code.

Staff Analysis and Comment

Staff acknowledges that the SWLRT line will impact natural resources within Minnetonka. As with any major infrastructure project, this impact must be weighed against the public good provided. Regional and local policy makers have determined that the SWLRT line will ultimately provide the regional population with a transportation alternative and, as such, contribute toward the greater public good. Further, the project and its alignment have been approved at both regional and local levels. Staff supports approval of the various items – rezoning, alteration permits, variances, conditional use permits, etc. – required to accommodate construction of the line. Nevertheless, staff has included several conditions of approval, including:

- Funding of the SWLRT project;
- Payment of negotiated application fees;
- Submittal of acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka; and

Staff Recommendation

Recommend the city council adopt the following, all for construction of that part of the SWLRT project located within the City of Minnetonka:

1) An ordinance removing area from the wetland overlay zoning district. (See page A97–A101.)

2) A resolution approving a wetland and floodplain alteration permit. (See page A102–A117.)

3) A resolution approving wetland, wetland buffer, and floodplain variances. (See page A118–A121.)

4) A resolution approving a conditional use permit for impervious trails within wetland buffers. (See page A122–A124.)

5) A resolution approving construction on a steep slope development and tree removal. (See page A125–A127.)

Originators: Susan Thomas, AICP, Assistant City Planner
             Jo Colleran, Natural Resources Manager

Through: Loren Gordon, AICP, City Planner
Supporting Information

SWLRT Info
Information regarding the SWLRT can be found here: http://tinyurl.com/SWLRT

Wetland Mitigation
Wetland impact associated with construction of the SWLRT project is not exempt from the mitigation requirements of the city’s wetland ordinance. The ordinance requires that filled wetland be re-created within the same subwatershed unless approved by the city council. As proposed, mitigation for the project would be wetland banking credits which would be purchased from a Scott County wetland bank. As the wetland banking would be located outside of the subwatershed, the council must approve the use of these credits.

Wetland/Buffer Variance Summary

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<tr>
<th>Wetland #</th>
<th>Wetland Setback Variance</th>
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<td>5 feet to rail line</td>
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<td>MTA-12</td>
<td>1 foot to rail</td>
<td>1 foot to 7 feet for bridge abutments</td>
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<td>NM HOP-13</td>
<td>1 foot to bridge abutment</td>
<td>Meets wetland buffer</td>
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</tbody>
</table>

Wetland Alteration Pertaining to MTA-MTA-11
A wetland restoration plan has been developed by the SWLRT Project Office (SPO) to demonstrate the project’s intention to fully restore the temporarily impacted portion of wetland MTA-MTA-11 to pre-project conditions following construction. The proposed LRT design at this particular location necessitates an extended duration of temporary impact to allow for construction access during the multiple phase construction of a bridge that will cross over wetland MTA-MTA-11 and the existing Canadian Pacific freight rail line located between Minnetonka and Hopkins.

It is estimated that construction of the proposed crossing will last for approximately 13 to 18 months, which is longer than the standard timeframe that the federal, state, and local agencies typically allow for temporary impacts. As a result, the project will be required to mitigate for the total construction workspace.
impacts in Minnetonka in the amount of 120,194 square feet at a ratio of 2:1 to meet the requirements of the MN Wetland Conservation Act (WCA).

To meet requirements specified under Section 404(b) of the Clean Water Act, the U.S. Army Corps of Engineers (USACE) has indicated that the project will be allowed to mitigate for the temporary loss of the wetland’s functions and values at a reduced compensation ratio of 0.5:1.

As stated above, the SPO is intending on restoring the wetland after the 13-18 month construction duration. Since this area is being restored and will once again function as a wetland, the city and watershed staff believe this is a temporary impact and should be considered an alteration versus a permanent impact.

As a condition of approval, details of the final restoration plan, must be submitted for review and approval of as staff.

### Tree Impacts

Approximately 3,000 regulated trees were inventoried within the City of Minnetonka project corridor, including approximately 1,400 in a woodland preservation area. About 50% of the trees will be removed as a result of the light rail project. Given site constraints, there is not an opportunity to mitigate at the ratio defined by city code. The council has the authority to approve the plan if they find that the removal is necessary to contribute toward a greater public good.

### Motion Options

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made to recommending the city council adopt the ordinance and resolutions approving the various items.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the council deny the various items. This motion must include a statement as to why the items are denied.

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

### Deadline for Decision

August 22, 2016
WETLAND INFORMATION
Minnesota Interagency Water Resource Application
(MN Wetland Conservation Act Wetland Replacement Plan)

Southwest LRT (METRO Green Line Extension)—
Minneapolis, St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, Minnesota

CH2M —Project No. 474576

May 6, 2016

EXCERPTS PERTAINING TO MTKA WETLANDS
MINNETONKA WETLANDS, DESCRIPTION
an existing gravel rural roadway abutting the southern right of way of TH 62 to a paved urban roadway with a sidewalk along the south side of the road. The wider urban cross section for the roadway and sidewalk would result in the need to widen the embankment at this wetland (see Overhead Plan Sheet 16 and Cross-Section Profile Sheet 12). The location of the proposed access road is fixed by the location of City West Station.

A retaining wall has been proposed between the proposed access road and track alignment. The proposed retaining wall would allow the access road to remain closer to the track alignment while limiting the amount of lateral grading southwest of the road into NM-EP-12.

Temporary Impacts: No temporary wetland impacts are proposed to NM-EP-12.

MTA-MTA-03

MTA-MTA-03 is an isolated Type 1, seasonally flooded basin that is dominated by sandbar willow (Salix interior) and common buckthorn (Rhamnus cathartica).

Permanent Impacts: Approximately 644 SF (0.01 Ac) of MTA-MTA-03 (the entire wetland) will be permanently filled as a result of grading that is necessary to accommodate the proposed track alignment within the Opus Development in Minnetonka (see Overhead Plan Sheet 17 and Cross-Section Profile Sheet 13). The location of the proposed track alignment in this area is fixed by existing commercial development to the east, and Bren Road to the west.

Given the small size of MTA-MTA-03 (644 SF), it would not be feasible to preserve any portion of the wetland.

Temporary Impacts: MTA-MTA-03 will be entirely filled as a result of the proposed track alignment construction within the Opus Development in Minnetonka. No temporary impacts are proposed.

MTA-MTA-04

MTA-MTA-04 is an isolated Type 1, seasonally flooded basin that is dominated by sandbar willow (Salix interior) and common buckthorn (Rhamnus cathartica).

Permanent Impacts: Approximately 6,832 SF (0.16 Ac) of MTA-MTA-04 (the entire wetland) will be permanently filled as a result of grading that is necessary to accommodate the proposed track alignment within the Opus Development in Minnetonka (see Overhead Plan Sheet 17 and Cross-Section Profile Sheet 14). The location of the proposed track alignment in this area is fixed by existing commercial development to the east, and Bren Road to the west.

Given the small size of MTA-MTA-04 (6,832 SF), it would not be feasible to preserve any portion of the wetland.

Temporary Impacts: MTA-MTA-04 will be entirely filled as a result of the proposed track alignment construction within the Opus Development in Minnetonka. No temporary impacts are proposed.

MTA-MTA-07

The portion of MTA-MTA-07 that will be impacted by the proposed Southwest LRT Project is a linear Type 3, shallow marsh that currently contains stormwater drainage and is dominated by box elder (Acer negundo) and narrow-leaf cat-tail (Typha angustifolia). Note that this wetland is also regulated by MnDNR because it is associated with an unnamed public water wetland (ID 27079600), as indicated on MnDNR's PWI map.

Permanent Impacts: Approximately 2,086 (0.05 Ac) of MTA-MTA-07 (approximately 27% of the wetland) will be permanently filled as a result of the grading necessary to accommodate the proposed track alignment within the Opus Development in Minnetonka and an access road to the proposed traction power substation.
The location of the proposed track alignment in this area is fixed by existing commercial development to the east, and Bren Road East to the west of the track alignment. The TPSS will provide electricity for the light rail catenary wires. The location of the TPSS is based on optimal spacing requirement for power distribution, access roadways, security requirements, and adequate spacing between other TPSS locations to provide sufficient electrical power to the train.

**Temporary Impacts:** Approximately 5,595 SF (0.13 Ac) (the remaining 73% of the wetland) will be temporarily affected by vegetation clearing and the potential placement of clean temporary fill along the western portion of the wetland for construction access and staging during the creation of the proposed floodplain mitigation in this area. This is the minimum area necessary to accommodate safe construction access. These temporary impacts will be considered "no-loss" under the WCA and will meet the applicable requirements specified in Section 7, Attachment B of this application.

The portion of MTA-MTA-08 that will be temporarily impacted by the proposed Southwest LRT Project is a Type 3, shallow marsh that is dominated by box elder (Acer negundo), common buckthorn (Rhamnus cathartica), and reed canary grass (Phalaris arundinacea). Note that this wetland is also regulated by MnDNR because it is associated with an unnamed public water wetland (ID 27079600), as indicated on MnDNR’s PWI map.

**Permanent Impact:** No permanent wetland fill is being proposed at this location. Impacts are limited to temporary vegetation clearing and construction staging that will be required for the creation of the proposed floodplain mitigation in this area (see Overhead Plan Sheet 19).

**Temporary Impacts:** Approximately 3,145 SF (0.07 Ac) (approximately 21% of the wetland) will be temporarily affected by vegetation clearing and the potential placement of clean temporary fill along the western portion of the wetland for construction access and staging during the creation of the proposed floodplain mitigation in this area. This is the minimum area necessary to accommodate safe construction access. These temporary impacts will be considered "no-loss" under the WCA and will meet the applicable requirements specified in Section 7, Attachment B of this application.

Note that the design of the TPSS structure depicted on Overhead Plan Sheet 19 is located approximately 25 feet from the wetland boundary, which is less than the City of Minnetonka’s setback requirement of 35 feet for this wetland. The project will be submitting a request for a setback variance for this structure as a part of the overall local permit application package submittal to the City of Minnetonka.

The portion of MTA-MTA-09 that will be temporarily impacted by the proposed Southwest LRT Project is a Type 3, shallow marsh that is dominated by box elder (Acer negundo) and orange jewelweed (Impatiens capensis). Note that this wetland is also regulated by MnDNR because it is associated with an unnamed public water wetland (ID 27079600), as indicated on MnDNR’s PWI map.

**Permanent Impact:** Approximately 63 SF (0.001 Ac) of MTA-MTA-09 (less than 1% of the wetland) will be permanently filled by the flared end section of a culvert to be installed on the western edge of the wetland (see Overhead Plan Sheet 20). This impact is the result of a change in stormwater conveyance due to the slight realignment of the trail west of the proposed at-grade track alignment that necessitates the placement of a culvert west of the wetland, underneath the track alignment and realigned pedestrian trail. The trail
realignment is related to design refinements to raise the elevations of the three pedestrian underpasses in this area to keep the trail above the high water level of the nearby wetlands, and to help avoid and reduce any impacts to groundwater. The design of the trail went through several iterations and the project was ultimately able to modify the design to avoid permanently impacting the southwestern corner of the wetland. In addition, the design of the stormwater outfall was modified to use turf reinforcement mat (TRM) material instead of riprap, which resulted in a reduction in permanent wetland impact. The proposed TRM at the western edge of MTA-MTA-09 will dissipate stormwater velocity and reduce scour and erosion at the stormwater outfall on the east side of the pedestrian trail.

Temporary Impacts: Approximately 1,470 SF (0.03 Ac) (less than 1% of the wetland) will be temporarily affected by vegetation clearing and the potential placement of clean temporary fill along the southwestern edge of the wetland for proposed construction access and staging during the slight realignment of the existing pedestrian trail, as well as the placement of TRM (as indicated on Overhead Plan Sheet 20). This is the minimum area necessary to accommodate safe construction access. These temporary impacts will be considered “no-loss” under the WCA and will meet the applicable requirements specified in Section 7, Attachment B of this application.

MTA-MTA-11

The portion of MTA-MTA-11 that will be impacted by the proposed Southwest LRT Project contains Types 2/3/5/6/7, fresh wet meadow/shallow marsh/shallow open water/scrub carr/hardwood swamp wetland types. The wetland vegetation is dominated by reed canary grass (*Phalaris arundinacea*), sandbar willow (*Salix interior*), box elder (*Acer negundo*), and green ash (*Fraxinus pennsylvanica*). The majority of this wetland is located within the municipal boundary of the City of Minnetonka, however, the eastern edge of the wetland lies within the municipal boundary of the City of Hopkins, which is under the WCA jurisdiction of NMCWD. This wetland meets the NMCWD Rule 3 definition of a “medium value wetland” based on the MnRAM assessment that was submitted with the project’s Wetland Investigation Report in 2013.

Permanent Impacts: Approximately 1,864 SF (0.04 Ac) of MTA-MTA-11 (less than 1% of the wetland) will be permanently filled as a result of placing 8-foot diameter bridge piers to support the proposed elevated track alignment that will pass through the majority of MTA-MTA-11, and the bridge abutment structure in the southern portion of MTA-MTA-11 to transition to the proposed elevated track alignment north of Smetana Road (see Overhead Plan Sheet 21 & 22 and Cross-Section Profile Sheet 17). All proposed permanent impacts due to bridge abutments and piers are located within the City of Minnetonka.

The proposed design of the alignment through MTA-MTA-11 went through several design modifications to minimize wetland impacts and address safety concerns. The design alternative specified in the Draft EIS included a 3,200 foot long, 120 foot-span pre-stressed beam light rail bridge over the wetlands south of the Canadian Pacific (CP) Bass Lake Spur Rail alignment and over the CP line towards K-Tel Road. This initial light rail alignment would have resulted in temporary wetland impacts due to bridge construction activities and substantial permanent wetland impacts from the placement of bridge columns and a required an emergency and maintenance access road at-grade and paralleling the length of the bridge. Due to visual and noise impacts, maintenance and safety access considerations, and cost concerns, the Southwest LRT team developed and evaluated adjustments to the alignment in the Draft EIS as part of the Project Development process.

The first adjustment considered was an at-grade crossing between Smetana Road and the CP Rail Line, with a tunnel beneath the CP Rail Line. The at-grade option would result in more adverse wetland impacts than the Draft EIS bridge alignment due to at-grade (fill) crossing for the entire alignment across MTA-MTA-11. There
would also be wetland impacts in the direct footprint of the excavated tunnel beneath CP Rail line and potential adverse impacts due to active groundwater pumping or lateral drainage effect as result of the tunnel underneath the CP Rail Line.

While the at-grade option would have been more cost effective and would have required less maintenance than the Draft EIS Bridge Alignment, it was dismissed from further study due primarily due to aquatic resource impacts and CP Rail not supporting a light rail tunnel underneath their existing freight rail line.

The current proposed alignment is the at-grade and bridge option which would result in the least amount of wetland impact, while still meeting other needs of the project. This alignment is a hybrid of the previously considered options, incorporating an at-grade alignment, low bridge spans over portions of MTA-MTA-11, and a high bridge section that would span over the northern portion of MTA-MTA-11 and the existing CP rail line. Permanent wetland fill was further minimized when Metro Transit confirmed that the regularly scheduled bridge inspections can be provided on the bridge utilizing special equipment, and from the ground level without the aid of a permanent access roadway beneath the bridge. Coordination with first responders from Hopkins and Minnetonka confirmed that response efforts to incidents on the bridge can be accessed from each end of the bridge without a permanent access roadway beneath the bridge. Permanent wetland fill will be limited to the proposed western bridge abutment structure and the proposed elevated alignment footings.

In addition to the 1,864 SF of wetland fill described above, approximately 125,037 SF (2.87 Ac) (approximately 24% of the wetland) will be temporarily affected (for a duration that exceeds the “no-loss” criteria specified in Section 7.1) by vegetation clearing, hydrology alteration, and the placement of clean temporary fill and/or interlocking tracking pads for construction access and staging during the installation of the proposed elevated track alignment. Of the 125,037 SF of impact due to construction activities, 118,330 SF is located within the City of Minnetonka, and 6,707 SF is located within the City of Hopkins (within NMCWD’s WCA jurisdiction). This is the minimum area necessary to accommodate safe construction access to facilitate the proposed LRT bridge construction.

Proposed construction activities will generally consist of excavation for footing construction, pile driving, material delivery of piles, reinforcing steel, ready mix concrete, beams and rails, forming of concrete substructures, beam erection, deck forming and eventual stripping, walkway and barrier placement. Proposed construction will likely require the use of several cranes to be placed immediately adjacent to the foundations for pile driving operations, foundation and substructure construction, and immediately adjacent to the bridge alignment to erect beams and provide for material delivery. Geo-textile fabric and interlocking tracking pads, or other accepted form of temporary access, will likely be needed along the west side of the bridge, within the wetland boundary, to provide access for construction equipment. The tracking pads will reduce the compaction and temporary impacts in the wetland. Temporary removal of water within the open water portion of this wetland may be required together with sump drains within the excavation area needed to place the proposed foundations for the bridge substructures.

Within approximately thirteen to eighteen months of construction commencement, the proposed construction workspace will be restored to the original grade, the existing vegetated areas will be re-seeded with an appropriate native wetland species seed mix, and the hydrology of the wetland will be restored to pre-project conditions.

