Planning Commission Agenda

June 8, 2017—6:30 P.M.

City Council Chambers—Minnetonka Community Center

1. Call to Order

2. Roll Call

3. Approval of Agenda

4. Approval of Minutes: May 18, 2017

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda

   (No Items)

8. Public Hearings: Non-Consent Agenda Items

   A. Sign plan, with setback variance, for Ridgedale Corner Shoppes at 1801 and Plymouth Road.

      Recommendation: Adopt the resolution approving the sign plan (5 votes)

      • Final Decision Subject to Appeal
      • Project Planner: Susan Thomas

   B. Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue.

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

      • Recommendation to City Council (Tentative Date: June 26, 2017)
      • Project Planner: Ashley Cauley

9. Adjournment
Notices

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

2. Applications and items scheduled for the June 22, 2017 Planning Commission meeting:

   Project Description: Ridgedale Retail, LLC, on behalf of Starbucks, is requesting to operate a coffee shop in the Ridgedale Corner Shoppes located at 1801 Plymouth Rd.
   Project No.: 16020.17a        Staff: Susan Thomas
   Ward/Council Member:  2—Tony Wagner        Section: 03

   Project Description: Creo Arts and Dance Conservatory is proposing to occupy a tenant space within the existing building at 3792 Williston Road. The proposal includes four dance studios but all performances would be held offsite.
   Project No.: 17013.17a        Staff: Ashley Cauley
   Ward/Council Member:  3—Brad Wiersum        Section: 16

   Project Description: The applicant is requesting a conditional use permit to expand an existing accessory structure.
   Project No.: 88080.17a        Staff: Drew Ingvalson
   Ward/Council Member:  1—Bob Ellingson        Section: 22

   Project Description: The applicant is proposing to restripe the existing parking lot and construct 12 new parking stalls, partially within public right-of-way. The proposal requires approval of an amendment to the site’s existing master development plan and approval of an encroachment agreement.
   Project No.: 14026.17a        Staff: Susan Thomas
   Ward/Council Member:  2—Tony Wagner        Section: 01
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, Powers, Schack, Sewall, Calvert, and Kirk were present. O'Connell was absent.

   Staff members present: City Planner Loren Gordon, Senior Planner Ashley Cauley, Planner Drew Ingvalson, Natural Resource Manager Jo Colleran, and Water Resources Technician Tom Dietrich.

3. **Approval of Agenda**
   Sewall moved, second by Schack, to approve the agenda as submitted with modifications provided in the change memo dated May 18, 2017.
   
   Knight, Powers, Schack, Sewall, Calvert, and Kirk voted yes. O'Connell was absent. Motion carried.

4. **Approval of Minutes: May 4, 2017**
   Knight moved, second by Sewall, to approve the May 4, 2017 meeting minutes.
   
   Knight, Powers, Schack, Sewall, Calvert, and Kirk voted yes. O'Connell was absent. Motion carried.

5. **Report from Staff**
   Gordon briefed the commission on land use applications considered by the city council at its meeting of May 8, 2017:
   
   - Adopted a resolution approving the final plat for Mayfair Copperfield.
   - Adopted a resolution approving a final plat with front setback variances and a waiver of the McMansion Policy for the Enclave at Regal Oak subdivision.
• Approved phase three of the Ridgedale Center build out which would include three restaurants pads added to the parking lot.

The annual boards and commissions’ dinner will be held Wednesday, May 31, 2017 at 6:15 p.m. The dinner starts at 6:30 and the program at 7 p.m. The results of the Imagine Minnetonka study, strategic profile, and comprehensive guide plan will be reviewed.

The next planning commission meeting is scheduled to be held June 8, 2017.

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

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

8. **Public Hearings**

   A. **Expansion permit for additions to the existing house at 5013 Mayview 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.

   Alan Hanson, applicant, stated that staff covered the proposed project well. The lot is challenging. The survey showed that the neighbors’ hedge row is six feet further than the property line. Since the proposal would not expand the setbacks, they found a way to make it work. It would be a nice project. He is looking forward to getting it done. The front tree would remain.

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

   *Calvert moved, second by Powers, to adopt the resolution approving an expansion permit for additions to the existing home at 5013 Mayview Road with a modification provided in the change memo dated May 18, 2017.*

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

   Chair Kirk stated that an appeal of the planning commission’s decision must be made in writing to the planning division within 10 days.
B. **Items concerning additions and landscaping at 2807 McKenzie Point Road.**

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

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

Powers asked if impervious pavers could be added later. Ingvalson answered that the property owner would need approval from the city to increase a nonconformity.

In response to Knight’s question, Ingvalson explained that the proposal would not change the driveway.

Grant Dattilo, 2807 Mckenzie Point Road, applicant, stated that the impact would be minimized. A gutter would be added. The two-foot expansion would not be visible from the lake because of the planters.

The public hearing was opened.

John Kretsch, 2805 Mckenzie Point Road, stated that water currently travels onto his sidewalk on the side which his disabled brother needs to use in the winter. Mr. Dattilo said that he would fix the water drainage problem. Mr. Kretsch was concerned with a fire hazard since the structures would be so close. He learned that the materials used would be fire resistant. He is impressed with the plans. The house would look much nicer than it does currently.

No additional testimony was submitted and the hearing was closed.

Calvert confirmed with Ingvalson that separate approval would be needed to make an addition that would connect walls to the proposed overhang. A building permit and approval of expansion of a nonconformity would be required. The proposal would allow for more floodplain storage on the site.

Chair Kirk said that all of the houses on the street have similar setbacks. The request is fair.

Knight stated that residents of the neighborhood choose to have close neighbors in exchange for being on the lake. The proposal did not bother him.
Powers moved, second by Calvert, to adopt the resolution approving an expansion permit and variance for the roof overhang and the bump out with a modification provided in the change memo dated May 18, 2017.

Knight, Powers, Schack, Sewall, Calvert, and Kirk voted yes. O'Connell was absent. Motion carried.

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

Calvert moved, second by Schack, to recommend that the city council adopt the resolution approving setback variances, floodplain alternation permit, and conditional use permit for a deck expansion and landscaping with a modification provided in the change memo dated May 18, 2017.

Knight, Powers, Schack, Sewall, Calvert, and Kirk voted yes. O'Connell was absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its meeting on June 12, 2017.

C. Preliminary plat with lot width at setback variances for Homestead Place, a two-lot subdivision at 3625 Plymouth Road.

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

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

Tom Bakritges, Homestead Partners, applicant, stated that staff has done a nice job explaining the history of the surrounding area. He concurred with the staff report as written and the recommendation proposed by staff. He appreciated the commissioners’ time. He was available for questions.

The public hearing was opened.

Peggy Thomson, 3618 Plymouth Road, stated that she is happy that one would be torn down and two would be constructed. Her one concern is that the one lot that is not built on is quite low. She was concerned water would drain from the raised lots onto her property. She already has a river travel through her front yard when it rains. She questioned how the drainage would be handled.

No additional testimony was submitted and the hearing was closed.
Cauley explained that the sites would be graded to direct stormwater east to stormwater facilities.

Calvert stated that the neighborhood currently has houses of all shapes and sizes. She was concerned that the houses in the renderings would be too large. She favored the new houses fitting in with the neighborhood.

Powers agreed. The area is lovely. He would favor the new houses to be built a little smaller than they are depicted in the rendering.

Mr. Bakritges explained that the rendering was provided as an example of the elevations for staff. His company also developed the houses in the neighborhood on the east side. The buyer would determine the size of their house. He noted keeping the size compatible with the neighborhood.

In response to Chair Kirk’s request, Cauley provided the floor area ratios (FAR) for houses in the area. The ordinance requirements for an R-1 housing district would restrict the size of a new house. The FAR restriction would allow houses with up to 6,500 square feet in size to be built on the proposed lots.

Powers supported recommending that the FAR restriction be applied. Calvert agreed.

Sewall supported limiting the house size to 6,500 square feet.

Kirk noted that the neighborhood is already eclectic. Calvert said that building anything would change the feel of the neighborhood.

Schack noted that the lots would be very deep which would limit the view of the mass of the houses from the street.

Schack moved, second by Powers, to recommend that the city council adopt the resolution approving the preliminary plat with a modification to restrict the size of the houses to an FAR of .22 and lot width at setback variances for Homestead Place.

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

D. Items concerning a trail, boardwalk, and pedestrian bridge at 5709 Rowland Road and 5624 Shady Oak 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. Colleran stated that she visited the site four times. Twelve significant trees and two high-priority trees of marginal health would be removed. Another stand of healthier oaks would be preserved.

Joshua Howe of Optimistic Partners, developer, stated that the trail would be positioned to minimize loss of healthy trees. It would be nice to connect the development and fire station to Lone Lake Park. It would provide a loop for pedestrians. Chair Kirk noted that there is an access easement already in place. Mr. Howe said that the area is already well signed.

Powers asked for the width of the trail. Mr. Howe answered 8 feet.

In response to Schack’s question, Gordon provided an illustration of the proposed bridge. It would be similar in design to current bridges on Minnehaha Creek.

Sewall asked if a new property owner could remove the trail. Gordon answered in the negative. Legal agreements would be recorded.

The public hearing was opened.

Gary Fisher, 11814 Bren Road, asked where vehicles would park to access the trail at the Chase Apartments and for more information on the Shady Oak Road component. He was all for improvements to help people enjoy Lone Lake Park.

Jason Esser, 11409 Bren Road, stated that there is an existing off-road trail already along Bren Road that hooks into the park. He did not think that the proposed trail would be necessary.

No additional testimony was submitted and the hearing was closed.

Gordon said that the management of Chase Apartments would decide whether to allow non-resident parking in their lots. There would be a parking lot down the street at the trail head. A person driving to the trail would probably park in the trail head parking lot. The access at Chase Apartments would be a good access for Chase Apartment residents as well as residents west of Rowland Road. It would provide an opportunity for more people to get to the park. Lone Lake Park’s address is Shady Oak Road, but the proposal has no component related to Shady Oak Road.
Mr. Howe said that he would not prohibit trail patrons from parking in the Chase Apartments’ parking lot for an hour, unless it would become a problem for residents to have available stalls. There is a nice trail head with a parking lot that he has never seen full.

In response to Chair Kirk’s question, Gordon explained that the developer would pay $5,000 for every residential unit constructed for park dedication fees which can only be used for parks and trails.

Calvert noted that the Imagine Minnetonka envisioning survey received comments from residents who want more access to natural amenities and listed it as a high priority. Gordon said that there would be more investment in parks and trails over the years.

Schack supports most trail projects. The park dedication funds would be put to good use. Giving residents who reside in an apartment access to the community makes them invested and gives them resources to value in Minnetonka. Being able to travel miles of continuous trails provides a positive experience for residents. Her grandma rented the same apartment for 60 years.

Chair Kirk suggested providing a graphic that would connect the greater trail system to the proposal for the city council meeting.

Knights moved, second by Sewall, to recommend that the city council adopt the resolution approving a conditional use permit, wetland setback variance, and floodplain alteration permit for a trail, boardwalk, and pedestrian bridge at 5709 Rowland Road and 5624 Shady Oak Road with modification provided in the change memo dated May 18, 2017.

Knights, Powers, Schack, Sewall, Calvert, and Kirk voted yes. O’Connell was absent. Motion carried.

Chair Kirk thanked those who spoke at the public hearing. This item is tentatively scheduled to be reviewed by the city council at its meeting on June 12, 2017.

9. Other Business

A. Concept plan review for Newport Midwest at 10400, 10500, and 10550 Bren Road East.

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

Becky Landon, of Newport Midwest, applicant, stated that the dog run would be located along the trail on the north side of the property or closer to the lite-rail track, depending on what information the soil borings provide. There would be separate, underground parking for each building. That would allow for two-way driving throughout the site and would assist with patrons moving in and out, deliveries, and dropping off and picking up residents.

Knight really likes the rooftop amenities. Ms. Landon said that a bridge is being considered between the two buildings as well as amenities located on several corners of both buildings. She was not sure how the roofs would be accessed. She described the options. Knight was glad the rooftop amenities would be done.

Calvert noted that this configuration would provide easier traffic access and a better traffic pattern for deliveries and emergency vehicles.

Powers likes the energy of the proposal. It would have forward-thinking architecture. He likes this so much better than the first proposal logistically and for the way it would look and feel. He applauded the developer for the concept.

Schack liked the design. It has more of an urban feel which would fit the area. The proposal would be a good draw for diversity and young people, especially since it would be near the lite rail. The design is great.

Sewall asked if the elevations would match the lite rail, so residents would be on the same elevation as the train. Ms. Landon stated that there would be a six-foot grade change from one side of the site to the other side.

Sewall asked if mixed uses had been considered. Ms. Landon said that the site is a little difficult to access right now to support mixed uses. The site next door would be a prime site for mixed uses. A use would be open to the public, but primarily utilized by the residents who would reside in the proposed buildings. The lobby would have a coffee shop and provide a high-energy, urban feel.

Chair Kirk felt this would be a great amenity for the lite-rail station. He asked when it would be completed. Ms. Landon stated that funding is being applied for this year and the best-case scenario would allow them to start construction mid-summer of 2018 and available for occupancy in late 2019. Completion of the lite rail is a huge factor in driving the project. Chair Kirk felt that the design has come a long way.
Chair Kirk noted that no one from the public was present to speak on the concept plan. He likes the affordable housing component. The use of color fits well with the design of the SWLRT. It is very exciting. People who live and work in Opus understand the traffic pattern. The site’s proximity to Highways 62 and 169 make it a prime spot for the proposed density. Between the highways and the LRT, he saw the proposal as a homerun. He likes the pop of color and the textures. He had no concern with the massing. It seems like it would fit well. The height would be appropriate. He would not want it to be taller or shorter. It is a great plan.

Calvert agreed. She is committed to meeting the city’s affordable housing goals. The proposal would be a great fit. The design is the kind of energy and modern feel that residents want. The site provides a big campus that would cause a ripple effect to the surrounding area. She is glad that it is so attractive.

Ms. Landon stated that the applicant is very aware that this proposal would set the stage. She was not in favor of beige or “unpainted white,” but, other than those two colors, she would like the community to drive the choice of which colors to use. She welcomed the commission’s input for the aesthetics and colors.

Chair Kirk thought that the second and third developments for the area would have a much better shot at supporting retail. The density of the proposal would attract other amenities to the area.

Schack lived in the Cloud Nine Apartments and, because of the trail system in the Opus business park, she could walk to the Shady Oak Road side where there are quite a few amenities. If the proposal is built, then amenities will follow, but there are also enough mixed uses there now to attract residents.

Calvert was excited to see one, two, and three-bedroom apartments.

Powers thought it would be important for the developer and the city to get the project right. He wants the site to convey high energy, because he wants someone driving by to be proud of it. He wants it to look fun, interesting, and inviting. He likes the blend of affordable and market-rate components.

