Planning Commission Agenda

December 15, 2016—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: December 1, 2016

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   A. Preliminary and final plat for RIZE AT OPUS PARK at 10101 Bren Road East.

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

      • Recommendation to City Council (Tentative Date: January 9, 2017)
      • Project Planner: Ashley Cauley

   B. Variance to allow construction of an attached garage addition at 14831 Wellington Road.

      Recommendation: Adopt the resolution approving the proposed facility (5 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Drew Ingvalson
8. Public Hearings: Non-Consent Agenda Items

A. A conditional use permit, with parking variance, for River Valley Church at 10801 Red Circle Drive.

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

- Recommendation to City Council (Tentative Date: January 9, 2017)
- Project Planner: Drew Ingvalson

B. Preliminary plat, with variances, for WOODLANDS AT LINNER at 1555 Linner Road.

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

- Recommendation to City Council (Tentative Date: January 9, 2017)
- Project Planner: Ashley Cauley

C. Items concerning Crest Ridge Senior Living at 10955 Wayzata Boulevard.

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

- Recommendation to City Council (Tentative Date: January 9, 2017)
- Project Planner: Susan Thomas

9. Adjournment
Notices

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

2. Applications and items scheduled for the January 5, 2017 Planning Commission meeting:

   Project Description: The applicant is requesting setback variances and an expansion permit (side yard, aggregate side yard, and shoreland) to construct two additions on a single family home at 17008 Grays Bay Blvd.
   Project No.: 16031.16a        Staff: Drew Ingvalson
   Ward/Council Member: 3—Brad Wiersum   Section: 17

   Project Description: Conditional use permit for a telecommunication tower at 6125 Chasewood Parkway.
   Project No.: 03014.16a        Staff: Susan Thomas
   Ward/Council Member: 1—Bob Ellingson   Section: 35

   Project Description: Preliminary and final plat for Saville West 2nd Addition at 5325 Co Rd 101 and 5311 Tracy Lynn Terrace.
   Project No.: 14002.16b        Staff: Susan Thomas
   Ward/Council Member: 4—Tim Bergstedt   Section: 30

   Project Description: The applicant is requesting preliminary and final plat approval to subdivide the subject property at 9597 Sandra Lane.
   Project No.: 03071.16a        Staff: Drew Ingvalson
   Ward/Council Member: 2—Tony Wagner   Section: 18

   Project Description: The proposed plan consists of subdividing two existing single family lots at 4316 and 4328 Wilson Street, into 3 new single family lots.
   Project No.: 16035.16a        Staff: Ashley Cauley
   Ward/Council Member: 3—Brad Wiersum   Section: 21
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 Knight, O’Connell, Odland, Powers, Calvert, and Kirk were present.

Staff members present: City Planner Loren Gordon and Water Resources Technician Tom Dietrich.

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

4. Approval of Minutes: November 17, 2016

   Odland moved, second by Knight, to approve the November 17, 2016 meeting minutes as submitted.

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

5. Report from Staff

Gordon announced that the next planning commission meeting is scheduled for December 15, 2016.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

   A. Items concerning Groveland Elementary School at 17310 Minnetonka Boulevard and 3217 Groveland School 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.

In response to O’Connell’s question, Gordon explained that vehicles entering from Minnetonka Boulevard would travel through the parking lot and drop off students. There would also be a drop off at the front. O’Connell stated that he lives near the school and parents drop off and pick up students on the southwest side and wait on Groveland School Road. Gordon stated that area is not a designated drop off and pick up location.

O’Connell was aware of an existing drainage issue. Gordon explained that the proposal would include stormwater management improvements that would be done to treat all of the water and decrease runoff onto the street.

In response to Chair Kirk’s request, Dietrich explained that gravel parking lots are considered impervious surfaces because of the level of compaction. The fine particulate matter runs off of the parking lot. A paved surface would direct water to a catch basin and into a stormwater facility that would improve the quality of the water. It is better for the environment to have paved parking lots and driveways with stormwater management features than gravel.

Paul Bourgeois, Minnetonka Public Schools Director of Finance and Operations, stated that he met with St. Luke’s representatives and they came to an agreement to share parking since each use has opposite peak-parking times. The school district would pay for paving St. Luke’s parking lot and driveway and for installation of stormwater improvements. The school district would plow the parking lot and driveway and maintain the stormwater management system which would be allowed by the agreed upon easement. It is a good solution. St. Luke’s would pay for paving the north lot and ongoing maintenance for that lot. The solution works out financially for both parties, greatly increases each use’s parking capacity, and would protect the environment. There would be three underground water storage containers that would be maintained by the district. The school district already has experience maintaining 12 existing underground water storage containers.

Chair Kirk confirmed with Gordon that the total of 49 stalls does not include the additional parking that would be available at St. Luke’s. Mr. Bourgeois added that a paved lot would provide safer conditions for pedestrians accessing the church.

Chair Kirk noted that the proposal would eliminate the need for another access on Groveland School Road. That makes sense.

The public hearing was opened.
Christine Hoyles, 17411 Sanctuary Drive, stated that she is the president of the Sanctuary Townhome Association. She stated that she is concerned with additional traffic on Sanctuary Drive and Groveland School Road. Increased traffic would negatively impact residents' safety and impede emergency vehicle access. Groveland School Road narrows on the south which makes it difficult for two vehicles to pass each other in the winter. She suggested eliminating the southwest pick up point and prohibiting parking on Groveland School Road.

Anita Bradshaw, transitional pastor at St. Luke’s Presbyterian Church, stated that the church’s representatives have approved the easement plan submitted. The board of trustees and members of the church are expected to approve the agreement.

No additional testimony was submitted and the hearing was closed.

Chair Kirk noted that Sanctuary Drive is used by motorists to access County Road 101. Gordon agreed and said that Sanctuary Drive is a private street, so it is not as wide as a public street.

Gordon reviewed that the proposal would improve one sidewalk by connecting the parking lot with the school property and would add a new sidewalk all along the school property to help provide pedestrian safety. The city’s capital improvement plan has scheduled Groveland School Road for a street reconstruction and water main improvement project in 2021. Those improvements may include widening the street, adding pedestrian connections, providing curb and gutters, and adding stormwater management features. Moving up the timetable to complete improvements to the south part of Groveland School Road, from Minnetonka Boulevard to approximately St. Luke’s Presbyterian Church, is being considered by the city to coordinate construction to be done at the same time as the proposal.

O’Connell said that there is no room for vehicles to get by each other on Groveland School Road when parents pick up their students after school. He is concerned with the safety of students. The students could be picked up in the front of the school or back by the gymnasium. There is no reason for students to load or unload on that side of the street.

Gordon stated that the city has received 33 parking complaints, 10 speeding complaints, and 5 reports of accidents over 7 years in the Groveland School area. Updating the school’s traffic management plan would be beneficial to look at traffic patterns, drop off locations, signage, and the school’s communication with parents plan.
Chair Kirk stated that the city council is scheduled to review the item December 19, 2016.

Calvert noted that the gymnasium would be built to accommodate the existing number of students. The parking improvements would fix a site that has a shortage of parking. The parking concerns preexist the project. Gordon confirmed that the population of the school is expected to remain constant for the foreseeable future. The daily operations would not change. The proposal would provide more parking which would allow vehicles to get off the street. The additional parking stalls would be added prior to construction of the addition.

Mr. Bourgeois stated that the proposed gym would serve the existing students. The current west gym serves as a cafeteria, so lunches have been shortened and two classes have gym at the same time. The proposed gym would allow lunch periods to be extended. It may be used for community education at night, but tournaments would be held at the middle schools and high school.

Odland suggested installing parking signs on Groveland School Road that would prohibit parking from 6 a.m. to 6 p.m.

Powers said that the school is a huge asset to the city. It does need a gym. It would make sense for the city to make improvements to Groveland School Road at the same time as the proposal would be under construction. The proposal would improve the traffic situation by providing more parking. He supports staff’s recommendation.

Chair Kirk encouraged district and city staff to work on updating the traffic management plan. He suggested having designated teacher parking in the north lot.

Knight supported prohibiting parking on the east side of Groveland School Road.

O’Connell favored acting on the proposal now and staff working with district staff on the traffic management plan. Calvert and Powers concurred.

**Odland moved, second by Calvert, to recommend that the city council adopt the resolutions approving the conditional use permit with the addition of a condition requiring the applicant to comply with a traffic management plan approved by city staff, site and building plans, and comprehensive plan amendment.**
Knight, O'Connell, Odland, Powers, Calvert, and Kirk voted yes. Motion carried.

9. Adjournment

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

By: ____________________________

Lois T. Mason
Planning Secretary
Minnetonka Planning Commission Meeting
December 15, 2016

Agenda Item 7

Public Hearing: Consent Agenda
brief description Preliminary and final plat for RIZE AT OPUS PARK at 10101 Bren Road East.

Recommendation Recommend the city council approve the proposal.

background

On November 14, 2016 the city approved a proposal by LeCesse Development Corporation to redevelop the SCICOM property at 10101 Bren Road East. As approved, the existing buildings will be removed and a new six-story, 322-unit apartment building will be constructed.

Proposal

Currently, the property is comprised of two parcels and is encumbered by a number of public easements. The approved project includes the relocation of several existing public utilities and a portion of the public trail. With the relocation of the utilities and easements, new easements would be required and the abandoned easements would become obsolete. To simplify the easement dedication and vacation, LeCesse Development Corporation has submitted preliminary and final plat applications to replat the property.

Primary Questions and Analysis

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

• Is the proposed replat reasonable?

Yes. The approved redevelopment of the property could occur without replatting the properties. However, the developer has chosen to do so, in order to make the process of dedicating and vacating easements more clear.

• Is the proposed replat consistent with the approved master development plan?

Yes. The proposed replat would be consistent with the recently approved master development plan for the 322 unit apartment building.
Staff Recommendation

Recommend the city council adopt the resolution granting preliminary and final plat approval to RiZe at Opus at 10101 Bren Road East.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
<th>88095.16a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Property</strong></td>
<td>10101 Bren Road East</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>LeCesse Development Corp.</td>
</tr>
<tr>
<td><strong>Property Owners</strong></td>
<td>Scicom Data Services ltd., c/o Lighthouse Management Group Inc.</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Northerly: Office building, zoned PUD, guided for Mixed Use</td>
<td></td>
</tr>
<tr>
<td>Easterly: Opus II Business Condos, zoned Industrial, guided for Mixed Use and United Health Care beyond</td>
<td></td>
</tr>
<tr>
<td>Southerly: Office building, zoned Industrial, guided for Mixed Use</td>
<td></td>
</tr>
<tr>
<td>Westerly: Industrial and office buildings, zoned Industrial and guided for Mixed Use</td>
<td></td>
</tr>
<tr>
<td><strong>Planning</strong></td>
<td>Guide Plan designation: Mixed Use</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td>PUD, Planned Unit Development</td>
</tr>
<tr>
<td><strong>Compliance review</strong></td>
<td>Typically, as part of a preliminary plat application, staff evaluates items such as tree removal, grading, utility connections, etc. However since a replat of the property is not required, staff evaluated these items concurrent with review of the site and building plans which were approved by the city council in November 2016.</td>
</tr>
<tr>
<td><strong>Neighborhood Comments</strong></td>
<td>The city sent notices to 36 area property owners and received no comments to date.</td>
</tr>
</tbody>
</table>

#### Pyramid of Discretion

![Pyramid Diagram](image)

This application
Motion Options

The planning commission has three options in making recommendation to the city council:

1) Concur with staff’s recommendation. In this case, a motion should be made approving the preliminary and final plats.

2) Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a resolution for denying the preliminary and final plats. This motion should include findings for denial.

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

Voting Requirement

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

The city council’s final approval requires affirmative votes of a simple majority.

Deadline for Decision

March 6, 2017
KNOW ALL PERSONS BY THESE PRESENTS: That Lecesse Development Corporation, a Florida corporation, fee owner of the following described property situated in the County of Hennepin, State of Minnesota, to wit:
Lots 2 and 6, Block 10, Opus II 1st Addition
Has caused the same to be surveyed and platted as RIZE AT OPUS PARK, and does hereby dedicate to the public for public use forever the public ways and the easements for drainage and utility purposes as shown on this plat.
In witness whereof said Lecesse Development Corporation has caused these presents to be signed by its proper officer this ______ day of ____________________, 201_____.

LECESSE DEVELOPMENT CORPORATION

____________________________
(Signature)
____________________________
(Printed Name, Title)

State of ______________
County of ______________

This instrument was acknowledged before me this ______ day of ____________________, 201_____.
____________________________
(Signature)
____________________________
(Printed Name)
Notary Public

SURVEYORS CERTIFICATION

I, Henry D. Nelson, do hereby certify that this plat was prepared by me or under my direct supervision; that I am a duly Licensed Land Surveyor in the State of Minnesota; that this plat is a correct representation of the boundary survey; that all mathematical data and labels are correctly designated on this plat; that all monuments depicted on this plat have been, or will be correctly set within one year; that all water boundaries and wet lands, as defined in Minnesota Statutes, Section 505.01, Subd. 3, as of the date of this certificate are shown and labeled on this plat; and all public ways are shown and labeled on this plat.
Dated this ______ day of ____________________, 201_____.

____________________________
Henry D. Nelson, Licensed Land Surveyor
Minnesota License No. 17255

State of Minnesota
County of Hennepin
This instrument was acknowledged before me this ______ day of ____________________, 201_____.
____________________________
(Signature)
____________________________
(Printed Name)
Notary Public
My Commission Expires January 31, 2020

MINNETONKA, MINNESOTA

This plat of RIZE AT OPUS PARK was approved and accepted by the City Council of Minnetonka, Minnesota, at a regular meeting thereof held this ______ day of ____________________, 201_____.

____________________________
Mayor
____________________________
Clerk

REPRESENT AND REAL ESTATE SERVICES, Hennepin County, Minnesota

I hereby certify that taxes payable in 201____ and prior years have been paid for land described on this plat, dated this ______ day of ____________________, 201_____.

____________________________
Mark V. Chapin, Hennepin County Auditor

SURVEY DIVISION, Hennepin County, Minnesota

Pursuant to MN. STAT. Sec. 383B.565 (1969) this plat has been approved this ________ day of ____________________, 201_____.

____________________________
Chris F. Mavis, Hennepin County Surveyor

REGISTRAR OF TITLES, Hennepin County, Minnesota

I hereby certify that the within plat of RIZE AT OPUS PARK was filed in this office this ________ day of ____________________, 201_____.

____________________________
Martin McCormick, Registrar of Titles

My Commission Expires January 31, 2020

R.T. DOC. No.
Resolution No. 2017-

Resolution approving the preliminary and final plats of
RiZe at Opus at 10101 Bren Road East

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

Section 1. Background.

1.01 LeCesse Development Corporation has requested preliminary and final plat approval for RiZe at Opus (Project 88095.16a).

1.02 The property is located at 10101 Bren Road East. It is legally described as follows:

Lots 2 and 6, Block 10, Opus II 1st Addition, Hennepin County, Minnesota.

1.03 On November 14, 2016, the city council approved Ordinance No. 2016-16 rezoning the property at 10101 Bren Road East from I-1, Industrial, to PUD, Planned Unit Development, and adopting a master development plan.

1.04 On November 14, 2016, the city council approved Resolution No. 2016-129 which approved final site and building plans, with a parking variance, for a multi-family residential apartment building at 10101 Bren Road East.

1.05 On December 15, 2016, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.
2.01 City Code §400.030 outlines general plat design standards. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposed plats meet the design standards as outlined in City Code §400.030.


4.01 The above-described preliminary and final plats are hereby approved, subject to the following conditions:

1. Prior to release of the final plat for recording purposes:
   a) Provide the following documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.
      1) Title evidence that is current within thirty days before release of the final plat.
      2) Easement documents should state that retaining walls, driveways, parking areas, lighting, landscaping and any other private infrastructure within easements are owned and maintained by the property owner.
      3) An access easement over the driveway from Blue Circle Drive. This easement should extend from Blue Circle Drive to the east end of the southern parking lot.
      4) An access easement from the driveway to the drainage area in the northwest corner of the site.
   b) Submit the following:
      1) A revised final plat drawing. The final plat drawing must include:
         a. Drainage and utility easements must be centered over the infrastructure and be at least 20 feet wide or twice the depth of the infrastructure, whichever is greater.
b. A secondary roadway easement to be extended over the north-south trail. The easement should be 50-feet wide and be consistent with the existing secondary roadway system easement.

c. The small area between drainage and utility easements and the driveway and Blue Circle Drive as drainage and utility easement.

d. A roadway easement accommodating the bridge in the southwest corner of the site.

2) Two sets of mylars for city signatures.

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

4) Park dedication fee of $1,660,000. Staff may approve a reduction of this fee based on cost associated with construction of required sidewalk connections.

2. This approval will be void if: (1) the final plat is not recorded with the county within one calendar year of preliminary plat approval; and (2) the city has not received and approved a written application for a time extension within one calendar year of final plat approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on January 9, 2017.

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 January 9, 2017.

_________________________________

David E. Maeda, City Clerk
MINNETONKA PLANNING COMMISSION
December 15, 2016

Brief Description
Variance to allow construction of an attached garage addition at
14831 Wellington Road

Recommendation
Adopt the resolution approving the request

Project No.
16033.16a

Property
14831 Wellington Road

Applicant
Neighborhood Building and Remodeling

Property Owners
Nathan and Kishon Whittier

Proposal
The applicant, on behalf of the property owners, is proposing to
construct a 10-foot by 18-foot attached garage addition on the
side of the existing garage. The proposed attached garage
addition would encroach into the required aggregate side yard
setback. (See attached).

Proposal requirements:
This proposal requires:

- **Variance**: Principal structure encroaching into the required
  aggregate side yard setback.