As discussed in Section 7.1, Attachment B of this application, the proposed impacts associated with wetland MTA-MTA-11’s temporary construction workspace do not meet the standard WCA definition of a temporary impact. Although the activities required for construction staging and access are temporary in nature,
SOUTHWEST LRT (METRO GREEN LINE EXTENSION) PROJECT MN INTERAGENCY WATER RESOURCE APPLICATION - WCA

construction at this location will last longer than the duration allowed under the “no-loss” criteria specified in Section 7.1 of this application due to the relatively large expanse of the proposed crossing and the multiple phases of construction that will be required. As a result, the temporary impacts associated with this wetland will be considered permanent under the WCA and will require full mitigation at a ratio of 2:1 for the portion located within the jurisdictional boundaries of Minnetonka and at a ratio of 2.25:1 for the portion located within the jurisdictional boundaries of Nine Mile Creek Watershed District.

**Note:** For reference, the activities associated with the temporary workspace for constructing the bridge within wetland MTA-MTA-11 will be considered temporary under the CWA because the area will be fully restored to pre-project conditions following construction. However, because the duration of impact that is being proposed is longer than the 180 days that the USACE typically allows for temporary impacts, the project has proposed to mitigate for the temporal loss of the wetland’s functions and values at a compensation ratio of 0.5:1 to meet CWA requirements. This compensation ratio is specific to the Section 404 CWA permit application and was proposed based on USACE guidance for determining baseline compensation ratios for impacts associated with linear projects. The MTA-MTA-11 Wetland Restoration Plan (developed to meet City of Minnetonka and USACE/CWA requirements) has been included in Appendix E of this document.

**NM-HOP-13**

The portion of NM-HOP-13 that will be impacted by the proposed Southwest LRT Project is a linear wetland that is partially used as a stormwater pond and contains Types 1/3/5/6, seasonally flooded basin/shallow marsh/shallow open water/scrub carr wetland types. Wetland vegetation is dominated by black willow (*Salix nigra*), sandbar willow (*Salix interior*), reed canary grass (*Phalaris arundinacea*), and purple loosestrife (*Lythrum salicaria*). The majority of this wetland is located within the municipal boundary of the City of Hopkins, which is under the WCA jurisdiction of NMCWD, however, the western portion of the wetland lies within the municipal boundary of the City of Minnetonka. This wetland meets the NMCWD Rule 3 definition of a “medium value wetland” based on the MnRAM assessment that was submitted with the project’s Wetland Investigation Report in 2013.

**Permanent Impacts:** Approximately 16,435 SF (0.38 Ac) of NM-HOP-13 (approximately 14% of the wetland) will be permanently filled as a result of grading associated within the proposed Operations and Maintenance Facility (OMF) (see Overhead Plan Sheet 23 and Cross-Section Profile Sheet 18). Of the 16,435 SF of permanent impact, 16,319 SF is located in the City of Hopkins (under NMCWD’s WCA jurisdiction), and 116 SF is located within the City of Minnetonka. The location of the proposed OMF site was chosen among several other alternatives because it best meets the siting criteria specified in the Draft EIS and is centrally located along the light rail extension, allowing for more efficient operational maintenance than the other alternatives considered. The layout of the proposed OMF is fixed to allow for a flat grade and the minimum interior track radius within the OMF. The proposed interior track grading within NM-HOP-13 must also be wide enough to accommodate safe derailments, which are more likely to occur in OMF facilities than at any other location along the alignment.

The proposed OMF site is designed to minimize permanent wetland fill as much as possible, given operational and safety criteria that must be incorporated into the design. The design was modified to remove a proposed permanent access road beneath the bridge after Metro Transit confirmed that the regularly scheduled bridge inspections can be provided on the bridge utilizing special equipment and from the ground level without the aid of a permanent access roadway beneath the bridge. Coordination with first responders from Hopkins and Minnetonka confirmed that response efforts to incidents on the bridge can be accessed from each end of the bridge without a permanent access roadway beneath the bridge. In addition, the original site layout was
modified from the design depicted in the SDRAFT EIS to allow for a single interior loop track, which has reduced the amount of track and potential permanent wetland fill. Fill within the eastern portion of the wetland will be necessary for the proposed loop track.

**Temporary Impacts:** Approximately 40,098 SF (0.92 Ac) (approximately 34% of the wetland) will be temporarily affected by vegetation clearing and the potential placement of clean temporary fill for construction access and staging during the proposed OMF construction, and to allow for improvements to the stormwater treatment and conveyance system located near the eastern most portion of this wetland. Of the 40,089 SF of temporary impact, 19,560 SF is located in the City of Hopkins (under NMCWD’s WCA jurisdiction), and 20,538 SF is located within the City of Minnetonka. This is the minimum area necessary to accommodate safe construction access. These temporary impacts will be considered “no-loss” under the WCA and will meet the applicable requirements specified in Section 7, Attachment B of this application.

**MTA-MTA-12**

The portion of MTA-MTA-12 that will be impacted by the proposed Southwest LRT Project is a Type 5, shallow open water stormwater pond. The vegetated portion of the wetland is dominated by box elder (*Acer negundo*) and reed canary grass (*Phalaris arundinacea*).

**Permanent Impacts:** Approximately 141 SF (0.003 Ac) of MTA-MTA-12 (less than 1% of the wetland) will be permanently filled as a result of the installation of one bridge pier that will be required to accommodate the proposed elevated track alignment crossing of K-Tel Drive, north of the proposed OMF (see Overhead Plan Sheet 24 and Cross-Section Profile Sheet 19). The location of the proposed track alignment in this area is fixed by the proposed OMF to the east and wetland MTA-MTA-12 to the west.

**Temporary Impacts:** Approximately 23,066 SF (0.53 Ac) (approximately 20% of the wetland) will be temporarily affected by vegetation clearing and a temporary drawdown of the open water portion of the wetland in order to facilitate bridge pier construction to the east, to excavate the proposed floodplain mitigation area to the south, and to potentially replace the existing outlet structure and pipe located at the southeastern corner of the wetland. This is the minimum area necessary to accommodate safe construction access.

The previous construction plans for this wetland involved temporarily impacting the entire basin, assuming that a full drawdown of the wetland would be required. To reduce the temporary impacts, the project has restricted the temporary drawdown area to the 50-foot offset shown on Overhead Plan Sheet 24. If a drawdown is needed, the contractor would install a corrugated sheet pile wall to allow for pumping within the 50-foot offset area of the wetland. These temporary impacts will be considered “no-loss” under the WCA and will meet the applicable requirements specified in Section 7, Attachment B of this application.

### 8.4 Avoidance & Minimization: Non-WCA Regulated Wetlands

As mentioned previously, the proposed Southwest LRT Project will result in impact to six aquatic resources that are regulated under Section 404 of the CWA, but are not regulated under WCA. The avoidance and minimization efforts associated with these six resources are summarized below in geographic order, from west to east, for reference. In addition, the project has included avoidance and minimization details for channel MC-SLP-01 (Minnehaha Creek) and channel NM-HOP-16 (North Fork of Nine Mile Creek), for which no impact is being proposed.
WETLAND ALTERATION/FILL
The wetland replacement/compensatory mitigation for this project will be fulfilled through wetland bank credit purchase. The remainder of this section consists of a summary of the mitigation credits that will be required for the project, details on the mitigation that will be provided by the project, and a summary description of the justification for how the proposed replacement/mitigation method meets WCA and individual LGU wetland replacement requirements.

### 9.1 Mitigation Required for Project

The proposed Southwest LRT Project will result in a total of 181,742 SF (4.17 Ac) of permanent impact to WCA regulated wetlands that will require replacement under MN Rule 8420.0522 and other local ordinances. These impacts, as well as the proposed mitigation replacement ratios and resulting compensatory mitigation credits that will be required for each impacted wetland, are summarized in Table 9-1.

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*Impact will be mitigated at the highest ratio required by WCA or the LGU

(4.1722 Ac) (8.5849 Ac)
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHenever POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPs MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

MTA-MTA-03:
- 644 SF (PERMANENT)
- 0 SF (TEMPORARY)

MTA-MTA-04:
- 6,332 SF (PERMANENT)
- 0 SF (TEMPORARY)

MTA-MTA-05:
- 0 SF (PERMANENT)
- 0 SF (TEMPORARY)

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETAINING WALL
- FLOATING SILT FENCE
- SILT FENCE
- SUPER DUTY SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RPIRAP

RESTORATION:
- NA

SOUTHWEST LIGHT RAIL
WETLAND IMPACTS
MTA-MTA-03 AND MTA-MTA-04
SHEET 16 OF 26

REV: 4
DATE: 01/22/2016
ID#: 20

A15
Natural Resource Items
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMP'S MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERMITTER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

MTA-MTA-06:
- 343 SF (PERMANENT)
- 0 SF (TEMPORARY)

MTA-MTA-07:
- 2,086 SF (PERMANENT)
- 5,595 SF (TEMPORARY)

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOATING SILT FENCE
- SILT FENCE
- SUPER DUTY SILT FENCE
- FILTER LOG
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:
- TURF REINFORCEMENT MAT
- RIPRAP

DRAFT-WORK IN PROCESS

SOUTHWEST LIGHT RAIL

WETLAND IMPACTS
MTA-MTA-06 AND MTA-MTA-07
SHEET 17 OF 26

REV: 4
DATE: 01/22/2016
ID #: 24

MTA-MTA-06 is not regulated by WCA

Natural Resource Items
1. All streets in and adjacent to the project shall remain clean and passable at all times. Any sediment or debris shall be removed within 24 hours, or as often as needed to ensure public safety.
2. Stabilization of disturbed areas shall be done by permanent turf establishment whenever possible.
3. In the event that permanent stabilization cannot be implemented within 7 days after construction activity in the disturbed area has ceased, temporary stabilization BMP's must be scheduled to occur within that 7 day timeframe.
4. Perimeter control must be in place and approved by the Engineer.
5. Floating silt curtain shall be installed as close to the shoreline as possible.
6. The Contractor must provide a redundant sediment control BMP when work is within 50 ft of a surface water/wetland.

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RESTORATION
- RESTORE TO EXISTING CONDITIONS
- USE SEED MIX 34-181 @ 5 LBS/ACRE
- PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS
- FLOODPLAIN AREAS
- SITE SPECIFIC MANAGEMENT PLAN AREA - LINE WITH PLASTIC FABRIC AND RIPPED TRUNKS OR TOP DEDICATED WETLAND
- RULES OF INTERCONNECTION MTA-08

SOUTHWEST LIGHT RAIL
WETLAND IMPACT
MTA-MTA-08
SHEET 18 OF 26
REV: 4
DATE: 01/22/2016
ID #: 25
AECOM
SWLRT
Natural Resource Items
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMP'S MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
3. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
4. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
5. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOATING SILT FENCE
- SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR
   DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION
   ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMP'S MUST BE SCHEDULED TO OCCUR WITHIN
   THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE
   WATER/WETLAND.

WETLAND IMPACTS:
25,705 SF (PERMANENT)
0 SF (TEMPORARY)

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETAINING WALL
- FLOATING 30' FENCE
- SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS

SOUTHWEST LIGHT RAIL
WETLAND IMPACT
MTA-MTA-11 (1 OF 2)
SHEET 20 OF 26

REV. 4
DATE: 01/22/2016
ID #: 27

DRAFT-WORK IN PROCESS

Natural Resource Items
1. All streets in and adjacent to the project shall remain clean and passable at all times. Any sediment or debris shall be removed within 24 hours, or as often as needed to ensure public safety.
2. Stabilization of disturbed areas shall be done by permanent turf establishment whenever possible.
3. In the event that permanent stabilization cannot be implemented within 7 days after construction activity in the disturbed area has ceased, temporary stabilization BMPs must be scheduled to occur within that 7-day time frame.
4. Perimeter control must be in place and approved by the engineer.
5. Floating silt curtain shall be installed as close to the shoreline as possible.
6. The contractor must provide a redundant sediment control BMP when work is within 50 ft of a surface water/wetland.
7. Restoration: 1. Restore to existing conditions; use seed mix 34-181 @ 5 lbs/acre
   2. Place erosion control blanket on exposed slopes adjacent to all wetland areas.

Legend:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOATING SILT FENCE
- SILT FENCE
- FILTER LOG
- RIPRAP
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RESTORATION:
  1. Restore to existing conditions; use seed mix 34-181 @ 5 lbs/acre
  2. Place erosion control blanket on exposed slopes adjacent to all wetland areas

Natural Resource Items

SOUTHWEST LIGHT RAIL
WETLAND IMPACT
MTA-MTA-11 (2 OF 2)
SHEET 21 OF 26

REV: 4
DATE: 01/22/2016
ID #: 28

A20

SWLRT
Natural Resource Items
WETLAND IMPACTS:

- 16,435 SF (PERMANENT)
- 1,420 SF (TEMPORARY)

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOATING SILT FENCE
- SILT FENCE
- FILTER LOG
- DELINATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS
   USE SEED MIX 54-181 @ 5 LBS/ACRE
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS

NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPs MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.
NOTES:
1. All streets in and adjacent to the project shall remain clean and passable at all times. Any sediment or debris shall be removed within 24 hours, or as often as needed to ensure public safety.
2. Stabilization of disturbed areas shall be done by permanent turf establishment whenever possible.
3. In the event that permanent stabilization cannot be implemented within 7 days after construction activity in the disturbed area has ceased, temporary stabilization BMPs must be scheduled to occur within that 7 day time frame.
4. Perimeter control must be in place and approved by the engineer.
5. Floating silt curtain shall be installed as close to the shoreline as possible.
6. The contractor must provide a redundant sediment control BMP when work is within 50 ft of a surface water/wetland.

WETLAND IMPACTS:
141 SF (PERMANENT)
23,000 SF (TEMPORARY)

LEGEND:
- Impact (Permanent)
- Impact (Temporary)
- Construction limits
- Retaining wall
- Floating silt fence
- Filter log
- Delineated wetland
- Turf reinforcement mat
- Riprap

RESTORATION:
1. Restore to existing conditions
2. Place erosion control blanket on exposed slopes adjacent to all wetland areas

SOUTHWEST LIGHT RAIL
WETLAND IMPACT
MTA-MTA-12
SHEET 23 OF 26

REV: 4
DATE: 01/22/2016
ID #: 29

Natural Resource Items
ALTERATION/FILL CROSS SECTIONS
FILL IMPACT

WETLAND BOUNDARY

Non-WCA Regulated Basin (Incidental)
FILL IMPACT

PERMANENT WETLAND IMPACTS DUE TO BRIDGE PIERS

WETLAND BOUNDARY
PERMANENT WETLAND IMPACTS OCCUR AT BRIDGE ABUTMENT

WETLAND BOUNDARY
WETLAND BUFFER
INFORMATION
WETLAND BUFFER:

AGENCY: NMCWD
BUFFER CLASS: MEDIUM

REQUIREMENT:
- Minimum Buffer Width: 20'
- Average Buffer Width: 40'

LEGEND:
- Delineated Wetland
- Average Buffer Within SWLRT ROW
- Proposed Right of Way
- Average Buffer Within SWLRT ROW
- Proposed Buffer
- Proposed BMP

CALCULATIONS:
- Required Buffer: 666 SF
- Provided Buffer: 1,543 SF
- Provided Buffer Average Width: 5'
- Provided Buffer Min Width: 0'

RATIONALE
Wetland meets the definition of "Medium Quality Wetland" based on the Stormwater Sensitivity Classification by MnRAM Assessment. The MnRAM Program is used to assess the function values of wetlands under WCA.

SOUTHWEST LIGHT RAIL
WETLAND BUFFER
MTA-MTA-07

A32
DATE: 06/22/2015

DRAFT WORK IN PROGRESS

Natural Resource Items
**Wetland Buffer**

**Agency:** NMDWD

**Buffer Class:** Medium

**Requirement:**
- Minimum Buffer Width: 30'
- Average Buffer Width: 40'

**Legend:**
- DELINATED WETLAND
- AVERAGE BUFFER WITHIN SWLR ROW
- PROPOSED RIGHT OF WAY
- AVERAGE BUFFER WITHIN SWLR ROW
- PROPOSED BUFFER
- PROPOSED BMP

**Calculations:**
- Proposed Wetland Edge Required Buffer: 3.575 SF
- Provided Buffer: 10,146 SF
- Provided Buffer Average Width: 39'
- Provided Buffer Min Width: 10'

**Rationale:**
Wetland meets the definition of "Medium Quality Wetland" based on the Stormwater Sensitivity Classification by MnRAM Assessment. The MnRAM Program is used to assess the function values of wetlands under WCA.