Knight said that he routinely drives by The Chase Apartments which look fantastic from the road. He is glad that project was done. This project has even more potential. It would be great. It would be a nice place to live and would have a play area for kids.
In response to Knight’s question, Gordon explained that the land values in Opus would probably prohibit a large sport field. Lone Lake Park is located across Shady Oak Road.

Chair Kirk thanked the applicant for her attendance.

10. **Adjournment**

   *Calvert moved, second by Knight, to adjourn the meeting at 8:45 p.m. Motion carried unanimously.*

   By:  

   ____________________________

   Lois T. Mason

   Planning Secretary
Minnetonka Planning Commission Meeting
June 8, 2017

Agenda Item 7

Public Hearing: Consent Agenda

(No Items)
Minnetonka Planning Commission Meeting

June 8, 2017

Agenda Item 8

Public Hearing: Non-Consent Agenda
MINNETONKA PLANNING COMMISSION  
June 8, 2017

Brief Description   Sign plan for Ridgedale Corner Shoppes at 1801 and 1805 Plymouth Road.

Recommendation   Adopt the resolution approving the sign plan

Introduction

In October 2016, the city council approved the master development plan for Ridgedale Corner Shoppes. As approved, a roughly 10,200 square foot bank/retail building will replace the existing TCF Bank building at 1801 Plymouth Road. The first phase of construction is currently underway.

Under the planned I-394 (PID) ordinance, signs on properties with approved master development plans “shall be restricted to those which are permitted in a sign plan approved by the city, shall be regulated by permanent covenants that can be enforced by the city, and shall be subject to city review and permit.” Under the sign ordinance, a sign plan may be approved with allowances/restrictions that differ from basic sign ordinance allowances/restrictions. In other words, an approved sign plan – rather than the sign ordinance – governs what signage may be installed on the property for which the plan was approved.

Over the last several months, representatives from Ridgedale Retail, LLC, TCF National Bank, and city staff have worked collaboratively on a sign plan for the new building and site. Ridgedale Retail, LLC and TCF National Bank have submitted a plan for the planning commission’s consideration.

Proposed Signs

The proposed Ridgedale Corner Shoppes sign plan would permit tenants one wall sign per tenant space facade. Essentially, “endcap” tenants would be allowed three wall signs, whereas “interior” tenants would be allowed two wall signs.

<table>
<thead>
<tr>
<th></th>
<th>End Cap Tenants</th>
<th></th>
<th>Interior Tenants</th>
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<tbody>
<tr>
<td></td>
<td>West Tenant</td>
<td>East Tenant</td>
<td></td>
</tr>
<tr>
<td>Number of Signs</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>Sign Locations</td>
<td>Plymouth Rd façade Cartway La façade parking lot façade</td>
<td>Ridgedale Ring Rd façade Cartway La façade parking lot façade</td>
<td>Cartway La façade parking lot façade</td>
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<tr>
<td>Maximum Logo Height</td>
<td>36 inches</td>
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</tbody>
</table>
Subject: Ridgedale Corner Shoppes, 1801 Plymouth Road

The proposed sign plan also includes one monument sign, identifying TCF Bank, located near the Plymouth Road/Cartway Lane intersection.

| Maximum Letter Height | 26 inches |

**Staff Analysis**

Staff finds that the proposed sign plan is appropriate and reasonable for the Ridgedale Corner Shoppes site for several reasons:

1. The proposed wall signs would have dimensions consistent with the dimensions allowed under the sign ordinance. As such, the signs would not be larger than those allowed elsewhere in the city.

2. Allowing tenants visual identification from adjacent roadways and the building's parking lot is reasonable. Further, such identification would be consistent with previous city practice. Under the current sign ordinance, tenants are permitted just one wall sign. However, the vast majority of commercial strip centers in the community were developed under the previous ordinance. That ordinance was essentially silent on the number of wall-mounted identification signs per tenant. Therefore, under the previous ordinance, staff permitted signs on each tenant façade. This is evidenced in the immediate area – at both the 1700 Plymouth (Highland Bank) building and Ridge Square North and South – where tenants were allowed signs on each of their façades.

3. The proposed monument sign would have dimensions consistent with those allowed elsewhere in the city. Though a 10-foot setback is required under the sign ordinance, the reduced setback proposed is a function of the approved and required location of sidewalks, parking lot and drive-thru drive aisles, and new "gateway" landscape feature at the Plymouth Road/Cartway Lane intersection. The sign would be located roughly 12 feet from the traveled portion of Plymouth Road.

**Staff Recommendation**

Adopt the resolution approving a sign plan for Ridgedale Corner Shoppes.

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Meeting of June 8, 2017
Subject: Ridgedale Corner Shoppes, 1801 Plymouth Road

Supporting Information

**Surrounding**
Northerly: Cartway Drive, Bonaventure commercial building beyond

**Land Uses**
Easterly: Ridgedale ring road, Ridgedale Center beyond
Southerly: Wells Fargo Bank
Westerly: Plymouth Road, 1700 Plymouth mixed-use building beyond

**Planning**
Guide Plan designation: mixed-use
Existing Zoning: PID, Planned I-394 District

**Neighborhood Comments**
The city sent notice to 318 area property owners. No comments have been received.

**Pyramid of Discretion**

**Motion Options**
The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be adopting the resolution approving the sign plan.

2. Disagree with staff's recommendation. In this case, a motion should be made denying the proposed sign plan. This motion must include a statement as to why the plans is denied.

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

**Deadline for Action**
August 14, 2017
LOCATION MAP

Project: Ridgedale Corner Shoppes
Applicant: Ridgedale Retail, LLC
Address: 1801 Plymouth Road
Project #16020.17a & 17b
WALL SIGNS
**NOTE: ALL SIGNS MUST BE SUBMITTED TO LANDLORD FOR REVIEW AND APPROVAL PRIOR TO SUBMITTAL TO CITY OF MINNETONKA FOR PERMIT.**

TYPICAL SIGN ELEVATION AT STOREFRONT

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**Project** RIDGEDALE CORNER SHOPPES

Project No. 1693.004.00

Date 03/14/17

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**NOTE:** ALL SIGNS MUST BE SUBMITTED TO LANDLORD FOR REVIEW AND APPROVAL PRIOR TO SUBMITTAL TO CITY OF MINNETONKA FOR PERMIT.

\[\text{1/4" P-95 FROSTED ACRYLIC PANEL}\]

\[\text{STAND OFF BOLTS, ALUMINUM BARREL SPACER}\]

\[\text{ELECTRICAL CONNECTION AND CONDUIT ALONG TOP OF CHANNEL BY TENANT.}\]

\[\text{SIGN BRACKET AND DOWNLIGHT BY LANDLORD. ELECTRICAL JBOX BY LANDLORD.}\]

\[\text{INDIVIDUAL CAN LETTERS INTERNALLY ILLUMINATED AND HALO BACKLIT.}\]

\[\text{RACEWAY MOUNTED ON SIGN BRACKET. COLOR TO MATCH DARK BRONZE SIGN BAND.}\]

**TYPICAL SIGN DETAIL AT STOREFRONT**

<table>
<thead>
<tr>
<th>Project</th>
<th>RIDGEDALE CORNER SHOPPES</th>
</tr>
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<tbody>
<tr>
<td>Project No.</td>
<td>1693.004.00</td>
</tr>
<tr>
<td>Date</td>
<td>03/14/17</td>
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</tbody>
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**MINNETONKA, MN**

**DESCRIPTION**

A. **ILLUMINATED LOGO**
   - White acrylic faces with silver print overlays - V1/V2
   - 2" trim cap - pre-finished black
   - 5" deep alum. returns - pre-finished black
   - Internally lit with white LED modules (SLOAN)

B. **ILLUMINATED LETTERS**
   - White acrylic faces - A1
   - 1" trim cap - pre-finished black
   - 1 1/2" deep alum. returns - pre-finished black
   - Internally lit with white LED modules (SLOAN)

C. **RACEWAY**
   - Sign comp alum. raceway
   - Painted to match wall, verify
   - Raceway to house all power supplies and secondary wiring
   - Verify mounting method into mullion

**FINISH SCHEDULE**

- **R1**
  - 3M Dark Trans Vinyl (230-73)
- **R2**
  - 3M Mango Trans. Vinyl (230-125)
- **R3**
  - 7328 White Acrylic

**VERIFIED MOUNTING METHOD INTO MULLION**

**CUSTOMER APPROVAL**

**NAME:**

**DATE:**

**SALES: DP**

**PR: XX**

**DESIGN: RR**

**DATE:** 03-23-17

**DRAW: 1/16/202**

**This plan is the exclusive property of Walker Sign Holdings Inc., (the Lawrence Sign) and is the result of the original design of the employee. They are submitted to your company and are for your exclusive use. No copies may be made or sold.**

**PROPOSED CONDITIONS**

**ESTIMATED WEIGHT 160 LBS**
MEMORANDUM

PROJECT NO. 1693.004.00
CLIENT Solomon RE
PROJECT Ridgedale Corner Shoppes Retail
Minnetonka, MN

SUBJECT Sign Variance Request. Written Narrative
FROM Bill Wittrock
DATE 5 May 2017

ATTENTION Steve Johnson
COPY Mike Kraft, Kraft Architects
Dave Nelson, TCF

File (4)

Project Description

Ridgedale Corner Shoppes is located in the southeast corner of Plymouth Road and Cartway Lane intersection. Ridgdale Mall Driveway provides the only access to the site on the east and provides unobstructed visibility from the Ridgedale Mall west side parking field. In addition, the site is encumbered by a private easement providing access to the Wells Fargo property immediately to the south.

In September of 2016, the development received unanimous approval from the City Council based on the Planning Commission recommendations. Included in the staff report was a history of several Concept Plan submissions from November 2015 to June 2016. The result of this history establishes the City's required design criteria of density and intensity as outlined in the Ridgedale Center Village Center study and noted the “significant concern” of the city staff and council members that the building design respond to these criteria.

The approved development and building design met the intent of the required City Design Criteria with the following:
- Develop a unique Architectural design for this strategic corner site of the retail district.
- Provide consistent Architectural detailing on all sides to provide visual intensity.
- Increase the height of storefronts and add a vertical tower at the TCF Bank entry to provide a visual reference to density.
- Incorporate connections to the city network of sidewalks, directly to the storefront entries, improving the intensity of accessibility for pedestrians.
It was noted in the summary comments of the staff report, this development “would allow an existing business to remain in the community, while significantly improving both its’ own aesthetic and the aesthetic of the intersection at which it is located.” As a result of the project location and the City imposed design criteria, this project is highly visible and functional from all sides.

The TCF Bank building has function and visibility on three sides. The retail building is highly visible on three sides with multiple retail tenant storefronts on the south, the west end-cap tenant is visible directly on three sides. Strategically located wall signs were considered a critical component to the success of the TCF Bank and the retail tenants. In the Planning Commission drawing submission, wall signs were shown on at least three sides of the building facing the important view corridors to address the functional visibility of TCF Bank and retail tenants.

Allowing signs on three sides would be in the City’s interest by supporting the required city design criteria for this site and the retail area in the following:
1. The use is in the best interest of the City. Providing signs on three sides for TCF and the retail building allows for the intent of intensity of use and access to the function of the building activities. The intent of intensity of use is to be able to access the building from multiple connections and viewpoints. Providing the ability to see wall signs from all major vantage points allows the building to be accessible for automobile, bicycle and pedestrian connections.

2. The use is compatible with other nearby uses. The development and building is designed as a prominent “gateway” building into the Ridgedale Mall retail district. Tenant sign location on three sides of these buildings would support the retail district identification, would be compatible with other nearby uses, and accommodates the City design criteria.

3. The use is consistent with other requirements of the ordinance. All signs would comply with all other standards in the City sign ordinance for location, allowable sf. of sign, illumination requirements, tenant logo and letter size.

Practical Difficulty. The City of Minnetonka sign ordinance allows signs on two sides of a building. Strict application of the ordinance imposes a practical difficulty given the unique nature of this location and city required building design criteria. Allowing signs on three sides would be in the City’s interest and relieve the practical difficulties of functional retail.

Practical difficulties would result from:

1. Strict Application of the sign ordinance would allow signs on two sides only. With the requirement that the building to be visible with all sides of equal architectural priority, practical difficulty arises
in complying with the City design criteria requiring an intensity and density of use and a compatibility with the Ridgedale Mall district as a “gateway building”. The building has end cap elevations that are functionally visible, identifying this as a retail building. The strict application of the ordinance would prevent these highly visible sides from being identified as a retail building and therefore could potentially reduce the viability of retail tenants in the competitive retail environment.

2. Practical hardship results from unique circumstances and conditions that are peculiar to the property.
   a) Site has three sides exposed to major public streets. The access from these public streets is restricted allowing parking and building front door access only from an interior lot line to the south.
   b) City design criteria on this site requires that:
   ii. The building be designed with a higher than normal storefront and roof for implied building density. This increases the building presence and visibility as a gateway building in the retail district.
   iii. Requiring an Architectural design on all sides is a clear recognition that each side has retail visibility and viability.

3. The practical difficulties are not self-created.
   a. See #2

4. The requested Variance will be consistent with the intent of the ordinance.
   a) All signs would comply with all other standards in the City sign ordinance for location, allowable sf. of sign, illumination requirements, tenant logo and letter size.

5. Reasonableness and Character of the Locality
   a) Granting this variance will not negatively affect public safety, it will allow the buildings to be a clearer fit with the surrounding retail district and promote a more vigorous and viable commercial activity

END OF MEMORANDUM
MONUMENT SIGN
MEMORANDUM

PROJECT NO. 6332.001.00
CLIENT Solomon RE
PROJECT Ridgedale Corner Shoppes Retail
Minnetonka, MN

SUBJECT TCF Bank Monument Sign Variance
FROM Bill Wittrock
DATE 9 May 2017

ATTENTION Steve Johnson
COPY Mike Kraft, Kraft Architects
Dave Nelson, TCF
File (4)

Project Description

Ridgedale Corner Shoppes is located in the southeast corner of Plymouth Road and Cartway Lane intersection. Ridgedale Mall Driveway provides the only access to the site on the east and provides unobstructed visibility from the Ridgedale Mall west side parking field. In addition, the site is encumbered by a private easement providing access to the Wells Fargo property immediately to the south.

In September of 2016, the development received unanimous approval from the City Council based on the Planning Commission recommendations. Included in the staff report was a history of several Concept Plan submissions from November 2015 to June 2016. The result of this history establishes the City's required design criteria of density and intensity as outlined in the Ridgedale Center Village Center study and noted the "significant concern" of the city staff and council members that the building design respond to these criteria.

The approved development and building design met the intent of the required City Design Criteria with the following:
- Develop a unique Architectural design for this strategic corner site of the retail district.
- Provide consistent Architectural detailing on all sides to provide visual intensity.
- Increase the height of storefronts and add a vertical tower at the TCF Bank entry to provide a visual reference to density.
- Incorporate connections to the city network of sidewalks around the perimeter of the site.
and directly to the storefront entries, improving the intensity of accessibility for pedestrians.