<table>
<thead>
<tr>
<th>Aggregate side yard setback</th>
<th>Required</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30 ft.</td>
<td>30 ft.</td>
<td>27 ft.*</td>
</tr>
</tbody>
</table>

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

1. **Purpose and Intent of the Zoning Ordinance:**

   The proposal would be in keeping with the city’s zoning
   ordinance. The intent of the aggregate side yard setback
   requirements is to ensure structures are centrally located
   within the property width and provide adequate space
   between homes. The proposed addition would be setback
   10 feet from the western property line. This addition would
   maintain adequate separation between the neighboring
homes, continue the central location of the subject home, and retain the residential character of the neighborhood.

2. Consistent with the Comprehensive Plan:

The proposal would be consistent with the city's comprehensive plan. The intent of the city's comprehensive plan is to maintain, preserve, and support the character of existing neighborhoods. If approved, the requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

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

   • Reasonableness:

     The request to construct an addition to an undersized, 22-foot by 22-foot, two-car garage is reasonable. Additionally, the garage addition would enhance the property and neighborhood.

   • Circumstance Unique to the Property:

     The current nonconformity of the subject lot is a circumstance unique to the property. The subject lot is only 87 feet in width at the setback. This is nonconforming with current city requirements of 110-foot width at setback.

     The nonconforming lot width creates a practical difficulty with complying with the aggregate side yard setback ordinance.

   • Neighborhood Character:

     The addition of a third stall on the subject garage will not alter the essential character of the neighborhood. Currently, 8 of the 28 homes on Wellington Road (between Stone Road and Woodruff Road) have a three-car garage, including the two homes neighboring the subject property.

     Additionally, the proposed addition and home would maintain a similar separation from the adjacent
homes when compared to other home separations in the neighborhood. If approved, the proposed aggregate side yard setback variance would not alter the essential character of the neighborhood.

**Staff Recommendation**

Adopt the resolution approving an aggregate side yard setback variance for an attached garage addition at 14831 Wellington Road.

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

<table>
<thead>
<tr>
<th><strong>Project No.</strong></th>
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<tbody>
<tr>
<td><strong>Property</strong></td>
<td>14831 Wellington Road</td>
</tr>
<tr>
<td><strong>Applicant</strong></td>
<td>Neighborhood Building and Remodeling</td>
</tr>
<tr>
<td><strong>Property Owners</strong></td>
<td>Nathan and Kishon Whittier</td>
</tr>
<tr>
<td><strong>Surrounding Zoning</strong></td>
<td>Properties to the north, east, west and south are zoned R-1 PURD or R-1.</td>
</tr>
<tr>
<td><strong>Land Uses</strong></td>
<td>The properties to the north, east, and west are all guided for low density residential, and improved with single family homes. The property to the south is owned by the Great Northern Railway Company and is used for railway transportation.</td>
</tr>
</tbody>
</table>
| **Planning**    | Guide Plan designation: low density residential  
Zoning: R-1 PURD |
| **Site Features** | The subject property was platted in its current configuration in 1983; it is 20,208 square feet in size. The property is improved with a 1,776 square foot, one-story building that was originally constructed in 1986. The existing building appears to meet all setback requirements, based on the proposed survey. (See attachments).  
There is currently a paved parking space on the west side of the home. This parking space is the proposed location for the new garage addition. (See attachments).  
A building permit was issued for an addition on the west side of the home in 2016. The home addition met all setback requirements and was approved administratively. |
| **Cheyenne Trails 2nd Addition** | The subject home is within the Cheyenne Trails 2nd Addition. This addition was platted in 1983. At the time of the subdivision, properties within the addition were zoned as R-1 Planned Unit Residential District (R-1 PURD). This type of zoning allows for more flexible design (such as reduced structure setbacks, lot sizes, lot dimensions, etc.). For this report, staff has researched the subject subdivision and has been unable to find any documentation that approves reduced aggregate side yard setbacks for homes within the subdivision. Generally, homes |
within the neighborhood appear to meet the 30-foot aggregate side yard setback, the required setback for R-1 properties. Based on this information, staff has reviewed this request based on the setback requirements for R-1 properties.

**Planning Commission Policy**

The Planning Commission Policies regarding variances, state that the expected maximum size for a two-car garage is 24 feet by 24 feet (576 square feet). The existing two-car garage on the subject site is 22 feet by 22 feet (484 square feet), which is undersized in comparison to the expected maximum size. The applicant has proposed to add an undersized third stall to the existing garage. Increasing the space of the existing garage would be considered a reasonable use of the property since the existing garage is undersized for a two-car garage. The subject proposal will exceed the maximum square footage for a two-car garage by 88 square feet.

Staff has found this to be a reasonable use of the property due to the site constraints and character of the existing neighborhood.

**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. The side yard setback for these lots is 10 percent the width of the lot at setback, not less than 7 feet (no aggregate side yard setback requirement). 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.

Despite the property being non-conforming with the required lot size for R-1 properties (22,000 square foot minimum), it does not qualify as a small lot. The property was platted after February 12, 1966 (platted in 1983), the property exceeds the 15,000 square foot lot size (20,208 square feet), and the average lot size of lots within 400 feet of the subject property is over 36,000 square feet, exceeding the minimum for the small lot designation.

**McMansion Policy**

The McMansion Policy is a tool the city can utilize to ensure new homes or additions requiring variances are consistent with the character of the existing homes within the neighborhood. By policy, the floor area ratio (FAR) of the subject property cannot be greater than the largest FAR of properties within 1,000 feet on the same street, and a distance of 400 feet from the subject property.
As proposed, the property would comply with the McMansion Policy. Currently, the property’s FAR is 0.14. The proposed garage and addition would increase the FAR to 0.16. This is significantly below the largest FAR within 400 feet, which is 0.26. (See attached).

**Approved Variances In Neighborhood**

Three properties on Wellington Road (between Woodruff Road and Stone Road) have received variances. All three of these variances have been granted to reduce front yard setbacks. (See attachment).

**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 of erosion control fencing and following tree protection requirements.

**Neighborhood Comments**

The city sent notices to 40 area property owners and has received no comments.

**Pyramid of Discretion**

![Pyramid of Discretion Diagram](image-url)
Motion Options

The planning commission has three options:

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

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

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

Voting Requirement

The planning commission’s decision of this request is final, subject to appeal. Approval require an affirmative vote of five commissioners.

Deadline for Decision

March 4, 2017
Location Map

Project: Neighborhood Bldg & Remodeling
Address: 14831 Wellington Rd
Project No. 16033.16a

This map is for illustrative purposes only.
Proposed Addition

Existing Structure

Certificate Of Survey

Survey For Nathan Whittier
14831 Wellington Rd.
Mtka. MN 55391

[Diagram of proposed addition to existing structure with annotations and measurements]

I hereby certify that this is a true and correct representation of a survey of the boundaries of:

Lot 2, Block 2, CHEYENNE TRAILS 2nd ADDITION, Hennepin County, Minnesota.

And of the location of all buildings, if any, thereon, and all visible encroachments, if any, from or on said land. It also shows the location of the stakes as set for a proposed building as surveyed by me or under my direct supervision this 15th day of August, 1985.

Paul A. Johnson
Land Surveyor, MIn. Reg. No. 10938

CERTIFICATE OF SURVEY

for

JYLAND CONST.
Variances Granted on Wellington Road

- Subject Property
- Properties Granted Variances
- Study Area

Map prepared by: City of Minnetonka

Not a Survey. Not to Scale
### 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 standards from which they are requesting a variance. Practical difficulties means:
   - The proposed use is reasonable;
   - The need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and
   - The proposed use would not alter the essential character of the surrounding area.

<table>
<thead>
<tr>
<th>Describe why the proposed use is reasonable</th>
<th>This variance is being requested to add a third car garage to existing property.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Original drawings included this; however, upon submission to the city it was noted that the required Distance was not met by about 3 feet.</td>
<td></td>
</tr>
<tr>
<td>There is currently a cement pad used for parking on the proposed site, and adding a garage in its place would have little impact on neighbor(s).</td>
<td></td>
</tr>
<tr>
<td>Given the minimal overage, as well as the fact that the impacted neighbor supports the project and encouraged the application for this variance, this seems to be a reasonable</td>
<td></td>
</tr>
<tr>
<td>This should increase the value of the property as well as the homes around it. The vast majority of homes in the neighborhood, including those on either side of the property in question, have a 3 car garage. The granting of this variance would have adverse impact on safety of this and surrounding properties, nor would it alter the character of the neighborhood.</td>
<td></td>
</tr>
<tr>
<td>Describe:</td>
<td>This property is one of the only homes in the neighborhood to not have a three car garage.</td>
</tr>
<tr>
<td>- circumstances unique to the property;</td>
<td></td>
</tr>
<tr>
<td>- why the need for variance was not caused by the property owner; and</td>
<td></td>
</tr>
<tr>
<td>- and why the need is not solely based on economic considerations.</td>
<td></td>
</tr>
<tr>
<td>Describe why the variance would not alter the essential character of the neighborhood</td>
<td>The granting of this variance would lead to the home being more consistent with surrounding homes, as it is one of the few in the neighborhood without a three car garage.</td>
</tr>
<tr>
<td>The additional storage would also allow for such items as trash containers, lawn mowers, snow blowers, etc. to be stored indoors versus outdoors, which is preferred by the</td>
<td></td>
</tr>
<tr>
<td>Again, there is currently a parking space on the proposed site. Adding a garage would simply cover a parked vehicle rather than leaving it outdoors.</td>
<td></td>
</tr>
</tbody>
</table>

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE
Planning Commission Resolution No. 2016-
Resolution approving an aggregate side yard setback variance for an attached garage addition at 14831 Wellington Road

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

Section 1. Background.

1.01 Neighborhood Building and Remodeling, on behalf of the property owners, has requested an aggregate side yard setback variance to construct a 10-foot by 18-foot attached garage addition. (Project #16033.16a).

1.02 The property is located at 14831 Wellington Road. It is legally described as:
Lot 2, Block 2, Cheyenne Trails 2nd Addition, Hennepin County, Minnesota.

1.03 City Code §300.10 Subd. 5(c) requires a minimum aggregate side yard setback of 30 feet.

1.04 An aggregate side yard setback variance from 30 feet to 27 feet is required for the addition.

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

Section 3. Findings.

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

1. **INTENT OF THE ORDINANCE.** The intent of the aggregate side yard setback requirements is to ensure structures are centrally located within the property width and provide adequate space between homes. The proposed addition would meet this intent. It would be setback 10 feet from the western property line. This setback would maintain adequate separation between the neighboring homes, continue the central location of the subject home, and retain the residential characteristic of the neighborhood.

2. **CONSISTENT WITH COMPREHENSIVE PLAN.** The proposal would be consistent with the city's comprehensive plan. The intent of the city's comprehensive plan is to maintain, preserve, and support the character of existing neighborhoods. If approved, the requested variance would preserve the residential character of the neighborhood and would provide investment into a property to enhance its use.

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

   a) **REASONABLENESS:** The applicant is proposing a reasonable use of the property. The request to construct an addition to an existing, undersized two-car garage is reasonable. Additionally, the garage addition would enhance the property and neighborhood.

   b) **UNIQUE CIRCUMSTANCE:** The current nonconformity of the subject lot is a circumstance unique to the property. The subject lot is only 87 feet in width at the setback. This is nonconforming with current city requirements of 110-foot width at setback. The nonconforming lot width creates a practical difficulty with complying with the aggregate side yard setback ordinance.
c) NEIGHBORHOOD CHARACTER: The addition of a third stall on the subject garage will not alter the essential character of the neighborhood. Currently, 8 of the 28 homes on Wellington Road (between Stone Road and Woodruff Road) have a three-car garage, including the two homes neighboring the subject property. Further, the proposed addition and home will maintain similar separation from the adjacent homes. If approved, the proposed aggregate side yard setback variance will not alter the essential character of the neighborhood.

Section 4. Planning Commission Action.

4.01 The planning commission approves the above-described variance 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 date stamped November 4, 2016.
   - Plans and elevations submitted with application and date stamped November 4, 2016.

2. Driveway to the new garage must remain as hard surface (bituminous, concrete, or pavers).

3. Prior to issuance of a building permit:
   a) A copy of this resolution must be recorded with Hennepin County.
   b) The applicant must provide a registered land survey showing the existing and proposed side yard setbacks from front and side property lines.
   c) Erosion control and tree protection must be installed and inspected prior to building permit being issued. These items must be maintained throughout the course of construction.

4. 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 December 15, 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 December 15, 2016.

Kathy Leervig, Deputy City Clerk
Minnetonka Planning Commission Meeting
December 15, 2016

Agenda Item 8

Public Hearing: Non-Consent Agenda
Brief Description
A conditional use permit, with parking variance, for River Valley Church at 10801 Red Circle Drive

Recommendation
Recommend the city council approve the request

Introduction
River Valley Church is requesting a conditional use permit to operate a religious institution within the existing building at 10801 Red Circle Drive. River Valley Church is a multi-site church. The religious institution started in Apple Valley and now has eight Minnesota locations. The River Valley Church Campus in Edina will be relocating to this building if the proposal is approved.

As a part of this application the applicant is proposing three additions to the subject building. These additions include a 1,200 square foot lounge, a 1,150 square foot classroom, and a 250 square foot entry. (See attachments.) These additions will require a building permit, but do not require any special zoning approvals. At full build-out the building would include: (1) main worship space; (2) youth worship space; (3) lounges; (4) classrooms; (5) childcare facilities; (6) offices; and (7) multiple lobbies. The interior of the building would be remodeled to accommodate the various spaces. (See attachments).

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

1. **Is the use generally reasonable?**

   Yes. The proposed use of the building is reasonable and would generally meet standards outlined in city code. The applicant has proposed using the site for a religious gathering space, religious education, youth events, and offices for church employees and members. While the zoning district does not contain any provisions for schools, religious institutions, or gathering spaces, the ordinance does allow – as conditionally-permitted uses – public buildings and “other uses similar to those permitted in this section, as determined by the city.”

   Based on the programming of the site, staff determined it would be appropriate to review the proposal under the “other uses similar to” provision.
On several occasions and in several zoning districts, the city has reviewed day cares, schools, religious institutions, and gathering spaces under this "other uses similar to" provision. The city has found that these types of uses operate similar to public buildings in which large groups of people gather at specified times for a specified purpose. Public buildings are a conditionally permitted use in the I-1 zoning district.

The only conditional use permit standard required by ordinance for public buildings is site and building plan approval. With the exception of the parking variance, the proposal would meet all of the required standards for site and building plan approval. The standards and findings are outlined in the “Supporting Information” section of this report.

2. Is the parking variance reasonable?

Yes. The city’s parking ordinance calculates minimum parking requirements for religious institutions based on the number of seats in the worship area (one parking stall per 2.5 seats). The proposal has identified two worship spaces, one for main worship and another for youth worship. Staff has omitted the seats in the youth worship space from the parking calculation under the assumption, confirmed by the applicant, that the youth using the space are unable to drive a vehicle to the site and would not add to the parking demand. The main worship area has space for 1,000 seats. By ordinance, the applicant’s proposal would require a minimum of 400 stalls.

Currently, there are a total of 246 spaces available on site. However, the applicant has proposed to restripe the parking lot to create 69 compact car parking spaces, which is permitted by city ordinance. Restriping would add additional parking spaces to the site without increasing the hard surface area of the parking lot. The total parking proposed would be 291 total spaces. This would provide a parking ratio of just under one parking space for every 3.5 worship seats, requiring a parking variance.

Based on a parking study completed by the Institute of Transportation Engineers (ITE), the proposed parking plan would adequately accommodate the parking demand generated by the site. Per this study, the peak period parking demand was just over one parking space for every 4 worship seats for the highest demand observed. (See table below).

<table>
<thead>
<tr>
<th>Parking Standard</th>
<th>Parking requirement</th>
<th>Number of Spaces Needed for Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Ordinance</td>
<td>1 space for every 2.5 seats</td>
<td>400 spaces</td>
</tr>
<tr>
<td>ITE: Highest Demand</td>
<td>1 space for every 4.2</td>
<td>238 spaces</td>
</tr>
<tr>
<td>ITE: 85th percentile</td>
<td>1 space for every 4.8</td>
<td>208 spaces</td>
</tr>
<tr>
<td>Proposed</td>
<td>1 space for every 3.5</td>
<td>291 spaces</td>
</tr>
</tbody>
</table>
In addition to the ITE study, the applicant has provided parking ratio data for three current River Valley Church sites located in Apple Valley, Minnetrista, and Shakopee. At these sites the church has parking ratios of one parking space for every 3.4–3.6 worship seats. (See attachments.) The ratios provided are similar to the ratio proposed for the subject site and the applicant has stated that parking issues have not occurred at these sites. Staff contacted the local government jurisdictions where these churches are located and was informed that there have not been any parking complaints.

Staff finds that the proposed parking variance is reasonable as:

- The parking study completed by ITE provides evidence that the site would adequately accommodate the parking demand of the site.
- The city has granted parking ratio variances for religious institutions and other uses based on parking studies and other evidence.
- Parking examples, submitted by the applicant, provide evidence that the proposed plan would adequately accommodate the parking demand of the site.

3. Would the specific proposal be appropriate for the site?

Yes. The proposed facility would be appropriate for the site. The subject property is located in a mixed-use area of residential, industrial, and commercial land uses. The proposal would occupy a vacant building within the Opus 2 Fourth Addition.

**Traffic and Transportation**

Properties within the Opus Overlay District are allocated a maximum number of p.m. peak hour trips to avoid overloading the Bren Road and Highway 169 interchange. The allocated number is not the number of trips at the property driveway. Rather, it is the number of trips anticipated to use the interchange based on the property’s proximity to the interchange. A redevelopment of property within the overlay district that increases the amount of trips generated to the interchange above what is allocated is required to pay a trip generation fee. By ordinance, the subject property is allocated a maximum of 14 p.m. peak hour trips.