**Southwest Light Rail**

**Wetland Buffer**

MTA-MTA-08

**REV:** 0

**DATE:** 06/22/2015

**Natural Resource Items**
WETLAND BUFFER:
AGENCY: NMCWD
BUFFER CLASS: MEDIUM

REQUIREMENT:
MINIMUM BUFFER WIDTH: 20'
AVERAGE BUFFER WIDTH: 40'

LEGEND:
- DELINNATED WETLAND
- AVERAGE BUFFER WITHIN SWLRT ROW
- PROPOSED RIGHT OF WAY
- AVERAGE BUFFER WITHIN SWLRT ROW
- PROPOSED BUFFER
- PROPOSED BMP

CALCULATIONS:
REQUIRED BUFFER: 4,450 SF
PROVIDED BUFFER: 2,639 SF
PROVIDED BUFFER AVERAGE WIDTH: 11'
PROVIDED BUFFER MIN WIDTH: 6'

RATIONALE
WETLAND MEETS THE DEFINITION OF "MEDIUM QUALITY WETLAND" BASED ON THE
STORMWATER SENSITIVITY CLASSIFICATION BY MNRM ASSESSMENT. THE MNRM PROGRAM
IS USED TO ASSESS THE FUNCTION VALUES
OF WETLANDS UNDER WCA.
WETLAND BUFFER:

AGENCY: NMCWD
BUFFER CLASS: MEDIUM

REQUIREMENT:
MINIMUM BUFFER WIDTH: 20'
AVERAGE BUFFER WIDTH: 40'

LEGEND:
— DELINeated WETLAND
— AVERAGE BUFFER WITHIN SWLRT ROW
— PROPOSED RIGHT OF WAY
— AVERAGE BUFFER WITHIN SWLRT ROW
— PROPOSED BUFFER
— PROPOSED BMP

CALCULATIONS:
REQUIRED BUFFER: 14,032 SF
PROVIDED BUFFER: 15,840 SF
PROVIDED BUFFER AVERAGE WIDTH: 44'
PROVIDED BUFFER MIN WIDTH: 6'

RATIONALE
WETLAND MEETS THE DEFINITION OF "MEDIUM QUALITY WETLAND" BASED ON THE STORMWATER SENSITIVITY CLASSIFICATION BY MnRAM ASSESSMENT. THE MnRAM PROGRAM IS MEANT TO ASSESS THE FUNCTION VALUES OF WETLANDS UNDER WCA.

DRAFT-WORK IN PROCESS
WETLAND BUFFER:
AGENCY: NMCWD
BUFFER CLASS: MEDIUM

REQUIREMENT:
MINIMUM BUFFER WIDTH: 20'
AVERAGE BUFFER WIDTH: 40'

LEGEND:
- DELINEATED WETLAND
- AVERAGE BUFFER WITHIN SWLR ROW
- PROPOSED RIGHT OF WAY
- AVERAGE BUFFER WITHIN SWLR ROW
- PROPOSED BUFFER
- PROPOSED BMP

CALCULATIONS:
REQUIRED BUFFER: 17,555 SF
PROVIDED BUFFER: 21,799 SF
PROVIDED BUFFER AVERAGE WIDTH: 23'
PROVIDED BUFFER MIN WIDTH: 2'

RATIONALE
WETLAND MEETS THE DEFINITION OF "MEDIUM QUALITY WETLAND" BASED ON THE STORWATER SENSITIVITY CLASSIFICATION BY MnRAM ASSESSMENT. THE MnRAM PROGRAM IS USED TO ASSESS THE FUNCTION VALUES OF WETLANDS UNDER WCA.
WETLAND BUFFER:
AGENCY: NMCWD
BUFFER CLASS: MEDIUM

REQUIREMENT:
MINIMUM BUFFER WIDTH: 20'
AVERAGE BUFFER WIDTH: 40'

LEGEND:
— . . . — DELINEATED WETLAND

AVERAGE BUFFER WITHIN SWLRT ROW
PROPOSED RIGHT OF WAY

AVERAGE BUFFER WITHIN SWLRT ROW
PROPOSED BUFFER
PROPOSED BMP

CALCULATIONS:
REQUIRED BUFFER: 79.422 SF
PROVIDED BUFFER: 67.684 SF
PROVIDED BUFFER AVERAGE WIDTH: 34'
PROVIDED BUFFER MIN WIDTH: 10'

RATIONALE
WETLAND MEETS THE DEFINITION OF "MEDIUM QUALITY WETLAND" BASED ON THE STORWATER SENSITIVITY CLASSIFICATION BY MNC Program. The MnRAM Program is used to assess the function values of wetlands under WCA.

SOUTHWEST LIGHT RAIL
WETLAND BUFFER
NM-HOP-13

REV: 0
DATE: 06/22/2015

DRAFT-WORK IN PROCESS
WETLAND BUFFER:
AGENCY: NMCWD
BUFFER CLASS: MEDIUM

REQUIREMENT:
MINIMUM BUFFER WIDTH: 20'
AVERAGE BUFFER WIDTH: 40'

LEGEND:
— DELINEATED WETLAND
AVG BUFFER WITHIN SWLRT ROW
PROPOSED RIGHT OF WAY
AVG BUFFER WITHIN SWLRT ROW
PROPOSED BUFFER
— PROPOSED BMP

CALCULATIONS:
REQUIRED BUFFER: 23,728 SF
PROVIDED BUFFER: 20,335 SF
PROVIDED BUFFER AVERAGE WIDTH: 40'
PROVIDED BUFFER MIN WIDTH: 10*

RATIONALE
WETLAND MEETS THE DEFINITION OF "MEDIUM QUALITY WETLAND" BASED ON THE STORWATER SENSITIVITY CLASSIFICATION BY MNRAM ASSESSMENT. THE MNRAM PROGRAM IS USED TO ASSESS THE FUNCTION VALUES OF WETLANDS UNDER WCA.
Minnetonka Permit Submittal

Southwest LRT Project Technical Support

May 6, 2016

Prepared by the Metropolitan Council

AECOM

WSB

A39

Natural Resource Items
FLOODPLAIN INFORMATION
FLOODPLAIN IMPACTS:
171 C.Y. (FLOODPLAIN IMPACT)
175 C.Y. (COMPENSATORY STORAGE)

NWL = 890.0
HWL = 895.1

LEGEND:
- FLOODPLAIN ELEVATION
- COMPENSATORY STORAGE AREA
- FLOODPLAIN FILL
- DELINEATED WETLAND
- PROPOSED RIGHT OF WAY
- PROPOSED BMP

DRAFT-WORK IN PROCESS

SOUTHWEST LIGHT RAIL
WETLAND MITIGATION
MTA-MTA-11 (1 OF 2)

REV: 0
DATE: 01/11/2016
ID #: 27

AECOM
WSB
MTRPOLITAN
COUNCIL

Natural Resource Items
Minnetonka Permit Submittal
Southwest LRT Project Technical Support

May 6, 2016

Prepared by the Metropolitan Council
Natural Resource Items
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Disclaimer: Nothing in this Permit Submittal shall require the Council to take any action or make any decision that will prejudice or compromise any processes required under state or federal environmental or other laws, regulations or rules and the Council does not waive the provisions of Minnesota Statutes section 473.449. The planning and construction of the SWLRT Project will require numerous federal, state, and local processes, approvals and funding commitments. The SWLRT Project is currently in the Project Development phase of the federal New Starts program and a substantial amount of design, engineering, environmental review, and funding commitments must occur before construction can begin. The SWLRT Project is anticipated to be advanced into Engineering, the next federal New Starts phase, by the Federal Transit Administration ("FTA") shortly after the FTA issues the Record of Decision ("ROD"). The SWLRT Project cannot proceed without the issuance of the ROD and funding of the SWLRT Project, including the Full Funding Grant Agreement ("FFGA") from the FTA. Further, this Permit Submittal does not limit the alternatives or mitigative measures that the Council may undertake in the development and construction of the SWLRT Project.
Executive Summary

This draft report provides calculations, analysis and documentation of the Southwest Light Rail Transit (SWLRT) compliance with the City of Minnetonka Grading, Filling, and Excavation permit requirements. There are approximately 3.8 miles of track and Opus station within the City. Shady Oak Station is on the border with Minnetonka and Hopkins.

The enclosed report outlines compliance with Minnetonka Water Resources Management Plan requirements. The SWLRT project triggers the following City of Minnetonka requirements:

- Floodplain Management
- Wetlands Management
- Stormwater Management
- Erosion and Sediment Control
- Temporary Water Removal
- Landscape Plan
- Variances and Exceptions

Proposed stormwater management design criteria are stated and proposed best management practices (BMPs) are presented, along with supporting modeling demonstrating the effectiveness of the proposed design in satisfying applicable regulations.
6.1 Summary of Erosion and Sediment Control Requirements .............................................. 17
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Appendices

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Appendix B – Wetland Buffer Exhibits
Appendix C – Wetlands
Appendix D – BMP & Ditch Subwatersheds
Appendix E – BMP Tables
Appendix F – Impervious Increase by Subwatershed Exhibits
Appendix G – HydroCAD Model Reports
Appendix H – P8 Model Reports
Appendix I – Existing and Proposed Impervious Exhibits
Appendix J – Soil boring logs for BMPs
Appendix K – SWPPP Narrative
Appendix L – Geotechnical Reports
Appendix M – City Storm Sewer Calculations
Appendix N - Feltl / Smetana Wetland Supporting Documentation

Appendix O - MTA-MTA-12 Hydraulic Analysis

Appendix P - Response Action Plan

Appendix Q - Rainfall Distributions

Appendix R - Operation and Maintenance

Appendix S - ROW
1 Project Location and Scope

The proposed SWLRT project entails construction of approximately 14.5 miles of new track starting from the existing Target Field Station in downtown Minneapolis and ending at the Southwest Station in Eden Prairie. The project extends through five cities: Minneapolis, St Louis Park, Hopkins, Minnetonka and Eden Prairie; and four Watershed Districts: Bassett Creek Watershed Management Commission, Minnehaha Creek Watershed District, Nine Mile Creek Watershed District, and Riley Purgatory Bluff Creek Watershed District.

Approximately 3.8 miles of track are proposed within the City of Minnetonka. There is one station, Opus Station near Bren Road West. The Shady Oak Park and Ride and Station are located on the border between the Cities of Minnetonka and Hopkins. The new impervious within the City of Minnetonka is 11.7 acres. The project corridor is characterized by primarily commercial/industrial development and dense impervious coverage. Although extensive road reconstruction is required, the new impervious is limited to primarily the new track. The new impervious will be treated by numerous BMPs including track ditches, regional ponds, and filtration and infiltration basins. The project is also required to comply with Nine Mile Creek Watershed District (NMCWD) rules within the City of Minnetonka.

1.1 Property Access Schedule

Private property right-of-way acquisition approach follows Minnesota Statutes and is in compliance with the Federal Transit Authority (FTA) rules and regulations. Appendix S outlines the right-of-way acquisition approach and provides the exhibits of the private parcels to be acquired for the construction of the Project.

The acquisition of public properties will be utilized through a property transfer agreements (see Appendix S for a draft agreement).

In addition, project construction documents require that no contractor is permitted to work on the property that the Metropolitan Council has not acquired or been granted rights to construct upon. Project specifications, temporary erosion and sediment control plans, and Stormwater Pollution Prevention Plan (SWPPP) will include requirements for temporary erosion control to address potential concerns with timing of property acquisition.

2 Minnetonka Compliance Summary

The following provides a brief summary of the proposed green infrastructure practices along the project corridor to address compliance with Minnetonka Rules starting from the Trunk Highway (TH) 62 Tunnel through Opus to the Shady Oak Park and Ride at the municipal boundary with the City of Hopkins. This permit submittal includes the required design documentation for the base project as well as all the Local Work pieces of the project. Local Work projects are additional project components that have been requested to be incorporated by the project partners (Eden Prairie, Minnetonka, St. Louis Park, Hopkins, Minneapolis, and Hennepin County). Additional detail regarding compliance with each Minnetonka Rule follows in subsequent sections.
2.1 Traction Power Substations
- Each site approximately 0.1 acres
- Traction Power Substation (TPSS) sites will be constructed as porous asphalt, considered a pervious surface
- Proposed building runoff will discharge to the porous pavement and be infiltrated

2.2 Opus South Area
- BMP retrofits will be used for existing impervious with low flow diversion
- Net impervious reduction
- Additional rate control provided as feasible for existing under-capacity storm sewer system
- Maintains existing rural road section which provides water quality treatment from impervious disconnection, extended time of concentration, and pollutant removal from existing vegetation
- Maximizes BMP footprint in tightly constrained urban corridor

2.3 Opus North/Opus Station/Opus Hill
- Wide ditch is provided adjacent to Bren Road from track station 1319+00 to 1339+00 for rate control, water quality, abstraction, and longer time of concentration
- Small quantity of net new impervious surfaces
- Mill and overlay/striping proposed for existing parking lot planned to be leased for the park and ride at Opus Station does not trigger NMCWD rules
- Maintains existing rural road section which provides water quality treatment from impervious disconnection, extended time of concentration, and pollutant removal from existing vegetation
- Proposed compensatory floodplain mitigation area exceeds requirement
- Tree impacts minimized when feasible with wall design and track profile
- Existing wetland MTA-MTA-05, located west of the proposed Opus Station overtops for the 100-year Atlas 14 rainfall event. Even though the wetland is outside the project limits, the overtopping impacts the proposed LRT infrastructure. Therefore, the project will be raising the overflow elevation to contain the 100-year event high water level within the wetland footprint and prevent impacts to Bren Road and to the LRT due to overtopping during large storm events.

2.4 Smetana Feltl BMP
- Additional flood storage provided in MTA-MTA-10 to contain 100-year Atlas 14 rainfall event
- Retrofits water quality treatment for a 19.6 acre subwatershed
- Net reduction in impervious surfaces from removal of existing building and large parking lot
- Geotechnical analysis included for potential seepage from MTA-MTA-10 perched wetland
- Proposed BMP provides regional benefit that exceeds project new impervious
- Project only accounting for credit for 0.3 acre feet (ac-ft) of infiltration volume in comparison to 1.2 ac-ft infiltration volume provided
• BMP located in well-draining soils, minimum of three feet above seasonal groundwater elevation based on eight soil boring results taken over two year period

2.5 Wetland MTA-MTA-11
• Proposed Minnetonka/Hopkins bridge greatly reduces wetland impacts from typical at-grade design
• Minimal floodplain impacts due to proposed bridge piers, compensatory storage meets requirements
• Floodplain mitigation proposed in areas where existing trees will be removed for bridge construction to minimize additional tree impacts

2.6 Shady Oak Park and Ride
• The majority of the Shady Oak Park and Ride is located within the City of Hopkins, discussion is included as the Park and Ride is on the municipal boundary between Hopkins and Minnetonka
• Retrofitting stormwater treatment for highly impervious areas that currently have no water quality treatment or rate control
• Results in a net reduction in impervious within their subwatershed due to the demolition of the existing buildings and parking lots
• Infiltration volume provided in project corridor to address contamination in the soils and groundwater found at the Shady Oak Park and Ride
• Using regional approach for a large scale project to retrofit and provide abstraction that exceeds requirements within the project corridor, even given constraints of soil and groundwater contamination at Shady Oak Park and Ride. The SWLRT project provides a regional approach for addressing the existing contamination within the project limits

3 Floodplain Management and Drainage Alterations

3.1 Summary of Floodplain Management and Drainage Alterations
NMCWD requires two feet of freeboard from the 100-year, 24-hour Atlas 14 high water level to building low floor elevations and compensatory storage for floodplain impacts with a 1:1 ratio within the same waterbody and within +/- one foot of elevation of the impacts. The City of Minnetonka Floodplain Ordinance Section 300.24, Subdivision 8 requires all roads, bridges and tracks to be located a minimum of one foot above the 100-year flood elevation. The SWLRT Design Criteria, Executive Order 13690 and 11988 were used to determine the appropriate freeboard to the top of rail from the 100-year high water level.

3.2 Impacts
Table 3.1 shows the proposed floodplain impacts and mitigation volumes.
Table 3.1 - Minnetonka Floodplain Impact Summary

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minnetonka</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MTA-MTA-06</td>
<td>582C_H</td>
<td>680</td>
<td>1293</td>
<td>879.93</td>
<td>885.8</td>
<td>896.0</td>
<td>Track embankment</td>
</tr>
<tr>
<td>MTA-MTA-07</td>
<td>582C_I</td>
<td>280</td>
<td></td>
<td>878.8</td>
<td>883</td>
<td>896.0</td>
<td>Track embankment and TPSS access road</td>
</tr>
<tr>
<td>MTA-MTA-11 (South)</td>
<td>520B_2A</td>
<td>171</td>
<td>175</td>
<td>890</td>
<td>895.1</td>
<td>902.7²</td>
<td>Bridge piers 1-4, total of 24-16&quot; diameter piles</td>
</tr>
<tr>
<td>MTA-MTA-11 (North &amp; Middle)</td>
<td>520B_3</td>
<td>8</td>
<td>8</td>
<td>890.8</td>
<td>895.2</td>
<td>934.2</td>
<td>Bridge piers 9-10 (18-16&quot; diameter piles)</td>
</tr>
<tr>
<td>MTA-MTA-12</td>
<td>520A_2</td>
<td>41</td>
<td>106</td>
<td>898</td>
<td>900.84</td>
<td>906.8³</td>
<td>Portion of two bridge piers and part of abutment</td>
</tr>
</tbody>
</table>

1) Pond ID within NMCWD corresponds with watershed hydraulic/hydrologic model ID.
2) At the south abutment of Minnetonka/Hopkins bridge
3) At north abutment of Minnetonka/Hopkins bridge

3.3 Compliance

Appendix A provides exhibits of the proposed floodplain impacts and compensatory storage. The plans also show the proposed locations of the floodplain mitigation. Nine Mile Creek Watershed District (NMCWD) hydrologic/hydraulic models were used to define:

- Basins to include in the floodplain impacts;
- Normal water level;
- High water level (100-year, 24-hour, 7.5-inch); and
- Pond identification number.

Floodplain impacts were quantified by calculating the fill between the normal and the high water level. As shown in Table 3.1 and the exhibits in Appendix A, compensatory storage is provided in compliance with NMCWD and City of Minnetonka rules.