- Incorporate a decorative sidewalk curved wall corner element at Cartway Road and Plymouth Road.

It was noted in the summary comments of the staff report, this development “would allow an existing business to remain in the community, while significantly improving both its’ own aesthetic and the aesthetic of the intersection at which it is located.” As a result of the project location and the City imposed design criteria, this project is highly visible and functional from all sides.

The TCF Bank site currently has a 17’ tall, three-sided pylon sign with changing time and temperature. In the Planning Commission drawing submission, a smaller scale, new pylon sign location was shown near the decorative corner element required by the City Design Criteria and is located 3’ from the new sidewalk edge.

This variance request is to allow the TCF Bank monument sign to be located outside of the required 10’ setback from the City required new sidewalk ROW. Allowing the proposed monument sign for TCF Bank would be in the City’s interest by supporting the required city design criteria for this site and the retail area in the following:

1. The use is in the best interest of the City.
   The proposed monument sign will replace an existing pylon sign. The proposed sign would be smaller in scale and compliment the pedestrian nature of the required adjacent sidewalk enhancements.

2. The use is compatible with other nearby uses.
   The site development and building are designed as a prominent “gateway” into the Ridgedale Mall retail district. The proposed monument sign for this site would support the retail district identification, would be compatible with other nearby uses, and accommodates the City design criteria.

3. The use is consistent with other requirements of the ordinance.
   The monument sign will comply with all other standards in the City sign ordinance for, allowable sf. of sign, illumination requirements, tenant logo and letter size

Practical Difficulty.
The City of Minnetonka sign ordinance allows one monument sign on the TCF Bank property and one monument sign on the Ridgedale Corner Retail property. Ridgedale Corner retail has elected not to install a monument sign on their property. Strict application of the ordinance
imposes a practical difficulty on the TCF property given the unique nature of this location and city required site design criteria. Allowing the proposed monument sign location would be in the City’s interest and relieve the practical difficulties.

Practical difficulties would result from:

1. Strict Application of the sign ordinance would allow monument signs on each property. With the requirement that the site include a City required new sidewalk around the perimeter, a decorative corner enhancement. Practical difficulty arises in complying with the City ordinance requiring 10’ setback from the sidewalk ROW. The strict application of the ordinance would prevent the monument sign to be reasonably visible from the road.

2. Practical hardship results from unique circumstances and conditions that are peculiar to the property.
   a) City design criteria on this site requires that:
      ii. A sidewalk, per City Design Criteria, to be installed around the site perimeter. This criteria effectively moves the ROW line into the site approximately 10 feet, reducing the available site area to locate a monument sign.
      iii. City Design Criteria requires a decorative curved wall design enhancement on the corner design, reducing the available site area to locate a monument sign.

3. The practical difficulties are not self-created.
   a. See #2

4. The requested Variance will be consistent with the intent of the ordinance.
   a. The monument sign will comply with all other standards in the City sign ordinance for allowable sf. of sign, illumination requirements, tenant logo and letter size.

5. Reasonableness and Character of the Locality
   a. Granting this variance will not negatively affect public safety. The sign will be located outside of the required sidewalk area but still allow the site lines to the buildings. The scale of the sign will be reduced from the original pylon sign and be compatible with the pedestrian scale of the adjacent sidewalk network

END OF MEMORANDUM
Resolution No. 2017-

Resolution approving a sign plan for Ridgedale Corner Shoppes
at 1801 and 1805 Plymouth Road

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

Section 1. Background.

1.01 In October 2016, the Minnetonka City Council approved a master development plan for Ridgedale Corner Shoppes, located at 1801 and 1805 Plymouth Road.

1.02 The properties, which are located within the planned I-394 (PID) district, are legally described as: Lots 1 and 2, Block 1, Ridgedale Center 9th Addition.

1.03 Ridgedale Retail, LLC. and TCF National Bank have proposed a sign plan for Ridgedale Corner Shoppes, as follows:

1. Wall Signs

<table>
<thead>
<tr>
<th></th>
<th>End Cap Tenants</th>
<th>Interior Tenants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Signs</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Tenant</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>East Tenant</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td><strong>Sign Locations</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Tenant</td>
<td>Plymouth Rd façade Cartway La façade parking lot façade</td>
<td>Ridgedale Ring Rd façade Cartway La façade parking lot façade</td>
</tr>
<tr>
<td>East Tenant</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Logo Height</strong></td>
<td>36 inches</td>
<td></td>
</tr>
<tr>
<td><strong>Maximum Letter Height</strong></td>
<td>26 inches</td>
<td></td>
</tr>
</tbody>
</table>
2. Monument Signs

<table>
<thead>
<tr>
<th>Number of Signs</th>
<th>Monument Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Monument Height</td>
<td>1</td>
</tr>
<tr>
<td>Maximum Monument Area</td>
<td>8 feet</td>
</tr>
<tr>
<td>Maximum Copy and Graphic Area</td>
<td>90 square feet</td>
</tr>
<tr>
<td>Minimum setback</td>
<td>60 square feet</td>
</tr>
<tr>
<td>Minimum setback</td>
<td>Roughly 1.5 feet</td>
</tr>
</tbody>
</table>

1.03 On June 8, 2017, the planning commission held a hearing on the proposed sign plan. The applicants were provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution.

Section 2. General Standards.

2.01 By City Code §300.31 Subd.7(a)(b), signs within developments with approved master development plans are restricted to those signs permitted in a sign plan approved by the city and are regulated by permanent covenants that can be enforced by the city.

2.02 By City Code §325.06 Subd. 6, a sign plan with requirements different than those of the sign ordinance may be approved within planned unit and planned I-394 districts.

2.03 By City Code §325.05 Subd.5, the city may enforce, in the same manner as the requirements of sign ordinance, the terms of a sign plan or sign covenants that it has approved.

Section 3. Findings

1. The proposed wall signs would have dimensions consistent with the dimension allowed under the sign ordinance. As such, the signs would not be larger than those allowed elsewhere in the city.

2. Visually identifying tenants from adjacent roadways and the building’s parking lot is reasonable. Further, such identification is consistent with previous city practice in the immediate area.

3. The proposed monument sign would have dimensions consistent with those allowed elsewhere in the city. Though a 10-foot setback is required under the sign ordinance, the reduced setback proposed is a function of the approved and required location of sidewalks,
parking lot and drive-thru drive aisles, and new “gateway” landscape feature at the Plymouth Road/Cartway Lane intersection.

Section 4. Planning Commission Action.

4.01 The planning commission hereby approves the sign plan described on section 1 of this resolution and as represented in the Planning Commission Staff Report dated June 8, 2017.

4.02 This sign plan serves as the sign regulations for the 1801 and 1805 Plymouth Road properties.

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

4.04 A sign permit must be obtained prior to installation of any sign.

Adopted by the Planning Commission of the City of Minnetonka, Minnesota, on June 8, 2017.

__________________________________
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 June 8, 2017.
Kathy Leervig, Deputy City Clerk
MINNETONKA PLANNING COMMISSION
June 8, 2017

**Brief Description**  
Items concerning Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue:

1) Major amendment to an existing master development plan;
2) Final site and building plans, with parking variances; and
3) Preliminary and final plats

**Recommendation**  
Recommend the city council deny the proposal

---

**Introduction**

The Minnetonka Hills Apartments complex currently encompasses several properties and is just over 13 acres in size. The complex includes three, 4-story, apartment buildings with underground parking and two surface parking lots. Cumulatively, the complex has a total of 235 apartment units and 480 parking stalls.

The apartment complex properties surround a half-acre residential property that is currently improved with a vacant, single family home. This property has been held in common ownership with the adjacent apartment complex for almost 10 years.

The entire complex, including the properties at 2800 and 2828 Jordan Avenue, is currently zoned PUD, planned unit development, and is guided for high-density residential by the 2030 Comprehensive Guide Plan.

**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.**

  Combined with the adjacent, unaddressed parcel, the subject properties are just over 7.8 acres in size. The western portion of the property is improved with a 4-story apartment building and a surface parking lot to the east of the building.

  **Steep Slope.** The property is encumbered by a number of slopes, several of which are regulated by the city’s steep slope ordinance. The two prominent slopes – to be referred to as the northern slope and the central slope – both slope downwards
in all directions from two prominent knolls and have an average grade of 26 percent. By evaluating the size of the trees near the prominent slopes, staff was able to make some assumptions as to whether the slopes are natural or were created. While the northern slope appears to have been created, the central slope appears to be naturally occurring.

**Floodplain.** Initially it was thought that a depression west of Jordan Avenue would be a regulated wetland. However, additional testing and research concluded that the depression did not exhibit wetland characteristics. While the depression is not a regulated wetland, the depression is still regulated by the city’s floodplain ordinance.

**Trees.** There is a large woodland preservation area (WPA) that “wraps” around the existing apartment building and parking lot on the property. The remainder of the area outside of the WPA is heavily wooded with predominately species of the oak, cedar and ash varieties.

- **Proposed Use.**

The proposed five-story apartment building would have a footprint of approximately 16,000 square feet and a gross floor area of 80,000, not including the underground parking level. The underground parking level would be 20,000 square feet, with a portion extending beyond the footprint of the building to under the northern parking area. In addition to residential units, the first floor would provide residential amenities such as a mailroom and a fitness center. The proposed 78-units would be a mixture of alcove, one and two bedroom units. The units would range in size from 620 square feet for an alcove unit and 1,200 square feet for a two-bedroom unit.

As proposed, access from the new apartment building to Jordan Avenue would be provided via a new connection to the existing building’s driveway.

The new building would be served by a total of 122 parking stalls; 60 underground parking stalls and 62 surface stalls. The surface parking lot would be constructed on the west side – or interior – of the property, adjacent to the existing parking lot.

The proposal would also introduce a playground area and a sidewalk connection to serve the proposed apartment building, as well as the existing apartment buildings.

- **Site Impacts.**

To accommodate the new apartment building and parking lot, a significant amount of grading and tree removal would be required. While the proposal includes several retaining walls, which are typically used to lessen the extent of grading, the proposal would result in a “cut” of 26-feet. This grading would remove the central
knoll and would “flatten” the slope to provide a suitable building site. The grading and construction of the new building and parking lot would result in the removal of a number of trees east of the existing parking lot and along the existing driveway.

**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 primary questions or issues. The following outlines both the primary questions associated with the new Minnetonka Hills Apartment proposal and staff’s findings.

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

  Yes. The proposed high-density residential use of the site is appropriate. The site has had a comprehensive guide plan designation of high-density residential since 1981.

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

  While staff finds that a residential land use is appropriate for the site, staff is concerned with the level of impact to the natural resources that would result from the proposal.

  **Tree Impacts.** The city’s tree protection ordinance restricts the amount of woodland preservation area that can be removed and the number of high priority trees that can be removed as part of a site’s redevelopment. When a proposal would exceed these thresholds, the development must be reviewed as a PUD. The following is intended to summarize the anticipated amount of tree removal:

<table>
<thead>
<tr>
<th></th>
<th>Maximum removal allowed by ordinance</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Woodland preservation area</em></td>
<td>25%</td>
<td>24%</td>
</tr>
<tr>
<td><em>High priority trees outside of the woodland preservation area</em></td>
<td>35% – or – 12 of the site’s high priority trees</td>
<td>54% – or – 20 of the site’s high priority trees</td>
</tr>
</tbody>
</table>

Since the removal would result in the removal of 54% of the site’s high priority trees, staff evaluated the proposal to determine if it would meet the PUD standards within the city’s tree protection ordinance. The standards and staff’s findings can be found in the “Supporting Information” section of this report. Ultimately, the proposal would marginally meet the standards. However, staff believes that the project could meet the standards by: (1) “tightening” up the grading around the
parking lot; and (2) committing to a long-term ecological stewardship plan – or restoration plan – to control invasive species onsite.

Slopes. The city’s steep slope ordinance was developed to encourage thoughtful integration of a development into a slope. The intent of the ordinance is not to prohibit construction of a slope but rather to guide development of a slope. Unlike other ordinances, which provide clear standards intended to “approve” or “deny” a project, the slope ordinance allows the city more discretion in determining compliance with the three findings listed in the ordinance. The following is intended to summarize the findings; however, a more detailed analysis of the findings can be found in the “Supporting Information” section of this report.

1. **Ordinance Finding 1:** The property is physically suitable for the design and siting of the proposed development. The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

   **Staff findings:** While the proposal incorporates a series of retaining walls to reduce the proposed grading limits, the proposal would still result in significant amount of grading into existing slopes. The ordinance states that development should *avoid* cut and fill greater than 25 feet in depth. Staff acknowledges that any development of the site would result in varying degrees of cut and fill onsite. However, staff is concerned that the proposal includes a 26-foot “cut” into the 26 percent slope.

2. **Ordinance Finding 2:** The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

   **Staff findings:** The ordinance allows the city to prohibit construction on slopes with average slopes exceeding 30-percent. The existing slopes have an average grade of 26 percent and runoff from the increase in impervious surface would be directed to catch basins in the southeast corner of the site. Staff commends the developer for incorporating retaining walls to reduce the amount of impact to the site. However, staff is concerned about the intensity of the slope alteration both aesthetically and physically.

3. **Ordinance Finding 3:** The proposed development provides adequate measures to protect public safety.

   **Staff findings:** Minor modifications to the site plan would be required to ensure that emergency vehicles were able to navigate the site. These modifications include: (1) a turnaround; (2) increased drive lane widths; and (3) reconfiguration of the turning radius for the driveway. Staff believes that these changes are minor and could easily be achieved through slight modifications to the site plan.
Summary Comments

Staff acknowledges that the proposed land use would be reasonable use of the property, given that the site has been guided for high-density residential for almost 40 years. However, staff has continued concerns related to impacts to the site’s natural features, specifically as they relate to tree removal and slope development.

Staff Recommendation

Recommend the city council adopt the resolution denying the request.