The religious institution, programming, and offices would not generate more than 14 trips during the p.m. peak hours. P.M. peak hours are weekdays, 4 p.m. to 6 p.m. The applicant has informed staff that there would be approximately 10 office employees working at the subject site Monday through Friday (with approximate work hours of 9:00 a.m. to 5:00 p.m.). These employees would produce less than the allowable maximum p.m. peak hour trips. Other religious services and programming would occur on weekends or after 6:00 p.m. on weekdays, which are outside of the p.m. peak hour.
Summary Comments

Staff finds that the proposal would be an appropriate use of the site. While the site would operate differently than an industrial use, the proposal would not have significant adverse impacts on the surrounding area.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit, with parking variance, for River Valley Church at 10801 Red Circle Drive.

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

<table>
<thead>
<tr>
<th>Project No.</th>
<th>90040.16a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>10801 Red Circle Drive</td>
</tr>
<tr>
<td>Applicant</td>
<td>River Valley Church</td>
</tr>
</tbody>
</table>

### Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northerly</td>
<td>Transition Networks, Inc., office building, zoned PUD, guided for mixed use</td>
</tr>
<tr>
<td>Easterly</td>
<td>Network Investments, zoned I-1 and guided for mixed use</td>
</tr>
<tr>
<td>Southerly</td>
<td>Shady Oak Office Center, office building, zoned B-1 and guided for mixed use</td>
</tr>
<tr>
<td>Westerly</td>
<td>Jimmy’s restaurant, zoned PUD and guided for mixed use</td>
</tr>
</tbody>
</table>

### Planning

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

### Site features

The subject property is part of the Opus 2 Fourth Addition. The property is just over 4.1 acres in size and is improved with a two-story building. The existing building’s gross area is 60,078 square feet. In addition, there are 246 parking stalls located on the east and west sides of the building.

### Proposed Use

The applicant is proposing to operate a religious facility at the subject site. As a part of this project, the applicant also proposes to construct three additions that would include a:

- 1,200 square foot lounge;
- 1,150 square foot classroom; and
- 250 square foot entry.

In addition to the exterior changes to the building, the applicant has also proposed to make interior changes to the building. Specifically, the interior construction would include: (1) main worship space; (2) youth worship space; (3) lounges; (4) classrooms; (5) childcare facilities; (6) offices; and (7) multiple lobbies. The interior of the building would be remodeled to accommodate the various uses. (See attachments).

### Site Programming

As part of the proposal the applicant has also submitted information regarding their programming for the site. In addition to hosting Sunday morning worship, the River Valley Church also plans on hosting:
### Event/Site Users

<table>
<thead>
<tr>
<th>Event/Site Users</th>
<th>Days/Time</th>
<th>Approximate Number of Attendees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth Events</td>
<td>Sundays, 6:00 p.m. – 8:00 p.m.</td>
<td>30 people</td>
</tr>
<tr>
<td>Women’s Event “Sisterhood”</td>
<td>Mondays, 6:30 p.m. – 8:00 p.m.</td>
<td>80 people</td>
</tr>
<tr>
<td>Adult Bible Study “Alpha”</td>
<td>Tuesdays 6:00 p.m. – 8:00 p.m.</td>
<td>200 people</td>
</tr>
<tr>
<td>Youth Events</td>
<td>Wednesday, 6:30 p.m. – 8:30 p.m.</td>
<td>100 people</td>
</tr>
<tr>
<td>Office Employees</td>
<td>Monday through Friday, 9:00 a.m. – 5:00 p.m.</td>
<td>10 people</td>
</tr>
</tbody>
</table>

The information submitted by the applicant is based on current numbers and event times at the River Valley Church: Edina Campus, which will be relocating the subject site if approved. (See attached.)

### Parking

In the past, the city has issued parking variances to religious institutions and other uses. For parking ratio variance requests, the city has researched parking studies, similar site examples, and other information to ensure that there would be adequate parking for the proposed use.

Below is a table that provides information about parking and church sizes at other River Valley Church sites. (Information submitted by applicant).

<table>
<thead>
<tr>
<th>Religious Facility</th>
<th>Main Auditorium Seating</th>
<th>Spaces</th>
<th>Ratio</th>
<th>City Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shakopee Campus</td>
<td>1,000 seats</td>
<td>295</td>
<td>1 space per 3.4 seats</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Apple Valley Campus</td>
<td>1,300 seats</td>
<td>361</td>
<td>1 space per 3.6 seats</td>
<td>1 space per 3.5 seats</td>
</tr>
<tr>
<td>Minnetrista Campus</td>
<td>400 seats</td>
<td>112</td>
<td>1 space per 3.6 seats</td>
<td>1 space per 4 seats</td>
</tr>
<tr>
<td>Minnetonka Campus (proposed)</td>
<td>1,000 seats</td>
<td>291</td>
<td>1 space per 3.5 seats</td>
<td>1 space per 2.5 seats</td>
</tr>
</tbody>
</table>

The applicant is currently working with nearby property owners to acquire a parking agreement to use their parking lots for service spillover parking. Approval of a parking agreement is not a
condition of approval and has not been considered as a part of this review.

As stated previously, the proposed parking for the subject site and use is adequate based on ITE demand data. ITE suggests that, during peak parking times, the site would only require:

- one parking space per 4.2 worship seats at the highest demand observed in their study (or 238 parking spaces); and
- one parking space per 4.8 worship seats at the 85th percentile observed in their study (or 208 parking spaces).

The subject site is proposing one parking space per 3.5 worship seats (or 291 parking spaces). This is significantly more parking spaces than what the ITE study predicts would be necessary for a religious institution.

**Southwest Light Rail Transit**

The subject site is located less than ½ a mile from the proposed Opus Southwest Light Rail Transit (SWLRT) Station. (See attachment). While some members of the River Valley Church might use the proposed light rail transit system, staff does not believe that the church members would be a high user of the future transit system. More than likely, riders of the future light rail transit system will be traveling to/from office, residential, and other land use properties in the area.

**Red Circle Drive Future Construction**

In this event of SWLRT construction, Red Circle Drive will be partially reconstructed. A part of this construction will involve routing the current one-way street the opposite direction. This alteration would potentially affect the location and angle of the driveways accessing the site.

**CUP Standards**

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

1. The use is consistent with the intent of this ordinance;
   
   **Finding:** A public building is a conditionally-permitted use within the I-1 district. The city has conditionally allowed religious institutions as uses similar to a public building under the “other uses similar to” section of this ordinance.

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

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

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

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

Finding: The proposal is consistent with the city's water resources management plan. Only minor additions are proposed to the property at this time.

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

Finding: The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building with three small additions. With the exception of the parking variance to allow a reduction of parking, the proposal would meet the standards outlined.

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

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

Specific CUP Standards and Site and Building Plan Standards

City Code §300.21 Subd. 3(m) requires that public buildings must meet site and building plan standards as outlined in City Code §300.27. Staff has included the standards and findings for both below:
1. Consistency with the elements and objectives of the city's development guides, including the comprehensive guide plan and water resources management plan;

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

2. Consistency with this ordinance;

**Finding:** With the exception of the parking variance, the proposal would be consistent with the ordinance. Staff finds that the parking variance is reasonable, as the proposed use would not require additional parking based on ITE parking demand information.

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 external modifications to the property are minimal and would minimally alter the trees, soil, and the general appearance of the site.

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

**Finding:** The proposed external changes would be minimal and would maintain a harmonious relationship between buildings and open space with natural features and with existing and future buildings of 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 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 with 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 external changes on the site are minimal. As such, there would be no negative impacts to existing internal order, open space, aesthetics, or vehicular and pedestrian circulation on the property.

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

**Finding:** The proposal is for the reuse and remodel of an existing building with small additions.

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 have any negative impacts on adjacent or neighboring properties.

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

1. **Purpose and Intent of the Zoning Ordinance:**

The proposal, and resulting variance request, would be in keeping with the city's zoning ordinance. The intent of the ordinance, as it pertains to parking requirements, is to ensure adequate parking is provided to meet the anticipated parking demand of the subject site. Based on ITE parking analysis, the highest parking demand observed for a religious institute use during the peak period was one parking space per 4.2 worship seats, or 238 spaces for the subject site. The subject site has
proposed one space per 3.5 worship seats, or 291 parking spaces.

Staff finds that the proposed reduction in parking spaces would meet the intent of the ordinance because, based on the ITE study, the proposed use would demand less parking than required by ordinance.

2. Consistent with the Comprehensive Plan:

The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for mixed use. This designation has been established to allow flexibility in land use and creative site design. The proposed use of this property would be consistent with this objective.

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

- Reasonableness: Staff finds that the request for a variance from the required number of parking spaces is reasonable.
  - The proposed number of parking spaces would satisfy the highest peak period parking demand observed in a religious institution parking generation study completed by ITE in 2004.
  - River Valley Church has three other sites located in the metro area that have similar parking ratios. The local jurisdictions where these churches are located have been contacted and informed city staff that no complaints have been received regarding a lack of parking.

- Circumstance Unique to the Property:
  Per the 2004 ITE parking generation manual, the proposed use of the property would require less parking spaces than the ordinance requires for a religious institution.

- Neighborhood Character:
The parking variance would not adversely affect the character of the surrounding neighborhood. The site would meet the anticipated peak parking demand on site.

**Neighborhood Comments**
The city sent notices to 37 area property owners and received zero comments.

**Pyramid of Discretion**

The planning commission has the following motion options:

1. Concur with staff’s recommendation. In this case, a motion should be made recommending the city council approve the proposal based on the findings outlined in the staff-drafted resolution.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the request. The motion should include findings for denial.

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

**Voting Requirement**
The planning commission will make a recommendation to the city council on the applicant’s proposal. A recommendation for approval requires an affirmative vote of a simple majority.

The city council’s final approval requires affirmative votes of five members, given that the proposal includes a variance.

**Deadline for Decision**
January 14, 2016
Location Map

Project: River Valley Church
Applicant: Vanman Architects & Builders
Address: 10801 Red Circle Dr
Project No. 90040.16a

This map is for illustrative purposes only.
PROPOSED VARIANCE REQUEST
Parking Ratio 3.5 : 1
286 spaces required

Auditorium seats = 1,000
Parking Ratio = 2.5 : 1
400 spaces required

Zoning
I-1 Industrial District
Building Height - Max 35'-0"
Front Yard setback - 50'-0"
Side and Rear setbacks - 30'-0"

Auditorium seats = 1,000
Parking Ratio = 2.5 : 1
400 spaces required

PROPOSED VARIANCE REQUEST
Parking Ratio 3.5 : 1
286 spaces required

Regulation size stalls = 214
Handicap stalls = 8 spaces
Compact Parking = 69 spaces
Total Parking spaces = 291

90 degree parking Requirements
24'-0" wide drive aisles
Regulation stall size
18'-0" long and 8'-6" wide
Compact stall size
16'-0" long and 7'-6" wide

Total Impervious Required
- not to exceed 85%

Total Site Area = 179,186 sf
Total Pervious Area = 40,876 sf
Total Impervious = 138,310 sf
Impervious Factor = 77%
November 15, 2016

City of Minnetonka
Attn: Susan Thomas, City Planner
14600 Minnetonka Boulevard
Minnetonka, MN  55345

RE:   Conditional Use Permit and Variance Request Submittal For:
River Valley Church – 10801 Red Circle Drive

A. CONTACT INFORMATION:
River Valley Church Contact:
Pastor Darin Poli
12345 Portland Ave
Burnsville, MN 55337
Darin.Poli@rivervalley.org
952-255-8800

Vanman Architects and Builders Contact:
Angie Knodel, AIA
9600 54th Ave N, Suite 180
Plymouth, MN 55442
angie@vanmanab.com
763-541-9552

B. LEGAL DESCRIPTION / SITE DATA:
The site is located at 10801 Red Circle Drive. This site is legally described as “Lot 1,
Block 11, Opus 2 Fourth Addition, according to the recorded plat thereof, Hennepin
County, Minnesota. PID #3611722330009
Torrens Property: Certificate of Title No. 1062731
Note: River Valley does not currently own the property, but has a purchase agreement in place.
The site is currently zoned as I-1, Industrial District. In total, the property is 4.14 acres
(180,148 square feet). The existing building is 2-story with a footprint of 30,082 sf.
There are 286 striped parking stalls existing with 8 designated as handicap.

C. HISTORY NARRATIVE:
In 1995, River Valley Church started in Apple Valley. Through many periods of growth,
an Edina campus was added. As this local church grew, the need for a larger auditorium
became evident. River Valley Church plans to remodel the existing building on this site
in order to accommodate the growing church and plan for future growth.
D. PROPOSED USES:
The proposed plan for River Valley Church on this site consists of remodeling the existing new 60,164 sf facility. The remodeled facility would include a lobby space as you enter the building, a 1,000 seat worship auditorium, a 228 seat Youth Auditorium, 8 classrooms, administrative offices, as well as toilets, storage and utility spaces.

The building would be used primarily on Sunday Mornings, from 8 am, when the volunteers arrive, to 1 pm, when the volunteers leave. The building would also be used on Sunday nights, during youth services, from 5 pm to 9 pm. Office hours would be kept during the week from 8 am to 5 pm.

E. PARKING/ VARIANCE REQUEST:
The existing parking lot will be restriped in order to accommodate additional parking spaces to accommodate the new facility. Please note the Youth Auditorium is for Children and will not require additional parking spaces.

River Valley Church is asking for Variance Request for the 2.5:1 parking ratio to be a 3.5:1 ratio. River Valley Church consists of families who typically drive together in one vehicle, therefore a 3.5:1 ratio is more in line with their demand for parking. The traffic would be heaviest on Sunday mornings, when the greatest amount of traffic for the neighboring properties would not be affected. River Valley built a new campus in Shakopee with a 1,000 seat auditorium and 295 parking spaces. They opened the doors in March of 2014 and have had over 2 years of ministry as well as growth and have found this number of parking spaces is adequate for their needs.

F. BUILDING AESTHETICS:
Despite being a multi-site church, River Valley Church has continually pressed home to its attendees the importance of making local connections – having the benefits of a large church with the community of a small church. This has remained true in the Edina campus, which will undoubtedly continue in the new location.

The exterior of the building will remain mostly as is. Repainting the existing exterior will give it a new fresh look and at strategic locations, black Nichiha panels will be added to the existing façade to tie in the materials of other campuses to create the River Valley aesthetic. The area of the new 1,000 seat auditorium will get a new roof and sit 7’-0” higher than the existing roof in order gain the appropriate ceiling height for their ministry needs. We are proposing 2 crosses on the building, one 45’-0” high and one 55’-0” high.
December 5, 2016

City of Minnetonka
Attn: Drew Ingvalson
14600 Minnetonka Boulevard
Minnetonka, MN  55345

RE:   Conditional Use Permit and Variance Request Submittal For:
River Valley Church – 10801 Red Circle Drive

G. ADDITIONAL BUILDING INFORMATION
River Valley Church offers various opportunities during the week for spiritual growth and community building. The list below describes use of the building and events outside of Sunday morning worship.

Monday thru Friday  9:00am – 5:00pm  Office Employees
  ▪  10 total occupants
  ▪  There are approximately 10 office employees that will staff the building Mondays thru Fridays.

Sunday Evenings  6:00pm – 8:00pm  Youth Events
  ▪  30 occupants
  ▪  Approximately 50 % drive (carpool or drop-off/pick-up)

Monday Evenings  6:30pm – 8:00pm  Womens Event “Sisterhood”
  ▪  80 occupants

Tuesday Evenings  6:00pm – 8:00pm  Adult Bible Study “Alpha”
  ▪  200 occupants
  ▪  Note: Usually attend as couples

Wednesday Evenings  6:30pm – 8:30pm  Youth Events
  ▪  100 occupants
  ▪  Approximately 40% drive (carpool or drop-off/pick-up)

This information is based on the current numbers that they are seeing at their Edina Campus. The Edina Campus will relocate to this building once completed. Please let me know if there is any additional information that you need. Thank you.

Sincerely,

Angie Knodel, AIA
Vanman Architects and Builders
PRACTICAL DIFFICULTIES WORKSHEET

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

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

<table>
<thead>
<tr>
<th>Describe why the proposed use is reasonable</th>
<th>The variance request is reasonable because River Valley would experience peak parking demands at varied times from the neighboring properties.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Describe:</td>
<td>The property sits on a hill and is fully developed, offering no location to add significant parking on the site. River Valley Church consists of families who drive together and therefore a 3.5:1 ratio is more in line with their demand for parking. River Valley has 8 locations in Minnesota and therefore precedence of existing locations and understanding their parking needs. The Shakopee campus has a 1,000 seat auditorium with 295 parking spaces and is found to be adequate for their needs.</td>
</tr>
<tr>
<td>Describe why the variance would not alter the essential character of the neighborhood</td>
<td>The building is located in an area where the majority of the traffic is on Mondays through Fridays from 7:30 am to 5:30pm. River Valley's demand for parking will be on Sunday mornings and opposite most traffic in this area. The paved parking lot will only change slightly to re-stripe some additional spaces and will not alter the character of the neighborhood.</td>
</tr>
</tbody>
</table>

VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE
Shakopee Campus
1350 Crossings Blvd
Shakopee, MN 55379

City Requirements = 1 : 4 Parking Ratio
Main Auditorium Seating = 1,000 seats

Parking Required = 250 spaces
Parking Provided = 295 spaces

Actual Ratio = 1 : 3.4 Ratio
Apple Valley Campus
14898 Energy Way
Apple Valley, MN 55124

City Requirements = 1 : 3.5 Parking Ratio
Main Auditorium Seating = 1,300 seats

Parking Required = 371 spaces
Parking Provided = 361 spaces

Actual Ratio = 1 : 3.6 Ratio
Minnetrista Campus
5595 Westwood Ave
Minnetrista, MN  55364

City Requirements = 1 : 4 Parking Ratio
Main Auditorium Seating = 400 seats
Parking Required = 100 spaces
Parking Provided = 112 spaces
Actual Ratio = 1 : 3.5 Ratio
Resolution No. 2017-

Resolution approving a conditional use permit, with parking variance, for River Valley Church at 10801 Red Circle Drive

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

Section 1. Background.