Compensatory storage for MTA-MTA-06 and MTA-MTA-07 is being provided adjacent to MTA-MTA-07 and MTA-MTA-08 as this system of wetlands is hydraulically connected.
Adequate freeboard is provided to meet City of Minnetonka requirements as indicated in Table 3.1. There is one location where a proposed building footprint, for the Traction Power Substation (TPSS) north of Bren Road West is in proximity to a wetland and floodplain district and would trigger compliance with the City's freeboard and setback requirements. The TPSS site pad is approximately 896.5 elevation, which is 13.5-feet above the high water level of wetland MTA-MTA-08. The TPSS structure is located a minimum of 25-feet from the floodplain elevation of MTA-MTA-08.

3.3.1 Atlas 14 Impacts
There are several existing waterbodies outside the project construction limits that impact the design of the proposed LRT infrastructure. NMCWD recently updated their hydraulic/hydrologic model to account for the higher precipitation frequencies from Atlas 14 (the 100-year event rainfall depth increases from 6.0-inch to 7.5-inch). As a result, the 100-year high water level of many of the waterbodies in the corridor increases. The increase in high water level increases the floodplain impacts and required mitigation volume and it also results in the high water level of several of the waterbodies overtopping their banks. When the overtopping poses risks to the proposed LRT infrastructure, it is necessary to make modifications to these waterbodies to contain the 100-year high water level or reroute the emergency overflow (EOF).

3.3.2 MTA-MTA-10 Analysis
The water level in the perched wetland MTA-MTA-10 in the southwest quadrant of the intersection of Feltl Road and Smetana Road currently overtops during the 100-year event, based on the NMCWD hydrologic/hydraulic model. The existing high water level is 932.7, compared to the EOF elevation of 932.0. The overflow travels northeast to the intersection of Smetana Road and Feltl Road.

For proposed conditions, the overflow (approximately 60 cfs) would impact the track guideway. The existing overflow elevation will be raised from approximately 932.0 to 934.5 in order to contain the 100-year high water level within the wetland. There is no change in the bounce and inundation for smaller storm events and therefore no change to the wetland type. The impact results in additional flood storage in the wetland for the 100-year rainfall event which protects the downstream infrastructure. The proposed high water level is 934.4. The proposed plan sheets show the grading that will be completed. There will be tree impacts associated with the grading of the berm for MTA-MTA-10.

The adjacent properties are significantly above the wetland and adequate freeboard is provided to the proposed high water level. Appendix N includes the low floor elevations of the existing structures. Appendix L includes the geotechnical report that addresses seepage potential from the wetland.

3.3.3 MTA-MTA-05 Analysis
The water level in MTA-MTA-05, west of proposed Opus Station and Bren Road East also overtops for the 100-year event. The existing high water level is 893.7 compared to the EOF elevation of approximately 893.5. It should be noted that the NMCWD hydrologic/hydraulic model includes an EOF elevation that is at 894.0. Based on the survey completed for the project, the EOF is actually...
slightly lower at 893.5. The EOF route is east over Bren Road East and eventually onto the proposed LRT tracks.

For proposed conditions, minor grading is proposed to raise the overflow elevation to 894.5 and provide 0.7-feet of separation from the top of the overflow to the high water level. The wetland type will not change as no modifications are proposed to the delineated wetland or to the bounce inundation. Additionally, a ditch is proposed on the west side of the LRT and the proposed inlets will be constructed with stool grates to allow for an emergency outlet in the event the wetland overtops.

3.3.4 MTA-MTA-07 and MTA-MTA-12
The compensatory floodplain mitigation for MTA-MTA-07 is proposed in the area of the existing trail and adjacent to the proposed wall by Bren Road West. These areas were selected because they do not result in any additional wetland impacts and avoid additional tree loss because they are located in areas where work is already proposed (or in the case of the trail, where the existing tree growth is very limited). Floodplain mitigation for MTA-MTA-12 is located on the south edge of the wetland. The area will already be disturbed with the bridge construction and OMF grading. Therefore no new tree impacts will be incurred and there is not additional wetland disturbance due to the floodplain mitigation grading.

3.3.5 MTA-MTA-12 and OMF Analysis
The Operations and Maintenance Facility (OMF) is located in Hopkins, on the border with the City of Minnetonka. Since the overflow route for MTA-MTA-12 impacts Minnetonka infrastructure, the analysis is included in this report, even though the majority of the drainage impacts are within Hopkins.

Existing Conditions Summary
Under existing conditions the following conditions occur:

- Significant overflow from MTA-MTA-12 southeast through the existing parking lots to NM-HOP-13
- High water level in NM-HOP-13 results in inundation of the existing property located on the east side of the wetland
- Significant overflow from NM-HOP-13 that follows the existing parking lots north to the North Fork of Nine Mile Creek

Proposed Conditions Summary
For proposed conditions, the OMF blocks the existing overflow point for MTA-MTA-12 and the south track loop for the OMF impacts the flood storage for NM-HOP-13. To address this, the following infrastructure is proposed:

- 48-inch equivalent arch pipe and weir overflow structure (see OMF Plans) are proposed to convey the overflow from the wetland under the OMF to NM-HOP-13.
- Additional flood storage for NM-HOP-13 is proposed in the pond located on the east side of the OMF. This pond is hydraulically connected to the wetland and at the same elevations.
- The proposed modifications will not impact the functions and values or wetland type of either of these wetlands.

**Existing Conditions Model**
The NMCWD hydrologic/hydraulic model was used to design the proposed infrastructure and to evaluate the high water levels and overflow rates of the two wetlands. The existing conditions model was updated to include the narrow channel NM-HOP-13 forms (labeled "pinch point" on the exhibit in Appendix O). The cross section of the existing pinch point shown on the exhibit was incorporated into the model. There is an approximately two-foot-wide channel at the bottom of the pinch point for existing conditions.

**Proposed Conditions Model**
The existing conditions model was updated to include the proposed wall for the OMF loop track at the pinch point and the proposed east OMF pond. The east OMF pond is proposed both for water quality treatment and to mitigate flood storage. Conservatively, the other BMPs internal to the OMF were not included in the model.

As shown on the proposed conditions exhibit in Appendix O, there is no change in the proposed high water level for MTA-MTA-12 and there is a slight reduction in the high water level of the east side of NM-HOP-13. Additionally, the peak discharge out of NM-HOP-13 is reduced to less than existing conditions.

It should be clearly noted that the property on the east side of NM-HOP-13 is inundated for existing conditions. It is not feasible to eliminate the flooding without construction of a berm or significantly upsizing the existing outlet from the wetland. The proposed OMF design does not increase the flooding risk to this property from the existing condition and in fact reduces the peak discharge in the emergency overflow route.

## 4 Rule 3 – Wetlands Management

### 4.1 City of Minnetonka Wetland Permitting Requirements
This Section provides a high-level summary of the Southwest LRT Project’s proposed wetland impacts that are regulated by the City of Minnetonka. Minnetonka’s City Code requires that this project obtain a Wetland/Floodplain Alteration permit for temporary wetland impacts, and a Rezoning permit for permanent wetland impacts. The supporting application materials related to wetland impacts can be found in Appendix C, which contains a copy of the signed comprehensive WCA Wetland Replacement Plan application that includes maps, plan sheets, cross-section profiles, and avoidance and minimization details for all proposed Southwest LRT wetland impacts that are regulated by the WCA and other Local Government Units.

For the purpose of the City of Minnetonka’s Wetland Overlay District inventory, it is anticipated that the Wetland/Floodplain Alteration permit will include approvals for wetland impacts that will be restored upon completion of construction, and that the Rezoning permit will include approvals for wetland impacts that will remain after construction is complete. Note that the remainder of this
Section categorizes permanent and temporary wetland impacts according to the definitions specified by the WCA, which may differ from those specified by the City of Minnetonka.

### 4.2 Wetland Impact Summary

The proposed SWLRT Project affects portions of eight wetlands that are located within the jurisdictional boundaries of the City of Minnetonka, resulting in 130,076 square feet (SF) (2.99 acres) of unavoidable permanent impact and 53,814 SF (1.24 acres) of temporary impact that will be restored within approximately six months of construction commencement (as specified in Section 7.1 of the draft WCA Wetland Replacement Plan application located in Appendix C). Table 4.1 contains a summary of the WCA regulated wetland impacts that occur within the jurisdictional boundaries of the City of Minnetonka.

#### Table 4.1 – City of Minnetonka Wetland Impact Summary

<table>
<thead>
<tr>
<th>Wetland ID</th>
<th>Impact Quantity (Square Feet)</th>
<th>Summary of Minimization Efforts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Permanent</td>
<td>Temporary</td>
</tr>
<tr>
<td>MTA-MTA-03</td>
<td>644</td>
<td>None</td>
</tr>
<tr>
<td>MTA-MTA-04</td>
<td>6,832</td>
<td>None</td>
</tr>
<tr>
<td>MTA-MTA-07</td>
<td>2,086</td>
<td>5,595</td>
</tr>
<tr>
<td>MTA-MTA-08</td>
<td>None</td>
<td>3,145</td>
</tr>
<tr>
<td>MTA-MTA-09</td>
<td>63</td>
<td>1,470</td>
</tr>
<tr>
<td>MTA-MTA-11a</td>
<td>120,194b</td>
<td>None</td>
</tr>
<tr>
<td>NM-HOP-13a</td>
<td>116</td>
<td>20,538</td>
</tr>
<tr>
<td>MTA-MTA-12</td>
<td>141</td>
<td>23,066</td>
</tr>
<tr>
<td><strong>Total (SF)</strong></td>
<td><strong>130,076</strong></td>
<td><strong>53,814</strong></td>
</tr>
<tr>
<td><strong>Total (Ac)</strong></td>
<td><strong>2.99 (Ac)</strong></td>
<td><strong>1.24 (Ac)</strong></td>
</tr>
</tbody>
</table>

* Wetland is split by the municipal border between the Cities of Minnetonka and Hopkins.

* Only a portion of this impact (1,864 SF) is the result of permanent fill. The remaining quantity (118,330 SF) will be considered "permanent" impact under WCA because area will be affected by construction for approximately 13 to 18 months.

As indicated in Table 4.1, the approved boundaries of wetlands MTA-MTA-11 and NM-HOP-13 are split by the municipal border between the Cities of Minnetonka and Hopkins. The impact quantities specified in Table 4.1 are located within the municipal boundary of Minnetonka and will therefore require permitting by the City of Minnetonka. Nine Mile Creek Watershed District will be responsible for permitting the portions of the wetlands located within Hopkins's municipal boundary.

Table 4.1 also indicates that 118,330 SF of the "permanent" impact being proposed to wetland MTA-MTA-11 is related to construction staging and access during the multiple phase construction of a bridge that will cross over wetland MTA-MTA-11 and the existing Canadian Pacific freight rail line located between Minnetonka and Hopkins. Although the activities required for construction
staging and access are temporary in nature, impacts will last for approximately 13 to 18 months, which is longer than the duration allowed under the temporary impact "no-loss" criteria specified in Section 7.1 of the draft WCA Wetland Replacement Plan application included in Appendix C. As a result, the entire construction workspace area will be considered permanent under WCA and will require full mitigation at a ratio of 2:1. This area will also be restored to pre-project conditions following construction, as required by the U.S. Army Corps of Engineers under Section 404(b) of the Clean Water Act.

4.3 Wetland Impact Compliance

As summarized in Table 4.2, the SWLRT Project will need to provide 260,152 SF (5.9723 acres) of mitigation credits to compensate for permanent impacts to portions of seven WCA regulated wetlands located within Minnetonka’s jurisdictional boundaries. Impacts are located within major watershed 33/Bank Service Area 9, within the seven-county metro area.

<table>
<thead>
<tr>
<th>Wetland ID</th>
<th>Impact Quantity Requiring Mitigation (Square Feet)</th>
<th>Replacement Ratio</th>
<th>Mitigation Credits Required for Impact (Square Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MTA-MTA-03</td>
<td>644</td>
<td>2:1</td>
<td>1,288</td>
</tr>
<tr>
<td>MTA-MTA-04</td>
<td>6,832</td>
<td>2:1</td>
<td>13,664</td>
</tr>
<tr>
<td>MTA-MTA-07</td>
<td>2,086</td>
<td>2:1</td>
<td>4,172</td>
</tr>
<tr>
<td>MTA-MTA-09</td>
<td>63</td>
<td>2:1</td>
<td>126</td>
</tr>
<tr>
<td>MTA-MTA-11</td>
<td>120,194</td>
<td>2:1</td>
<td>240,388</td>
</tr>
<tr>
<td>NM-HOP-13</td>
<td>116</td>
<td>2:1</td>
<td>232</td>
</tr>
<tr>
<td>MTA-MTA-21</td>
<td>141</td>
<td>2:1</td>
<td>282</td>
</tr>
<tr>
<td>Total (SF)</td>
<td>130,076</td>
<td>2:1</td>
<td>260,152</td>
</tr>
<tr>
<td></td>
<td>(2.9861 Ac)</td>
<td></td>
<td>(5.9723 Ac)</td>
</tr>
</tbody>
</table>

Section 300.23 (subdivision 9. [b]) of Minnetonka’s City Code states that “wetlands within an overlay district may only be removed according to WCA rules and if at least an equal area of new wetland is created to compensate for the wetland being filled. Unless otherwise approved by the city council, compensatory wetland area must be provided within the same subwatershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees. The city may require cash escrow or letter of credit equal to 150 percent of the cost to mitigate for the wetland.”

The SWLRT Project’s proposed wetland impacts will be mitigated according to WCA rules at a minimum replacement ratio of 2:1, which is above and beyond the ratio required by the City’s Code. Regarding Minnetonka’s compensatory mitigation requirements, the project attempted but was unable to identify feasible project-specific mitigation opportunities nor available wetland bank credits within the specified subwatershed districts (as discussed in Section 9.3.1 of the Wetland Replacement Plan located in Appendix C). Instead, the project has proposed to mitigate for wetland impacts by purchasing WCA and CWA approved wetland bank credits that are located within major watershed 33/BSA 9 of the seven-county metro area, which will not affect public easements nor result in the loss of trees that are regulated by the City of Minnetonka.
4.4 Summary of Wetland Buffer Requirements

Wetland buffers are required only on proposed Metro Transit property subject to the City of Minnetonka permit. Wetland buffer requirements are based on the MnRAM wetland value. Generally, NMCWD buffer requirements exceed the City of Minnetonka requirements.

4.5 Wetland Buffer Compliance

Wetland buffers exhibits are shown in Appendix B. Five wetlands exist within the project corridor that are under the jurisdiction of the City of Minnetonka. Table 4.3 below summarizes the wetlands, their required buffers, and the buffers proposed as a part of this project. No buffers are provided for wetlands that are fully impacted.

<table>
<thead>
<tr>
<th>Wetland ID</th>
<th>Minnetonka Value</th>
<th>Required Buffer (ft)</th>
<th>Provided Buffer (ft) (avg/min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MTA-MTA-07</td>
<td>Manage I</td>
<td>25</td>
<td>5</td>
</tr>
<tr>
<td>MTA-MTA-08</td>
<td>Manage I</td>
<td>25</td>
<td>39</td>
</tr>
<tr>
<td>MTA-MTA-09</td>
<td>Manage I</td>
<td>25</td>
<td>11</td>
</tr>
<tr>
<td>MTA-MTA-11 (South)</td>
<td>Manage I</td>
<td>25</td>
<td>44</td>
</tr>
<tr>
<td>MTA-MTA-12</td>
<td>Manage I</td>
<td>25</td>
<td>23</td>
</tr>
</tbody>
</table>

All wetlands are Manage I based on Minnetonka criteria and require a 25-foot buffer.

As indicated in Table 4.3, the proposed wetland buffers highlighted in green do not meet the areas required by the City. A variance request is included in Section 11.1 for all the wetlands included in the table above that do not meet the required buffer widths and references the evaluation criteria set forth in NMCWD Rule 10.1.

A variance is also required for any structures that do not meet a 35-foot setback from the delineated wetland edge. Abutments are considered a structure by the City. A 25-foot setback is required for any roadway from the delineated wetland edge. Section 11.2 includes a variance request for the locations that do not meet the setback requirement.

- MTA-MTA-11 (Minnetonka/Hopkins Bridge south abutment, no setback provided)
- MTA-MTA-12 (Minnetonka/Hopkins Bridge north abutment, no setback provided)
- MTA-MTA-08 (TPSS within wetland setback ranging between 15-55 feet).

Bren Road West is in close proximity to wetland MTA-MTA-07 however the 25-foot setback requirement is met. Additionally, the project is proposing to change the profile of Bren Road West, but not the alignment.
5 Stormwater Management

5.1 Summary of Stormwater Management Requirements

The NMCWD requirements are more stringent than the City of Minnetonka requirements for stormwater. Therefore the following section is based on compliance with NMCWD rules. For linear projects, NMCWD requires:

- **Volume Control:** Abstract 1.0" off net new impervious if creating more than one acre of impervious;
- **Rate Control:** Limit peak runoff rates for the 2-, 10-, and 100-year events to less than or equal to existing for all points of discharge that leave the site for rate control, and;
- **Water Quality:** Detention of runoff from the 2.5" storm event or treatment of runoff to at least 60% annual total phosphorus removal and 90% total suspended solids removal for water quality.

Redevelopment requirements for water quality and rate control are the same as the linear requirements above. The volume requirement is to abstract 1" off all new impervious is required.

5.2 Impacts

The trails, roads, and track must comply with linear requirements. The redevelopment requirements must be applied to the proposed Shady Oak Park and Ride.