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

<table>
<thead>
<tr>
<th>Project No.</th>
<th>86157.17a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>2800 and 2828 Jordan Avenue</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mark Kronbeck, Alliant Engineering, on behalf of Minnetonka Hills Apartments LLP</td>
</tr>
<tr>
<td>Surrounding</td>
<td>Northerly: Single family homes, zoned R-1 and guided low density residential</td>
</tr>
<tr>
<td></td>
<td>Easterly: US Hwy 169 and the City of St. Louis Park</td>
</tr>
<tr>
<td></td>
<td>Southerly: Minnetonka Hills Apartments, zoned PUD, and guided for high density residential.</td>
</tr>
<tr>
<td></td>
<td>Westerly: Condos and Townhomes, zoned PUD, and guided for medium and high density.</td>
</tr>
<tr>
<td>Planning</td>
<td>Guide Plan designation: High Density Residential</td>
</tr>
<tr>
<td></td>
<td>Zoning: PUD, Planned Unit Development</td>
</tr>
<tr>
<td>Background</td>
<td>1967. The Minnetonka Village Council approved a request to rezone the property, which makes up the southern 12.4 acres of the CSM property, from R-1 to R-4. The original development concept called for the construction of 90 townhomes.</td>
</tr>
<tr>
<td></td>
<td>1968. The Minnetonka Village Council approved a request to rezone the northern 6.5 acres of the CSM property from R-1 to R-4.</td>
</tr>
<tr>
<td></td>
<td>1981. The city council approved a conditional use permit for grading and excavation to allow the mining of gravel for the construction of County Road 18 (now US Hwy 169). The grading was to occur on the southern portion of the CSM site (currently in the area of the southern two Minnetonka Hills apartment buildings). The city also approved a development concept for the construction of 195 dwelling units and a road connection between Jordan Avenue and Greenbrier Road.</td>
</tr>
<tr>
<td></td>
<td>1984. After a proposal was pulled from an earlier agenda due to several concerns raised by the planning commission and staff, the planning commission reviewed CSM’s proposal for the construction of a 143-unit apartment building. Due to concerns related to traffic, density, building height and setbacks, the request was continued.</td>
</tr>
</tbody>
</table>
1985. Over the course of the year, the planning commission and city council reviewed several concept plans for development of the site. Ultimately, in October of 1985, the city council approved the rezoning of the properties to PUD. In November 1985, the planning commission approved the final site and building plans, with variances, for the construction of the Minnetonka Hills Apartment complex. It was noted in the report that, while staff had initially expressed preference that the single-family home be included in the CSM proposal, it was determined that the grades of the site made the area unsuitable for development.

1986. The city approved the Minnetonka Hills Apartments plat which:

1. allowed for the northern apartment building to be on a separate parcel from the southern two apartment building;

2. dedicated a wetland outlot to the city;

3. dedicated an outlot for right-of-way purposes to the city; and

4. dedicated an outlot to rectify a property line discrepancy to the property owner of the single family residential home, which is now included in the current proposal.

2004. The city council introduced an ordinance to amend the Minnetonka Hills Apartment PUD master development and approve final site and building plans for a 14-unit townhome project. As proposed, the existing single-family residential home would have been removed and a two-story, 14-unit townhome building would have been constructed. The council expressed concern related to the visual aesthetics of the proposal. However, the project was ultimately pulled after staff expressed concern related to the density, tree loss, and access.

Concept Plan

2016. The city reviewed a concept plan review for a 78-unit apartment building. The planning commission commented on the architecture of the building and inquired as to whether the parking could be reduced to reduce the amount of tree loss. The council reviewed the concept plan at a subsequent meeting and generally seemed to support the use. The council expressed understanding that the proposal would result in significant grading and tree loss, but encouraged the developer to minimize impacts to natural resources to the greatest extent possible.
Introduction

**April 2017.** The city council introduced the ordinance to amend the existing master development plan and referred it to the planning commission. The council asked questions about driveway access, the protection of the woodland preservation area, affordable housing, and tree mitigation.

City Actions

The Minnetonka Hills Apartments proposal requires the following applications:

- **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 that can only be approved by ordinance.

- **Final Site and Building Plan, with a Parking Variance.** By City Code, site and building plan review is required for construction of any multi-family residential building.

- **Preliminary and Final Plat.** Platting of the new site would allow the new apartment and associated parking lot to be located on a separate parcel.

- **Vacation.** The periphery of the existing residential property is encumbered by drainage and utility easements. The proposal requires approval by the city council to vacate the existing easements and re-dedicate easements as part of the plat.

Development Standards

The PUD ordinance contains no specific development standards relating to setbacks, lot coverage, etc. However, the following chart outlines these items related to the proposed project:

<table>
<thead>
<tr>
<th>Building Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North property line</td>
<td>93 ft</td>
</tr>
<tr>
<td>East property line</td>
<td>77 ft</td>
</tr>
<tr>
<td>South property line</td>
<td>70 ft</td>
</tr>
<tr>
<td>West property line</td>
<td>72 ft</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Lot Setbacks</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North property line</td>
<td>31 ft</td>
</tr>
<tr>
<td>East property line</td>
<td>76 ft</td>
</tr>
<tr>
<td>South property line</td>
<td>40 ft</td>
</tr>
<tr>
<td>West property line</td>
<td>15 ft</td>
</tr>
</tbody>
</table>

**Building Height** 52.5 ft to top of parapet

**Floor Area Ratio** 0.99
<table>
<thead>
<tr>
<th>Impervious Surface</th>
<th>46%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density</td>
<td>32.77 units/acre</td>
</tr>
<tr>
<td></td>
<td>26.88 units/acre overall</td>
</tr>
</tbody>
</table>

**Affordable Housing**

As currently proposed, the project does not include an affordability component. In the past, the city has reviewed apartment projects with affordability components as a justification for comprehensive guide plan amendments or rezonings.

**Natural Resources**

To accommodate the proposal, significant site changes would be necessary:

- **Topography and Grading.** Significant grading would be required to create suitable pads for the parking lot and building. The grading would essentially “level out” the knolls and the natural slope on the property. At one point, the proposal would result in a “cut” of 26-feet.

- **Trees.** Based on the proposed grading plan, the proposal would result in a 24% removal of the site’s woodland preservation area. This would be less than the maximum 25% removal allowed by ordinance.

Outside of the woodland preservation area, grading would result in a number of high priority and significant tree removal. The following chart is intended to summarize the proposed removals:

<table>
<thead>
<tr>
<th></th>
<th>Existing</th>
<th>Removal</th>
<th>% Removed</th>
</tr>
</thead>
<tbody>
<tr>
<td>High priority</td>
<td>37</td>
<td>20</td>
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</tr>
<tr>
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<td>31</td>
<td>31%</td>
</tr>
</tbody>
</table>

- **Wetland.** Initially it was assumed that a depression on the site was a wetland resulting from the construction of US 169. However, a wetland delineation determined that a wetland is not present.

- **Floodplain.** While the depression along Jordan Avenue is not a regulated wetland, it is regulated as 100-year floodplain. The 100-year flood elevation of the depression is 924.0 feet. An initial proposal submitted to the city did not meet the city’s setback requirement from the 100-year floodplain. However, the applicant revised their plans to
ensure the proposed building would meet all floodplain setback requirements.

**Stormwater**

The city’s water resources engineering coordinator has reviewed the plans associated with the Minnetonka Hills Apartment proposal and finds them generally acceptable. However, if the project is approved some additional stormwater information must be submitted for review. As currently proposed, runoff would be captured by catch basins in the southeast corner of the property. Runoff would overflow into the natural depression area north of the catch basin.

**Utilities**

The following is intended to summarize the applicant’s utility plans:

1. The proposed watermain would connect to the private main currently servicing the existing apartment building originating from Jordan Avenue.

2. The sanitary sewer service would be directionally bored to connect to the existing service in the cul-de-sac of Jordan Avenue. The applicant would need to confirm that construction method to ensure that the line could be directionally bored.

3. The city would require new easements over the new lines and connections.

**Traffic and Parking**

The city commissioned a traffic and parking study to understand:

1. Anticipated vehicle trip generation associated with the proposed Minnetonka Hills apartment;

2. Existing and anticipated intersection operations; and

3. Parking supply and demand.

In evaluating each of these items, the city’s traffic engineering consultants referenced general engineering principles, as well as specific observations from the existing Minnetonka Hills Apartment buildings. The study concluded that:

1. While it is anticipated that the Minnetonka Hills Apartment project may slightly increase the delay at the studied intersections, the increase would not result in a change in the level of service.
2. While no mitigation is necessary from an intersection capacity, the following striping and traffic control modifications could be considered:

- Restripe Jordan Avenue at the Cedar Lake Road intersection to include a dedicated left-turn lane and a shared through/right turn lane.

- Consider an all-way stop at the Jordan Avenue/ US 169 Southbound ramp intersection.

- Install speed advisory signage at the Minnetonka Hills driveway and along Jordan Avenue.

3. Though less than required by code, the proposed parking supply is expected to meet the demand for the site.

**Park Dedication**

By City Code §400.040, park dedication fees in the amount of $5,000 per residential dwelling unit are required. At 78-units, this amount is $390,000.

**Sidewalk Connection**

Initially staff discussed a secondary sidewalk connection to connect the northern end of the proposed parking lot to the sidewalk along Jordan Avenue. However, after further review, the additional sidewalk connection would result in additional tree loss.

**PUD Standards**

By City Code §300.28, Subd. 19, a subdivision that results in a removal of more than 35 percent of the site’s high priority trees or 25 percent of a woodland preservation area, must be developed under a PUD and staff will use the following to consider the extent to which steps were taken to preserve protected trees:

1. Using creative design, which may include the clustering of homes, reducing lot sizes, reducing or expanding normal setbacks, custom grading, retaining walls, buffers and establishing the size and location of building pads, roads, utilities and driveways;

**Finding:** Given the site’s dense vegetation, it would be difficult to develop the property without removing a significant amount of the site’s regulated trees. While it is unlikely that any high-density development of the site would be in full compliance with the city’s tree protection ordinance, staff believes that more intuitive and innovative
site and building design could reduce the amount of necessary tree removal.

2. Preserving the continuity of woodland preservation areas by developing at the edges of those areas rather than at the core;

**Finding:** The proposal would not exceed the maximum removal amount of woodland preservation area allowed by ordinance. In fact, the proposal would not break up the continuity of the existing woodland preservation area.

3. Exercising good faith stewardship of the land and trees both before subdivision and after, including the use of conservation easements where appropriate; and

**Finding:** While the proposal would not meet this requirement outright, the city would require conservation easements over the woodland preservation area. The developer has also indicated a willingness to commit to a stewardship plan to remove buckthorn from the site.

4. Minimizing the impact to the character of the existing landscape and neighborhood.

**Finding:** While the developer incorporated retaining walls to reduce the amount of required grading, the proposal would undoubtedly change the character of the existing landscape and neighborhood.

**Steep Slope**

The city’s ordinance defines a steep slope as a slope that:

- has an average slope of 20 percent or more;
- covers an area of at least 100 feet in width (side to side); and
- rises at least 25 feet above the toe of the slope.

By City Code §400.28, Subd. 20(b), staff will evaluate the extent to which the development meets the guidelines under each finding. While it is the intent of the ordinance to require compliance with as many of the guidelines as possible, the ordinance grants the city discretion to not require total compliance with every guideline if the overall finding is still achieved:
Ordinance Finding 1: The property is physically suitable for the design and siting of the proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

a. Design developments into steep slopes, rather than making significant alterations to the slope to fit the development:

1. avoid building pads that result in extensive grading outside of the building footprint and driveway areas;

   **Staff Findings:** While it is likely that the grading limits around the parking lot could be “tightened” to reduce the amount of required grading, the grading limits proposed do not extend a significant distance beyond the building footprint and parking area.

2. use retaining walls as an alternative to banks of cut-and-fill, and design and site such walls to avoid adverse visual impact;

   **Staff Findings:** The proposal includes a number of retaining walls to reduce the need for cut-and-fill to accommodate the building pad.

3. allow for clustering with different lot shapes and sizes, with prime determinant being to maximize the preservation of the natural terrain;

   **Staff Findings:** While the proposal includes preliminary and final plat, the subdivision is only to allow for separate ownership of the apartment buildings and would not be a requirement.

4. allow flag lots when appropriate to minimize grading;

   **Staff Findings:** This standard does not apply.

5. avoid cuts and fills greater than 25 feet in depth; and

   **Staff Findings:** While the ordinance does not outright prohibit “cuts” and “fills” in excess of 25
feet, the proposal would include a “cut” of 26 feet into the slope.

6. design grading to preserve the crest of prominent ridges. Buildings may be located on the prominent ridges, as long as the requirements of this subdivision are met.

**Staff Findings:** Staff is concerned with the amount of grading needed to create the building and parking pad. As proposed, these pads would require the prominent knolls and ridges of the site to be graded out.

b. Design streets and driveways that generally follow existing contours, except where necessary for public safety or to minimize the adverse impacts from traffic:

1. use cul-de-sacs and common drives where practical and desirable to preserve slopes; and

2. avoid individual long driveways, unless necessary to locate the principal structures on a less sensitive areas of the site.

**Staff Findings:** The proposal would avoid a long driveway as the new apartment building would be served by a connection to the existing Minnetonka Hills Apartment driveway from Jordan Avenue.

c. Concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features:

1. preserve sensitive areas by clustering buildings or using other innovative approaches; and

**Staff Findings:** The proposal would be located such that, while it would remove woodland preservation areas, it would not break up the continuity of the existing preservation area. That said, staff believes that the proposed building and parking lot would remove the existing and natural slope on the site.
2. maintain sufficient vegetation and design the scale of the development so that it does not overwhelm the natural character of the steep slope.

**Staff Findings:** The proposal would preserve some vegetation along Jordan Avenue. However, the proposal would remove a significant amount of vegetation east of the existing apartment building.

d. Preserve steep slopes that buffer residences from non-residential sources of light and noise.

**Staff Findings:** It is very likely that the slope and associated vegetation provides some noise mitigation from US 169 for the existing Minnetonka Hills apartment building. Were the proposed building constructed, it would also provide a level of noise mitigation.

**Finding 2:** The development will not result in soil erosion, flooding, sever scarring, reduced water quality, inadequate drainage control, or other problems.

a. Wherever practical, minimize the impervious surface area and maximize the use of natural drainage systems:

1. design any new drainage systems away from neighboring properties, away from cut faces or sloping surfaces of a fill, and towards appropriate drainage facilities, whether artificial or natural. Drainage systems must comply with the city’s water resources management plan; and

2. use existing natural drainage system as much as possible in its unimproved state, if the natural system adequately controls erosion.

**Staff Findings:** Runoff would be directed to the catch basin and natural depression in the southeast corner of the site. However, staff believes that design alternatives could result in a reduction in the amount of impervious surface.

b. Avoid building on or creating steep slopes with an average grade of 30 percent or more. The city may prohibit building on or creating slopes in the following situations:
1. where the city determines that reasonable development can occur on the site without building on or creating slopes; or

2. development on such slopes would create real or potentially detrimental drainage or erosion problems.

**Staff Findings:** The slopes onsite have an average grade of 26 percent.

c. design slopes to be in character with the surrounding natural terrain;

**Staff Findings:** The proposal would significantly change the natural terrain of the site both aesthetically and physically.

d. use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the city engineer;

**Staff Findings:** The proposal includes a number of retaining walls, but does not incorporate benching or terracing.

e. install and maintain erosion control measures during construction in accordance with the current Minnesota pollution control agency best management practices; and

**Staff Findings:** If the city decided to approve the project, this would be included as a condition of approval.

f. revegetate disturbed areas as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.