1.01 Vanman Architects and Builders, on behalf of River Valley Church, has requested a conditional use permit to operate a religious institution within an existing building. In addition, a parking variance from 400 to 291 parking stalls is required.

1.02 The property is located at 10801 Red Circle Drive.

It is legally described as:

Lot 1, Block 11, Opus 2 Fourth Addition

1.03 City Code §300.18 Subd. 4(n) allows public buildings as conditional uses within the I-1 zoning district.

1.04 City Code §300.18 Subd. 4(t) allows other “uses similar to those permitted within this section, as determined by the city” as conditional uses within the I-1 zoning district.

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

1.06 On December 15, 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, with variance.

Section 2. Standards.

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

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

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

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

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

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

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

2.02 City Code §300.21 Subd. 3(m) outlines the following specific standards that must be met for granting a conditional use permit for public buildings:

1. Site and building plan pursuant to section 300.27 of this ordinance.

2.03 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.

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

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

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

3. The proposal has been reviewed by the city’s building, engineering, planning, natural resource, and fire staff. It is not anticipated to have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements.

4. The proposal is consistent with the city’s water resources management plan. Only minor additions are proposed to the property at this time.

5. The majority of the performance standards outlined in the zoning ordinance are related to development and construction. The proposal is for the use of an existing building with three small additions. With the exception of the parking variance to allow a reduction of parking, the proposal would meet the standards outlined.

6. The proposal is not anticipated to have an undue adverse impact on the public’s health, safety or welfare.

3.02 The proposal would meet all but one of the specific conditional use permit standards outlined in City Code §300.21 Subd. 3(m) and site and building plan standards outlined in City Code §300.27, Subd. 5.

1. The proposal has been reviewed by the city’s building, engineering, planning, natural resources, and fire staff to ensure consistency with
2. With the exception of the parking variance to allow a reduction of parking, the proposal would be consistent with the ordinance. The parking variance is reasonable, as the proposed use would not require additional parking based on Institute of Transportation Engineers (ITE) parking demand data.

3. The external modifications to the property are minor and would minimally alter the trees, soil, and the general appearance of the site.

4. The proposed external changes would be minor and would maintain a harmonious relationship between buildings and open space with natural features and with existing and future buildings of the development.

5. The proposed external changes on the site would be minimal. As such, there would be no negative impacts to existing internal order, open space, aesthetics, or vehicular and pedestrian circulation on the property.

6. The proposal is for the reuse and remodel of an existing building with small additions.

7. The proposal would not have any negative impacts on adjacent or neighboring properties.

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

1. The proposal, and resulting variance request, would be in keeping with the city’s zoning ordinance. The intent of the ordinance, as it pertains to parking requirements, is to ensure adequate parking is provided to meet the anticipated parking demand of the subject site. Based on the ITE parking analysis, the highest parking demand observed for a religious institute use during the peak period was one parking space per 4.2 worship seats, or 238 spaces for the subject site. One space per 3.5 worship seats, or 291 parking spaces, are proposed.

2. The proposal would be consistent with the city’s comprehensive plan. The subject property is guided for mixed use. This designation has been established to allow flexibility in land use and creative site design. The proposed use of this property would be consistent with
this objective.

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

a) The request for a variance from the required number of parking spaces is reasonable.
   - The proposed number of parking spaces would satisfy the highest peak period parking demand observed in a religious institution parking generation study completed by ITE in 2004.
   - River Valley Church has three other sites located in the metro area that have similar parking ratios. The local jurisdictions where these churches are located have been contacted and informed the city staff that no complaints have been received regarding a lack of parking.

b) Per ITE, the proposed use of the property would require less parking spaces than the ordinance requires for a religious institution.

c) The parking variance would not adversely affect the character of the surrounding neighborhood. The site would meet the anticipated peak parking demand on site.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.

2. Stormwater management is required if building additions exceed 5,000 sq. ft. of disturbance or 50 cubic yards of excavation/fill.

3. The proposed building must comply with all public health code requirements.

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

5. Sign permits are required for any exterior signs.
6. The applicant must inform city staff in writing if any significant changes in programming that would increase the p.m. peak trip generation. This includes, but is not limited to, general programming changes and user increases, as it may require an updated traffic study. If an updated study indicates a negative impact on the surrounding roadway system or parking demand, staff may require the conditional use permit be brought back to the city council for further review.

7. The applicant must sign an agreement acknowledging the future road construction and possible driveway entrance changes on Red Circle Drive.

8. Erosion control and tree protection must be installed and inspected prior to building permit being issued. These items must be maintained throughout the course of construction.

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

10. Any change to the approved use that results in a significant increase in traffic, parking 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 January 9, 2017.

__________________________________________________________________________

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 January 9, 2017.

________________________________________
David E. Maeda, City Clerk
Brief Description Preliminary plat, with variances, for WOODLANDS AT LINNER at 1555 Linner Road

Recommendation Recommend the city council approve the proposal.

Background

In the mid-1980s the city envisioned and developed a concept plan for a looped road system which would allow for thoughtful and orderly development of several large lots along the east side of Linner Road. This concept plan is attached. (Diagram to right.)

CHESTNUT HILLS – the subdivision directly to the south of the subject property - was reviewed and approved during this time. The developer of CHESTNUT HILLS worked with city staff to develop a plan for the development that would allow for the future extension of the looped road to the north and a southern road connection to Deerhill Drive. Construction of the future road system could not occur until the adjacent properties to the north and south developed and so the CHESTNUT HILLS subdivision was and continues to be served by a temporary cul-de-sac. (Diagram to lower right.) With approval and the redevelopment of the property to the south, a connection to Deerhill Drive is no longer a viable option.

Beginning in 1989, a property owner submitted several proposals to redevelop the former property at 1551 Linner Road. The then-property included the northerly portion of the current subject property. In 1992 a subdivision was approved. A 50-foot right-of-way easement was required as a condition of approval to accommodate a future thru-street, which would allow for the redevelopment of the parcels between this right-of-way and CHESTNUT.
HILLS. This plan for a thru-street was required to be included in the chain of title for all affected parcels.

Since the 1992 approval, parcel A (currently 1551 Linner Road) and Parcel B (currently 1555 Linner Road) were issued driveway permits by the city to allow for a private use within a public right-of-way. Additionally, Parcel B was combined with properties to the south creating the current configuration of 1555 Linner Road Property.

Proposal Summary

The following information is intended to summarize the proposal submitted by HP Holdings, LLC. Additional information associated with the proposal can be found in the “Supporting Information” section of this report.

- **Existing Site Conditions.** The subject property is approximately 5.5 acres in size. The property is currently improved with a 6,800 square foot home and several private recreational amenities. The site generally slopes “downwards” from the south and west property lines and is encumbered by two wetlands. The site does not include a woodland preservation area but does contain approximately 400 regulated, mature trees primarily of the oak, maple, basswood, and fir varieties.

- **Proposed Lots.** As currently proposed, the existing home would be reconstructed and three, new, single-family homes would be constructed. All four lots would comply with minimum lot area standards and would range in size from 24,800 square feet to 111,700 square feet. Two of the homes would have access via a new public cul-de-sac to the north; one lot would have access onto Linner Road and the southern lot would have access onto the Pondview Terrace cul-de-sac.

<table>
<thead>
<tr>
<th>Lot</th>
<th>AREA</th>
<th>WIDTH</th>
<th>Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Buildable*</td>
<td>ROW</td>
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<tr>
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<td>13,500</td>
<td>69 (v)</td>
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<tr>
<td>4</td>
<td>29,966</td>
<td>14,345</td>
<td>165</td>
</tr>
<tr>
<td></td>
<td>* rounded to the nearest 5 sf</td>
<td>(v) requires variance</td>
<td></td>
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</tbody>
</table>
Primary Questions and Analysis

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

- Are the proposed lots and lot variance reasonable?

Yes. The city’s subdivision ordinance outlines minimum area and dimensional standards for single-family residential lots. While the proposed lots would far exceed the city’s minimum R-1 requirements for lot area, one of the proposed lots would require a lot width at right-of-way variance. When a subdivision requires a variance, the city has a broad discretion in the approval or denial of the proposal. The subdivision ordinance states that variances “may be granted but not mandated” when the applicant meets the burden of proof proving that:

Reasonableness and Unique Circumstance: The city’s development concept for the area was to allow for improved roadway connectivity. At the time of the concept, the subject property was a series of individual – albeit larger – parcels. It was envisioned that the thru-street would be needed to allow for the development of these parcels. Since many of the larger parcels were combined to form the current 1555 Linner Road, staff finds that the thru-street is not as vital today to the redevelopment of the area as it would have been previously.

Nonetheless, several of the surrounding parcels have developed such that the future street could be constructed. One of these parcels is CHESTNUT HILLS – directly to the south of the subject property – which was developed with a right-of-way extension for the future street. To serve the subdivision in the interim, a temporary cul-de-sac was constructed.

The requested variance to reduce the lot width at right-of-way for Lot 3 is the result of the temporary cul-de-sac not being platted as a permanent cul-de-sac in the early 1980s. Were the cul-de-sac platted as permanent right-of-way, Lot 3 would meet minimum standard and no variance would necessary. This is a very unique circumstance that is not common to other similarly zoned properties.

The ordinance allows the city to consider variances to lots with substandard lot widths when the property could be developed in a manner that would meet all minimum lot requirements. At the request of staff, the developer submitted a conforming exhibit with a thru-street for consideration. While the exhibit would generally meet the city’s ordinances, the thru-street construction would result in an increase in grading.

Character of the neighborhood: The variance would not adversely affect or alter the character of the neighborhood. The proposed lots would range in size from
24,000 to 111,000 square feet. These lots would be similar in size to existing lots within the Linner Road neighborhood.

- **Does the proposal align with the city’s development concept?**

  Yes. The purpose of the design concept was to provide for orderly and thoughtful redevelopment of the larger parcels along Linner Road. At the time of the concept, there were several large parcels east of Linner Road. The city anticipated the various property owners would develop at various times. Those parcels have since been consolidated into 1555 Linner Road, the subject property. While a thru-street could potentially provide for improved connectivity in the area, the benefits of the thru-street are not as significant as they were previously. In evaluating the proposal, staff weighed the public benefits of the through street compared with the site impacts needed to construct the street. Staff does not find that the benefits of the thru connection would outweigh the anticipated site impacts. Staff also evaluated whether the proposed development would preclude the northern connection shown on the concept plan, which would allow for development of properties between the subject property and Wayzata Boulevard to the north. Staff finds that the proposal would not preclude the future development of these parcels.

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

  Yes. While the proposal would result in a significant amount of tree removal, the proposal generally meets the tree protection ordinance. The proposed subdivision would result in a density of less than one lot per acre. By ordinance, such subdivisions are exempt from the maximum 35% tree removal limits set out in the ordinance. As such, while the proposal would result in a 37% tree removal, the proposal would comply with the ordinance. Staff has included conditions of approval to reduce the grading impacts to several trees. In doing so, the amount of tree removal would be reduced.

- **Is the proposed wetland buffer width reduction reasonable?**

  Yes. The intent of minimum buffer widths is to ensure the physical protection and visual aesthetic of the wetlands. The buffer width variance is for an existing retaining wall along the driveway for the existing home. Staff finds that the requested variance would still allow for adequate separation from and protection of the wetland.

**Staff Recommendation**

Recommend the city council adopt the attached resolution which grants preliminary plat approval to WOODLANDS AT LINNER a four lot subdivision, with variances, at 1555 Linner Road.

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

Project No. 16029.16a
Property 1555 Linner Road
Applicant HP Holdings, LLC
Surrounding Land Uses All surrounding properties are zoned R-1 and are improved with single family homes.
Planning Guide Plan designation: low density residential
Zoning: R-1
Lot Standards But for the lot width at right-of-way variance, the proposal would meet the R-1 standards.
Original Plan Initially the developer submitted a four-lot plan for the site which required four lot width variances. Staff worked with the developer to identify the proposed alternative which better aligns with the city's development concept for the area and the current subdivision ordinance.

Natural Resources

Trees. A remnant oak forest exists on the property south of the existing drive and an area north of the drive is transitioning into a maple-basswood forest. While cumulatively the two woodlands exceed 2 acres in size, independently neither woodland area is large enough to be regulated as woodland preservation area.

The tree protection ordinance establishes a maximum amount of tree removal to occur as a result of a subdivision. However, development properties which develop at less than one unit per acre are exempt from this maximum removal requirement.

The proposal would result in a removal of 53 of the site’s 145 high priority trees and 98 of the site’s 234 significant trees. Included as a condition of approval, is a mitigation plan for review. This plan must show mitigation for 296 inches and 430 feet of mitigation. In addition the plan must include 10, 10-inch trees.

Wetland. There are two wetlands on the property.

- North wetland: Currently, the northern wetland accepts drainage from a large area west of the property. To improve water quality of the area, the city will work with
the developer to collect and treat this excess drainage within the proposed stormwater pond.

- South wetland: The city’s Water Resources Management Plan (WRMP) classifies the wetland as a Manage 2 wetland. However, staff believes the wetland may actually be a Manage 1 wetland. If it is confirmed that the classification is different than the WRMP, the city council must approve an update to the WRMP.

Utilities

It has long been the city’s practice to identify and establish water main connections to provide better service to residents. The proposed development would allow for looping of several water mains:

- North – South Connection: This connection would connect the water main within the northern right-of-way to the water main in Pondview Terrace. Staff worked with the developer to identify a location for the main that would have the least amount of impact to the site’s natural resources.

- East – West Connection: On several past occasions the city has unsuccessfully attempted to obtain the necessary easements across the subject property to connect the water main from Pondview Terrace to Oakways Court. These easements would allow for the connection as the city already has the necessary easements to construct the main from Oakways Court to the subject property line. As part of the development, the developer would dedicate the necessary easements on the subject property and do the site preparation work to allow for the construction of the water main by the city in the near future.

Water Quality

To improve water quality, the city would work with the developer to construct a new storm sewer system which would direct stormwater from an area to the west of Linner Road to the stormwater proposed pond. The city will pay the developer for the work after the submission of an invoice for the construction costs associated with the overage.

Traffic

Since the submission of the proposal, the city received a number of calls related to traffic safety along Linner Road. The city engineer has reviewed the design of Linner Road and has found it to be acceptable. Additionally, police records indicate that four
accidents have occurred along Linner Road within the last 10 years, two of which were weather related. The remaining two accidents were the result of impaired driving and traffic violations.

**Neighborhood Meeting**

On November 30, 2016 the developer held a neighborhood meeting. Approximately 10 people attended the meeting and generally expressed support for the proposal. Some of those who attended the meeting inquired about proposed site impacts and tree removal.

**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.

**Neighborhood Comments**

The city sent notices to 58 area property owners and received five comments. Those comments are attached.

**Pyramid of Discretion**

This application

**Motion Options**

The planning commission has three options in making recommendation to the city council:

1) Concur with staff’s recommendation. In this case, a motion should be made approving the preliminary plat and variances.

2) Disagree with staff’s recommendation. In this case, a motion should be made directing staff to prepare a
resolution for denying the preliminary plat and variances. This motion should include findings for denial.

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

**Voting Requirement**
The planning commission will make a recommendation to the city council. Since the proposal includes variances, a recommendation for approval requires four votes.

The city council’s final approval requires five affirmative votes.

**Deadline for Decision**
February 1, 2017
Project: The Woodlands at Linner
Applicant: HP Holdings, LLC
Address: 1555 Linner Rd
Project No. 16029.16a
SITE R-1 STANDARDS

- **Minimum Lot Area:** 22,000 SF
- **Minimum Lot Width at Setback:** 110 FT
- **Minimum Lot Width at Row:** 80 FT, but 65 FT at Cul-de-sac bulb
- **Minimum Lot Depth:** 125 Feet
- **Minimum Buildable Area:** 3,500 SF
- **Buildable Area Dimensions:** Minimum of 4 sides and 40 feet per side
- **Minimum Front Yard Setback:** 35 Feet from Neighborhood or 50 Feet from Major Collector or Arterial Roadways
- **Minimum Side Yard Setback:** Minimum 10 FT; aggregate total of 30 Feet
- **Minimum Rear Yard Setback:** 40 Feet or 20% of lot depth whichever is less
- **Minimum Setbacks for Lot Behind Lots or Lots with Substandard Frontage on to a Public Street:** 40 Feet or 20% of the distance between opposite lot lines
- **Minimum Impervious Surface:** Impervious surface is only regulated within the Shoreland Overlay District. Within the Shoreland Overlay District, the maximum impervious surface for the area within 150 feet of a OHWL is 30%; other land within the Shoreland Overlay District must have the 15% limit per 7%.