Stations are also considered part of the linear corridor as they are located within the track and only result in a small increase in impervious surfaces (approximately 0.1 acre per station). There are two stations in Minnetonka - Opus Station and Shady Oak Station.

5.3 Compliance

Existing impervious surface acreage was generated from Color Infrared aerial photography and Normalized Difference Vegetation Index (NDVI) and digitized as necessary within the project limits of disturbance. Proposed impervious surfaces were digitized from proposed project linework. Exhibits displaying pervious and impervious surfaces for both existing and proposed conditions can be found in Appendix 1. The limits of disturbance shown on the exhibits in Appendix 1 are a conservative boundary used for the Environmental Impact Statement (EIS) analysis. The actual construction limit lines are represented on the Plan sheets.

Compliance with the volume control, rate control, and water quality requirements of the City of Minnetonka for both the redevelopment and linear portions of the project are described in the following subsections.

5.3.1 Volume Control

*BMP Design Summary*

Infiltration BMPs have been sized using the following design criteria and documents:
• Soil borings (see Appendix J, boring logs labeled by BMP location and ID) to estimate an infiltration rate based on the USDA soil classifications from the Minnesota Stormwater Manual guidance
• Maximum depth of BMP set to achieve 48 hour drawdown using the estimated infiltration rate
• For BMPs with a large tributary area, the Hennepin County Soil Survey was used to determine the applicable curve number based on hydrologic soil group (Soil Survey Maps in Appendix J)

Additional BMP design information to meet NMCWD/Minnetonka requirements:
• Plan sheets show the proposed BMP contours, outlet control structures and cross sections
• The Urban Design Volume 9 indicates the proposed vegetation
• Pretreatment upstream is provided in sump manhole structures
• Scarify 12” of existing soils below the proposed infiltration BMPs
• The bottom of all infiltration BMPs are at a minimum 3-feet above the seasonal groundwater elevation based on the soil borings (see Table E1 in Appendix E)

The following supporting documentation is provided related to compliance with Rule J:
• Appendix E includes specific sizing for each BMP based on the criteria listed above as well as allowable volume credits and ditch BMP calculations.
• Appendix D includes the drainage area maps for each of the BMPs and track ditch locations.
• Appendix J includes soil borings specific to BMP locations and soil survey data.
• Appendix P includes the Response Action Plan (RAP) exhibits. Phase 1 ESA, Phase II ESA, and Rapid Action Plan (RAP) are available for reference on the project’s website.
• Appendix R includes a sample of the Metro Transit maintenance document.

Soils within the project corridor are predominantly hydrologic soil group (HSG) D based on the soil borings, with a corresponding infiltration rate of 0.06 in/hr. Large footprint, shallow infiltration basins are proposed to meet the volume requirement and drawdown in the required 48 hour time period.

Additional discussion regarding the results of the Phase I and II ESA and RAP is provided later in this document.

**Linear Project**

Table 5.1 lists the existing, proposed, and net new impervious for the linear portion of the project.

**Table 5.1 – Minnetonka Linear Corridor Impervious Summary**

<table>
<thead>
<tr>
<th>Linear Areas</th>
<th>Existing Impervious (ac)</th>
<th>Proposed Impervious (ac)</th>
<th>Net (ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>LRT from Station 2206+00 to 2320+56 (Minnetonka W2)</td>
<td>-</td>
<td>8.4</td>
<td>8.4</td>
</tr>
<tr>
<td>LRT from Station 2335+00 to 2422+00 (Minnetonka W3)</td>
<td>-</td>
<td>6.4</td>
<td>6.4</td>
</tr>
<tr>
<td>Existing Impervious along track (Minnetonka only)</td>
<td>1.1</td>
<td>-</td>
<td>-1.1</td>
</tr>
</tbody>
</table>
Addition Width at Opus Station | 0.0 | 0.1 | 0.1 |
Opus South | 3.4 | 3.0 | -0.4 |
Opus North Station Roads | 3.2 | 3.2 | 0.0 |
Smetana Rd | 2.7 | 1.1 | -1.6 |
17th Ave Extension (LW 12)^ | 0.7 | 0.5 | -0.2 |
Total | 10.4 | 22.3 | 11.7 |

1) Based on average track width of 32-feet
2) Local Work (LW) is tentative and subject to change

The TH62 Tunnel is not included in the project as a net new impervious because it will not generate new runoff volume.

The required volume is one inch off net new impervious = 11.7 ac * 1 inch * 1/12 = 1.0 ac-ft

For the linear project, provided infiltration volume is listed in Table 5.2.

### Table 5.2 – Proposed BMP Volume

<table>
<thead>
<tr>
<th>BMP ID</th>
<th>Location</th>
<th>Infiltration Volume (ac-ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>Opus South</td>
<td>0.05</td>
</tr>
<tr>
<td>117</td>
<td>Yellow Circle Drive W</td>
<td>0.01</td>
</tr>
<tr>
<td>117A</td>
<td>Yellow Circle Drive E</td>
<td>0.01</td>
</tr>
<tr>
<td>119</td>
<td>Smetana Feltl</td>
<td>0.3</td>
</tr>
<tr>
<td>121</td>
<td>17th Ave Extension (LW 12)^</td>
<td>0^</td>
</tr>
<tr>
<td></td>
<td>Minnetonka Track Ditches</td>
<td>1.0</td>
</tr>
<tr>
<td><strong>Provided Volume</strong></td>
<td></td>
<td><strong>1.37</strong></td>
</tr>
</tbody>
</table>

1) See Table E2 and Check Dam Formula in Appendix E for ditch volume calculations and track ditch BMP exhibits in Appendix D
2) Local Work (LW) is tentative and subject to change
3) BMP 121 provides bioretention and not infiltration due to existing soil and groundwater contamination

The 1.37 ac-ft of provided volume exceeds the 1.0 ac-ft required.

Linear BMPs have been located strategically to take advantage of well-draining soils and, as feasible, upstream of high quality waterbodies. It is not feasible with a linear project in a highly impervious linear corridor to locate infiltration BMPs at all storm sewer outfalls.

The City of Minnetonka allows for oversizing of BMPs for linear projects where it isn’t feasible to meet the abstraction requirement at every outfall. A maximum of 1-inch of impervious can be credited towards the infiltration requirement. Table E3 in Appendix E lists the maximum allowable infiltration volume credit for each of the proposed BMPs.
Linear Corridor Contamination

It was assumed that no infiltration can be provided in the ditch in the following locations due to Phase I and II ESA and RAP results that indicate soil and groundwater contamination:

- Track Station 2415+00 to 2441+50

Track ditches in the contaminated areas are proposed to be filtration to provide water quality treatment and rate control.

Smetana Feltl BMP 119

BMP 119, located in the southeast corner of Smetana Road and Feltl Road, will be constructed on an existing parcel where the building and parking lot will be removed. This location is ideal for a stormwater BMP as it is upstream of a large wetland complex and it is feasible to retrofit stormwater treatment for a large upstream tributary area (19.6 acres total, 10.0 acres impervious). Additionally, soil borings indicate sandy soils and good infiltration capacity.

As indicated in Table 5.2, the project is taking credit for 0.3 ac-ft of volume in the Smetana/Feltl BMP. The calculated credit is only for the portion of the SWLRT project and City right-of-way that is tributary to the BMP. NMCWD staff have indicated that agreements with private property owners are required if the project takes credit to meet its abstraction requirement for private property runoff. However, the actual infiltration volume provided in BMP 119 is 1.2 ac-ft. The BMP provides significant regional abstraction volume, rate control, and water quality treatment as retrofit for existing impervious surfaces.

Local Work 12

Local Work 12 includes the extension of 17^th Avenue between the Shady Oak Park and Ride and K-Tel Drive. The new impervious for the 17^th Avenue extension has been included in the stormwater calculations for providing rate control, water quality, and abstraction.

Redevelopment

The only redevelopment area within the City of Minnetonka is the Shady Oak Park and Ride, which straddles the municipal boundary with the City of Hopkins. As noted in Section 2.1, the TPSS sites will be constructed of a permeable surface and any proposed building runoff will discharge to the porous pavement and be infiltrated. Therefore, there is no increase in impervious at these sites. BMPs for the redevelopment area are provided within the redeveloped areas. However, it isn’t feasible to provide infiltration for the Shady Oak Park and Ride (a portion of which is in the City of Minnetonka) due to Phase I and II ESA results and the RAP indicate groundwater and soil contamination that preclude infiltration in these areas. The Phase I and II ESA and RAP are available on the project’s website.


Table 5.3 lists the proposed impervious, required volume and provided volume for each redevelopment area.

Table 5.3
Table 5.3 – Redevelopment Area Impervious Summary

<table>
<thead>
<tr>
<th>Redevelopment Areas</th>
<th>Existing Impervious (ac)</th>
<th>Proposed Impervious (ac)</th>
<th>Net (ac)</th>
<th>1&quot; Volume Required (ac-ft)</th>
<th>Provided Infiltration Volume (ac-ft)</th>
<th>Redevelopment area (ac)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opus Station Parking Lots¹</td>
<td>0.9</td>
<td>0.9</td>
<td>0.0</td>
<td>-</td>
<td>-</td>
<td>N/A</td>
</tr>
<tr>
<td>Shady Oak Park and Ride (East and West Parking Lots)</td>
<td>11.4</td>
<td>6.0</td>
<td>-5.4</td>
<td>0.5</td>
<td>0.00</td>
<td>11.9</td>
</tr>
<tr>
<td>TPSS *Pervious pavers used</td>
<td>0.0</td>
<td>0.7</td>
<td>0.0</td>
<td>-</td>
<td>-</td>
<td>0.7</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12.3</strong></td>
<td><strong>7.7</strong></td>
<td><strong>-5.4</strong></td>
<td><strong>0.5</strong></td>
<td><strong>0</strong></td>
<td><strong>12.6</strong></td>
</tr>
</tbody>
</table>

¹ No BMPs required – mill and overlay and restriping of parking lot do not trigger City rules.

No infiltration volume is provided for the Shady Oak Park and Ride or Local Work 12 based on the RAP guidance. However, as indicated previously, additional infiltration volume is provided in the linear corridor. The proposed Shady Oak Park and Ride pond provides water quality treatment and rate control for the new impervious associated with 17th Avenue and Shady Oak Park and Ride in compliance with the City of Minnetonka requirements.

The TPSS sites are porous pavement. A small building (15’x40’) is proposed on each site. Annual maintenance is limited for the porous pavement at the TPSS sites. Access of the TPSS pads is infrequent. So the typical road salt and sand that would collect in the surface is limited and therefore scheduled maintenance can be less frequent.

5.3.2 Rate Control

Event based hydrologic models were generated to represent the existing and proposed conditions based on the delineated drainage areas (Appendix D), which were created using available soil and land cover data, surveyed and LiDAR topography and existing storm sewer infrastructure. MnDOT Technical Memorandum No. 15-10-B-02 provides the criteria for determining precipitation depth and rainfall distribution (Appendix P). Based on this guidance, the following design parameters were used:

- NRCS Midwest Southeast (MSE) 3 rainfall distribution
- Minnesota NRCS Atlas 14 Hennepin County average rainfall depths (Table MN A2-1 from the National Engineering Handbook)

HydroCAD models were generated for each of the proposed BMPs and results are included in Appendix G.
The City of Minnetonka allows flexibility to meet the rate control requirement by waterbody for linear projects since it isn’t always feasible to construct BMPs at every outfall. Net new impervious area was calculated by NMCWD modeled subwatershed to address compliance with the waterbody scale rate control evaluation. Due to the size of the project and linear nature, a detailed evaluation of rate control was only completed for the subwatersheds with an increase in impervious surfaces within the project limits of disturbance. **Table F in Appendix F** lists the net new impervious by subwatershed; subwatersheds with an increase are highlighted red. The subwatersheds correspond with NMCWD hydrologic/hydraulic (H/H) model. The increase in impervious percentage is typically less than 0.1% per subwatershed. **Appendix F** includes exhibits of all the subwatersheds with an increase in impervious surfaces.

- Yellow highlights depict subwatersheds with an increase in impervious
- Green hatching depicts existing impervious converted to pervious
- Orange hatching depicts existing pervious surfaces converted to impervious

In general, the project limits of disturbance (LOD) represent a small percentage of the NMCWD and RPBCWD modeled subwatersheds.

The proposed track results in the majority of the net new impervious surfaces. A curve number of 98 was used for ballasted track based on the gradation of the gravel subballast. The last column in **Table F** describes the method for addressing the proposed increase in impervious for each subwatershed. Existing and proposed discharge comparison is provided in **Table E1 in Appendix E**.

HydroCAD model printouts for each of the proposed BMPs are included in **Appendix G**.

5.3.3 Water Quality

The water quality requirement is met through the BMPs described in **Section 5.2.1** and listed in the table in **Appendix E. Table 5.4** lists the water quality treatment of each BMP. P8 modeling was used to estimate TP/TSS removal efficiencies where required (see **Appendix H** for P8 model results).

**Table 5.4 - Water Quality Summary**

<table>
<thead>
<tr>
<th>BMP ID #</th>
<th>Location</th>
<th>TP Removal Efficiency (%)</th>
<th>TSS Removal Efficiency (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>116</td>
<td>Opus South</td>
<td>54.8</td>
<td>78.5</td>
</tr>
<tr>
<td>117</td>
<td>Yellow Circle Dr W</td>
<td>67.1</td>
<td>85.6</td>
</tr>
<tr>
<td>117A</td>
<td>Yellow Circle Dr E</td>
<td>86.2</td>
<td>94.1</td>
</tr>
<tr>
<td>119</td>
<td>Feltl Smetana</td>
<td>93.2</td>
<td>98.3</td>
</tr>
<tr>
<td>120</td>
<td>Shady Oak P&amp;R</td>
<td>60.2</td>
<td>90.2</td>
</tr>
<tr>
<td>121</td>
<td>17th Ave Extension (LW 12)</td>
<td>62.8</td>
<td>91.7</td>
</tr>
</tbody>
</table>
1) Water quality sizing calculations for the OMF are included in Appendix H. However, since the BMPs collectively treat the entire runoff from a 2.5" rainfall event, individual TP/TSS removal efficiencies were not directly computed.

2) Local Work (LW) is tentative and subject to change.

As indicated in Table 5.4, the project meets the City requirement for 60% total phosphorus removal and 90% total suspended solids removal.

It is important to note that the proposed track has very different pollutant runoff characteristics in comparison to a typical road. The track does not require chlorides during the winter and therefore will not increase chloride loads to downstream waterbodies. Additionally, the TP and TSS loads generated by the track are negligible. Both the Draft Environmental Impact Statement (DEIS) and the Supplemental Draft Environmental Impact Statement (SDEIS) indicate the track related pollutants are minimal since the trains are electric.

**Opus South BMP 116**

Each of the BMPs meets or exceeds NMCWD water quality requirements, except BMP 116 at Opus South. This BMP receives runoff from the existing trunk storm sewer through a splitter structure. The BMP footprint is the maximum feasible within the space available. However, due to site constraints and poorly draining soils, it isn’t feasible to fully retrofit water quality treatment for this area. The BMP provides significant benefit in comparison to existing conditions which discharge directly to the downstream wetland with no water quality treatment.

### 6 Erosion and Sediment Control

#### 6.1 Summary of Erosion and Sediment Control Requirements

An erosion and sediment control plan is required to minimize disturbance intensity and protect stormwater facilities with erosion and sediment control practices. Site stabilization, inspection and maintenance are required until vegetative cover is established.

#### 6.2 Compliance

Temporary erosion and sediment control plans are included in Volume 8. Permanent stabilization is shown in Urban Design Volume 9. Division S of the specification includes additional erosion and sediment control requirements. The SWPPP narrative is included in Appendix K.

### 7 Waterbody Crossings and Structures

#### 7.1 Summary of Waterbody Crossings and Structures

NMCWD requires compliance with Rule 6 for replacement, removal or construction of any structure within a waterbody.
7.2 Impacts
There is one bridge with either abutments or piers within waterbodies, Minnetonka/Hopkins Bridge.

7.3 Compliance
This section lists compliance with the criteria outlined in Section 6.3 of NMCWD Rule 6.

- At both abutments the existing flood storage of the waterbodies is maintained or increased by proposed project improvements. Therefore, there is no impact to the hydraulic capacity or high water level due to the bridge abutments or piers within the waterbodies.
- The bridge abutments are located within existing wetlands that do not have navigational capacity and therefore this item does not apply.
- Erosion and sediment control measures are indicated on the plan sheets.
- The proposed design of a bridge structure over the wetlands significantly reduces wetland and floodplain impacts from a traditional fill construction for the proposed track.

8 Appropriation of Public Surface Waters

8.1 Summary of Appropriation of Public Surface Waters
A permit is required to appropriate more than 10,000 gallons per day and up to 1,000,000 gallons per year of water for nonessential use from a public water basin or wetland or watercourse within the NMCWD. An appropriation permitted under this rule must not materially alter the hydrologic regime in a basin or watercourse.

8.2 Impacts and Compliance
No permanent water appropriations are expected as a part of the project. Temporary water controls during construction are the responsibility of the contractor as outlined on the temporary erosion and sediment control plans, SWPPP, and specification. Temporary water control may be needed at MTA-MTA-11, and MTA-MTA-12 to construct the proposed LRT bridges. Temporary water control may also be required at NM-HOP-13 for construction of the OMF. As noted on the temporary erosion and sediment control plans, the contractor must submit a temporary water removal plan for review and approval prior to starting construction.