**Staff Findings:** If the city decided to approve the project, this would be included as a condition of approval.

**Finding 3.** The proposed development provides adequate measures to protect public safety.

a. limit the slopes of private driveways to not more than 10 percent, the driveway should have sufficient flat areas at the top and toe to provide vehicles a landing area to avoid
vehicles slipping into the adjacent street during icy conditions. The city may require a driveway turn-around; and

b. provide sufficient access for emergency vehicles to reach the proposed buildings.

**Staff Findings:** Minor modifications would be needed to the site plan to meet this standard. However, it is likely compliance could be achieved.

**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**

If approved, 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.

**Outside Agencies**

The applicant’s proposal has been submitted to various outside agencies for review, including MnDOT and Hennepin County.

**Pyramid of Discretion**

This proposal:
**Motion Options**

The planning commission has three options:

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

2. Disagree with staff’s recommendation. In this case, a motion should be made directing city staff to prepare a resolution, with findings, to approve the project “as-is” without modifications.

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

**Voting Requirement**

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

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

- Master Development Plan amendment: 4 votes
- Site and Building Plans: 5 votes, due to the parking variance.

**Neighborhood Comments**

The properties in red were originally included in the notification area approved by city council as part of the ordinance introduction on April 24, 2017.
After some consideration, the townhomes at the end of Cove Drive, which initially fell outside of the city’s traditional notification, area were included. This secondary mailing went out on May 31, 2017.

The city sent notices to a combined mailing total of 80 area property owners and received several comments. Their correspondence is attached.

**Deadline for Decision**

July 15, 2017
Location Map

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

This map is for illustrative purposes only.
Subject Property

Minnetonka
Hills Apt
Complex

US
169

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

And,

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

And,

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

And,

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

1. This survey was prepared from legal descriptions supplied and our in house records and may not depict all easements, appurtenances or encumbrances affecting the property.

2. The locations of underground utilities are depicted based on information from Gopher State One Call system for a "Boundary Survey locate". The information was provided by a combination of available maps, proposed plans or city records and field locations which may not be exact. Verify all utilities critical to construction or design.

3. The orientation of this bearing system is based on the Hennepin County Coordinate System NAD83. Coordinates are Hennepin County ground feet, based on the Minnesota Coordinate System, Southern Zone, NAD83, 1986 (non HARN values). Coordinate values dated January, 2005.

4. All distances are in feet.

5. The area of the above described property is 342,105 square feet or 7.850 acres.

6. There are 79 regular striped parking stalls and 2 handicapped parking stalls.

7. The property lies within Zone X (unshaded - areas determined to be outside the 0.2% annual chance floodplain) Zone X (shaded - areas of 0.2% annual chance flood) of Federal Emergency Management Agency (FEMA) Flood Insurance Community Panel No. 27053C0334E, effective September 2, 2004.

8. Bench Mark: City of Saint Louis Benchmark No. P 117 A, is a bench mark disc located on 2.0 miles north of Hopkins, in the southeast corner of County Road 16 (Cedar Lake Road) bridge number 27517 over trunk highway 169. Has an elevation of 945.25 feet NAD83.

9. Bench Mark: TNH located along Jordon Avenue South with a elevation of 929.02 feet NAD83.
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<th>Scientific Name</th>
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<th>Height (Inch or ft.)</th>
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MINNETONKA HILLS APARTMENTS
PUD AMENDMENT
SIGNIFICANT TREE INVENTORY

Drawing name: X:\2016\160141\plan sheets\PUD Amendment\160141tree.dwg  May 18,  2017 - 11:11am
### Significant Tree Inventory

#### Key
- **LN**: Denotes tree susceptible to wind throw if solitary
- **CAV**: Denotes visible signs of cavity and rot
- **DAM**: Denotes tree showing signs of damage
- **DAM TERM**: Denotes a tree that has lost its terminal stem leader
- **SEN**: Denotes senescence or a tree in a state of decline either due to age, disease or infestation
- **CDT**: Denotes a multiple-stemmed trunk and is or may become included
- **DBR**: Denotes significant dead limb with potential for separation

#### Tree Tagging System

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<th>Tag #</th>
<th>Common Name</th>
<th>Scientific Name</th>
<th>DBH (Inches)</th>
<th>Height (Inch or ft.)</th>
<th>Classification</th>
<th>Remove</th>
<th>Mitigation</th>
<th>Notes</th>
<th>Removal</th>
</tr>
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</table>

- **Mitigation**: Denotes trees to be removed
- **Dead or Dying**: Denotes dead or dying trees to be removed
Proposed Underground Parking
60 Stalls
GFE 938

MINNETONKA HILLS APARTMENTS
MINNETONKA, MN

A-3
Comprehensive Plan
1962 Plan:
Subject property guided for industrial

1973 Plan:
Subject property guided for Medium Density Residential
Subject Property Designation:
1981: High Density Residential
1999: High Density Residential
2008: High Density Residential
Historical Aerials
Past Staff Reports
TO: Planning Commission and Members of the City Council

THROUGH: Ann Perry, Director of Planning

FROM: Paul Krauss, Senior Planner

MEETING DATE: May 2, 1985

SUBJECT: Rezoning Petition No. 401, R-4 to P.U.J. "CSM Apartment Project" and Master Development Plan Review

APPLICANT: Gary Holmes, for the CSM Corporation

LOCATION: 2804/2808 Jordan Avenue, generally located west of County Road 18, north of the Burlington-Northern Railroad tracks, east of Greenbrier Apartments and south of Cedar Lake Road.

PROPOSAL/SUMMARY: The applicants propose to construct 248 apartment units in 3 buildings on a 19 acre site which is guided for High Density residential uses. The site is presently zoned R-4, Multiple Family Residential. A previous proposal for 143 units at a density of 13.6 units per acre on 10.92 acres was continued by the Planning Commission in April of 1984 due to design and traffic concerns.

The plan envisions the construction of a 90 unit, 3 story building on the wooded hillside. An 83 unit 3-story structure and a 75 unit 4-story building would be located in the mid-out area located in the southern portion of the property. The buildings are attractively designed, featuring face brick exteriors, individual porches and pitched roofs. Underground parking is provided as are two private swimming pools. Access will be provided via Jordan Avenue which will ultimately be extended from the current cul-de-sac, to provide a loop road connection to Greenbrier Drive. Right-of-way will be dedicated to the west property line and a portion of the street will be constructed under this proposal.

In our opinion, the plan is well designed and represents a great improvement over the applicant's previous attempts to develop this property. The site's natural amenities, including mature tree cover, steep slopes and the wetland, are worked into the plan in a manner that maximizes their preservation. Landscaping, grading and building siting are utilized to provide a high standard of buffering for the single family neighborhood to the north. Internal circulation and access is well planned although there are several aspects of the issue which must yet be resolved.

The primary concern of staff is the overall traffic implications of this proposal and the potential need for roadway extensions. We are concerned that the proposed cul-de-sac street without the street extension will not be able to serve the number of units proposed in the development. Coupled with this concern is a potential for adverse safety conditions at the present intersection of Jordan Avenue with County Road 18 and Cedar Lake Road. A second concern of staff is the potential noise impacts to the railroad tracks located to the south and the quality of the buffer between these tracks and the buildings. It is our position that these noise impacts should be reviewed prior to the City granting rezoning approvals. A last concern deals with the half acre single family homestead that is located to the northeast of this property. If this property cannot be acquired by the developer a high standard of screening should be incorporated to protect the home from impacts associated with the development.

Four minor variances are required with this development. Three of the variances relate to parking. These include a 12 stall variance for a 240 car parking, a 25 stall variance based upon a "proof of parking" concept and a 10' parking setback variance at the southeast corner of the site adjacent to County Road 18. In our opinion, the variances are warranted as an improved plan results. In addition, the plan will ultimately support the total number of stalls required by the ordinance. The final variance is for a 13' setback reduction between Building 2 and future Jordan Avenue extension. We believe this request is reasonable given the building configuration and buffering that will be provided for the road.
Because of staff's concerns regarding the traffic implications for this development and the fact that the developers did not submit a traffic report, staff is recommending that a rezoning from R-1 to R-4 not be approved at this time. However, we do feel that an approval should be given to a Concept Plan as provided in the P.U.D. ordinance to allow for a plan for the developer to base a traffic report and an Environmental Assessment Worksheet on. It is our opinion that an EAW should be completed prior to the rezoning in order to ascertain what the potential noise impacts will be as well as to determine any potential impacts involving the roadway extension construction. In conclusion, we do feel that the developer has admirably improved the project and the project is one that staff can support provided that the traffic report and Environmental Assessment Worksheet conclude that the development is appropriate given the surrounding public improvements in the area.

On June 19, 1967, the Minnetonka Village Council gave second reading to a request to rezone the Weiser & Slade property from R-1 to R-4. This property, located at the NW corner of the intersection of County Road 18 and the Burlington-Northern Railroad tracks constitutes the southern 12.4 acres of the current CSM proposal. The development concept called for the construction of 90 townhomes on the property. The parcel is currently controlled by Herb Mason who also owns vacant property located west of the site.

On May 9, 1968, the Minnetonka Village Council granted final approval to rezoning the Lahr property from R-1 to R-4. The Lahr property constitutes the northern 8.3 acres of the current CSM proposal.

On August 3, 1981, the City Council approved a Conditional Use Permit for grading and excavation to allow the mining of gravel for County Road 18 construction. Herb Mason, the current property owner, was the applicant for the C.U.P. The grading was to occur on the southern 12.4 acres of the current CSM site. A copy of the approved plan and minutes are included in the appendix of this report. A development concept was also approved by the City which called for the construction of 195 dwelling units and for the road connection between Jordan Avenue and Greembier Drive. The road connection was similar to the one approved in conjunction with the Greembier project in the early 1970's.

On February 2, 1984, the Planning Commission was scheduled to review the original CSM request. Due to concerns raised by staff, the applicant pulled the item to modify the proposal. At that time the CSM proposal would have occupied an 8.3 acre site including the 8.3 acre Lahr property and the northern 2 acres of the property owned by Herb Mason. The proposal called for constructing 143 apartments in one, six-story structure.

On April 19, 1984, the Planning Commission reviewed CSM's development proposal. Since the item was pulled from the February 2, 1984 agenda, the site area was increased to 9.23 acres by the addition of more of the Mason property. It is significant to note that nearly 10 acres of the Mason property located along the railroad tracks would have remained as an exception to the proposal. The Planning Commission and staff voiced a variety of concerns with the submittal which called for the construction of 143.

Project density was to have been 13.6 units per acre. Due to concerns with traffic, density, building height and setbacks, the request was continued.

SITE CHARACTERISTICS: The 19 acre site contains three distinct areas. Land to the north is a heavily forested hilltop that is currently occupied by a single family residence (the Lahr homestead). The highest point on the property, 974' is found in this area. Slopes fall steeply away to a 906' elevation located in the wetland to the southwest. The land mass slopes down on the north and east as well although not as steeply as on the bluff oriented to the southwest.

Moving to the south, one encounters a large area that was mined for fill material used in the construction of County Road 18. This area is largely flat and elevated approximately 7' above the wetland. Having been mined the area is devoid of trees except along the wetland fringe.

The western portion of the property is occupied by a large wetland associated with Minnehaha Creek. The wetland is protected by City ordinance as well as being a designated Public Waters protected by the MnDNR.
Surrounding land uses include:

North - Single family homes fronting on Cedar Crest Road, a cul-de-sac with access to Cedar Lake Road. The homes are located approximately 30' below the crest of the hill found on the CSM site.

South - Burlington-Northern Railroad tracks.

East - County Road 18. There is also a 1/2 acre homestead occupied by a single family home that is shown as an exception on the CSM proposal. The property survey indicates that the south wall of the home may actually be located on the CSM site. The home shares a driveway to Jordan Avenue with the Lahr home. Jordan Avenue is a City street that ends in a cul-de-sac adjacent to the subject site. Plans approved for the Greenbrier development show an extension of Jordan Avenue to the west with a connection to Greenbrier Drive.

West - Condominiums and apartments comprising the Greenbrier complex.

GENERAL SITE DESIGN/ARCHITECTURE: The plan is designed around an extension of Jordan Avenue to the west, towards Greenbrier Drivn. The street provides the sole means of access to the property. It also divides the site roughly 1/2, separating the high, wooded hill from the mined out area.

Development planned for the north half of the property is very well sized. The building will be located on the south/west facing bluffline. This location provides for exciting views out over the wetland. At the same time, a high degree of tree preservation is provided through a sensitive grading plan. A surface parking lot is located north/east of the building and will not be visible from any off-site location due to grading and tree preservation. The site plan will result in locating the 90 unit building and parking slightly below the crest of the north-facing bluff. Since the homes to the north are already situated substantially below site grades, the residents should have little or no direct views of the CSM development.

A 1/2 acre single family homestead adjacent to Jordan Avenue is not included in the CSM site. From a planning standpoint we view this as rather unfortunate as the home will be surrounded by high density development. Due to site topography, the homestead does not appear to represent a buildable site for CSM. Never-the-less, it's incorporation could be used to justify an increase in project density. If it remains a free-standing lot, the CSM plan will have to incorporate adequate buffering to ensure that the residential environment is maintained. As proposed, the home will share the CSM access drive to Jordan Avenue. The site survey indicates that the home is actually located 5' into the CSM parcel. The southwest corner of the home will be located only 15' from the access drive making an appropriate buffer difficult to develop.

The south half of the property does not contain many natural features worth protecting due to the previous mining operations. Views to the west out over the wetland are its only natural agency. Site constraints include proximity to County Road 18 and the Burlington-Northern Railroad tracks. The plan calls for developing two buildings in this area. The larger 83 unit (Building 1) is oriented towards the wetland. The building is located in a manner that attempts to maximize the setback from the railroad tracks but the attempt is not entirely successful. We suggest that the building may suffer from serious noise and vibration impacts from the railroad since the mainline track is located only 85' from the building. The problem is exacerbated by the fact that the building and the railroad are located at the same elevation. The landscape buffer concept currently proposed by the plan is inadequate. Staff is recommending that the applicant increase the height from 4 stories to 5 stories while keeping the number of apartments constant. This modification will result in decreasing the size of the building footprint and enabling the setback from the tracks to be increased. The 75 unit building will be 4 stories as opposed to the 3 stories of the other two structures. The height will offer views of the wetland over the 83 unit building to the west.
Due to the current lot division request, staff requested that a new development concept be prepared for the remaining land. The revised concept prepared for the original February submittal calls for the construction of 134 units in two buildings for a density of 12.6 units/acre. The applicant for the lot division has not provided a revised concept based upon CSM's current acquisition plans. Due to the reduced amount of area remaining, the February concept would result in a density of 16.8 units/acre. The road connection was maintained although it was shifted to a more northerly location.