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**Sheet Index**
1. Cover Sheet & Preliminary Site Plan
2. Legend Sheet
3. Existing Conditions
4. Preliminary Plat
5. Preliminary Removal Plan
6. Preliminary Restoration Plan
7. Preliminary Grading Plan
8. Preliminary Erosion Control Plan
9-10. Preliminary Grading Details
11. Preliminary Utility Plan
12. Preliminary Wetland Plan

**T1-2. Tree Preservation Plan**
R-1 STANDARDS

- MINIMUM LOT AREA: 22,000 SF
- MINIMUM LOT WIDTH AT SETBACK: 110 FT
- MINIMUM SETBACKS FOR LOT BEHIND LOTS OR LOTS WITH SUBSTANDARD FRONTAGE ONTO A PUBLIC STREET: 40 FEET OR 20% OF THE DISTANCE BETWEEN OPPOSITE LOT LINES, WHICHEVER IS LESS BUT NO LESS THAN 25 FEET.
- MINIMUM FRONT YARD SETBACK: 35 FEET FROM NEIGHBORHOOD OR 50 FEET FROM MAJOR COLLECTOR OR ARTERIAL ROADWAYS
- MINIMUM SIDE YARD SETBACK: 10 FT; AGGREGATE TOTAL OF 30 FEET
- MINIMUM REAR YARD SETBACK: 40 FEET OR 20% OF LOT DEPTH WHICHEVER IS LESS
- MAXIMUM IMPERVIOUS SURFACE: IMPERVIOUS SURFACE IS ONLY REGULATED WITHIN THE SHORELAND OVERLAY DISTRICT FOR R-1 PROPERTIES. WITHIN THE SHORELAND OVERLAY DISTRICT, THE MAXIMUM IMPERVIOUS SURFACE FOR THE AREA WITHIN 150 FEET OF A OHWL IS 30%; OTHER LAND WITHIN THE SHORELAND OVERLAY DISTRICT BUT EXEMPT FROM OHWL IS 25%
Tree Inventory
Total Trees Located on Site = 391 Significant Trees
"High Priority Tree" Located on Site = 94 Trees

Total Trees to be Removed = 143 Significant Trees (36.5%)
"High Priority Tree" to be Removed = 28 Trees (20.7%)
Total Trees to be Saved = 248 Trees

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Average Net Lot Area = 56,372 SF (1.29 Acres)

TREE PROTECTION DETAIL

SEE SHEET 7 FOR A DETAILED TREE LIST
Neighborhood Development Concept plan from the 1980s
Developer submitted conforming exhibit
Tree Inventory

Total Trees Located on Site = 391 Trees
  "High Priority Tree" Located on Site = 94 Trees
  "Significant Tree" Located on Site = 297 Trees

Total Trees to be Saved = 229 Trees

Total Trees to be Removed = 68 Trees
  "High Priority Tree" to be Removed = 33 Trees (35%)
  Allowed to remove 35% of "High Priority Trees" (33 Trees)

*Total Significant Tree Area = 139,149 sq ft
  Allowed to Remove 25% of the Significant Area (34,787 sq ft)
Total Significant Tree Area to be removed = 71,236 sq ft (53%)

*SIGNIFICANT TREE AREA SHOWN ON PLAN IS AN ESTIMATE TO DETERMINE FINAL SIGNIFICANT TREE AREA.

1. 3156 = TREE TO BE SAVED
2. 3106 = TREE TO BE REMOVED
3. 2156 = TREE LOCATED OFF SITE

TREE PROTECTION DETAIL

NOTE: TREES TO BE SAVED SHALL BE LEAVE SITE WITH ROOTS AND ALL VEGETATION THROUGH THE END OF THE SEASON.
ROOTS TO BE SAVED MUST BE LEFT IN PLACE UNTIL COMPLETION OF CONSTRUCTION OR DISPOSAL OF STEMS OR TRUNKS OF ANY TREE MATERIALS.

SEE SHEET 2 FOR A DETAILED TREE LIST
Neighborhood Feedback
December 6, 2016

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

Re: The Woodlands at Linner
Our File No. 086044-000

Dear Ms. Cauley:

We are counsel to Homestead Partners and this correspondence is written in support of the application for approval of the referenced plat.

I understand that neighbors to the north of the site, Pat and Marcia Carlson, have expressed concerns with respect to the street and utility improvements that are proposed to be constructed in the public right of way that is designated on the preliminary plat as “Street A.” While it is true that those neighbors currently use Street A for private access pursuant to a license for such use that was granted by the City, a review of the recorded agreements concerning this right of way confirms that the City’s right to revoke this private license and to arrange for the construction of street and utility improvements is this public right of way were intended and specifically reserved when the license was granted, and that the City’s exercise of these rights in this matter does not impair or infringe upon any property right that the Carlsons may have.

The pertinent documents are as follows:

(a) On May 4, 1992, the City approved a subdivision to create “Street A” as a separate legal parcel (Resolution 92-9379) (Document 5928205) (the “Subdivision Resolution”). This Subdivision Resolution also subdivided an adjoining northerly parcel (which is now owned by the Carlsons, that was referred to in the Resolution as Parcel A, and that will be referred to herein as the “Northerly Parcel”) and an adjoining southerly parcel (which is now owned by the Applicant, that was referred to in the Resolution as Parcel B, and that will be referred to herein as the “Southerly Parcel”).

(b) As required by the Subdivision Resolution, a Declaration of Restrictive Covenants dated May 18, 1992 was recorded against the titles for both the Northerly Parcel and the Southerly Parcel to provide notice that a future public roadway may be constructed in Street A in the event of the development of the Southerly Parcel.
December 6, 2016
Page 2

(c) As further required by the Subdivision Resolution, on that same day, May 18, 1992, the owners of Street A, the Northerly Parcel and the Southerly Parcel granted a perpetual easement for public right of way purpose over the entirety of Street A (Document 59-28206) (the "Right-Of-Way Easement"). This easement remains in full force and effect today.

(d) As also required by the Subdivision Resolution, following the grant of the Right-Of-Way Easement, the City executed a Permit Agreement for the benefit of the Northerly Parcel and the Southerly Parcel to enable the owners of those parcels to use Street A as a private driveway (Document No. 5928208). This Permit Agreement is freely revocable by the City so long as the revocation does not eliminate a right of access to either parcel. The terms of this Permit and the City's revocation rights, are fully consistent with applicable provisions of City Ordinances (Section 1125.015).

In short, this record shows clearly that Street A was intended to be improved as a public right-of-way in conjunction with the subdivision and development of the Applicant’s property, both affected owners had clear notice of these rights, and there is nothing about the City’s approval of the referenced plat or the construction of street and utility improvements in Street A that violates any rights of the owner of the Northerly Parcel.

Thanks you for your attention to this matter.

Very truly yours,

Gary C. Eidson

GCE/nmp
cc:  Ms. Corrine Heine
     Mr. Tom Bakritges
Hi Ashley and Brad - My husband and I recently purchased the home at 1553 Linner Road (one of the properties bordering the new lots proposed by HP Holdings LLC). We will be attending the Dec. 15 meeting and have some questions we'd like addressed, please:

- Are they planning on building a new cul-de-sac at the end of what's currently a private drive to the north of our property with driveways off of it for 1555 and new house #2? What's the rationale for doing that instead of putting their driveways off of the existing road?
- What changes in elevation are planned for the three new lots? E.g., will the lot for new house 2 be filled in so it is ~level with our property at 1553 or will there still be a slope down to that house (goes into the woods now). Same question for the lot to our south for new house #4 on the tennis court.
- What compensation plans are in place in case of damage to our property during tree removal, construction, etc.?
- What measures will be taken to ensure the trees marked save are not damaged during removal of surrounding trees, construction, etc.
- We have several pine trees on our southern property line between our house and the tennis courts. We believe them to be on our property and wanted to make sure they would be saved. They are not tagged.
- What will be the logistics for construction? When will the project commence? How long will it likely last? What hours during the day will construction take place (e.g., typically 8am-5pm)? Where will the heavy machinery park during work hours and at night?

Thank you,
Julie Heaser
Dear Ms. Cauley and Mr. Wiersum,

I am a homeowner at 1714 Pondview Terrace and I am writing regarding the OP Holdings, LLC application to subdivide the property at 1555 Linner Road. Unfortunately, I am not able to attend the planned meeting on December 15th due to a work travel commitment nor was I able to attend the developer meeting held on November 30th.

I respectfully submit the following request, questions and concerns to the Planning Committee:

1. Currently a wrought iron and chainlink fencing runs between my property and the development. My expectation is that the fencing will not be disrupted and am requesting the Planning Division and developer support and confirm. I have two large dogs that are managed by the fence and I have safety concerns.

2. The proposal specifies the price range for the homes, but does not include any guidance on the size or style of home. Can the builder please specify? Obviously having a home located in close proximity changes the quality of life and the potential marketability and value to the adjoining properties.

3. Based upon the Preliminary Plat provided by the developer, it appears that Lot/Homes #3 and #4 will be within 20-30 feet of the property line. I am concerned about the privacy as well as the number of mature hardwood trees that would be at risk. Can you please provide additional detail on how close the lot will be from the property line? In addition, provide more specificity about the trees that are planned to be removed.

4. I am very concerned about Lot 3 accessing from Pondview Terrace and wonder if you considered the Lot access coming from Linner Road. I am specifically concerned that Pondview Terrace would be an access point for construction vehicles and be very disruptive to the neighborhood during the construction period. Please confirm where construction workers will access the development?

5. Will the homes be constructed and then sold or will the lots be sold and construction be timed based on the lot sale. I would appreciate any insight as living with construction over an extended period is disruptive to me and quality of life.

6. There has been considerable development and increased traffic on Linner Road. I have made numerous calls to the police and to the city to understand the City’s plans to address the increased traffic and disregard to speed limits. I would strongly encourage the City consider new measures to make the changing environment safer to pedestrians to enjoy the neighborhood.

Thank you for your consideration.

Sincerely,

Linda Engels
1714 Pondview Terrace
Minnetonka, MN 55391
VIA EMAIL AND US MAIL

The City of Minnetonka Planning Commission
14600 Minnetonka Blvd.
Minnetonka, MN 55345
c/o Ashley Cauley

RE: Concerns with The Woodlands at Linner
City Project No. 16029.16a

Dear Honorable Members of the Planning Commission:

This letter is to request that the Planning Commission table the review of The Woodlands at Linner project (“Project”) so that various concerns of surrounding landowners can be addressed prior to taking any action by the Commission. My clients, Jared and Julie Greenbaum (“Greenbaum's”), live directly south of the proposed Project and the applicant, HP Partners, LLC (the “Applicant”) has failed to provide adequate measures to assure that it can and will prevent damage and restore the Greenbaum’s Property.

There are several inconsistencies with the Applicant’s project, plans and submittals that must be addressed before the Commission should proceed, including:

1. HP Partners, LLC is not the owner of the Property in question, as required by City Code to make an application for the approvals requested. Based on the Hennepin County Web Site, the property is owned by Randy Gene Koch. Pursuant to City Code and State Law the Applicant must show some interest in the property which has not been shown.

2. Furthermore, the Applicant is not entitled to a variance. The variance requested is not in harmony with the general purposes and intent of the City Zoning ordinance. Nor would this project pass the test outlined in Krummenacher v. City of Minnetonka, file A08-1988 (Minnesota Supreme Court, June 24, 2010). The Applicant has not shown that “the property in question cannot be put to any reasonable use” without the variance.

3. Lastly, the plans and drawings submitted by the Applicant do show how the structural integrity, drainage and aesthetics of the Greenbaum’s property would be maintained during the development. The mere verbal
representations of the Applicant are not enough and the Greenbaum’s mere want these assurances agreed to in writing by the Applicant.

For these reasons, on behalf of the Greenbaums’ we are writing to oppose approval of the applications and seek merely for the Commission to table its evaluation on the project until a written agreement can be worked out with the Applicant.

If you have any questions or concerns please contact me.

Sincerely,

MESSERLI & KRAMER, P.A.

Daniel S. Schleck
Shareholder

C. Clients
G Eidson – Counsel for HP Partners.
Dear Ashley,

This is Graham on 1701 Pondview Ter. I am writing in regards to the 1555 Linner Rd project.

I purchased the property in 2014, on the very first day the property was listed. We love our property because of the cul-de-sac and the pond next to my property. We also loved the neighborhood because of the tree/wooded area, and the large lots. Our family's strong preferences are:

1.) We prefer that the cul-de-sac be kept. I did not know that it was a "temporary cul-de-sac" when we purchased the property. I have 3 younger children (7, 6, and 2 weeks old), and they spend a lot of time in the cul-de-sac. The other two neighbors that share the cul-de-sac also have younger children.

2.) We prefer that as many trees be kept as possible. I understand that the plans include a water line that will be added between my property and the pond. I only ask that as many large trees be kept as possible.

3.) The developer has commented to us that the range of homes will be at $1.2m-$2m. We hope that they are held accountable to that if possible. Given that my home is older, I do not think my home will benefit from the new development. Instead, I am worried about supply and demand. With so many new homes being added (including the Meeting street project), I worry that my home's property value would be negatively affected by the increased supply.

Thank you for forwarding my comments to the commission.

Sincerely,

Graham Wong
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Resolution No. 2017-
Resolution approving the preliminary plat of WOODLANDS AT LINNER, with variances, at 1555 Linner Road

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

Section 1. Background.

1.01 HP Holdings, LLC has requested preliminary plat approval for WOODLANDS AT LINNER, a four lot subdivision with a lot width at right-of-way variance. (Project 16029.16a).

1.02 The property is located at 1555 Linner Rd. It is legally described on Exhibit A of this resolution.

1.03 On December 15, 2016, the planning commission held a hearing on the proposed plat. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council grant preliminary plat approval.

Section 2. General Standards.

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

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

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

Section 3. Findings.

3.01 The proposed preliminary plat meets the design requirements as outlined in City Code §400.030.

3.02 The proposed preliminary plat would meet the variance standards as outlined in City Code §400.055:

1. Reasonableness and Unique Circumstance:

   a) The city’s development concept for the area was to allow for improved roadway connectivity. At the time of the concept, the subject property was a series of individual – albeit larger – parcels. It was envisioned that the thru-street would be needed to allow for the development of these parcels. Since many of the larger parcels have been combined to form the current 1555 Linner Road, the thru-street is not as vital today to the redevelopment of the area as it would have been previously.

   Nonetheless, several of the surrounding parcels have developed such that the future street could be constructed. One of these parcels is CHESTNUT HILLS – directly to the south of the subject property – which was developed with a right-of-way extension for the future street. However to serve the subdivision in the interim, a temporary cul-de-sac was
The requested variance to reduce the lot-width-at-right-of-way for Lot 3 is the result of the temporary cul-de-sac not being platted as a permanent cul-de-sac in the early 1980s. This is a very unique circumstance that is not common to other similarly zoned properties.

b) The ordinance allows the city to consider variances to lots with substandard lot widths when the property could be developed in a manner that would meet all minimum lot requirements. At the request of staff, the developer submitted a conforming exhibit with a thru-street for consideration. While the exhibit would generally meet the city’s ordinances, the thru-street construction would result in an increase in grading.

2. Neighborhood Character: The variance would not adversely affect or alter the character of the neighborhood. The proposed lots would range in size from 24,000 to 111,000 square feet. These lots would be similar in size to existing lots within the Linner Road neighborhood.

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

1. Purpose and Intent: The intent of wetland minimum buffer widths is to ensure the physical protection and visual aesthetic of these natural resources. The requested buffer width variance would meet this intent. The variance is for an existing retaining wall and would not negatively impact the wetland’s physical function or visual aesthetic.

2. Consistent with the Comprehensive Plan: One of the primary goals of the comprehensive plan is to balance natural resource protection efforts with individual property rights. The requested variance would be consistent with this goal. The variance is for an existing retaining wall on a single-family residential property.

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

a. Reasonableness and Unique Circumstance: The proposed buffer width is reasonable as it is for an existing retaining wall. The wall does not have a negative impact on the function of the wetland and would not change the current visual
aesthetic. This also presents a unique circumstance not common to other similarly zoned residential properties.

b. Character of Locality: The proposed buffer widths would not negatively impact the character of the area, as it an existing condition.


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

1. Final plat approval is required. A final plat will not be placed on a city council agenda until a complete final plat application is received.

   a) The following must be submitted for a final plat application to be considered complete:

      1) A final plat drawing that clearly illustrates the following:

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

         b. Per City Code §400.03 Subd 3(c) the property lines at the intersection of the cul-de-sac bulb and the straight portion of a street must be rounded at a radius of not less than 20 feet.

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

         d. If the existing sump easement will not be vacated, the easement must be shown on the plat.

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

   2) Confirm if the water feature serves as an emergency overflow for Wetland 1 and 2. If it does not, a drainage and utility easement is not required.
3) Documents for the city attorney’s review and approval. These documents must be prepared by an attorney knowledgeable in the area of real estate.

a. Title evidence that is current within thirty days before release of the final plat. This title work must show that the conveyance of the 50-foot parcel from 1553 Linner Road is valid.

b. Conservation easements over both wetland buffer areas and a drawing of the easements. In addition:

1. The easement must cover a minimum 25 foot buffer around Wetland 1 and 2.

2. The buffer may be reduced to no less than 10 feet directly adjacent to the existing retaining wall northwest of the existing drive to the existing home.

3. The buffer may be reduced to no less than 15 feet to the northern corner of the existing weir northwest of the bridge.

c. Documents establishing a homeowners’ association. The association must be responsible for maintaining any common areas, required drainage ponding and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the building permits.

d. Declaration and restrictive covenants. This document must:

- Cover all mitigated wetland areas per the WCA.
• Establish maintenance responsibilities of the property owners for existing and proposed retaining walls within drainage and utility easements.

• Establish maintenance responsibilities of the property owners for the water feature.

e. A Contract for Residential Development (or Developers Agreement) if the applicant or developer is constructing any public improvements. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.

f. Pay all pending assessments on the property.

2. Prior to final plat approval:

a) This resolution must be recorded with Hennepin County.

b) The documents outlined in section 4.01(1)(a)(2) above must be approved by the city attorney.

3. Prior to release of the final plat for recording:

a) Submit the following:

1) Two sets of mylars for city signatures.

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

3) Park dedication fee of $15,000.

b) If the developer is petitioning the city to construct the public improvements, an appropriate petition must be submitted and the city council must order the improvements.

c) The city council must approve an update to the Water Resources Management Plan to reflect the wetland classification change to the south wetland.

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

- Site plan date-stamped November 21, 2016
- Preliminary restoration plan date-stamped November 21, 2016
- Grading plan date-stamped November 21, 2016
- Utility plan date-stamped November 21, 2016
- Wetland plan date-stamped November 21, 2016
- Tree preservation plan date-stamped November 21, 2016

5. 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) Evidence of filing the final plat at Hennepin County and copies of all recorded easements and documents as required in section 4.01(1)(a)(2) of this resolution.