9 Landscape Plan
The Urban Design Volume 9 indicates the proposed landscaping plan for the project.

10 Hydraulics
Proposed storm sewer was sized for the 10-year, 24-hour rainfall event using Atlas 14 Intensity Duration Frequency (IDF) curves from MnDOT for Hennepin County (Appendix Q). The proposed storm sewer was also sized for capacity for the 100-year ponded outflow from Hydrocad models.
and the NMCWD hydrologic/hydraulic model output as needed. See Appendix M for pipe capacity calculations.

Our storm sewer calculations indicate that the existing 36" storm sewer in the south part of Opus from structure 5126-ST to 5155-ST is under capacity. The plans indicate replacing a segment of this pipe with 42" storm sewer; however, the calculations still indicate that the pipe will be surcharged for the 10-year event. The project is connecting to the existing 42" storm sewer at structure 5155-ST and the capacity of the storm sewer is controlled by the capacity of the existing system. It is not within the project scope to address the existing under capacity system. However, proposed BMP 116 will provide some rate restriction and there is a net reduction in impervious surfaces in this area. The NMCWD hydrologic/hydraulic model indicates that the surcharge elevation in the existing storm sewer is approximately 909.1 for the 100-year event. Existing ground elevation ranges from 906 to 910. If the pipe is surcharged, the existing overflow routes through the pedestrian underpasses are provided and there is no risk to properties.

11 Variance Requests

Three variance requests are required for the SWLRT project:

- Wetland buffer area and width
- Bridge abutments in the wetland buffer
- Floodplain setback requirement

The following subsections provide justification for the variance requests using NMCWD evaluation criteria set forth in Rule 10.1. A separate variance application will be submitted to NMCWD.

11.1 Wetland Buffer Area and Width Requirement

**Justification 10.1.1**

All wetlands are located within fully-developed areas of Eden Prairie, Minnetonka, and Hopkins. The nature of the project (federally funded linear transportation project) only allows for modifications to land within the existing and proposed right-of-way and permanent easements of the project. The SWLRT right-of-way and permanent easements have been maximized to the extent available. In order to provide the required buffer areas, Metro Transit would have to purchase additional right-of-way from surrounding private properties, which:

- Does not satisfy the Purpose and Need of a Federal Transit Authority funded project;
- Results in undue hardship on the surrounding private properties and businesses; and
- Results in additional fill into the wetlands.

**Justification 10.1.2**

As indicated in Table 4.3, the buffers are not able to meet the required areas due to a lack of available right-of-way. Many of the wetlands lie partially within private property and have no existing buffers. Acquiring this right-of-way would result in the acquisition of additional private property and, in some areas, may require relocation of businesses, parking lots and roadways.
would create an undue hardship on those property owners, and therefore the Metro Transit requests that the proposed buffer widths be approved as proposed in the plans.

**Justification 10.1.3**
The buffers that are provided will be seeded with native vegetation and will be maintained according to the requirements of Rule 3.4. Much of the runoff throughout the project area will be directed to the storm sewer and treated to meet NMCWD water quality treatment standards prior to being discharged into the wetlands. Under existing conditions, no water quality treatment is provided for the existing impervious prior to discharging to these wetlands. As a result, the lesser buffer areas proposed will not adversely affect the water quality of the wetlands which they surround. These buffers also will not negatively affect flood elevations, drainage, or the general welfare of the district.

**Justification 10.1.4**
In order to meet the buffer requirements, Metro Transit would have to either:

- Acquire additional right-of-way or permanent easements on adjacent private properties. This could potentially result in the relocation of properties in some areas, and would overall result in undue hardship to the property owners involved.
- Create additional area to provide buffers by filling into the wetlands. This alternative would require additional mitigation for wetland impacts, and would reduce the overall quality of the water resources in the area. It is also anticipated that this could result in increases in the flood elevations of these basins.
- Create additional area to provide buffers by removing the existing roadways adjacent to the wetlands. This alternative is not considered feasible due to the existing development and transportation needs of the area.

### 11.2 Bridge Abutments in Wetland Buffers

**Justification 10.1.1**
The Minnetonka/Hopkins Bridge was designed in part to reduce wetland and floodplain impacts. Bridge abutment locations were set based on the required track alignment, profile, and geometry along with structural requirements and to minimize wetland impacts. Shifting the abutments outside the buffer is not possible given the many track geometric constraints.

**Justification 10.1.2**
The project would need to raise the rail profile to shift the abutment out of the wetland buffer which would increase the disturbance limits and potentially increase temporary and permanent construction easements; which would impact adjacent properties.

**Justification 10.1.3**
Placing the abutments in the buffer does not result in an increase in the high water level of the wetlands. The compensatory storage to be constructed with the SWLRT project increases the flood storage of the wetlands where the abutments are located. There is no adverse impact to the high water level, flood levels, or drainage patterns. Additionally, the project proposes to maximize the
buffer for these wetlands in the proposed right-of-way. Under existing conditions, there is no buffer for these wetlands.

**Justification 10.1.4**
Extending the bridges past the wetland buffer would require the project to incur significant additional cost for the bridge extension, additional right-of-way and permanent easements, and to raise the proposed walls at the end of the bridges. The abutment footprint represents a small impact in relation to the proposed wetland buffers. Therefore, it isn't warranted to incur significant additional cost and potential for additional land disturbance and easement acquisition to extend the bridge abutment past the wetland buffers.

### 11.3 Bridge Abutments within Floodplain Setback

**Justification**
The abutments of the Minnetonka/Hopkins bridge do not comply with the 10-foot setback to the floodplain requirement described in City of Minnetonka Floodplain Ordinance 300.24. The Minnetonka/Hopkins Bridge was designed in part to reduce wetland and floodplain impacts. Bridge abutment locations were set based on the required track alignment, profile, and geometry along with structural requirements and to minimize wetland impacts. Shifting the abutments outside the floodplain elevation is not possible given the many track geometric constraints.

- Bridges are an acceptable conditional use per Minnetonka Floodplain Ordinance if there is low damage potential and they do not obstruct flows. The abutments have been designed to withstand any hydrostatic pressure that might occur during high water levels. The top of rail elevation is significantly above the floodplain elevation and complies with the Minnetonka freeboard requirement. The abutments are not located in an area that would disrupt the flow path of the waterbody. The existing outlets will be maintained and floodplain mitigation is provided in a ratio of 1:1.
- Erosion and sediment control measures have been provided at each abutment location. The abutments are also located in wetland buffers and appropriate native vegetation will be used at the locations to restore the area.
- Floodplain impacts for the abutments are proposed to be mitigated as shown in Appendix A. The floodplain mitigation is proposed in areas that are already disturbed by the project and therefore will result in no new tree or wetland impacts.
- The project would need to raise the rail profile to shift the abutment out of the floodplain which would increase the disturbance limits and potentially increase temporary and permanent construction easements; which would impact adjacent properties.
- Extending the bridges past the floodplain elevation would require the project to incur significant additional cost for the bridge extension, additional right-of-way and permanent easements, and to raise the proposed walls at the end of the bridges. The abutment footprint represents a small impact in relation to the proposed floodplain. Therefore, it isn't warranted to incur significant additional cost and potential for additional land disturbance and easement acquisition to extend the bridge abutment past the floodplain.
LANDSCAPING INFORMATION
Natural Resource Items
SWLRT
Natural Resource Items
OPUS HILL LANDSCAPE ENLARGEMENT 1

SCALE: 1" = 10'-0"

OPUS HILL LANDSCAPE ENLARGEMENT 2

SCALE: 1" = 10'-0"

CIVIL - VOLUME 9
OPUS HILL - OPENING DAY
LANDSCAPE ENLARGEMENT PLAN

AECOM

SWLRT
Natural Resource Items
OPUS HILL LANDSCAPE ENLARGEMENT 3
SCALE: 1"=10'-0"

OPUS HILL LANDSCAPE ENLARGEMENT 4
SCALE: 1"=10'-0"

CIVIL - VOLUME 9
OPUS HILL - OPENING DAY
LANDSCAPE ENLARGEMENT PLAN
EXHIBIT - 04/23/16

A79
Natural Resource Items
Note:
1. Adjust tree locations to retain existing trees east of station.

Water MH depth to invert = 23 Ft
San MH depth = 12.0 Ft
San MH depth = 13.4 Ft

Water MH depth to invert = 13 Ft
WM depth at casing = 11 Ft
WM under San - depth = 14 Ft

Valve depth = 7 Ft

Natural Resource Items
San MH depth = 12.1 Ft

WM depth at Valve = 7 Ft

WM depth at casing = 16 Ft
LIMITS OF DISTURBANCE

VIEW LOOKING NORTHWEST AT STATION # 2360+00 - AT OPENING DAY

OPUS HILL

May 6th, 2016
VIEW LOOKING NORTHWEST AT STATION # 2360+00 - AT YEAR # 10

OPUS HILL

May 6th, 2016

SOUTHWEST AECOM SRF

Natural Resource Items
VIEW LOOKING WEST AT STATION # 2360+00 - AT MATURITY (YEAR 25)

OPUS HILL

May 6th, 2016

DRAFT - WORK IN PROCESS

SOUTHWEST

AECOM

SRE

SWLRT

Natural Resource Items
VIEW LOOKING NORTHWEST AT STATION # 2365+00 - AT OPENING DAY

OPUS HILL

May 6th, 2016
VIEW LOOKING NORTHWEST AT STATION # 2365+00 - AT YEAR # 10

OPUS HILL

May 6th, 2016

A88

SWLRT
Natural Resource Items
VIEW LOOKING NORTHWEST AT STATION # 2365+00 - AT MATURITY (YEAR 25)

OPUS HILL

May 6th, 2016

DRAFT - WORK IN PROCESS

SOUTHWEST

AECOM

SRE

Natural Resource Items
VIEW LOOKING NORTHWEST AT STATION # 2370+00 - AT YEAR # 10

OPUS HILL

May 6th, 2016

A91

SWLRT
Natural Resource Items
VIEW LOOKING NORTHWEST AT STATION # 2370+00 - AT MATURITY (YEAR 25)

OPUS HILL

May 6th, 2016

SOUTHWEST

AECOM

SRE

Natural Resource Items
ELEVATION LOOKING SOUTH AT STATION # 2365+00 - AT OPENING DAY

OPUS HILL

May 6th, 2016

A93

Natural Resource Items
Ordinance and Resolutions
Ordinance No. 2016-

An ordinance removing area from the wetland overlay district to accommodate construction of the Southwest Light Rail Transit line

The City Of Minnetonka Ordains:

Section 1.

1.01 2.99 acres of wetland are hereby removed from the wetland overlay zoning district. This action is based on the following findings:

1. The removal of the area from the overlay district is required to accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka.

2. The removal of the area would not compromise the public health, safety, and welfare.

3. The removal of area would be consistent with the intent of the code and the comprehensive plan.

   a) The SWLRT line will provide a transportation alternative to residents, employees, and visitors to the region and, as such, contribute toward the greater public good.

   b) The area removed from the overlay district will be mitigated through purchase of a compensatory amount and value of wetland banking credits.

Section 2.

2.01 The areas to be removed from the overlay district are depicted on Exhibit A of this resolution.
Section 3.

3.01 This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: August 8, 2016
Date of adoption: August 22, 2016
Motion for adoption: 
Seconded by: 
Voted in favor of: 
Voted against: 
Abstained: 
Absent: 
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on August 22, 2016.

David E. Maeda, City Clerk

Date:
Exhibit A

SOUTHWEST LRT
WCA Regulated Aquatic Resource Impacts
MapBook

LPA- 6
Rev 00.00
4/6/2016
Sheet 6 of 15

A101
Natural Resource Items

NM-HOP-16
Type 50
0 sf (Permanent)
0 sf (Temporary)

**Non-WCA Regulated Channel**
Resolution No. 2016-

Resolution approving a wetland and floodplain alteration permit to accommodate construction of the Southwest Light Rail Transit line

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

Section 1. Background.

1.01 To accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka, the following alteration will occur:

- Temporary alteration of 1.24 acres of wetland;
- 1,180 cubic yards of 100-year floodplain fill; and
- 1,582 cubic yards of 100-year floodplain excavation/creation.

1.02 The areas to be altered are depicted on Exhibit A of this resolution.

1.03 On August 4, 2016, the planning commission held a hearing on the proposed alteration. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the permit and wetland replacement plan.

Section 2. General Standards.

2.01 By City Code §300.23 Subd.10(c), alteration of land within a wetland overlay district will only be allowed if the wetland and its buffer are provided in an amount compensatory to that being altered and that, unless otherwise approved by the city council, compensatory wetland area and its buffer is provided within the same subwatershed district as the wetland being altered.

2.02 City Code §300.23 Subd.10(d), states that in determining the appropriateness of wetland alteration, the city will consider certain factors
including but not limited to the size of the total watershed district, the magnitude of the area proposed for alteration, the impact on the overall function and value of the wetland and such other factors that provide the maximum feasible protection to wetlands. These factors are incorporated by reference into this resolution.

2.03 City Code §300.24 Subd. 9(c), states that in reviewing floodplain alteration permits, the city will consider whether certain general standards are met. These standards are incorporated by reference into this resolution.

2.04 City Code §300.24 Subd. 9(d), states that an alteration permit will not be granted unless certain specific standards are met. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed wetland alteration would meet the intent of City Code §300.23 Subd.10. Approximately 1.24 acres of wetland will be altered, and per the Minnesota Interagency Water Resource Application dated May 6, 2016, a detailed restoration and monitoring plan for each temporary impact location will be submitted for review and approval of the city prior to construction. This restoration and monitoring plan will ensure that the functions and values of the wetlands will be restored to the pre-project conditions.

3.02 The proposed floodplain alteration would meet the general standards outlined in City Code §300.24 Subd. 9(c):

1. The alteration area would be relatively small given the large floodplain area within the transit corridor.

2. The alteration would not increase buildable area of properties.

3. The alteration would not negatively impact the hydrology of the floodplain, given the small area of fill relative to the larger area.

4. The floodplain mitigation area would not negatively impact adjacent properties.

5. The alteration would meet the intent of the city’s water resources management plan and the zoning ordinances.

6. The alteration would not adversely impact governmental facilities, utilities, services or existing or proposed public improvements.
7. The alteration would not have an undue adverse impact on the public health, safety or welfare.

3.03 The proposed floodplain alteration would meet the specific standards outlined in City Code §300.24 Subd. 9(d):

1. Adequate water storage would be maintained and provided in an amount at least equal to that filled.

2. No floodplain would be filled for the purpose of creating buildable area.

3.04 A Technical Evaluation Panel (TEP) has evaluated the proposed wetland alterations and the TEP found the temporary impacts and proposed restoration to be acceptable.

3.05 The Federal Transit Authority has issued a Record of Decision finding that as designed the SWLRT line complies with all relevant federal environmental requirements.

Section 4. City Council Action.

4.01 The above described wetland and floodplain alteration permit is hereby approved based on the findings outlined in section 3 of this resolution.

4.02 Approval is subject to the following conditions:

1. Subject to staff approval, the alteration must occur in substantial conformance with Exhibit A of this resolution and as described in the Minnesota Interagency Water Resource Application dated May 6, 2016.

2. Metro Transit must provide wetland monitoring reports, annually, for a period of five years or until the city accepts the restored wetlands as complying with the functions and values of pre-project conditions.

3. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.

4. Prior to issuance of a construction permit:
   a) The SWLRT project must receive funding approval.
b) Negotiated application fees must be paid.

c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka must be submitted for staff review.

5. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

__________________________
Terry Schneider, Mayor

Attest:

__________________________
David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 22, 2016.

__________________________
David E. Maeda, City Clerk
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPS MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPS MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATERWETLAND.

WETLAND IMPACTS:
MTA-MTA-06:
- 3.43 SF (PERMANENT)
- 0 SF (TEMPORARY)

MTA-MTA-07:
- 2.456 SF (PERMANENT)
- 5.595 SF (TEMPORARY)

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

SOUTHWEST LIGHT RAIL

MTA-MTA-06 is not regulated by WCA

Non-WCA Regulated Basin (Incidental)
1. **NOTES**
   - All streets in and adjacent to the project shall remain clean and passable at all times. Any sediment or debris shall be removed within 24 hours, or as often as needed to ensure public safety.
   - Stabilization of disturbed areas shall be done by permanent turf establishment whenever possible.
   - In the event that permanent stabilization cannot be implemented within 7 days after construction activity in the disturbed area has ceased, temporary stabilization BMPs must be scheduled to occur within that 7 day time frame.
   - Perimeter control must be in place and approved by the engineer.
   - Floating silt curtain shall be installed as close to the shoreline as possible.
   - The contractor must provide a redundant sediment control BMP when work is within 50 ft of a surface water wetland.

2. **RESTORATION**
   - 1. Restore to existing conditions
      - Use seed mix 548-181 @ 5 lbs/acre
   - 2. Place erosion control blanket on exposed slopes adjacent to all wetland areas

---

**WETLAND IMPACTS:**
- 3TST (PERMANENT)
- 3TST (TEMPORARY)

**LEGEND:**
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOATING SILT CURTAIN
- SILT FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- SPRAY

**SOUTHWEST LIGHT RAIL**

**WETLAND IMPACT**

**MTA-MTA-08**

**SHEET 18 OF 26**

**A108 SWLRT**

Natural Resource Items
1. All streets in and adjacent to the project shall remain clean and passable at all times. Any sediment or debris shall be removed within 24 hours, or as often as needed to ensure public safety.
2. Stabilization of disturbed areas shall be done by permanent turf establishment whenever possible.
3. In the event that permanent stabilization cannot be implemented within 7 days after construction activity in the disturbed area has ceased, temporary stabilization BMPs must be scheduled to occur within that 7-day timeframe.
4. Perimeter control must be in place and approved by the engineer.
5. Floating silt curtain shall be installed as close to the shoreline as possible.
6. The contractor must provide a redundant sediment control BMP when work is within 50 ft of a surface water/wetland.