The parcel has undergone extensive mining and consequently, contains few natural features of significance. Approximately the western 1/3 of the parcel is located under a large wetland. The Burlington Northern Railroad tracks form the southern boundary.

Little effort was devoted to preparing the plan as evidenced by the lack of detail. The revised road location appears to work from an engineering and traffic flow standpoint. However, as noted in the staff report on the CSM site plan, the alignment raises numerous questions regarding cost, timing and environmental damage.

Staff cannot recommend approval of the lot division request until an acceptable development concept has been provided and the questions regarding Mr. Mason's participation in the road are resolved. We have no serious objections to the lot division request in principle. However, if it is permitted to occur the 2.6 acres should be merged with the balance of CSM's property to create one tax parcel.

STAFF COMMENT:

This project has a long and difficult history. Staff began working with the developer early last summer and since then experienced a series of delays due to poor design concept and incomplete or inadequate submittals. Over the course of these negotiations the quality of the plan has gradually improved. However, the ultimate product unfortunately falls short of our expectations. Staff finds that we cannot support this request for the following reasons:

1. Generally poor design concept and execution.
2. The site is too intensively developed to meet the intent of the R-4 District.
3. Access plans do not include adequate consideration of the road connection between Jordan Avenue and Greenbrier Drive.
4. Inadequate consideration given to the future development of remaining Mason parcel south of the site and the single family home located on Jordan Avenue.
5. Inadequate consideration of tree preservation.
6. Plan modifications are required in the areas of grading, drainage, utilities, fire safety and architecture.
7. Three variances are required for building height, and number of parking spaces (enclosed and total spaces) that staff is unable to justify.

STAFF RECOMMENDATION: Staff recommends that Site Plan Review No. 222 and Preliminary Plat No. 1535 be denied for reasons noted above.

/jhf
TO: Planning Commission and Members of the City Council
THROUGH: Ann Perry, Director of Planning
FROM: Pat House, Senior Planner
MEETING DATE: November 21, 1985
SUBJECT: Final Site Plan Review No. 222-B
APPLICANT: Gary Holmes, for the CSM Corporation
LOCATION: 2804/2808 Jordan Avenue, generally located west of County Road 16, north of the Burlington-Northern Railroad tracks, east of Greenbrier Apartments and south of Cedar Lake Road.

PROPOSAL/SUMMARY:

The applicants are proposing to construct 248 apartments in 3 buildings on a 19-acre site. The site is zoned R-4 Multiple Residential and is currently zoned R-4 Multiple Residential. The project is proposed to be developed as a high density residential development. The project will result in a development density of 12.66 units per acre, which is at the lower end of the acceptable range for high density development. The City Council rezoned the site to R-4, Multiple Residential, on October 28, 1985.

This project, in a number of variations, has been frequently reviewed by staff and the Planning Commission. Over time, the site expanded from 6.53 acres to the current 19 acres. Most recently, a revised development concept proposing 248 apartments was reviewed and approved by the Planning Commission and City Council in the Spring of this year.

The current proposal represents a high quality residential project that is sensitive to protecting the natural features of the site and the single family neighborhood located to the north. It is a refined version of the plan that received Master Development Plan approval from the City. The plan includes the construction of an 89 unit, 3-story building on the wooded hillside. A 79 unit 4-story structure and a 72 unit 4-story building would be located in the mined-out area located in the southern portion of the property. The buildings are attractively designed, featuring face brick exteriors, individual porches and pitched roofs. Each structure is fully sprinklered. Underground parking is provided at the two private swimming pools. Access will be provided via Jordan Avenue. The street will terminate in a cul-de-sac at the west driveway. Right-of-way for the extension of Jordan Avenue to Greenbrier Road will need to be dedicated although the road is not likely to be built in the near future. The right-of-way will preserve the extension option for the City should the road ever be needed.

Plans have been refined since the original Master Development Plan submission. Staff is recommending several additional modifications, mostly in the areas of landscaping and tree preservation. These improvements are not considered to be major and can be handled by staff prior to issuing building permits.

The Environmental Assessment Worksheet for the project has been circulated to the review agencies. Comments are generally favorable although the review period is being extended to November 29 due to additional information on sanitary sewer flows, requested by the MPCA.

A final plat will shortly be prepared and submitted to the City Council. The plat will dedicate the Jordan Avenue right-of-way, provide all requested easements and create three outlets. Outlot A will cover the right-of-way for the Jordan Avenue extension. Outlot B will be dedicated to the City to protect the wetland. Outlot C will be transferred to an adjoining property owner to rectify a surveying error and provide the home with standard R-1 setbacks.

A total of four variances are required. These include:
- 96' building setback from the south property line for Building 1;
- 13' building setback from Jordan Avenue for Building 2;
- 21 stalls covered by a proof-of-parking concept;
- 27 enclosed stalls; and
- 22% hard surface coverage.
In our opinion, the variances are reasonable and result in an improved site plan.

Based upon the foregoing, staff is recommending that the site plan be approved with variances, subject to appropriate stipulations.

On June 19, 1987, the Minnetonka Village Council gave second reading to a request to rezone the Weiser & Slade property from R-1 to R-4. This property, located at the NW corner of the intersection of County Road 18 and the Burlington-Northern Railroad tracks constitutes the southern 12.4 acres of the current CSM proposal. The development concept called for the construction of 90 townhomes on the property. The parcel is currently controlled by Herb Mason who also owns vacant property located west of the site.

On May 9, 1988, the Minnetonka Village Council granted final approval to rezoning the Lahr property from R-1 to R-4. The Lahr property constitutes the northern 6.5 acres of the current CSM proposal.

On August 3, 1988, the City Council approved a Conditional Use Permit for grading and excavation to allow the mining of gravel for County Road 18 construction. Herb Mason, the current property owner, was the applicant for the C.U.P. The grading was to occur on the southern 12.4 acres of the current CSM site. A copy of the approved plan and minutes are included in the appendix of this report. A development concept was also approved by the City which called for the construction of 195 dwelling units and for the road connection between Jordan Avenue and Greenbrier Road. The road connection was similar to the one approved in conjunction with the Greenbrier project in the early 1970's.

On February 2, 1986, the Planning Commission was scheduled to review the original CSM request. Due to concerns raised by staff, the applicant pulled the item to modify the proposal. At that time the CSM proposal would have occupied an 8.5 acre site including the 6.5 acre Lahr property and the northern 2 acres of the property owned by Herb Mason. The proposal called for constructing 143 apartments in one, six-story structure.

On April 19, 1984, the Planning Commission reviewed CSM's development proposal. Since the item was pulled from the February 2, 1984 agenda, the site area was increased to 9.13 acres by the addition of more of the Mason property. It is significant to note that nearly 10 acres of the Mason property located along the railroad tracks would have remained as an exception to the proposal. The Planning Commission and staff voiced a variety of concerns with the submittal which called for the construction of 143 apartments in a single multi-story building. Project density was to have been 13.6 units per acre. Due to concerns with traffic, density, building height and setbacks, the request was continued.

May 2, 1985, the Planning Commission reviewed a revised Concept Plan that called for 248 apartments and a gross density of 13.6 units per acre. The plan represented a large improvement over earlier proposals. Under the P.U.D. Ordinance, a non-binding Concept Plan approval was granted. Area residents objects to impacts of the proposed roadway connection to Greenbrier Road.

On June 6, 1985, the City Council granted the project a concept approval.

On September 5, 1985, the Planning Commission reviewed an application for rezoning to P.U.D., Master Development Plan approval, Preliminary Plan and E.A.V. review. Plans had been revised as recommended by staff to utilize a four-story building near the railroad tracks to increase setbacks and reduce the impact of rail traffic on the residents. Based upon a report by the City's traffic consultant, staff recommended that Jordan Avenue not be extended to Greenbrier Drive. Projected traffic demand did not appear to warrant road construction. Instead, it was recommended that right-of-way be taken to permit road construc. to should it ever be required.

The Planning Commission recommended that the requests be approved.

On October 7, 1985, the City Council granted First Reading to the Rezoning Petition and approved the Master Development Plan an E.A.V. The E.A.V. was sent out to review agencies. The Council agreed with staff and Planning Commission recommendations regarding Jordan Avenue.
On October 3, 1985, the City Council gave Second Reading to the rezoning request.

SITE CHARACTERISTICS: The 1.0 acre site contains three distinct areas. Land to the north is a heavily forested upland that is currently occupied by a single family residence (homestead). The highest point on the property, 974' is found in the southeast. Slopes fall steeply down the north and east as well although not as steeply as on the bluff oriented to the southwest.

Moving to the south, one encounters a large area that was mined for fill material used in the construction of County Road 18. This area is largely flat and elevated approximately 7' above the wetland. Having been mined the area is devoid of trees except along the wetland fringe.

The western portion of the property is occupied by a large wetland associated with Minnehaha Creek. The wetland is protected by City ordinance as well as being a designated Public Waters protected by the MNMDNR.

Surrounding land uses include:

North - Single family homes fronting on Cedar Crest Road, a cul-de-sac with access to Cedar Lake Road. The homes are located approximately 30' below the crest of the hill found on the GSM site.

South - Burlington-Northern Railroad tracks.

East - County Road 18. There is also a 1/2 acre homestead occupied by a single family home that is shown as an exception on the DSM proposal. The property survey indicates that the south wall of the home may actually be located on the GSM site. The home shares a driveway to Jordan Avenue with the Lahr home. Jordan Avenue is a City street that ends in a cul-de-sac adjacent to the subject site. Plans approved for the Greenbrier development show an extension of Jordan Avenue to the west with a connection to Greenbrier Road.

West - Condominiums and apartments comprising the Greenbrier complex.

GENERAL SITE DESIGN/ARCHITECTURE: The plan is designed around an extension of Jordan Avenue to the west, towards Greenbrier Road. The street provides the sole means of access to the property. It also divides the site roughly in half, separating the high, wooded hill from the mined out area.

Development planned for the north half of the property is very well sized. The building will be located on the south/west facing bluffs. This location provides for exciting views out over the wetland. At the same time, a high degree of tree preservation is provided through a sensitive grading plan. A surface parking lot is located north/east of the building and will not be visible from any off-site location due to grading and tree preservation. The site plan will result in locating the 34 unit building and parking slightly below the crest of the north-facing bluff. Since the homes to the north are already situated substantially below side yard grades, the residents should have little or no direct views of the GSM development.

A 1/2 acre single family homestead is not included in the DSM site. We have often stated a preference to have this parcel incorporated into the site. However, prevailing grades make it an unattractive site for multi-family development with the DSM proposal.

In the past we have noted that a portion of the homestead is located on the DSM property due to an apparent surveying error when the home was built. DSM has created a .05 acre outlot (Outlot C) with the stated intent to deed this lot to the homeowner. Outlot C will provide the home with the standard R-1 15' sideyard setback. Title to Outlot C should be transferred to the homeowner concurrently with the Final Plat.

The home will gain access to Jordan Avenue via the private driveway to the north DSM building. An appropriate cross access easement should be provided with the plat. Buffering with existing spruce trees and new plantings will be provided.
The south half of the property does not contain many natural features worth protecting due to the previous mining operations. Views to the west over the wetland are its only natural amenity. Site constraints include proximity to County Road 18 and the Burlington-Northern Railroad tracks. The plan calls for developing two buildings in this area. The larger 79 unit (Building 1) is oriented towards the wetland. The building is located in a manner that attempts to maximize the setback from the railroad tracks.

Utilizing proposals by staff, the wing of Building 1 that was located closest to the tracks has been deleted. The setback is currently 40' to the property line and approximately 80' to the tracks. While the setbacks are similar to those provided by the approved Concept Plan, the modifications to the building footprint has greatly reduced the structures exposure to the tracks. Information contained in the E.A.R. indicates that State and Federal noise guidelines will be met.

The MnPCA has reviewed the submitted E.A.R. and voiced some concerns with noise impacts. State noise guidelines recommended by the MnPCA are somewhat more severe than Federal standards. Federal standards will apparently be met but State standards may be exceeded for the southern building due to rail traffic. We would like the applicant to work with the MnPCA on this issue. However, we note that the proposed 70'-80' setback is identical to that which exists for the Pond and Klout buildings located to the west. In our opinion, the applicants have made an excellent attempt to mitigate noise impacts by a combination of building and siting landscaping.

The proposed buildings will be attractive 3 and 4 story structures. Exterior materials include face brick with wood trim. Porches will be provided as well pitched roofs. Each structure is provided with underground parking. One and two bedroom apartments will be provided. One bedroom units will contain 754 sq. ft., two bedroom units will have either 985 sq. ft. or 1,024 sq. ft. depending upon location.

Two outdoor swimming pools will be provided. The pool serving the north building will be located in a central location on a bluff overlooking the wetland. The pool area will be used to visually break the 390' long structure into two wings. The two southern buildings will be served by a pool located in a landscaped area between the north building and County Road 18.

No details are provided on trash storage or the placement of HVAC equipment. With buildings of this scale, staff is requiring that trash storage be centrally located within the structure and HVAC equipment be placed on the roof behind the peaks.

**ACCESS/TRAFFIC**

Jordan Avenue is currently a cul-de-sac which serves only two homes and dead-ends at the CSM site. It has a poor connection to Cedar Lake Road via the County Road 18 on-off ramp. Historically, plans developed since the late 1960's and early 1970's concurrent with the Greenbrier development, envisioned the extension of Jordan Avenue to the west where it would connect to Greenbrier Road. The historic connection was to take an alignment directly across the wetland, to a long peninsula of developable property that remains vacant to this day. However, a recent study was never completed to document this need.

Throughout the course of staff reviews of the various CSM proposals, obtaining the road connection has been a primary issue due both to the roads history, and our belief that the road was required to promote safe and efficient access in the area. A new alternative alignment was developed for the road which we believed to be more environmentally sensitive. The new route took the road around the north shore of the wetland and avoided most of the filling that would otherwise have been required. CSM has been willing to work with staff on the roadway and would have dedicated right-of-way and undertaken much of the grading.

After the Concept Plan was reviewed by the City, Beeshoof and Associates was retained to study alternatives, undertake an analysis of traffic demand and make any appropriate recommendations. Their report strongly indicates that the road connection is not required to maintain the safe and efficient flow of traffic through the area. The roadway would improve access for several types of trips in the area and may offer some improvement for emergency vehicle access and response times, however, these improvements are not considered to be widespread or significant. Based upon this
analysis, we have concluded that the large expenditure of funds that would be required for this road and significant potential for environmental damage to the wetland and tree cover, cannot now be justified.

Meetings with Hennepin County have indicated that the Jordan Avenue/Cedar Lake Road/County Road 18 intersection can be altered to improve the safety and efficiency of access to the CSM parcel. The County had already programmed signalization and some improvement for this intersection. The improvements include construction of a second northbound lane to provide for a free right turn and stacking area. The County is proposing to add a median extension to improve access into the CSM parcel. These improvements are illustrated on an attached map and will be made in 1986.