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

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

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

a. The approved wetland delineation must be shown on all plan sheets and surveys. All proposed improvements must meet wetland setbacks and no wetland impacts are allowed.

b. Final site plan must:

- Confirm whether the offsite irrigation for the property at 1708 Pondview Terrace will be preserved per the preservation plan or removed as per the site plan. If
the irrigation must be relocated, the developer must work with the property owner.

- Indicate that all structures would meet wetland setbacks and no wetland impacts would occur.

- Remove the retaining walls from city right-of-way.

- Shift the house pad and associated grading for Lot 2 as far east as possible to reduce tree impacts.

c. Final restoration plan must:

- Be consistent with the construction limits.

d. Final grading plan must:

- Include grading impacts related to the reconstruction of Pondview Terrace.

- Include driveway connection details for the property at 1551 Linner Road. The driveway connection must comply with the city’s driveway policy. Permission from the property owner is required for any work that extends onto the adjacent property.

- Include a geotechnical report with a roadway design for the new cul-de-sac. The report must contain borings and the design is required to be specific to the site conditions. A typical section detail plate is required to be added to the plan.

- Include roadway profiles.

- Include the emergency overflow elevation for Wetland 1 and 2.
• Ensure a hydrologic connection between Wetland 1 and 2 to allow for a continued overflow.

• Culverts and rip-rap must not be located within the wetland.

• Grading within the tree clearing within the house pads will occur only after a permit for a new home is used or it is determined that the area is needed for the completion of the overall site improvements.

• Reduce grading impacts to the large oaks near the west property line of Lot 2.

e. Final stormwater management plan must:

• Meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. In addition, supplemental calculations must be submitted detailing conformance with the city’s:

  1. Rate control: maintain the city’s existing rates for the 2-, 10- and 100-year events. There must be no increase in the 100-year of wetland 1 or 2.

  2. Volume: the stormwater management facilities must capture 1” of the entire site’s entire impervious surface. Bio-retention is credited at 70%.

  3. Water quality: materials must be submitted (MIDS or p8 model) to demonstrate that 60% total phosphorus removal and 90% TSS removal.

• Not result in an increase in the 100-year wetland 1 or 2.
• Direct runoff from the impervious surface of Lots 3 and 4 to the stormwater basin.

f. Final utility plan must:

• Remove the water main tee when the hydrant is relocated on the new cul-de-sac.

• Include new water hydrants rather than salvaged hydrants.

• Include the relocation of water service for Lot 1.

• Extend water service for Lot 2 from the cul-de-sac.

• Include gate valves at the following locations:
  1. South of the hydrant in the new cul-de-sac.
  2. North of the new hydrant on Pondview Terrace.
  3. Two valves at the water main tee just north of Pondview Terrace.

• Include utility profiles.

• Locate the private sanitary sewer services outside of the roadway to allow for maintenance access.

• Proposed and existing private utilities, such as gas, communications, and power lines, must be located outside of the paved cul-de-sac.

• Relocate the private force main pipes for 1551 Linner Road and 1555 Linner Road to at least 7-feet north of the curb line of
the new cul-de-sac. MH-A should be relocated north of the road and the two force pipes should be connected to the manhole.

- Remove and replace the existing storm sewer east of CBMH-8 with a new storm sewer system. The new pipe should be concrete pipe and be located within the roadway, and be directed to the new pond. The developer should work with the property owner of 1551 to remove the existing pipe/riprap and regrade the area.

- Relocate STMH-2 to the north to avoid being located within the driveway for Lot 1.

- The sanitary sewer service for Lot 3 must connect to the MH-4.

- Adjust sewer and water mains to reduce impacts to trees #1239, 1234, 1227.

- Adjust utility services for Lot 3 to reduce impacts to trees #1241 and 1242.

g. Final landscaping and tree mitigation plans must:

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

- Provide for 296-inches, 430 feet, and 10-10-inch trees of mitigation.

- Both buffer areas must be fully established in native vegetation including removal of existing turf and gravel or paved trail areas.
5) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct streets and utility improvements, comply with grading permit, wetland restoration, tree mitigation requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until: (1) as-built drawings have been submitted; (2) a letter certifying that the streets and utilities have been completed according to the plans approved by the city has been submitted; (3) vegetated ground cover has been established; and (4) required landscaping or vegetation has survived one full growing season.

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

7) A copy of the approved MPCA NPDES permit.

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

9) All required administration and engineering fees.

10) Evidence that an erosion control inspector has been hired to monitor the site through the course of construction. This inspector must provide weekly reports to natural resource staff in a format acceptable to the city. At its sole discretion, the city may accept escrow dollars, in amount to be determined by natural resources staff, to contract with an erosion control inspector to monitor the site throughout the course of construction.

11) 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.

b) Prior to issuance of the grading permit, install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

c) Permits may be required from other outside agencies including, Hennepin County, the Minnehaha Creek Watershed District, and the MPCA. It is the applicant’s and/or property owner’s responsibility to obtain any necessary permits.

6. Prior to issuance of a building permit for the first new house within the development, submit the following documents:

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

b) Proof of subdivision registration and transfer of NPDES permit.

7. Prior to issuance of a building permit for any of the lots within the development:

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

1) 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.
2) Final grading and tree preservation plan for the lot. The plan must:


   b. Show sewer and water services to minimize impact to any significant or high-priority trees. No trees may be removed for installation of services.

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

4) Grading and tree clearing within the house pads is not allowed prior to the issuance of a permit for the new home unless it is determined that the house pad is needed for the completion of the overall development improvements subject to approval by city staff.

5) 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.
b) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

c) Install heavy duty fencing, which may include chain-link fencing, at the conservation easement. This fencing must be maintained throughout the course of construction.

d) Submit all required hook-up fees.

8. All lots and structures within the development are subject to all R-1 zoning standards. In addition:

a) Minimum floor elevation is 990-feet.

b) All lots within the development must meet all minimum access requirements as outlined in Minnesota State Fire Code Section 503. These access requirements include road dimension, surface, and grade standards. If access requirements are not met, houses must be protected with a 13D automatic fire sprinkler system or an approved alternative system.

9. The city may require installation and maintenance of signs which delineate the edge of any required conservation easement. This signage is subject to the review and approval of city staff.

10. During construction, the streets must be kept free of debris and sediment.

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

12. The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on January 9, 2017.

__________________________
Terry Schneider, Mayor
Resolution No. 2017-

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 January 9, 2017.

________________________
David E. Maeda, City Clerk
EXHIBIT A

That part of Lot 9, SUPERIOR BOULEVARD GARDENS, Hennepin County, Minnesota, according to the plat thereof, described as follows:

Beginning at the Southeast corner of said Lot 9; thence Northerly along the East line of said Lot 9, a distance 199.38 feet to the South line of the North 135.00 feet of said Lot 9; thence South 89 degrees 41 minutes 33 seconds West, assumed bearing, along the South line of the North 135.00 feet of said Lot 9, a distance of 110.07 feet; thence South 60 degrees 55 minutes 32 seconds West a distance of 178.21 feet; thence South 44 degrees 33 minutes 31 seconds West a distance of 31.89 feet; thence West a distance of 18.49 feet; thence South 60 degrees 55 minutes 32 seconds West a distance of 96.69 feet to Line “A” hereinafter described; thence Southeasterly along said Line “A” to the South line of said Lot 9; thence Easterly along said Lot 9 to the point of the beginning.

Line “A” is described as follows:

Beginning at the intersection of the East line of the West 146.00 feet of said Lot 9 and the North line of the South 50.00 feet of said Lot 9; thence Easterly along the North line of the South 50.00 feet of said Lot 9 a distance of 40.00 feet; thence Southeasterly along a tangential curve, concave to the Southwest having a radius of 165.00 feet and a central angle of 45 degrees 48 minutes 77 seconds, a distance of 131.95 feet to the South line of said Lot 9 and said Line “A” there terminating.

An undivided ½ interest in and to the following described property: that part of Lot 9, SUPERIOR BOULEVARD GARDENS, Hennepin County, Minnesota, according to the recorded plat thereof described as follows:

Beginning at the Southwest corner of said Lot 9; thence Northerly along the West line of said Lot 9, a distance of 50.00 feet to the North line of said South 50.00 feet of said Lot 9; thence Easterly along the North line of the South 50.00 feet of said Lot 9 a distance of 186.00 feet; thence Southeasterly along a tangential curve, concave to the Southwest, having a radius of 165.00 feet and a central angle of 45 degrees 48 minutes 47 seconds a distance of 131.93 feet to the South line of said Lot 9; thence Westerly along said South line a distance of 304.68 feet to the point of beginning. That part of Lot 10 lying East of the West 232 feet thereof and that part of the West 232 feet of said Lot 10 lying South of the North 170 feet thereof, SUPERIOR BOULEVARD GARDENS, Hennepin County, Minnesota, according to the duly recorded plat thereof.

That part of Lot 10, SUPERIOR BOULEVARD GARDENS described as follows:

Beginning at the Northwest corner of Lot 10, SUPERIOR BOULEVARD GARDENS, thence South along the West line of said Lot 10 a distance of 170 feet; thence East and parallel with the North line of said Lot 10 a distance of 232 feet; thence North and parallel with the West line of said Lot 10 a distance of 170 feet to the North line of said Lot 10; thence West along the North line of Lot 10 a distance of 232 feet to the point of beginning, Hennepin County, Minnesota.
Brief Description

Items concerning Crest Ridge Senior Living at 10955 Wayzata Boulevard:

1) Comprehensive guide plan amendment;

2) Major amendment to an existing master development plan; and

3) Site and building plan review.

Background

The southeast quadrant of the I-394/Hopkins Crossroad interchange has been part of land use discussion for many years. Though then occupied by several single-family homes, in 1973 the area was generally designated for office redevelopment. The 1981 Comprehensive Guide Plan designated the area for office and medium-density residential uses and the 1999 Comprehensive Guide Plan suggested a completely office designation. (See attached plans.)

In the mid-2000, 16 residential lots in the area – totaling roughly 14 acres – were acquired by The Opus Group for the purpose of redevelopment consistent with the “office” land use designation.

In January 2008, the city council approved a master development plan for what has become the properties at 11055 and 10955 Wayzata Boulevard. The approved Crest Ridge Corporate Center plan included construction of two, three-story office buildings, associated parking structures, and surface parking lots. An office building and parking ramp were constructed on the 11055 Wayzata Boulevard site shortly after approval. The building is currently occupied by Syngenta. The 10955 Wayzata Boulevard site remained vacant. (See attached.)

In January 2013, the city council approved a major amendment to the master development plan. Under the amended plan, the building and parking ramp at 10955 Wayzata Boulevard would be constructed as previously approved. However, rather than an office user, the site would be occupied by ambulatory care medical uses. The building and parking ramp were not constructed and the site remains vacant. (See attached.)

In August 2016, The Opus Group submitted a concept plan for construction of a four-story senior rental building on the vacant site. A neighborhood meeting was held to discuss the concept. The several area residents in attendance indicated general support for the residential land use. However, residents also expressed desire for screening and
mitigation of any perceived nuisance issues such as noise and light. Both the planning commission and city council generally expressed support for the concept. (See attached.)

The Opus Group has now submitted formal plans to develop the vacant site. The plans reflect the concept reviewed in August 2016. As proposed, a four-story, 147-unit senior rental building would be constructed. The building would be managed by Ebenezer. (See attached.)

Proposal Summary

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

- **Existing Site Conditions.**

  Following the 2008 master development plan approval, existing homes on the seven-acre subject property were removed, as were the majority of site’s existing trees, and basic grading occurred. The removals and grading, which were allowed, were intended to prepare the site for future office building and parking ramp construction.

  As currently configured, the highest points of the property are two knolls, one located on the east property line and one near the entrance to the adjacent Syngenta parking lot. Grades generally fall in all directions from these knolls. A variety of mature trees are located along the northerly and easterly perimeter of the site. A portion of a large, shared stormwater pond is located in the southeasterly corner of the site. The remainder of the property is open. (See attached survey.)

- **Proposed Use.**

  The proposed residential building would include a total of 147 units comprised of 127 independent/assisted living units and 20 memory care units. Non-memory care units would be located on all four floors of the building and would consist of studio, one bedroom, one-plus bedroom and two bedroom units. Under an “age in place” concept, residents may begin living in an independent unit and add services as they become necessary, essentially converting their independent living unit into an assisted living unit. Common areas – including dining room, community room, “club” room, salon, fitness center, and chapel – would be located on the first floor. Memory care units would all be located in a one-story wing on the north side of the first floor. These units would be organized around a larger memory care activity and dining space.

  Outdoor site amenities would include walking paths – with connection to area sidewalks – and a variety of active “outdoor living” and passive garden spaces.
Resident, staff, and visitor parking would be located in an 88-stall underground parking garage and a 68-stall surface parking lot.

- **Site impacts.**

To accommodate the proposed building, parking areas, and installation of required utility and stormwater management practices, significant grading of the site would occur and several perimeter trees would be removed or impacted. The proposal includes extensive planting of new trees and plants following site work and construction. (See attached landscape plan.)

**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 Crest Ridge Senior Housing and staff’s findings.

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

Yes. The proposed residential land use is reasonable for several reasons.

1) As a general land use planning principal, higher-density residential uses are appropriately located adjacent to higher volume roadways. The site is located in close proximity to both a major county road and interstate highway.

2) Similarly, higher-density residential uses are appropriate located in proximity to retail and services use. The site is located less than one-half mile from the retail and service use of Westridge Market and less than one mile from the Ridgedale village center.

3) The proposed residential use represents an overall decrease in land use intensity from the previously approved office and medical office uses. This is particularly true with regard to vehicle trips and general activity levels.

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

Yes. While the applicant used the previously approved site design to inform the current design, from staff’s perspective, the current proposal offers several improvements. Notably: (1) building setbacks are increased from all property lines; and (2) a secondary driveway access is removed from Wayzata Boulevard, minimizing potential conflicts on the frontage road.
• **Are the anticipated site impacts acceptable?**

   Yes. The vacant site was “prepped” for development in 2008; rough grading and tree removal occurred at that time. The current proposal will result in slightly more grading and tree removal along the east property line than was anticipated for either the previously approved office/parking ramp or the medical office/parking ramp construction. However, in staff's opinion, the resulting lower-intensity residential use and significant landscaping will compensate for these removals.

**Summary Comments**

The Crest Ridge Senior Living proposal represents both an appropriate use of the subject property and reasonable “completion” of a long-standing redevelopment site. Staff supports and recommends approval of the proposal.

**Staff Recommendation**

Recommend that the city council adopt the following, all pertaining to 10955 Wayzata Boulevard:

1. A resolution amending the comprehensive guide plan designation from office to high-density residential;

2. An ordinance repealing and replacing the existing Crest Ridge Corporate Center master development plan as it pertains to the subject property; and

3. A resolution approving final site and building plans for Crest Ridge Senior Living.

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

Surrounding
Northerly: Wayzata Boulevard and multi-family residential building

Land Uses
Easterly: Single-family homes
Southerly: Syngenta office building and single-family homes
Westerly: Hopkins Crossroad and MetroTransit Park and Ride

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

City Actions
The proposal necessitates the following applications:

- **Comprehensive Guide Plan Amendment.** The 2030 Comprehensive Guide Plan designates the site for office land uses. The proposal requires an amendment to high-density residential.

- **Major Amendment to an Existing Master Development Plan.** By city code, any change to an approved master development plan that "substantially alters the location of buildings, parking areas or roads" is considered a "major" amendment and can only be approved by ordinance.

- **Final Site and Building Plans.** By city code, site and building plan review is required for construction of any new building of the proposed size.

Residential Units
The proposed rental building would include a total of 147 units comprised of 127 independent/assisted living units and 20 memory care units. Non-memory care units would be located on all four floors of the building and would consist of studio, one bedroom, one-plus bedroom and two bedroom units. Memory care units would be located within one wing of the first floor.

Setbacks, Etc.
The existing master development plan constitutes the development standards of the site. The following chart outlines those standards.

<table>
<thead>
<tr>
<th></th>
<th>Approved MDP</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Area*</td>
<td>121,000 sq.ft.</td>
<td>200,000 sq.ft.</td>
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<tr>
<td>Structure Setback North</td>
<td>20 ft (parking ramp)</td>
<td>60 ft</td>
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</table>
Meeting of December 15, 2016
Subject: Crest Ridge Senior Living, 10955 Wayzata Boulevard

<table>
<thead>
<tr>
<th>Surface Parking Setback</th>
<th>East</th>
<th>West</th>
<th>North</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>50 ft (parking ramp)</td>
<td>70 ft (building)</td>
<td>55 ft (parking)</td>
<td>80 ft</td>
</tr>
<tr>
<td></td>
<td>53 ft</td>
<td>153 ft</td>
<td>17 ft (drive aisle)</td>
<td>22.5 ft</td>
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</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Code Defined</th>
<th>Greatest Exposure</th>
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</thead>
<tbody>
<tr>
<td>Crest Ridge Senior Living</td>
<td>53.5 ft</td>
<td>74 ft</td>
</tr>
<tr>
<td>Syngenta</td>
<td>48 ft</td>
<td>70.5 ft</td>
</tr>
<tr>
<td>Applewood Point</td>
<td>50 ft</td>
<td>60 ft</td>
</tr>
<tr>
<td>The Exchange</td>
<td>61.5 ft</td>
<td>85.5 ft</td>
</tr>
<tr>
<td>St. Therese</td>
<td>55.5 ft</td>
<td>81 ft</td>
</tr>
</tbody>
</table>

* numbers do not include parking

**Building Height**

The proposed building would have a code-defined height of just over 50 feet. The following chart is intended for comparison purposes.

The visible portion of the proposed building would differ based on the location from which it was being viewed. When viewed from the north, east, and west, the building would have a four-story appearance. From the south, four stories of living space and a portion of the underground parking area would be exposed. The 74 feet outlined in the table above is as measured from grade on the south side of the building to the peak of the proposed roof.