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOATING SLIT CURTAIN
- TURF REINFORCEMENT MAT
- RIPRAP
- RESTORATION:
  1. Restore to existing conditions
  2. Place erosion control blanket on exposed slopes adjacent to all wetland areas

Natural Resource Items
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR
DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION
ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPs MUST BE SCHEDULED TO OCCUR WITHIN
THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE
WATER/WETLAND.

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOATING SILT CURTAIN
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS

DRAFT-WORK IN PROGRESS

SOUTHWEST LIGHT RAIL
MTA-MTA-11 (1 OF 2)
SHEET 20 OF 26

REV: 4
DATE: 01/22/2016
ID #: 27

MTA-MTA-11 (SOUTH)

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS

Natural Resource Items
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPS MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

WETLAND IMPACTS:
21,558 SF (PERMANENT)
81,596 SF (TEMPORARY)

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- FLOWING SILT CURTAIN
- FILTER LOG
- DELINATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS
   USE SEED MIX 34-181 @ 5 LBS/ACRE
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS

DRAFT-WORK IN PROCESS

SOUTHWEST LIGHT RAIL
SOUTH WILLOW RAILWAY
WETLAND IMPACT
MTA-MTA-11 (2 OF 2)
SHEET 21 OF 26

REV: 4
DATE: 01/22/2016
ID #: 28

AECOM

Natural Resource Items
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPS MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
3. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
4. FLOATING SILT CURtain SHALL BE INSTALLED AS close TO THE SHORELINE AS POSSIBLE.
5. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS USE SEED MIX 34-181 @ 5 LBS/ACRE
2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPS MUST BE SCHEDULED TO OCCUR WITHIN THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS close TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE WATER/WETLAND.

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETAINING WALL
- FLOATING SILT CURTAIN
- FILTER LOG
- Delineated Wetland
- Turf Reinforcement Mat
- Riprap

EXHIBIT A

SOUTHWEST LIGHT RAIL
WETLAND IMPACT
NM-HOP-13
SHEET 22 OF 26

REV. 4
DATE: 01/22/2016
ID #: 30
A112

Natural Resource Items
NOTES:
1. ALL STREETS IN AND ADJACENT TO THE PROJECT SHALL REMAIN CLEAN AND PASSABLE AT ALL TIMES. ANY SEDIMENT OR
   DEBRIS SHALL BE REMOVED WITHIN 24 HOURS, OR AS OFTEN AS NEEDED TO ENSURE PUBLIC SAFETY.
2. STABILIZATION OF DISTURBED AREAS SHALL BE DONE BY PERMANENT TURF ESTABLISHMENT WHENEVER POSSIBLE.
3. IN THE EVENT THAT PERMANENT STABILIZATION CANNOT BE IMPLEMENTED WITHIN 7 DAYS AFTER CONSTRUCTION
   ACTIVITY IN THE DISTURBED AREA HAS CEASED, TEMPORARY STABILIZATION BMPS MUST BE SCHEDULED TO OCCUR WITHIN
   THAT 7 DAY TIME FRAME.
4. PERIMETER CONTROL MUST BE IN PLACE AND APPROVED BY THE ENGINEER.
5. FLOATING SILT CURTAIN SHALL BE INSTALLED AS CLOSE TO THE SHORELINE AS POSSIBLE.
6. THE CONTRACTOR MUST PROVIDE A REDUNDANT SEDIMENT CONTROL BMP WHEN WORK IS WITHIN 50 FT OF A SURFACE
   WATER/WETLAND.

WETLAND IMPACTS:
141 SF (PERMANENT)
23,000 SF (TEMPORARY)

LEGEND:
- IMPACTS (PERMANENT)
- IMPACTS (TEMPORARY)
- CONSTRUCTION LIMITS
- RETURNING WALL
- FLOATING Silt FENCE
- Silt FENCE
- FILTER LOG
- DELINEATED WETLAND
- TURF REINFORCEMENT MAT
- RIPRAP
- RESTORATION:
  1. RESTORE TO EXISTING CONDITIONS
  2. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS

RESTORATION:
1. RESTORE TO EXISTING CONDITIONS
2. USE SEED MIX 34-181 @ 5 LBS/ACRE
3. PLACE EROSION CONTROL BLANKET ON EXPOSED SLOPES ADJACENT TO ALL WETLAND AREAS

MTA-MTA-12

SOUTH WEST LIGHT RAIL
WETLAND IMPACT
MTA-MTA-12
SHEET 23 OF 26

A113
Natural Resource Items
Resolution No. 2016-

Resolution approving wetland, wetland buffer, and floodplain variances to accommodate construction of the Southwest Light Rail Transit line

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

Section 1. Background.

1.01 To accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka, the following variances are required:

<table>
<thead>
<tr>
<th>Item Requiring a Variance</th>
<th>Required</th>
<th>Proposed**</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wetland Rail Line</td>
<td>25 foot setback</td>
<td>1 foot</td>
</tr>
<tr>
<td>Wetland Bridge Abutments</td>
<td>35 foot setback</td>
<td>1 foot</td>
</tr>
<tr>
<td>Wetland Transit Power Substation</td>
<td>35 foot setback</td>
<td>15 feet</td>
</tr>
<tr>
<td>Wetland Trails</td>
<td>25 foot setback</td>
<td>2 feet</td>
</tr>
<tr>
<td>Wetland Buffer Rail Line</td>
<td>25 foot buffer</td>
<td>5 feet</td>
</tr>
<tr>
<td>Wetland Buffer Bridge Abutments</td>
<td>25 foot buffer</td>
<td>1 foot</td>
</tr>
<tr>
<td>Wetland Buffer Transit Power Substation</td>
<td>25 foot buffer</td>
<td>15 feet</td>
</tr>
<tr>
<td>Wetland Buffer Trails</td>
<td>25 foot buffer</td>
<td>11 feet</td>
</tr>
<tr>
<td>Floodplain Rail Line</td>
<td>10 foot horizontal setback</td>
<td>0 feet</td>
</tr>
<tr>
<td>Floodplain Bridge Abutments</td>
<td>10 foot setback</td>
<td>0 feet</td>
</tr>
</tbody>
</table>

** Varies within the corridor. Proposed numbers are minimums.

1.02 Minnesota Statute §462.357 Subd. 6, and City Code §300.07 authorizes the city to grant variances.
1.03 On August 4, 2016, the planning commission held a hearing on the proposal. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the variances.

Section 2. Standards.

2.01 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 variances associated with construction of the SWLRT line would meet the variance standard as outlined in City Code §300.07 Subd. 1:

1. Purpose and Intent of the Ordinance. The intent of wetland, wetland buffer, and floodplain standards is to recognize, preserve and protect the city's water resources to the maximum extent possible while allowing reasonable use of property. The proposed variances meet this intent. The area of variances would be relatively small given the large areas of water resources within the transit corridor and the variances would not negatively impact the hydrology of the resources.

2. Consistency with the Comprehensive Plan. One of the primary transportation goals of the comprehensive plans to provide and promote convenient and accessible transportation systems to residents and employees of Minnetonka business. The proposed variances are consistent with this goal, as they would allow for construction of a regional transit line.

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

a) Reasonableness and Unique Circumstances: The proposed variances are required to accommodate a regional transit line.
Given the amount and location of wetlands and floodplain areas in Minnetonka, it is unlikely that a transit line could be constructed that both meets the community’s locational preferences and all wetland and floodplain standards. Given this unique circumstance, the requested variances are reasonable.

b) Character of Locality: While construction and operation of the SWLRT line will have some impact on areas surrounding the transit corridor, the requested variances themselves will not.

Section 4. City Council Action.

4.01 The above-described variances are hereby approved, subject to the following conditions:

1. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.

2. Prior to issuance of a construction permit:
   a) The SWLRT project must receive funding approval.
   b) Negotiated application fees must be paid.
   c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka must be submitted for staff review.

3. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

Attest:
Resolution No. 2016-

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on August 22, 2016.

David E. Maeda, City Clerk
Resolution No. 2016-

Resolution approving a conditional use permit for impervious trails within wetland buffers in and around the Southwest Light Rail Transit line

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

Section 1. BACKGROUND.

1.01 To accommodate construction of that portion of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka, several impervious trails would be relocated. Small sections of some of these relocated trails would be situated within wetland buffer areas.

1.02 By City Code §300.23 Subd.7 impervious trails are allowed in wetland buffers only by conditional use permit.

1.03 On August 4, 2016, the planning commission held a hearing on the application. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.26 Subd.2 and Subd.3 outline general and specific standards that must be met for granting of conditional permits within the wetland overlay district. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed trails would meet all minimum conditional use permit standards outlined in City Code §300.26.

1. The impervious trails would:
a) Be consistent with the goals, policies and objectives of the comprehensive plan and city ordinances. The uses would allow for public enjoyment of the city's natural resources.

b) Have a low flood damage potential and only minimal interference with wetland buffer vegetation.

2. The proposed trails would not:

a) Have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

b) Be inconsistent with the city's water resources management plan.

c) Have an undue adverse impact on the public health, safety or welfare.

d) Adversely impact the water quality of bodies receiving runoff entering wetlands, floodplain or shoreland areas.

e) Adversely affect the minimum required water storage capacity as defined in the water resources management plan.

f) Be designed for human habitation or be serviced with public utilities.

g) Include any electrical or heating equipment or the storage of materials which are flammable, explosive or otherwise dangerous to human, animal or plant life;

Section 4. City Council Action.

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

1. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.

2. Prior to issuance of a construction permit:

a) The SWLRT project must receive funding approval.
b) Negotiated application fees must be paid.

c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure with Minnetonka must be submitted for staff review.

3. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on August 22, 2016.

David E. Maeda, City Clerk

SEAL
Resolution No. 2016-
Resolution approving construction on a steep slope and tree removal required to accommodate construction of the Southwest Light Rail Transit Line

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

Section 1. Background.

1.01 Roughly two miles of the Southwest Light Rail Transit (SWLRT) line will be located within the City of Minnetonka.

1.02 Portions of the line will be constructed within steep slopes, as defined by city code, and will result in removal trees located within woodland preservation areas and high priority and significant trees.

Section 2. Standards.

2.01 By City Code §300.28 Subd.20(b)(3), the city will approve construction/development within a steep slope only if certain standards are met. Those standards are incorporated by reference into this resolution.

2.02 By City Code §300.28 Subd.19(e)(5), the city council may approve the removal of trees located within woodland preservation areas and high priority and significant trees if it determines there is a greater public good.

Section 3. Findings

3.01 Construction of the SWLRT line would meet the standards as outlined in City Code §300.28 Subd.20(b)(3):

1. The transit line has been appropriately designed and sited with reference to steep slopes.

2. Construction of the transit line would not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate
3. Adequate measures to protect public safety would be employed during construction of the transit line.

3.02 While valuing trees as an important natural resource and component of the community, the city recognizes that trees must be removed to accommodate construction of the SWLRT line. The line will promote the public good by providing a transportation alternative to residents, employees, and visitors to the region.

Section 4. City Council Action.

4.01 Construction within steep slopes is hereby approved based on the findings outlined in section 3 of this resolution.

4.02 Removal within woodland preservation areas and high priority and significant trees is hereby approved based on the findings outlined in section 3 of this resolution.

4.03 These approvals are subject to the following conditions:

1. A construction permit is required. The permit will encompass right-of-way work, utility work, grading and erosion control, and physical construction of the rail line and appurtenance. No site work is allowed prior to issuance of this permit.

2. Prior to issuance of a construction permit:
   a) The SWLRT project must receive funding approval.
   b) Negotiated application fees must be paid.
   c) Acceptable ownership information and maintenance and operations agreements for all SWLRT property and infrastructure within Minnetonka must be submitted for staff review.

3. This approval will expire on December 31, 2017 unless a construction permit has been issued or the city has received and approved a request for extension of this approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on August 22, 2016.
Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

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

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a meeting held on August 22, 2016.

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
August 4, 2016

Brief Description
Ordinance regarding Temporary Family Health Care Dwellings

Recommendation
Recommend the city council adopt the ordinance opting-out of the state regulation

Background
In June 2016, the state’s Temporary Family Health Care Dwelling law passed. The intent of the law is to provide a short term, temporary housing option for people with a mental or physical impairment. Under the law:

1. A temporary family health care dwelling unit may be located on a property where a person’s “relative” or “caregiver” – as defined by state statute – resides.

2. A temporary family health care dwelling unit is one that:
   - Is no greater than 300 square feet in size;
   - Is not attached to a permanent foundation;
   - Meets minimum construction and accessibility standards; and
   - Has access to water and other utilities.

3. Temporary family health care dwelling units are considered permitted uses and may be occupied for up to six months, with a one-time six month renewal option.

4. Permits for temporary family health care dwelling units must be approved or denied within 15 days of application submittal if reviewed administratively or 30 days of application submittal if reviewed by the city council. The law specifically prohibits extension of this timeline.

5. Cities may “opt out” of the requirements of the law.

6. By September 1, 2016, cities must either: (1) adopt an ordinance “opting-out” of the law; or (2) be ready to accept and approve permits for temporary family health care dwelling units.
Proposed Ordinance

The City of Minnetonka has historically supported the provision of a variety of housing types, serving a variety of people, at a variety of income levels and stages of life. Advocacy for housing options can be found throughout the city’s comprehensive guide plan, zoning ordinance, and past approvals. In staff’s opinion, temporary dwelling units would expand the city’s housing options. However, staff finds that the recently adopted state law would not adequately reflect Minnetonka’s community values or expectations. The law would not necessarily increase housing options already available. Staff recommends the city adopt an ordinance “opting-out” of the specific state law and explore other options for temporary and/or accessory dwelling units, including:

- **#1: Existing Ordinance Standards.**
  Under the reasonable accommodation provisions of existing city ordinance, the community development director – in consultation with the city attorney – may approve temporary family health care dwelling units. This essentially “status quo” option would allow any individual with a mental or physical impairment to occupy a temporary dwelling unit following administrative review and approval.

- **#2: Temporary Accessory Dwelling Units.**
  Temporary accessory dwellings, such as “tiny houses” or “drop houses” that are not on a permanent foundation, could be approved as interim uses. In concept, a temporary accessory dwelling unit could be occupied by any person regardless of mental or physical ability or impairment. As do other interim uses, a temporary accessory dwelling unit would be subject to a variety of standards. While such standards have not been drafted, staff anticipates they would include reference to lot size, dwelling unit size, setbacks, and construction type. This option would require an amendment to the existing ordinance. Staff anticipates it could present such amendment by the end of the year.

- **#3: Permanent Accessory Dwelling Units.**
  Under the existing zoning ordinance, accessory apartments that are located within a single-family home are allowed by conditional use permit. A permanent accessory dwelling unit can be occupied by any person regardless of mental or physical ability or impairment. The existing ordinance could be amended to allow permanent accessory dwelling units – such as “tiny houses” on permanent foundation – to be located on the same lot, but separate from, a single-family home. As do other conditional uses, a permanent accessory dwelling unit would be subject to a variety of standards. While such standards have not been drafted, staff anticipates they would include reference to lot size, dwelling unit size, height, design, and setbacks. This option would require an amendment to the existing
Subject: Temporary Family Health Care Dwelling Units

ordinance. Staff anticipates it could present such amendment by the end of the year.

Staff Recommendation

1. Recommend the city council adopt ordinance opting-out of the requirements of Minnesota Statues, Section 462.3593. (See page A1–A2.)

2. Provide staff direction on the ideas outlined in #1, #2, and #3 above or any combination of these options.
Ordinance No. 2016-

An ordinance opting-out of the requirements of
Minnesota Statues, Section 462.3593

The City Of Minnetonka Ordains:

Section 1. On May 12, 2016, the legislation signed into law the creation and regulation of temporary family health care dwellings, codified at Minnesota Statutes §462.3593, which permit and regulate temporary family health care dwellings.

Section 2. Minnesota Statute §462.3593 Subd.9 allows cities to opt-out of the regulations.

Section 3. Pursuant to the authority granted by Minnesota Statutes §462.3593, the City of Minnetonka opts-out of the requirements of Minnesota Statutes §462.3593 for the following reasons:

1. By Minnetonka City Code §215.020, the community development director, in consultation with the city attorney, has the authority to consider and act on requests for reasonable accommodation, including the use of temporary family health care dwellings. As such, the statute does not necessarily increase housing options already available in the community.

2. State Statute §462.3593 does not adequate reflect community values and expectations. The city will evaluate other options for temporary or accessory dwelling units that are consistent with the community goal of providing of a variety of housing types, serving a variety of people, at a variety of income levels and stages of life.

Section 4. This ordinance is effective immediately.
Adopted by the city council of the City of Minnetonka, Minnesota, on August 22, 2016.