Based on these conclusions, we are recommending that Jordan Avenue terminate in a cul-de-sac which should be located at the west entrance to the southern half of the CSM site.

While we have no reason to dispute the traffic analysis, we would like to keep the option of the road connection open should it ever prove to be required. Therefore, we are recommending that the applicant dedicate an outlet for right-of-way purposes over the projected northern alignment. We do not intend to require that the alignment be graded due to concern for tree preservation and wetland protection.

After reviewing the available data both the Planning Commission and City Council concurred with the staff recommendation.

Plans have been revised to locate the cul-de-sac adjacent to the westernmost entrance to the site. The street will be public. The applicant should petition the City for roadway construction. Preliminary plans indicate that grades will not exceed 5%. Final plans should be submitted with the Final Plat.

Roadway plans are acceptable with the following modifications:

1. The western driveway should enter the cul-de-sac at a right angle with a standard curb cut.
2. Stop signs should be provided at all three driveways.
3. Grading on the north side of the street is too steep to be stabilized or serve as planting areas. We believe that stepped retaining walls designed by an engineer are required.
4. The north driveway should be redesigned to enter the street at a right angle while providing adequate sight distance and safe grades.

Parking will be provided by a mix of underground and surface stalls. Based upon the ordinance, the 240 unit development should have a total of 480 parking stalls with 240 enclosed. A total of 482 stalls is being proposed which exceeds ordinance requirements.

The applicant is requesting a variance for 27 enclosed stalls. Staff is supporting this variance due to the improved site plan that results. At our recommendation, Buildings 2 and 3 are 4-story rather than 3-story structures. This configuration permits reduced hard surface coverage, improved views and increased setbacks from County Road 18 and the railroad tracks. The only problem is that the applicant cannot provide sufficient underground parking within the reduced building footprint. We are recommending that the required variance be approved. The shortfall will be made up by surface stalls.

The applicant is also requesting approval to avoid building 21 stalls under a proof-of-parking concept. The variance would increase green space and tree preservation and could be made available if necessary. We also note that the applicant has agreed to provide one enclosed stall with each apartment. Staff was concerned that a parking shortfall could have arisen if underground stalls were extra cost options.

Internal circulation in the parking lots is well designed and acceptable without modification. The large number of landscaped traffic islands is particularly worthy of note.
A revised landscaping plan has been provided for review. The plan contains several excellent features, however, additional refinements are warranted.

The plan offers a high degree of tree preservation. Existing tree cover will be maintained over large portion of the northern hill and bluffs. The trees include a large number of spruce trees and oaks. The tree cover combined with proposed and existing grading will provide a high level of screening for the single family homes located to the north (refer to the site sections supplied by the applicant). Mature trees will also screen the northern building site from County Road 18 in addition to providing a significant amount of buffering for the 1/2 acre single family lot that may remain along Jordan Avenue. Trees will also be preserved along the wetland fringe. A sump area located between Building 2 and Jordan Avenue will benefit from tree preservation and become an attractive buffer for the building.

Substaff is highly supportive of the applicant's efforts at tree preservation. However, due to the large number of trees and the dense stands they are located in, it is essential that staff work with the applicant to stake preservation areas prior to undertaking any grading. Final grading plans would be revised by staff to maximize preservation. Transplantation of existing trees should be an essential part of the project. Trees up to 3'-10" in diameter can usually be moved with a good chance of survival. Based upon experience from other plans in the City we disagree with the applicant's assertion that the maximum size for transplantation is 5'. Landscaping plans should be modified during construction to account for transplantation.

Tree preservation along the steep slope west of Building 3 is not clear from the grading plan. We prefer to see grading stopped at the building line with work undertaken from above. The plans appear to accomplish this but are not very well defined in this area.

New plant material is being proposed to supplement tree preservation. In general, the planting concept is well designed. Parking lot and foundation plantings are particularly well done. We find the landscaping plan to be acceptable with the following modifications:

1. Increase minimum plant sizes to meet ordinance requirements.
2. Increase the size of the spruce trees that buffer the southern building from railroad tracks to 10'-12' minimum. Add at least 10 more spruce trees along the top to the retaining wall to provide additional screening and noise mitigation.
3. The landscape buffer that protects the 1/2 acre homestead largely consists of unidentified trees designated for preservation. If these trees are not dense enough to provide adequate protection for the home, 3'-10' spruce trees should be added.
4. Planting along County Road 18 should include a mix of conifers to provide year-round screening from the highway.

Plans for the required underground irrigation system should be provided for review and approval by staff.

The ordinance requires a landscape budget of $827,600 for this project. Projected expenditures total $75,000. We find this to be acceptable due to the large amount of tree preservation being proposed.

PUBLIC UTILITIES:

There are two water mains located on the GSM site. A 10" line will need to be relocated, at the developer's expense, to accommodate Building 3.

Sanitary sewer is available in the vicinity of the site. However, a new public line must be extended across an adjoining parcel of property before it reaches the GSM site. The applicants must obtain an easement for this line from the owner. The easement should be aligned with the proposed extension of Jordan Avenue across the property to avoid having to relocate it in the future. The sewer line should be located in a manner that minimizes tree removal. We are recommending that staff be permitted to assess the impact of final sewer plans on tree cover and be able to require reforestation if warranted.
FIRE SAFETY: It is not possible to construct fire lanes around any of the structures due to the presence of steep slopes, mature trees or wetland. Consequently, all buildings are to be fully sprinklered. The Fire Marshal will need to review and approve the locations of necessary fire hydrants.

GRADING/DRAINAGE: With a project of this magnitude, large scale grading is unavoidable. We are not greatly concerned with grading on the south 1/2 of the site since it has already been subjected to extensive gravel mining operations. Grading on the north site is much more critical due to the desire to maximize tree preservation. In general, the grading plan is well designed and should result in the creation of good building sites while maximizing tree preservation. The grading is particularly well designed in the northwest corner of the site where a buffer between the project and single family homes to the north. Staff would like to see the following elements incorporated into the final grading plan:

- The grading plan should be coordinated with the tree preservation plan in a manner that makes it possible for staff to work with the developer to maximize preservation. Staff may make modifications to the grading plan or require the use of retaining walls to enhance the protection of mature trees.

- The plan includes several retaining walls which will be used to protect the public street and/or County Road 18. Due to their size and importance, plans should be prepared by a registered structural engineer. We have reviewed the plans and believe that retaining walls should be required along the north side of Jordan Avenue. We feel the walls are warranted to stabilize the steep slopes and provide suitable areas for landscaping.

- The applicants have indicated a conceptual erosion control plan on their submittals. The plan should be refined as necessary to protect the slopes and wetland and satisfy the requirements of the watershed district.

- The grading plan has been modified to improve buffering between Building A and the railroad tracks. A retaining wall and a high berm have been added. These improvements coupled with heavy landscaping and the revised building footprints result in what we believe to be a high level of screening from the tracks.

- Based upon Planning Commission and City Council action, Jordan Avenue will be paved only up to the westernmost driveway. Plans have been modified to provide the required cul-de-sac.

The preliminary drainage plan is acceptable to staff. All land located below the 904' contour will be incorporated into an outlet and dedicated to the City. A sump and drainage easement will also be provided for the sedimentation pond. A series of catch basins and storm sewer will be used to run all stormwater into a sedimentation pond, prior to flowing into the wetland. The sedimentation pond is designed as an attractive landscaping amenity for the project.

Project approval by the Minnehaha Creek Watershed District and the MnDNR will be required.

PLANNING/USEMENTS: The applicants will need to submit a Preliminary Plat for approval to subdivide the site. Right-of-way for Jordan Avenue will need to be dedicated. Provisions should be made to permit the construction of a new cul-de-sac located in the vicinity of the west entrance to the south site.

The wetland (below 904' contour) and approximate location of the north alignment for the Jordan Road right-of-way will need to be platted into outlet and dedicated to the City. Outlot A provides right-of-way for the Jordan Avenue extension should the Council ever determine that construction is warranted. It will be dedicated to the City. Outlot C will be given to the 1/2 acre homestead located on Jordan Avenue. The outlot will be used to correct an underlying surveying error and provide standard R-1 sideyard setbacks.
The following easements should be provided on the Preliminary Plat:
- Standard drainage and utility;
- Sump and drainase easements over the sedimentation pond; and
- Easements covering all public water and sewer extensions.

The preliminary plat must be submitted prior to building permit issuance.

**CURRENT ZONING:**
The site has been rezoned to R.U.D. and the Master Development Plan for the CSM project has been approved.

**GUIDE PLAN:**
The site is guided for High Density Residential development. The proposed plan is consistent with this designation.

**COMPLIANCE WITH THE ORDINANCE: P.U.D.**

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<th>Minimum Project Size</th>
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| Parking Setback       | 25'                    | N 90' E 40' S 20' W n/a |

**Hardsurface Coverage within 150' of the Wetlands**

| 15%                  | 22% Vc                 |

**Variances Required:**

Vv - 8' variance for building setback from the south property line for Building 1.
V2 - 13' setback variance from Jordan Avenue for Building 2.
V3 - 21 stalls to be made available under "proof of parking" concept.
V4 - 27 enclosed stalls.
V5 - Variance for 22% hardsurface coverage within 150' of wetland.

**ENVIRONMENTAL ASSESSMENT WORKSHEET:**

The project is large enough to require a mandatory Environmental Assessment Worksheet. The EAW was prepared and sent out to the usual review agencies. Responses have been received from the Metro Council, Metro Waste Control Commission, Minnehaha Creek Watershed District, MnDOT, MnPSC, and MnHWA.

Most of the responses are favorable and indicate that an EIS is not required. The responses are attached to this report. The MnPSC has requested some additional information on sanitary sewage flows. The data has been prepared and is currently being submitted to the agencies. The review period has been extended to November 29 to permit an adequate review of the addendum.

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Staff has been working with the applicant on this project for an extraordinarily long period of time. The proposal has been redesigned several times since the earlier efforts were found to be unacceptable by staff and the Planning Commission. The result is a plan which we believe to be very well designed and which we are recommending you approve subject to appropriate stipulations.

In our opinion, the proposal offers:

- Attractive architecture and residential amenities;
- High levels of site design;
- Substantial preservation of mature trees, attractive landscaping;
- Protection for the wetland;
- Excellent protection for the low density residential neighborhood to the north;
- Enhanced protection for the community and improved development flexibility offered by the P.U.D. as opposed to utilizing the underlying R-4 zoning.

The Final Site Plan incorporates several refinements to the Master Development Plan. Of note is the incorporation of the cul-de-sac for Jordan Avenue; refined landscape plan and improved buffering from the railroad tracks. We also note that a Preliminary Plat will shortly be prepared and submitted to the City. The plat will transfer a 0.063 acre parcel to the 1/2 acre homestead located on Jordan Avenue to correct a surveying error and provide buffering for the home.

Staff has proposed that several additional modifications be incorporated. Most would result in improved tree preservation and buffering.

The P.A.W. has received an initial review and most of the agency comments are favorable. The MPCA had several comments on noise impacts and recommended a noise standard. We are asking the applicant to work with the PCA but note that in our opinion, the plan incorporates several refinements designed to minimize noise impacts from railroad. We also note that the project appears to meet federal noise guidelines and is consistent with other multi-family development in the area.

Finally, the plan requires a total of five variances. There is a 3' setback variance to permit a 35' setback from Jordan Avenue for Building 2. The variance was added when staff recommended that the building height be increased from 3 to 4 stories to improve site design. We note that Jordan Avenue is essentially an internal road in this area and that there will be little or no adverse impact.

Building 1 has a 3' setback variance to permit a 40' setback from the railroad tracks. We note that the building is carefully sited to minimize impacts of the railroad. The building was also changed from 3 to 4 stories for the same reason. We also note that only a small corner of the building intrudes into the setback.

There are two parking variances. The first is to provide 217 out of 240 required enclosed parking stalls. The variance results from staff's recommendation to increase building height and reduce coverage to improve site design. We also note that the applicant has agreed to allocate an enclosed stall with each apartment rather than make them extra cost options, to avoid a parking shortfall with surface stalls. The second parking related variance is for 21 parking stalls which would not be constructed under a proof-of-parking concept.

The final variance is to permit 22% hard surface coverage within 150' of a wetland. We note that hard surface coverage has been slightly decreased from the concept plan and that the project is well designed from the standpoint of environmental protection.

STAFF RECOMMENDATION: Staff recommends approval of Final Site Plan No. 222-B with the following variances:

1. 3' setback variance from the south property line for Building 1.
2. 13' setback variance from Jordan Avenue for Building 2.
3. 21 stalls to be made available under "proof of parking" concept.
4. 27 enclosed stalls.
5. Variance for 22% hard surface coverage within 150' of wetland.
Subject to the following stipulations:

1. Review and approval of the E.A.W. by the Environmental Quality Board and the City of Minnetonka.

2. Approval of a preliminary plat dedicating all required right-of-way and easements prior to building permit issuance. Outlots covering the wetland and Jordan Avenue right-of-way extension should be created and dedicated to the City. Outlot C will need to be dedicated to the owner of an adjoining homestead to correct a surveying error and provide buffering.

3. Locate trash storage areas within the buildings and HVAC equipment on the roof behind the false gables.

4. Provide stop signs at the intersection of each of the 3 driveways with Jordan Avenue. Reconfigure the driveways as recommended by staff.

5. Petition the City for road and utility improvements, as required.

6. Each enclosed parking stall shall be assigned to an apartment and any rental fees shall be included in the normal rental sale for the unit.

7. Retaining walls shall be designed by a professional engineer. Incorporate retaining wall along the north side of Jordan Avenue to stabilize the steep slopes and provide planting areas.

8. Staff is to walk the site with the applicant prior to undertaking any grading to delineate preservation areas. Minor revisions to the plans will be required by staff if improved preservation results.

9. Revise the landscaping plan as recommended to:
   - Provide the required underground sprinkler system;
   - Improve screening along the railroad tracks, County Road 18 and Jordan Avenue;
   - Improve on attempts at tree preservation;
   - Provide reforestation of the sanitary sewer easement if required.

10. Final utility and grading plan approval by the engineering Department.

11. Work with the MPCA to resolve their concerns with noise impacts.

12. Project approval by the Hennepin County Highway Department.
City Council Agenda Item #12A  
Meeting of March 15, 2004

Brief Description: Introduction of an ordinance amending the Minnetonka Hills Apartments’ PUD master development plan and approving final site and building plans for the Minnetonka Hills Townhomes project at 2800, 2828, and 2855 Jordan Avenue for Minnetonka Hills Apartments L.L.C.

Recommended Action: Introduce the ordinance and refer it to the EDA and planning commission.

Introduction

The applicant is Minnetonka Hills Apartments, L.L.P., represented by David Carland (vice president). They are proposing to build a 14-unit, two-story townhome building next to the existing Minnetonka Hills development. The building would have underground parking, with each unit having an underground garage space. (See the attached narrative and plans on pages A6–A17.) The proposed townhouse site and the surrounding apartments are guided for high density residential and zoned PUD, planned unit development.