The difference in code-defined height between the existing Syngenta building and the proposed building is essentially a difference in roof line and the fact that, by city code, height is measured differently for flat and pitched roofs. While height is measured to the top of the parapet wall for a flat-roofed building, it is measured to the midpoint of a pitched roof building.
The top of that parapet wall at the flat-roofed Syngenta is roughly 45 feet above first floor grade. The eave elevation — or the “start” of the pitched roof — of the proposed rental building is 43 feet above first floor grade and this first floor grade is three feet lower than that of Syngenta. If the applicant’s proposal included a flat, rather than pitched roof, the building’s height would be nearly identical to Syngenta. Interestingly, due to the difference between floor to ceiling heights in office and residential buildings, the buildings would be of similar height even though Syngenta is a three-story building and the proposed senior residential building would be four stories.

3-Story Restriction

During the concept plan review, a question was raised regarding a code restriction limiting construction to three-stories. City Code contains two different sections related to properties in the I-394 corridor: (1) section 300.31 – Planned I-394 District, which essentially outlines allowed uses and development standards; and (2) section 300.32 –Planned I-394 Redevelopment Overlay District, which outlines potential redevelopment areas and redevelopment expectations. Both sections 300.31 and 300.32 were written and adopted in 1988; other than addition of regulations pertaining to outdoor storage and building materials, there have been very few substantive changes to either section over the last 28 years.

The southeast quadrant of the I-394/Hopkins Crossroad interchange was identified in the overlay ordinance; the ordinance states that redevelopment should be at no more than three stories. As was previously noted in this report, redevelopment of the several then single-family properties in the quadrant was approved in 2008 and a master development plan adopted for the site. The approved master development plan now serves as the governing development standard for the property. While the applicant’s proposal is for a four-story building rather than a three-story building, no variance is required from section 300.32, as redevelopment has already occurred and the master development plan governs. Rather, the current proposal requires an amendment to the master development plan. Staff recognizes that section 300.32 should be updated, removing this and other areas where redevelopment has already occurred.

Natural Resources:

To accommodate a high-density residential project site changes will be necessary.

- **Topography and Grading.** As proposed, excavation would generally occur in the area of the knoll on the
southwest corner of this site – up to 14 feet – and at the knoll along the east property line – up to 4 feet. In some areas at the center of the site there would be approximately eight feet of fill.

- **Trees.** Trees located along the north and east perimeter of the site would be removed or significantly impacted by grading associated with construction of the building. In addition, grading for a portion a proposed trail connection and infiltration basin would also result in some tree lots. Staff has included conditions of approval associated with the trail and stormwater, in order to reduce grading to the greatest extent practical.

**Stormwater**

There is a larger stormwater pond located in the southeast corner of the larger site. This pond was designed to handle runoff from the previously approved two office buildings, two parking ramps, and associated surface parking areas. However, since the 2008 approval, both the city and the Bassett Creek Watershed District have implemented stormwater infiltration requirements. To accommodate infiltration from the site’s new impervious surface, two new infiltration basins are proposed, one in the northwest corner of the site adjacent to Wayzata Boulevard and one located east of the existing pond.

Staff has some reservation regarding the location of the basin east of the pond. While it may comply with engineering requirements, staff is concerned about: (1) removal of trees – per city code an area of new or compensatory water storage may not be located where there are woodland preservation areas or high priority trees; and (2) the appearance of the basin, particularly given its proximity to single-family homes. To address this concern, staff has included a variety of conditions of approval:

- The specific location and shape of the basin, and associated grading, must be adjusted to preserve healthy, high-priority trees.
- A specific landscape plan must be submitted for the basin.
- The basin must be included in the landscape maintenance agreement for the site.

Staff would suggest, but not necessarily require, that the applicant consider the feasibility of adjusting the northerly portion of the existing stormwater pond to accommodate infiltration.
Landscaping

The applicant proposes significant landscaping around the building, within resident garden areas, around the perimeter of the site, and within the stormwater basin. The proposal includes planting of over 540 new trees and plants.

As part of the proposed landscaping, a looped trail system would be added to the site and linked to the existing trails on the adjacent office property and the public sidewalk along Wayzata Boulevard.

Utilities

Public utilities are available to the site from Wayzata Boulevard. The staff-drafted resolutions include a variety of conditions related to final utilities plans and removals of existing/abandoned utility lines.

Traffic

The city commissioned a traffic study to understand:

1) Anticipated trip generation;

2) The differences between trip generation anticipated for the previously approved office building, previously approved medical center, and the proposed senior residential building; and

3) Whether the current proposal would require any roadway improvements.

The study concluded:

1) The proposed senior residential building would generate significantly fewer p.m. peak and daily vehicles trips than the previous approvals for the site. Specifically, it is anticipated to generate 395 fewer p.m. peak trips and 3,873 daily trips as suggested by the Institute of Transpiration Engineers (ITE).

2) Given the lesser trip generation than previously assumed and provided for, no further analysis or infrastructure improvements are necessary.

Parking

By city code a senior residential building must provide a minimum of one parking stall for every unit and 50 percent of this total requirement must be enclosed.

ITE has a more specific senior residential land use classification, Continuing Care Retirement Community (CCRC). A CCRC is
defined as a land use that provides multiple elements of senior adult living, including various “combinations of senior adult, congregate care, assisted living and skilled nursing care – aimed at allowing the resident to live in one community as their medical needs change.” ITE further notes that such communities “may contain special services such as medical, dining, recreational and some limited, supporting retail facilities.”

The applicant’s proposal would include 88 underground parking spaces and 68 surface spaces, for a total of 156 spaces. This number would meet both city code and ITE standards.

<table>
<thead>
<tr>
<th>Rate</th>
<th>Number of Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Code Requirement</td>
<td>1 space per unit</td>
</tr>
<tr>
<td>ITE Anticipated Demand</td>
<td>0.49 – 0.83 spaces per unit</td>
</tr>
<tr>
<td>PROPOSED</td>
<td></td>
</tr>
</tbody>
</table>

**Outside Agencies**

The applicant’s proposal has been submitted to various outside agencies for review, including Hennepin County and Bassett Creek Watershed District. In addition, as required for any comprehensive guide plan amendment, the proposal was submitted to all of Minnetonka’s adjacent communities and the Hopkins School District.

**Neighborhood Comments**

The applicant has hosted two neighborhood meetings and the city has sent notice to 151 area property owners. The city has received no written comments to date.

**Pyramid of Discretion**

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1 Institute of Transportation Engineers (2004). Parking Generation 3rd Edition
Motion Options

The planning commission has four options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the ordinance and various resolutions approving the proposal.

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

3. Concur with some of staff’s recommendations and disagree with the others. In this case a motion should be made recommending approval of the some and denial of the others. This motion must include a statement as to why denial is recommended.

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

Voting Requirement

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

The city council’s final approval requires affirmative votes as follows:

- Comprehensive Guide Plan amendment: 5 votes
- Master Development Plan amendment: 4 votes
- Site and Building Plans: 4 votes

Deadline for Action

March 6, 2017
Location Map

Project: Crest Ridge Senior Housing
Address: 10955 Wayzata Blvd
Project No. 16034.16a

This map is for illustrative purposes only.
BACKGROUND INFORMATION
The community development guide plan is but one step in the process of planning for the future development of Minnetonka, Minnesota. It has no force of law but is intended to reflect the City's policies toward future development. This plan may be changed from time to time to keep it current with changing city policies.

This Community Development Guide Plan was developed by the citizens of the City of Minnetonka with the assistance of Hodne-Stageberg Partners, Inc.
CURRENT PROPOSAL
Crest Ridge Senior Living
Southeast quadrant of Hopkins Crossroad and I-394, Minnetonka, Minnesota

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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-guided [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></th>
<th>Required</th>
<th>Provided</th>
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<tbody>
<tr>
<td>Green Space</td>
<td>60.0%</td>
<td>62%</td>
</tr>
<tr>
<td>F.A.R.</td>
<td>1.0 maximum</td>
<td>.65</td>
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<tr>
<td>Building Setback - Front</td>
<td>35’</td>
<td>162’</td>
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<tr>
<td>Building Setback - Side</td>
<td>1-1/2 X building ht.</td>
<td>55’</td>
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<tr>
<td>Building Setback - Rear</td>
<td>1-1/2 X building ht.</td>
<td>50’</td>
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<tr>
<td>Parking Setback – Front</td>
<td>20’</td>
<td>50’</td>
</tr>
<tr>
<td>Parking Setback – Side</td>
<td>50’</td>
<td>36’</td>
</tr>
<tr>
<td>Building Height</td>
<td>65’</td>
<td>53’-4”</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>
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</thead>
<tbody>
<tr>
<td>Senior Housing</td>
<td>1 per unit = 147</td>
<td>88 (70% of non-memory care)</td>
</tr>
<tr>
<td>Staff</td>
<td>No requirement</td>
<td>24</td>
</tr>
<tr>
<td>Guests &amp; Visitors</td>
<td>As determined by city</td>
<td>44</td>
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</table>

**TOTAL PARKING** 147 + Staff and Visitors 156

The site will have a total of 68 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, together with a small section of surface parking adjacent to the underground parking entrance. The structure will also have 88 underground parking spaces for resident use [57.1% of total parking is inside].
In an effort to increase site’s total vehicular capacity, opportunities for additional surface parking was explored following the preliminary concept review, and minor modifications in hardscape and green space have yielded ten additional on-site parking spaces.

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 ratio will be used to satisfy necessary staff and visitor parking needs.

Other changes to the project development plan since it was last presented to the Planning Commission and City Council in the concept review process include a detailed plan for the memory garden and patio, as well and the project’s central gardens and terraces, introduction of a mini orchard in the middle of the site, refinements to the site trail plan, and new storm water infiltration areas designed to meet the updated watershed district requirements. Additionally, the building design has been clarified and fully coordinated with the interior plans and unit designs and includes masonry veneer exteriors in combination with manufactured siding, panels and trims. Finish colors are light neutral colors that are complimentary to the existing neighboring structures, and fit comfortably into the area context.

PROJECT DEVELOPMENT DATA

Program
The site will be developed and finished to accommodate a 147-unit, senior housing structure whose primary focus will be to provide independent living, assisted living 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 both interior and exterior amenities for the residents as well. These amenities include community spaces, club room, chapel, restaurant-style dining, salon, fitness room, 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. Under this development plan, the site will be substantially re-graded to accommodate the planned building construction and required infrastructure. Since the concept review phase, and through the process of on-going design development, the entire design team expended great effort to site the proposed building neatly into the existing grade and context, and preserve every possible existing tree. However, some existing trees will be lost or relocated from the east property perimeter during the process of site re-grading. Refer to the tree conservation plan and landscape plans in the project submittal for additional details on tree replacement and new boundary plantings.
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>
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</thead>
<tbody>
<tr>
<td>Building footprints:</td>
<td>47,273 SF</td>
<td>1.1 Acres</td>
</tr>
<tr>
<td>Total impervious surface area:</td>
<td>69,166 SF</td>
<td>22.5% of Site</td>
</tr>
<tr>
<td>Total green surface area:</td>
<td>190,344 SF</td>
<td>62.0% of Site</td>
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</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 residents. The structure will be capped by a unique combination of flat and hipped roof structures, and total 60’ to the highest ridgeline above entrance grade (51’-6” to centerline of slope as measured by the City of Minnetonka).

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 fifteen (15) of the 127 independent and assisted living apartment units will be on the first level.

Levels two, three and four will contain another one hundred and twelve (112) resident apartments varying in size from 448 SF studios to 1,351 SF, two-bedroom, two-bath residences. Selected residences are provided with balconies and other in-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 as mentioned above, the structure will have both flat roofs and sloped shingle roofs. Gutters and downspouts will discharge on grade and into catch basins that will flow through storm water treatment areas on grade, or be captured for re-use on site through irrigation and on-site water features. Storm water that is not reused on site will be held in infiltration areas or exit the site through traditional methods. Refer to the full drawing submittal and civil engineering plans for additional storm water handling and treatment. Simultaneous with City of Minnetonka review, a complete storm water management plan for this development proposal has been submitted to the Basset Creek Watershed District for review and approval.

**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 was held the evening of August 2, 1016 at the Minnetonka Public Library to introduce the project concept to area residents, summarize the development parameters, review preliminary designs and project images, and answer questions. The proposed development was very well received by those in attendance and the development team listened closely to the neighboring residents’ questions and concerns, and revisited their comments throughout the subsequent design development stages.

The project will be presented once again in its final form, together with all of the site details and parcel improvements, to another open neighborhood meeting, prior to the Planning Commission meeting in mid-December.

**Traffic Study**
A traffic study update has been completed for the site. The main objectives of this study was 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 was not surprising that the updated study for this project and location reinforced 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.
IMPROVEMENTS SHOWN ON THE PLANS.

HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD) UTILITIES BEFORE COMMENCING WORK, BY CONTACTING THE NOTIFICATION CENTER (GOPHER STATE ONE FOR MINNESOTA). THE SUBSURFACE UTILITY DATA. THE CONTRACTOR AND/OR SUBCONTRACTORS SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING...
It shall be the responsibility of the contractor to relocate all existing utilities which conflict with the proposed invert and if the tile line is active. No drain tile shall be backfilled without approval from the project engineer. If the contractor encounters any drain tile within the site, he or she shall notify the engineer with the location, size, his or her failure to exactly locate and preserve any and all utilities (underground and overhead). Utilities before commencing work, by contacting the notification center (Gopher State One for Minnesota). The contractor and/or subcontractor agree to be fully responsible for any and all damages, which might be occasioned by subsurface utility data. The contractor and/or subcontractors shall determine the exact location of all existing according to the guidelines of ASCE/CI 38-02, titled "Standard Guidelines for the Collection and Depiction of Existing Subsurface Utility Information Shown on These Plans is a Utility Quality Level D. This quality level was determined by the City Engineers Association of Minnesota (CEAM), except as modified herein. Contractor shall obtain a copy of these "Standard Utilities Specifications" as published by the City Engineers Association of Minnesota. The utility improvements for this project shall be constructed in accordance with the Utility Construction Notes.
TO MATCH EXISTING PLANTINGS

Keynotes:
- Concrete Walk
- Bituminous Asphalt
- Decorative Paver
- Decomposed Granite
- Plant Bed
- Plant Bed W/Mounds
- Rock Maintenance Strip
- Bench
- Trash/Recycling
- Pergola
- Grill Station
- Raised Plant Beds
- Dry Creek Bed
- Stairs, By Others
- Orchard Plantings
- Art/Sculture, By Others
- Fence

Legend:
- Landscape
- Overstory Tree
- Ornamental Tree
- Evergreen Tree
- Shrub
- Perennial
- Short Prairie Grass Seed Mix
ROOM SCHEDULE - FOURTH FLOOR

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<th>Room</th>
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<td>4006</td>
<td>STORAGE</td>
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<td>4007</td>
<td>STAFF</td>
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<td>4008</td>
<td>STOR</td>
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<td></td>
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<tr>
<td>4011</td>
<td>STAIR A</td>
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<tr>
<td>4016</td>
<td>STAIR B</td>
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<td>LOBBY</td>
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<tr>
<td>4053</td>
<td>ELEC</td>
<td>70 SF</td>
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IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED
HIS OR HER FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UTILITIES (UNDERGROUND AND OVERHEAD).
ACCORDING TO THE GUIDELINES OF ASCE/CI 38-02, TITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING
THE SUBSURFACE UTILITY INFORMATION SHOWN ON THESE PLANS IS A UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED

1. PROPOSED CONTOURS ARE TO FINISHED SURFACE ELEVATION. SPOT ELEVATIONS ALONG PROPOSED CURB DENOTE GUTTER GRADE.

2. CONTRACTOR SHALL COMPLETE DEWATERING AS REQUIRED TO COMPLETE THE SITE GRADING CONSTRUCTION.

3. SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONTRACTOR WILL BE SOLELY AND

4. RETAINING WALL(S) SHALL BE CONSTRUCTED OF MODULAR BLOCK MATERIAL. CONTRACTOR SHALL SUBMIT TO THE ENGINEER AND LOCAL AUTHORITY

5. PRIOR TO PLACEMENT OF THE AGGREGATE BASE, A TEST ROLL SHALL BE PERFORMED ON THE STREET AND PARKING AREA SUBGRADE. CONTRACTOR SHALL

6. EXISTING TREES AND OTHER NATURAL VEGETATION WITHIN THE PROJECT AND/OR ADJACENT TO THE PROJECT ARE OF PRIME CONCERN TO THE

7. EXCAVATE TOPSOIL FROM AREAS TO BE FURTHER EXCAVATED OR REGRADING AND STOCKPILE IN AREAS DESIGNATED ON THE SITE. CONTRACTOR SHALL

8. RETAINING WALL(S) SHALL BE CONSTRUCTED OF MODULAR BLOCK MATERIAL. CONTRACTOR SHALL SUBMIT TO THE ENGINEER AND LOCAL AUTHORITY

9. EXCAVATION FROM THE ENGINEER IN ORDER TO OBTAIN STRUCTURAL MATERIAL. TREES SHALL NOT BE REMOVED OR DAMAGED AS A RESULT OF THE EXCAVATION, UNLESS

10. THE REQUIREMENTS OF THE SOILS ENGINEER.

11. THE COLLECTION OF OTHER DEBRIS AND SOIL STOCKPILING WILL BE IN AN AREA DETERMINED ON-SITE BY THE ENGINEER.
Memorandum
SRF No 0169369

To: Loren Gordon, AICP, City Planner
    City of Minnetonka
From: Matt Pacyna, PE, Senior Associate
      Tom Sachi, EIT, Engineer
Date: October 24, 2016
Subject: Crest Ridge Traffic Study Update

Introduction
SRF has completed an updated traffic study for the proposed Crest Ridge development located in the southeast quadrant of the Hopkins Crossroad and I-394 South Frontage Road intersection in Minnetonka (see Figure 1: Project Location). Several previous studies have been completed for this site, which included the Opus Crossroad Corporate Center Traffic Study Update (January 2011) and the Proposed Opus Crest Ridge Corporate Center Parking Study (December 2012). The original traffic study, completed in October 2007 with an addendum in January 2008, was developed for the current Syngenta development.