______________
Terry Schneider, Mayor
Attest:

______________
David E. Maeda, City Clerk

**Action on this ordinance:**

Date of introduction: July 25, 2016
Date of adoption: August 22, 2016
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 August 22, 2016.

______________
David E. Maeda, City Clerk
Minnetonka Planning Commission Meeting

August 4, 2016

Agenda Item 9

Other Business
MINNETONKA PLANNING COMMISSION  
August 4, 2016

<table>
<thead>
<tr>
<th>Brief Description</th>
<th>Concept Plan for Crest Ridge Senior Living at 10955 Wayzata Boulevard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Action Requested</td>
<td>Discuss the concept plan with the applicant. No formal action is required.</td>
</tr>
</tbody>
</table>

**Background**

The Opus Group has submitted a concept plan to develop the existing vacant property at 10955 Wayzata Boulevard. The 7-acre site is currently designated for office use in the 2030 Comprehensive Guide Plan. This designation reflects the existing master development plan which covers the subject property and the Syngenta site to the west.

The submitted plan contemplates construction of a four-story, senior rental building. The building would contain approximately 145 units; 75 independent units, 50 assisted living units, and 20 memory care units. The building would be served by both a surface parking lot and underground parking. (See pages A1–A12.)

**Review Process**

Staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.

- **Neighborhood Meeting.** A neighborhood meeting will be held on August 2, 2016. Staff will report highlights from that meeting at the planning commission meeting the following night.

- **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas, but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

- **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council
members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

Key Issues

Construction of the submitted plan would likely require: (1) comprehensive guide plan amendment; (2) an amendment to the existing master development plan; and (3) site and building plan review. City staff has identified the following key issues to be evaluated as part of these applications:

- **Proposed Land Use:** The implications of a land use change from office to high-density residential must be considered.

- **Site Design:** Other considerations of development include grading, tree preservation, utility connections, and driveway access. Engineering and natural resources analysis of these details would be needed.

Staff Recommendation

Staff recommends the planning commission provide comment and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
SUPPORTING INFORMATION

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application would be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city’s website. Through recent website updates: (1) staff can provide residents with ongoing project updates, (2) residents can “follow” projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on project; and (4) staff can review resident comments.

- **Neighborhood Meeting.** Prior to the planning commission meeting and official public hearing, an additional public meeting could be held with neighbors to discuss specific engineering, architectural and other details of the project, and to solicit feedback. This extends the timing that has historically been provided in advance of the planning commission review to allow more public consideration of the project specifics.

- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial Concept Plan Review meeting, and to provide direction about any refinements or additional issues they wish to be researched, and for which staff recommendations should be prepared.

- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.

- **City Council Action.** Based on input from the planning commission, professional staff and general public, the city council would take final action.

Roles and Responsibilities

- **Applicants.** Applicants are responsible for providing clear, complete and timely information throughout the review process. They are expected to be accessible to both the city and to the public, and to respect the integrity of the public process.

- **Public.** Neighbors and the general public will be encouraged and enabled to participate in the review process to the extent they are interested. However, effective public participation involves shared responsibilities. While the city has an obligation to provide information and feedback opportunities, interested residents are expected to accept the responsibility to educate themselves about the project
and review process, to provide constructive, timely and germane feedback, and to stay informed and involved throughout the entire process.

- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council’s consideration by carefully balancing the interests of applicants, neighbors, and the general public.

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.

- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.
Location Map

Project: OPUS Senior Housing
Address: 10955 Wayzata Blvd
Project No. 06071.16a
Crest Ridge Senior Living
Southeast quadrant of Hopkins Crossroad and I-394, Minnetonka, Minnesota

Project Team:
Owner/Developer
The Opus Group
10350 Bren Road West
Minnetonka, MN 55343
Contact: Matt Rauenhorst
Phone: 952-656-4444
Email: Mathew.Rauenhorst@opus-group.com

Architect of Record
Opus AE Group
10350 Bren Road West
Minnetonka, MN 55343
Contact: Ed Gschneidner, AIA, LEED AP
Phone: 763-843-0464
email: Ed.Gschneidner@opus-group.com

Design / Consulting Architect
Sperides Reiners Architects, Inc.
4200 West Old Shakopee Road
Bloomington, MN 55437
Contact: Eric A. Reiners, AIA
Phone: 952-996-9662
email: eric@sra-mn.com

Structural Engineer
Opus AE Group
10350 Bren Road West
Minnetonka, MN 55343
Contact: Ed Gschneidner, AIA, LEED AP
Phone: 763-843-0464
email: Ed.Gschneidner@opus-group.com

Design Builder
The Opus Group
10350 Bren Road West
Minnetonka, MN 55343
Contact: Tom Becker, P.E., LEED AP
Phone: 952-656-4444
Email: Tom.Becker@opus-group.com

Facility Operator
Ebenezer
2722 Park Ave. South
Minneapolis, MN 55407
Contact: Jill Nokelby Kaiser
Phone: 612-874-3460
Email: jkaiser7@fairview.org
PROJECT SITE DATA

Parcel Basics
The existing site is currently an undeveloped lot totaling 306,783 sq. ft., or 7.04 acres, identified as Crest Ridge Corporate Center, Block 1, Lot 1. The property is bounded by Wayzata Boulevard South Frontage Road to the west, multi-family housing to the north, single family housing to the east, and Crest Ridge Corporate Center Phase 1 and storm water pond to the south.

Project Land Use Data
The project site falls under the Planned I-394 District, and covers various underlying districts. The site would be proposed to be re-zoned [R-5 High Density Residential] to accommodate the proposed development.

Under the residential land use for the parcel, together with the I-394 planning district zoning requirements, the site would have a minimum 60% green space requirement and 1.0 FAR. Additionally, setback requirements would be 35 feet from the right-of-way at the front yard, 1-1/2 times the building height at the side and rear yards.

<table>
<thead>
<tr>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Green Space</td>
<td>60.0%</td>
</tr>
<tr>
<td>F.A.R.</td>
<td>1.0 maximum</td>
</tr>
<tr>
<td>Building Setback - Front</td>
<td>35’</td>
</tr>
<tr>
<td>Building Setback - Side</td>
<td>1-1/2 X building ht.</td>
</tr>
<tr>
<td>Building Setback - Rear</td>
<td>1-1/2 X building ht.</td>
</tr>
<tr>
<td>Parking Setback – Front</td>
<td>20’</td>
</tr>
<tr>
<td>Parking Setback – Side</td>
<td>50’</td>
</tr>
<tr>
<td>Building Height</td>
<td>65’</td>
</tr>
</tbody>
</table>

City ordinance requires 1 parking space for each senior living unit, plus parking for visitors and staff. Refer to the matrix below for a parking summary illustrating required and provided parking.

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Housing</td>
<td>1 per unit = 145</td>
<td>108</td>
</tr>
<tr>
<td>Staff</td>
<td>No requirement</td>
<td>10</td>
</tr>
<tr>
<td>Guests &amp; Visitors</td>
<td>As determined by city</td>
<td>28</td>
</tr>
<tr>
<td><strong>TOTAL PARKING</strong></td>
<td><strong>145 + Staff and Visitors</strong></td>
<td><strong>146</strong></td>
</tr>
</tbody>
</table>

The site will have a total of 51 surface parking spaces for staff, visitors and resident overflow parking. This is configured as a single parking field on the west side of the site spaces directly in front of the main building entrance. The structure will also have 94 underground parking spaces for resident use [64.8% of total parking is inside].
Opportunities for additional surface parking is ongoing in an effort to increase the total site capacity by as many as ten (10) spaces, and minor modifications in hardscape and green space may result. Additionally, site plan modifications in these studies may also result in additional variance requests as the structure would be positioned further east and closer to the easterly property boundary.

Twenty of the units in the building count are located within a memory care wing, and these residents will not contribute to the site’s parking and traffic load. Additionally, only one-third of the assisted living units are anticipated to house residents with vehicles. This further reduces the on-site parking demand by as many as seventeen additional cars, and this margin in parking ratios will be used to satisfy necessary staff and visitor parking needs.

PROJECT DEVELOPMENT DATA

**Program**
The site will be developed and finished to accommodate a 145-unit, senior housing structure whose primary focus will be to provide independent living [75 units], assisted living [50 units] and memory care [20 units] to senior citizens together with a full continuum of care allowing the residents to comfortably age in place, while supported by the full range of additional services provided by Ebenezer, the facility operator.

The site will also include a series of amenities for the residents as well. These amenities include patios, gardens, and walking paths. The walking paths will also connect to the existing site circulation as well as the public sidewalk along Wayzata Boulevard.

**Site**
The existing site is currently undeveloped, roughly graded for future development, and contains only volunteer vegetation with the exception of its north and east boundaries which are densely planted. All of the mature trees along the east and north boundaries of the site will be preserved as a part of the final development plan. Under this development plan, however, the site will be re-graded to accommodate the planned building and necessary infrastructure and construction.

As illustrated in the summary matrix below, the green space requirement is met.

<table>
<thead>
<tr>
<th>Developed property area:</th>
<th>306,783 SF</th>
<th>7.04 Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building footprints:</td>
<td>48,208 SF</td>
<td>1.1 Acres</td>
</tr>
<tr>
<td>Total impervious surface area:</td>
<td>62,480 SF</td>
<td>1.43 Acres</td>
</tr>
<tr>
<td>Total green surface area:</td>
<td>196,095 SF</td>
<td>4.5 Acres</td>
</tr>
</tbody>
</table>

**Building Design**
The main building will be a four-story wood frame structure over a concrete and precast basement. The basement level will house utility, storage and inside parking for the structure.

The facility will welcome residents and visitors through a covered main entrance and into a grand two-story lobby. This first level will also encompass the commercial kitchen and dining rooms, and access to the rest of the development amenities including the primary health care functions, guest suite,
community rooms, activity spaces and chapel. A closed 20-suite memory care wing, and seventeen (17) of the 125 independent and assisted living apartment units will be on the first level.

Levels two, three and four will contain another one hundred and eight (108) resident apartments varying in size from 460 SF studios to 1,400 SF, two-bedroom, two-bath residences. Selected residences are provided with balconies and other unit amenities. Each floor also contains spaces for health care attendants, and common area functions such as storage and laundry (to supplement washer/dryers available in most units).

Exterior building materials will be masonry and pre-finished siding, and the structure will have sloped shingle roofs. Gutters and downspouts will discharge on grade and into catch basins that will flow through storm water treatment areas — on grade and/or below grade — prior to exiting the site.

Refer to attached precedent studies for sample images of projects similar to what is being proposed (images are for reference only and not all images are of projects designed by OPUS or SRA).

**Miscellaneous Building Components**

Mechanical screening as required by city ordinance is very limited as most of the mechanical systems are contained within the structure. Limited screening, where required, will be achieved by roof screens designed to coordinate with the building architecture.

Site trash enclosure is not illustrated in the development plan and will not be used. Interior trash rooms are utilized in the facility plan, dumpsters will be rolled out on collection days, and back inside to trash rooms following pick up.

Site deliveries, move-in/move-out, and building service are all achieved on the west inside corner of the building main level. Trash collection will be completed on the lower level adjacent to the garage access point. This service entry point and its access drive are the most remote from neighboring residents and away from all neighborhood traffic and views.

**Neighborhood Meeting**

An open neighborhood meeting will be held the evening of August 2, 1016 at the Minnetonka Public Library to introduce the project to area residents, summarize the development parameters, review preliminary designs and project images, and answer questions. The development team also wants to be able to address any concerns the neighboring residents had within the content of the final submittal to the City of Minnetonka.

**Traffic Study**

A traffic study update will be completed for the site. The main objectives of this study will be to review existing project parameters within the study area, evaluate the traffic impacts to the adjacent roadway network, and recommend any necessary improvements to accommodate the proposed development. Since residential uses typically generate lower traffic volumes when compared to
commercial properties, especially senior housing projects, it is anticipated that the updated study for this project and location will reinforce this standard.

**FACILITY OPERATIONS**

**Ebenezer- Proposed Operator**

The proposed operator for Crest Ridge Senior Living is Ebenezer, an affiliate of the M-Health/Fairview Health System. This affiliation provides substantial programmatic support and care options for Ebenezer community residents. We expect rapid change in senior care over the next 5 – 10 years as senior housing continues to evolve from a focus on simply housing and hospitality to a more integrated delivery of medical and social care. Ebenezer will provide Crest Ridge Housing with the highest quality care alternatives for our residents.

Ebenezer is the second largest provider of senior living in Minnesota, and had $72.7 million of total operating revenue in 2013. Ebenezer operates 60 communities and manages more than 5,000 units throughout its portfolio in Minnesota. The portfolio includes Independent Living Communities, Assisted Living Communities, Memory Care Communities, Skilled Nursing Facilities, Transitional Care Centers, Adult Day Programs, and Child Care Programs.

For more than 90 years, Ebenezer has helped older adults make their lives more independent, healthful, meaningful and secure by creating opportunities for residents to live vibrantly, and participate in the daily fabric of life.

**Public Benefits of Senior Housing**

The proposed senior community will benefit the public by providing senior housing for the area so that seniors who have spent their lives in Minnetonka and the surrounding communities may remain in the area. Many seniors are attracted by the health benefits of a senior housing community as an attractive alternative to the isolation of living alone and the burden of maintaining a home. The proposed facility will help to meet the current housing needs of seniors in the immediate area while also helping to meet the anticipated needs of unmet demand in the near future as projected by a recent independent market study.

Senior Housing is a great community partner – not only creating a place where people come to volunteer, but also housing people who are interested in contributing back to their surrounding community. Senior Housing residents participate in local churches, volunteer opportunities, and engage in the greater community. Senior Housing, and specifically the programs and activities promoted by Ebenezer, also support local economic development since seniors typically prefer to shop in their familiar community. In addition, Ebenezer brings stable, high quality jobs to the communities in which they operate.

There is also no better neighbor than a senior citizen. They are light on the land, streets and park systems, yet senior communities create significant tax base without burdening infrastructure and school systems.
Larger senior housing communities like this project proposed for Crest Ridge Senior Living provides operational efficiencies when compared to smaller ones. Some of the operating benefits of a larger building are listed below:

i. A larger facility can afford to offer a broader range of healthcare services, options, and amenities to Minnetonka seniors while limiting disruptive moves from one facility to another for additional care.

ii. Creating a larger pool of care staff helps to support stable services for the residents. More hours of care and therefore staffing can be offered to provide more consistent employment, rather than a lot of part-time positions that are more difficult to fill with qualified care givers. This is expected to be increasingly important if the current shortage of qualified nurses continues, as we expect, as our population ages.

iii. A larger building allows for more competitive wages and benefits at all levels of staff which typically translates to better care for our residents.

iv. A larger facility offers more apartment options, which reduces the chance that families have to split up (i.e. one spouse needs Memory Care and the other can live in an Independent Unit, all under one roof)

On this specific site, the relatively low traffic and higher density offers the ideal transitional use between the corporate office to the south, and the existing lower density residential occupancies to the north and east.

Finally, in addition to construction jobs, Crest Ridge Senior Living is expected to employ many people on site as care is provided to the residents 24 hours a day. The building is projected to employ over 25 individuals (FTEs) in a combination of full and part time positions.
SITE SUMMARY

CREST RIDGE CORPORATE CENTER
LOT: 001
BLOCK: 001

306,783 SQ. FT.  7.04 AC.

ZONING DISTRICT: PLANNED I-394 DISTRICT
SITE UTILIZATION SUMMARY

PROPOSED LAND USE: SENIOR HOUSING / HOUSING WITH SERVICES
TOTAL PROJECT SIZE: 200,000 SF
PROGRAM:
145 TOTAL UNITS
75 UNITS OF INDEPENDENT LIVING
50 UNITS OF ASSISTED LIVING
20 UNITS OF MEMORY CARE

PARKING REQUIRED: 1 SPACE FOR EVERY 2 UNITS INSIDE OR ENCLOSED
[73 PARKING SPACES]
1 SPACE PER UNIT TOTAL

PARKING PROVIDED: 51 SURFACE SPACES, 94 UNDERGROUND SPACES
[145 TOTAL SPACES]

IMPERVIOUS SURFACES: +/- 35.6% OF SITE
GREEN SPACE: +/- 64.4% OF SITE

BUILDING SETBACKS: 1-1/2 TIMES BUILDING HT. SIDE AND REAR
50' FRONT

BUILDING HEIGHT: 61' TO HIGHEST POINT ON ROOF
SITE KEYNOTES

1. EXISTING CREST RIDGE PHASE ONE CORPORATE OFFICE BUILDING
2. EXISTING PARKING STRUCTURE
3. SITE ENTRANCE
4. NEW SURFACE PARKING LOT FOR CREST RIDGE SENIOR LIVING. 51 TOTAL SURFACE SPACES.
5. NEW 145-UNIT SENIOR HOUSING STRUCTURE
   4-STORY WOOD FRAME OVER LOWER LEVEL PARKING
   75 INDEPENDENT LIVING UNITS
   50 ASSISTED LIVING UNITS
   20 MEMORY CARE UNITS
6. UNDERGROUND PARKING ACCESS AND TRASH COLLECTION POINT
7. SITE WALKING PATH
8. RESIDENT PATIOS AND GARDENS
9. MEMORY CARE PATIO AND GARDENS
10. RETAINING WALL WITH SITE SIGNAGE
11. PEDESTRIAN CONNECTIONS TO PUBLIC WALKS
BUILDING IMAGE / PRECEDENT STUDY
AERIAL SITE VIEW FROM THE WEST

SUBJECT SITE