Phase I of the proposed development (Syngenta) was constructed in 2009 and included 110,000 square feet of office space. Phase II of the proposed development was not constructed, but was originally planned as a 125,000 square foot general office building. A subsequent development revision and study assessed a 121,000 square foot medical-office building for Phase II. However, Phase II is now proposed as a senior living facility. Therefore the main objectives of this study are to review historical and existing traffic volumes within the study area, evaluate the trip generation difference between the proposed development and previous assumptions, and recommend any necessary improvements to accommodate the proposed development. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Traffic Volumes

Data Collection
Existing turning movement counts at the South Frontage Road/ Syngenta Driveway intersection were reviewed to establish a comparison with previous counts conducted at this location. Intersection turning movement counts were collected the week of September 26, 2016 at the South Frontage Road/ Syngenta Driveway intersection during the weekday a.m. and p.m. peak hours. The purpose of the counts was to identify existing site trip generation and general area travel patterns. In addition, historical volumes along Hopkins Crossroad and I-394 ramp detector data was collected in order to identify any trends in vehicular volume within the study area.
Volume Trends

Results of the turning movement count comparison shown in Figure 2, indicate that traffic volumes along the South Frontage Road have increased by approximately 25 percent. This increase is primarily attributed to adjacent development that has occurred since 2011. Alternatively, traffic volumes in/out of the Syngenta development have decreased by 35 to 40 percent since 2011. A combination of factors could be contributing to this decrease, including the time of the year data was collected (November 2011 versus September 2016), an increase in telecommuting, and variations in employment start/end times. Based on review of the daily traffic volumes along Hopkins Crossroad and the I-394 ramp detector data since 2011, volumes have generally been increasing within the study area. This is likely from a combination of background growth and development within the area. The only decrease in the study area is the westbound on-ramp from Hopkins Crossroad to I-394. This can be attributed to the opening of the I-394 westbound on-ramp at Ridgedale Drive.

Proposed Development

The proposed development, shown in Figure 3, would encompass Phase II of the Crest Ridge site. The proposed development consists of 145 senior living units, which is divided into independent living, assisted living, and memory care units. Access to the proposed development is not expected to change, with one access along Wayzata Boulevard. It should be noted that 145 parking spaces are provided. Previous land use assumptions for Phase II development have included a 121,000 square foot general office and medical-office building.

Trip Generation

To identify the difference in expected trips, a trip generation estimate for the weekday a.m. and p.m. peak hours as well as on a weekday daily basis was developed. This trip generation estimate, shown in Table 1, was developed using a combination of existing traffic counts collected at similar type facilities and the Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition. For the previously assumed land use, SRF collected trip generation data for a similar facility in 2008. Both the ITE and collected data are presented in the comparison table.

Table 1 Trip Generation Estimate

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>AM Peak Hour Trips</th>
<th>PM Peak Hour Trips</th>
<th>Weekday Daily Trips</th>
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<tbody>
<tr>
<td>Proposed Land Use for Phase II</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senior Adult Housing (252)</td>
<td>145 Units</td>
<td>10</td>
<td>19</td>
<td>20</td>
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<tr>
<td>Previously Assumed Land Use for Phase II</td>
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<tr>
<td>Medical-Office Building (720)</td>
<td>121,000 SF</td>
<td>228</td>
<td>61</td>
<td>121</td>
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<tr>
<td>West Health Data</td>
<td>121,000 SF</td>
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<tr>
<td>ITE Trip Generation Phase II Change</td>
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<td>West Health Trip Generation Phase II Change</td>
<td>(-187)</td>
<td>(-22)</td>
<td>(-3)</td>
<td>(-151)</td>
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</table>
Volume Comparison
Crest Ridge Traffic Study Update
City of Minnetonka

Figure 2

LEGEND
XX - A.M. Peak Hour Volume
(XX) - P.M. Peak Hour Volume
XXXX - Estimated Existing Daily Traffic Volume
- Side-Street Stop Control
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
Results of the trip generation estimate for the updated Phase II development indicates the proposed development is expected to generate 29 weekday a.m. peak hour, 37 weekday p.m. peak hour, and 499 weekday daily trips to/from the site. In comparison to the previously assumed land uses, the proposed Phase II development is expected to generate 260 fewer a.m. peak hour, 395 fewer p.m. peak hour, and 3,873 fewer daily trips. In comparison to the West Health collected data, the proposed Phase II development is expected generate 209 fewer a.m. peak hour, 154 fewer p.m. peak hour, and 2,901 fewer daily trips. It should be noted that the West Health collected data was previously assumed as the trip generation for Phase II, and was carried forward into the previous intersection capacity analysis. Due to the decrease in trips expected to be generated, an intersection capacity analysis was not completed for future build conditions as part of this update.

Summary and Conclusions

The following study conclusions and recommendations are offered for consideration:

1) Traffic volumes along Wayzata Boulevard have increased while volumes in/out of the Syngenta development have decreased significantly since 2011.

2) Traffic volumes along Hopkins Crossroad and the I-394/ Hopkins Crossroad Interchange ramps have increased within the study area since 2011.
   a. The only decrease is the westbound on-ramp from Hopkins Crossroad to I-394, which is due to the opening of the new I-394 westbound on-ramp at Ridgedale Drive.

3) The proposed development consists of 145 senior living units, which is divided into independent living, assisted living, and memory care units.

4) The proposed development is expected to generate an additional 29 weekday a.m. peak hour, 37 weekday p.m. peak hour, and 499 weekday daily trips to/from the site.

5) In comparison to the previously assumed land uses, the proposed Phase II development is expected to generate 260 fewer a.m. peak hour, 395 fewer p.m. peak hour, and 3,873 fewer daily trips compared to the previously assumed land use based on ITE trip generation.

6) In comparison to the West Health collected data, the proposed Phase II development is expected generate 209 fewer a.m. peak hour, 154 fewer p.m. peak hour, and 2,901 fewer daily trips.

7) Since the proposed development is expected to generate less trips than previously assumed, no further analysis or improvements were identified.
Resolution No. 2017-_______

Resolution approving a comprehensive guide plan amendment from office to high-density residential at 10955 Wayzata Boulevard

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

Section 1. Background.

1.01 The Opus Group has submitted a proposal to construct a four-story, 147-unit senior residential building on a property designated for office land uses in the 2030 Comprehensive Guide Plan.

1.02 The subject property is located at 10955 Wayzata Boulevard. It is legally described as: Lot 1, Block 1, Crest Ridge Corporate Center.

1.03 The proposal requires that the land use designation for the site be changed from office to high-density residential.

Section 2. Criteria.

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

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

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

3. Development resulting from the change would not create an undue impact to surrounding properties.
a) Such development would be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.

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

c) Viability includes stabilization or enhancement of property values or removing blighting influences.

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

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

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

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

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

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

9. The change would help the city meet its housing goals.
10. The change would not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration or dedication.

11. In the event a land use change includes numerous properties, such as a neighborhood area, the following factors should be considered:
   a) Determination of changed conditions on the properties or within the area surrounding the properties.
   b) The condition of the buildings on the property,
   c) If residential, the need to preserve the housing stock to meet city housing goals, or if non-residential, the ability of the proposed new land use(s) to meet city housing goals.
   d) The ability of the assembled properties to allow for a unified development that meets the appropriate development criteria for the area in which it is located, and
   e) The timing of intended development allows for any necessary roadway or other public infrastructure improvements to accommodate traffic from the proposed development.

Section 3. Findings

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

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

2. The requested amendment has been reviewed by planning, building, engineering, natural resources, fire, and public works staff. It is not anticipated to create an adverse impact on public infrastructure or services.

3. The amendment would not create an undue impact to surrounding properties. Rather, the residential use would represent an overall decrease in land use intensity from the office and service uses
previously approved for the site. This is particularly true with regard to vehicle trips and general activity levels.

4. The amendment would result in an appropriate transition between existing office, high-density residential, and low-density residential uses.

5. In 2008, the subject property was prepped for office development and construction consistent with the site’s current guide plan designation. As little natural topography or native vegetation exists on the site, the requested amendment would not have an adverse impact on the existing natural environment.

Section 4. City Council Action

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

Adopted by the City Council of the City of Minnetonka, Minnesota, on January 9, 2017.

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 January 9, 2017.
David E. Maeda, City Clerk
Ordinance No. 2017-

An ordinance repealing and replacing the existing
Crest Ridge Corporate Center master development plan as it pertains to the
property at 10955 Wayzata Boulevard

The City Of Minnetonka Ordains:

Section 1.

1.01 The subject property is located at 10955 Wayzata Boulevard. It is legally
described as: Lot 1, Block 1, Crest Ridge Corporate Center.

1.02 In 2008, the city approved the Crest Ridge Corporate Center master
development plan for two properties at 10955 and 11055 Wayzata
Boulevard. The approved plan generally included construction of a three-
story office building and associated parking ramp on each site. Shortly after
approval, a building and parking ramp were constructed on the 11055
Wayzata Boulevard property. The subject property remained vacant.

1.03 In 2013, the city amended the master development plan as it pertained to
the subject property. As amended, the building and parking ramp would be
constructed as previously approved. However, rather than an office user,
the site would be occupied by an ambulatory care medical use. This building
and parking ramp were not constructed and the site remains vacant.

1.04 The Opus Group has now submitted formal plans to develop the vacant
subject property. As proposed, a four-story senior rental building would be
constructed. The building would include a total of 147 units comprised of
127 independent/assisted living units and 20 memory care units.

1.05 To facilitate development of the site, this ordinance hereby repeals and
replaces the Crest Ridge Corporate master development plan as it pertains
to the subject property.
Section 2.

2.01 This ordinance is based on the findings that the proposed development would not negatively impact public health, safety, or welfare.

2.02 This ordinance is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, which constitute the master development plan for the subject property:
   - Site Plan, dated November 16, 2016
   - Grading Plan, dated November 16, 2016
   - Utility Plan, dated November 16, 2016
   - Landscape Plan, dated November 16, 2016
   - Building Elevations, dated November 16, 2016

2. The development must further comply with all conditions outlined in City Council Resolution No. 2017-xx, adopted by the Minnetonka City Council on _______________, 2017.

Section 3. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on January 9, 2017.

__________________________
Terry Schneider, Mayor

Attest:

__________________________
David E. Maeda, City Clerk

Action on this ordinance:

Date of introduction: December 5, 2016
Date of adoption: January 9, 2017
Motion for adoption: Seconded by: Voted in favor of:
Ordinance No. 2017-

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 January 9, 2017.

__________________________
David E. Maeda, City Clerk
Resolution No. 2017-

Resolution approving final site and building plans for Crest Ridge Senior Living at 10955 Wayzata Boulevard

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

Section 1. Background.

1.01 The Opus Group has requested approval of final site and building plans for construction of a four-story, 147-unit senior rental building.

1.02 The subject property is located at 10955 Wayzata Boulevard. It is legally described as: Lot 1, Block 1, Crest Ridge Corporate Center.

1.03 On December 15, 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 final site and building plans.

Section 2. Standards

2.01 City Code §300.27 Subd. 5, outlines several items that 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 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 site and building plan standards outlined in the City Code §300.27, Subd.5.

1. The proposal has been reviewed by planning, building, engineering, natural resources, fire, and public works staff. With approval of the
requested comprehensive guide plan amendment from office to high-density residential, the proposal would be generally consistent with the city’s development guides.

2. The proposed site and building changes would be generally consistent with the master development plan that was previously approved for, and that governs development of, the site.

3. The subject property was prepped for development and construction following the 2008 redevelopment approvals. Little natural topography or native vegetation exists on the site.

4. The proposal would result in an intuitive and attractive development of the site. While not specifically reflecting the architectural components of the adjacent office building, the proposal would result in a complementary development.

5. As new construction, the proposed building would meet minimum energy standards.

6. The proposal would not negatively impact neighboring land uses. Rather, the residential use would represent an overall decrease in land use intensity from the office and service uses previously approved for the site. This is particularly true with regard to vehicle trips and general activity levels.

Section 4. City Council Action.

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

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

   - Site Plan, dated November 16, 2016
   - Grading Plan, dated November 16, 2016
   - Utility Plan, dated November 16, 2016
   - Landscape Plan, dated November 16, 2016
   - Building Elevations, dated November 16, 2016

2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.
a) The following must be submitted for the grading permit to be considered complete.

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

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

3) Final demolition, 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 demolition plan must:

      1. Illustrate removal of the existing valley gutter and side walk from east and west limits of curb removal.

      2. Indicate the locations, sizes, and material types of private water lines and sewer lines, including abandoned lines, and hydrants. Note if lines are being removed or will remain in place.

   b. Final site plan must:

      1. Include a fire truck turning radius within the parking lot to ensure maneuverability.

      2. Illustrate wider sidewalks in those areas that directly abut parking stalls to ensure pedestrians may use the sidewalks in the event automobiles “overhang” sidewalk area. As an alternative, bollards must be installed to ensure sidewalks are passable.

      3. Revise note B to read B618 curb and gutter.

      4. Illustrate either flared connections at the trail connection to concrete sidewalk or a perpendicular connection.
c. Final grading plan must:

1. Minimize grading east of the existing stormwater pond to the greatest extent practical.

2. Remove the easterly connection from the new trail to the existing trail that circumnavigates the existing pond, as per the staff grading exhibit included in the staff report, and adjust grades accordingly.

3. Adjust the specific location and shape of the southeasterly infiltration basin and associated grading to preserve healthy, high-priority trees. Reconfiguration of the northern portion of the existing pond may allow for required infiltration.

d. Final stormwater management plan must meet the requirements of the city’s Water Resources Management Plan, Appendix A. Design. The plan must:

1. Rate Control.
   - Include calculations/modeling to show that the proposed stormwater facilities meet the city’s rate control criteria. There may be no increase in rate at all points were stormwater leaves the site.

2. Volume Control.
   - Include calculations/modeling to show one inch of abstraction over the entire site’s impervious surface. Sequencing credit will not be given.
   
   - Calculations must use the "bioretention systems with
underdrain" equations as outlined in Appendix A, not "subsurface storage" as shown on the MIDS report.

- Infiltration Rates within the volume control calculations must not exceed 0.8 inches per hour.

- If the existing stormwater pond will be used to meet volume capacity, information must be submitted indicating the facility has sufficient capacity to capture the additional volume.

3. Soil borings are required in the proposed biofiltration areas to confirm there is three feet of separation between the bottom of the practice and the seasonally high groundwater table.

e. Final utility plan must:

1. Change proposed hydrant location. On current plans, a fire hydrant is shown on 2.5 feet behind curb. Either: (1) the hydrant must be pushed back to five feet behind curb; or (2) bollards must be installed at the curb to protect the hydrant.

2. Include the locations, sizes, and material types of private water lines and sewer lines, including abandoned lines, and hydrants.

3. Include a new valve at the property line or the location where maintenance responsibilities will change.

4. Confirm sanitary sewer capacity needs. As proposed, an 8-inch service line is tied into a 6-inch line. If an 8-inch line is
required, the remainder of the pipe to the main must be upsized.

5. Confirm adequate clearance cover between the proposed retaining wall and the storm sewer between CBHM400 and EX STMH 300.

f. Final landscaping and tree mitigation plans must:

1. Meet minimum landscaping value of two percent total project value as outlined in city code. At the sole discretion of natural resources staff, landscaping and mitigation may be adjusted based on site conditions.

2. Include a specific planting plan for the infiltration basins.

3. If short prairie seed mix is to be used, a qualified restoration contractor must be hired to seed and monitor its establishment, which may take five to seven years, and its on-going maintenance.

4. Indicate landscaping will not be installed within three feet of required fire hydrants.

5. Indicate all deciduous trees to be planted no closer than 15 feet, and evergreen trees no closer than 20 feet behind the curb of the public streets.

6. Include rain sensors on any irrigation systems.

4) Submit plans from a licensed structural engineer for proposed retaining wall and confirm that the wall is designed to withstand lateral pressures to support the driveway.

5) Submit a snow removal and salting plan.
6) The following documents for the review and approval of the city attorney:

a. A shared access agreement or easement with the property at 11055 Wayzata Boulevard the agreement/easement must state the maintenance responsibilities of each owner.

b. Private water, sanitary sewer, and storm sewer easements with the property at 11055 Wayzata Boulevard. The agreement/easement must state the maintenance responsibilities of each owner.

c. A private fire hydrant agreement.

d. Stormwater maintenance agreement over the proposed stormwater management facilities.

e. Revised or amended conservation easement and landscape maintenance agreement reflecting approved plans. The revised/amended documents are intended to supersede County Doc. No. 4505689 and Doc No. 4505690 respectively as they pertain to the subject property.

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

a. A final as-built survey has been submitted;

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

c. Vegetated ground cover has been established; and
d. Required landscaping or vegetation has survived one full growing season.

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

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

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

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

10) All required administration and engineering fees.

b) Prior to issuance of the grading permit:

1) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency or documentation from the agency that no such permit is required.

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

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

4. Prior to issuance of a building permit:
a) Submit the following documents:

1) Proof of subdivision registration and transfer of NPDES permit.

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

b) Submit a final material and color palate board for staff review and approval.

c) Submit a plan for fence or other type demarcation along portions of the east property line mutually acceptable to applicant, city, and adjacent residential property owners.

d) 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:

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

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

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.

e) Submit all required hook-up fees.

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. The property owner is responsible for maintaining records and continuing to locate abandoned, in-place utility facilities.

10. This resolution does not approve any signs. Separate sign permit applications must be submitted.

11. The approvals granted under this resolution will expire on December 31, 2017 unless: (1) a building permit has been issued for the proposal as outlined; or (2) the city has received and approved a written request for extension of the approvals.

Adopted by the City Council of the City of Minnetonka, Minnesota, on January 9, 2017.

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 January 9, 2017.
David E. Maeda, City Clerk