This proposal requires:

(1) an ordinance amending the Minnetonka Hills master development plan and approving final site and building plans for the proposed townhomes; and

(2) a preliminary plat to relocate the property lines around the proposed townhome building.

Comments

The applicants have advised staff that they would be willing to include two affordable units in the project. Staff is recommending that this proposal be sent to the EDA for a recommendation on the affordable housing part of this project.

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before sending it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval.
Staff Recommendation

Introduce the ordinance on pages A1–A3 and refer it to the EDA and planning commission.

Submitted through:
   John Gunyou, City Manager

Originated by:
   Geoff Olson, Planning Director

G:\WORD\Ci\CL 2004\cl86157intro.04a.doc
ORDINANCE NO. 2004-

AN ORDINANCE AMENDING A PUD MASTER DEVELOPMENT PLAN FOR THE MINNETONKA HILLS APARTMENTS AND APPROVING FINAL SITE AND BUILDING PLANS FOR THE MINNETONKA HILLS TOWNHOMES PROJECT AT 2800, 2828, AND 2855 JORDAN AVENUE

THE CITY OF MINNETONKA ORDAINS:

Section 1.

1.01 This ordinance hereby amends a planned unit development master development plan for the Minnetonka Hills Apartments, and approves final site and building plans for the Minnetonka Hills Townhomes at 2800, 2828 and 2855 Jordan Avenue (Project 86157.04a). Adoption is based on the findings in the , 2004, staff report.

1.02 The property is legally described as follows:

The South 170 feet of the North 450 feet of the east 265 feet of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE1/4) of Section 12, Township 117, Range 22,

Except that part lying Easterly of a line parallel with and distant 25 feet Westerly of the following described line:

Commencing at the Southeast corner of Section 12, Township 117, Range 22; thence North along the East line thereof 784.96 feet; thence deflect to the left at an angle of 90 degrees, a distance of 60 feet to the actual point of beginning of the line to be described; thence deflect to the right at an angle of 90 degrees, a distance of 136.28 feet; thence deflect to the left along a 26 degree 16 minutes 46 seconds curve (delta angle 49 degrees 16 minutes 15 seconds, tangent distance 99.98 feet), distance of 150 feet and there terminating;

and also
Outlot C, MINNETONKA HILLS APARTMENTS, according to the recorded plat thereof, Hennepin County, Minnesota.

and also

That part of Lot 1, Block 2, MINNETONKA HILLS APARTMENTS, Hennepin County Minnesota described as follows:

Beginning at the most westerly corner of Outlot C, said MINNETONKA HILLS APARTMENTS; thence on the Northwesterly extension of the Southwesterly line of said Outlot C an assumed bearing of North 77 degrees 31 minutes 44 seconds West a distance of 71.00 feet; thence North 43 degrees 31 minutes 36 seconds West a distance of 100.00 feet; thence North 00 degrees 74 minutes 34 seconds East a distance of 190.00 feet; thence South 89 degrees 35 minutes 26 seconds East a distance of 183.30 feet to the easterly line of said Lot 1; thence Southeasterly, Westerly and Southerly along the Easterly line of said Lot 1 to the point of beginning.

Section 2.

2.01 This ordinance is based on the following findings:

1. The proposal would meet the required standards and ordinances for a site and building plan approval.

Section 3.

3.02 Approval is subject to the following conditions:

1. The site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:

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

Section 5. This ordinance is effective immediately.
Adopted by the city council of the City of Minnetonka, Minnesota, on , 2004.

Karen J. Anderson, Mayor

ATTEST:

Kathleen A. Magrew, City Clerk

ACTION ON THIS ORDINANCE:

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

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on , 2004.

Kathleen A. Magrew, City Clerk

Date:
12. INTRODUCTION OF ORDINANCES.

A. Ordinance amending the Minnetonka Hills Apartments PUD master development plan and approving final site and building plans for the Minnetonka Hills Townhomes project at 2800, 2828, and 2855 Jordan Avenue for Minnetonka Hills Apartments L.L.C.

Callison suggested that staff work with architects on townhome developments to encourage more individualization of the facades.

Thomas moved, Callison seconded a motion to introduce an ordinance amending a PUD Master Development Plan for the Minnetonka Hills Apartments and approving final site and building plans for the Minnetonka Hills Townhomes project at 2800, 2828, and 2855 Jordan Avenue and refer it to the EDA and planning commission. All voted “yes.” Motion carried.
November 14, 2003

David Carland
Minnetonka Hills Apartments, L.L.P.
2575 University Avenue W
St. Paul MN 55114

RE: Application is considered incomplete

Mr. Carland:

The City has received preliminary plat, master development plan, and site and building plan review applications for development of the property at 2828 Jordan Avenue. In 1987, this property was incorporated into the Minnetonka Hills Apartments master development plan. As such, any change in use of the property requires review and amendment of this existing plan.

To process the submitted applications, more detailed information is required. The following information must be submitted for your application to be considered complete:

1) A survey that includes all of the property owned/controlled by Minnetonka Hills Apartments, L.L.P;

2) The number of housing units in each of the existing buildings must be noted on the survey or in a written statement;

At the time of its development, the density of the apartment complex was incorrectly calculated; a large wetland area was included in the calculation. As part of the current proposal, the existing and proposed density of the development must be reviewed.

3) A plan for the proposed underground garage;

The project narrative indicates that each unit would have a private garage space within the underground garage; plans must be provided to verify parking standards are met.
Having briefly reviewed the materials already submitted, staff has a number of concerns regarding the proposed project.

1) Density

The proposed townhome unit will increase the overall density of the already high-density Minnetonka Hills development. Staff would suggest the inclusion of some affordable housing as part of the project to justify the increase.

2) Tree Loss

As proposed, the project would result in significant tree loss. Staff would suggest that alternative building and driveway locations be considered which would preserve trees on the site.

3) Recreational Use for Residents

City code requires a planned unit development project to provide 10% of the gross project area for private recreational use for its residents. This 10% area must be shown on the overall site plan.

Thank you for submitting the required additional information and for materials already submitted. Please call me to schedule a meeting to discuss the items outlined in this letter. I may be reached at 952-939-8292.

Sincerely,

Susan Thomas
City of Minnetonka, Planner
2016 Concept Plan
MINNETONKA HILLS APARTMENTS
B. Concept plan for a 75-unit apartment building at 2828 and 2800 Jordan Avenue.

Acting Chair Odland introduced the proposal and called for the staff report.

Cauley reported. Staff recommends the planning commission provide comments and feedback to assist the applicant with future direction that may lead to the preparation of more detailed development plans.

John Ferrier of CSM Corporation, applicant, stated that:

- He appreciated the planning commission reviewing the concept plan.
- He agreed that a traffic study is warranted. His company owns additional properties in the area. He wants to make sure the amount of traffic would be appropriate.
- Staff found a previous plan not viable due to a steep slope on the site. The multi-family housing market is on fire right now. The building would be located in an appropriate area to deal with the topography.
- There is a berm on the west side. That is not a naturally occurring slope. It was created when an adjacent site was graded. He explained the grading of the site. There would be tuck-under parking utilizing the topography. The slope preservation ordinance criteria would be followed.
- A lot of the trees are not quality. As many of the trees as possible would be preserved.
- His company has enjoyed 97 percent occupancy rates over the past 10 years. There is a need in this area.
- The exterior would have a modern feel with a flat roof to reduce the height of the building. Stone and metal would be used.
- He was excited to hear the commissioners’ comments.
- The clientele are interested in studio apartments.
- A goal is to incorporate shared amenities with the building to the west. A playground would be great.
- He was open to using the roof of the building as an amenity.
- This type of product typically houses people 30 to 35 years of age.
- The site would remain pretty wooded which is a feeling common in Minnetonka.
- There would be approximately 60 feet between the proposed apartment building and the one to the west.
- Two layers of underground parking would not be possible due to the level of the water table, amount of grading, and cost.
• Creating something to work well with the rest of the buildings for a long time is a priority.
• A studio apartment would be approximately 600 square feet.

Calvert noted that the architecture of the proposed building is different than the surrounding buildings. She was not sure how she felt about an urban feel. She understood the appeal for a young demographic. It would change the feel of the area. She looked forward to hearing from the natural resources staff. She was concerned for the oak trees. Mr. Ferrier was open to suggestions on the aesthetics of the building. It is a conceptual plan. This product has been successful in other suburban markets.

Calvert stated that a gabled roof would look extremely tall without removing a story. Mr. Ferrier said that could be considered.

Hanson asked if the number of parking stalls could be reduced to save green space. Cauley said staff could evaluate the proposed building’s amount of parking comprehensively with surrounding available parking lots. Mr. Ferrier would be very open to reducing the amount of parking. The amount was reduced slightly from the city's ordinance requirement after speaking with city staff a year ago.

Rachel Peterson, property manager at Minnetonka Hills, stated that there is always ample outdoor parking space. There may be a waiting list for the underground heated parking.

Mr. Ferrier stated that the applicant will look for the most efficient way to utilize the slope to provide parking.
A. Concept plan for a 75-unit apartment building at 2828 and 2800 Jordan Avenue

Gordon gave the staff report.

John Ferrier, with CSM Corporation, applicant, thanked staff for the opportunity to receive comments on the concept plan. The house on the site is currently vacant. There is a need in the market for the proposal. The new building would have studio apartments with an open floor plan. He agreed that there is a need to complete a traffic study. The slopes would be optimized. As many trees as possible would be saved. There would be tree replacement. Some of the scrub trees would be replaced with quality landscaping. The floor plan would be as compact as possible. That is one reason for the flat roof. Similar colored brick with a contemporary style would attract a different market. He has heard from residents requesting to be on a waiting list. He is excited about the site.

Wagner noted that the area has a lot of high-density housing, but there is no playground at any of the surrounding buildings. The proposal would match what is in the area, but would stick out of the view from Highway 169. He will wait until he sees the engineering plans before commenting on the number of units. He did not have a massive aversion to the proposal.

Schneider agreed with Gordon that one and a half parking stalls for each apartment may be appropriate considering the studio apartments. An apartment building would fit the site. The five-story height does not scare him, but the block nature of the front caused him to pause. He sees a benefit to underground parking, scaling back the number of units, and adding some variety to the appearance. A third of the outside parking may be able to be eliminated. Hopefully some trees and green space could be preserved with a reduction of the parking surface.

Bergstedt concurred with Schneider. He was very comfortable with an apartment building. There would be massive grading and tree loss, but everything possible should be done to minimize it. The building looks like an uninteresting block building. Designing the building to give it more architectural character would be beneficial.

Allendorf liked how the Applewood Pointe building ended up looking. He concurred with Schneider and Bergstedt.
Traffic Study
To: Ashely Cauley, Senior Planner  
City of Minnetonka

From: Matt Pacyna, PE, Senior Associate  
Tom Sachi, PE, Senior Engineer

Date: May 26, 2017

Subject: 2800 Jordan Avenue Parking and Traffic Study

Introduction

SRF has completed a parking and traffic study for the proposed residential development in the southwest quadrant of the US 169/Cedar Lake Road interchange in Minnetonka (see Figure 1: Project Location). The proposed development would be constructed on a vacant parcel adjacent to the northern apartment building within the Minnetonka Hills residential complex. The main objectives of this study are to review existing operations within the study area, evaluate traffic and parking impacts of the proposed development, and recommend any necessary improvements to accommodate the proposed development. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Existing Conditions

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

Data Collection

Weekday turning movement counts were collected from 6:00 a.m. to 7:00 p.m. at the Jordan Avenue and Minnetonka Hills driveway to identify the existing site trip generation and peak hour turning movement volumes. In addition to the driveway counts, historical peak period intersection turning movement counts and Minnesota Department of Transportation (MnDOT) Loop Detector Ramp data were collected at the following locations as part of a 2016 signal retiming project. The 2016 data was utilized to identify non-construction conditions.

- Cedar Lake Road and Jordan Avenue
- Jordan Avenue and US 169 Southbound Ramps

Observations were completed to identify roadway characteristics (i.e. roadway geometry, posted speed limits, and traffic controls) within the study area and the existing parking supply/demand at the site. Further discussion regarding parking is provided later in this memorandum. Average daily traffic volumes were provided by MnDOT.
Cedar Lake Road is primarily a three-lane (i.e. two-lane with turn lanes) undivided roadway, while Jordan Avenue is primarily a two-lane roadway. The posted speed limit along Cedar Lake Road is 35 miles per hour (mph), while other roadways are assumed to be 30 mph. Jordan Avenue has a 20 mph advisory speed limit south of the US 169 Southbound Ramps due to the limited sight distance within the area. The Cedar Lake Road/Jordan Avenue intersection is signalized, while the remaining study intersections are side-street stop controlled. It should be noted that the Jordan Avenue/US 169 Southbound Ramp intersection has a northbound stop control, southbound free movement, and westbound yield control. Existing geometrics, traffic controls, and volumes are shown in Figure 2.

**Intersection Capacity Analysis**

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

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

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

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

Results of the existing intersection capacity analysis shown in Table 2 indicate that the study intersections currently operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing geometric layout and traffic controls. No significant delay or queuing issues were identified.

Table 2 Existing Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>Cedar Lake Road and Jordan Avenue</td>
<td>B</td>
<td>12 sec.</td>
</tr>
<tr>
<td>Jordan Avenue and Minnetonka Hills Driveway(1)</td>
<td>A/A</td>
<td>9 sec.</td>
</tr>
</tbody>
</table>

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

Proposed Development

The proposed development, shown in Figure 3, would occupy a vacant parcel adjacent to the 2828 Jordan Avenue Apartment building. The proposed development would comprise of 78 apartment units, which were assumed to be fully operational by the year 2018. Access to the proposed development is expected to be constructed along the existing driveway to the adjacent Minnetonka Hills apartments. Approximately 62 surface parking spaces and 60 underground parking spaces are proposed. Additional parking information is provided later in this memorandum.

Year 2019 Conditions

To identify potential impacts associated with the proposed development, traffic forecasts for year 2019 conditions (i.e. one-year after opening) were developed. The year 2019 conditions take into account general area background growth, traffic generated by the proposed development, and area travel pattern changes due to the southbound US 169/16th Street Ramp closure planned in fall 2017. The following sections provide details on the background traffic forecasts, estimated trip generation, and intersection capacity analysis for year 2019 conditions.
Background Traffic Growth

To account for general background growth in the area, an annual growth rate of one-half percent was applied to the existing peak hour traffic volumes to develop year 2019 background traffic forecasts. This growth rate is generally consistent with historical trends within the study area.

16th Street Southbound Ramp Closure

Travel pattern changes are expected due to the closure of the southbound US 169 Ramps to/from 16th Street, immediately north of the study area. Leveraging data collected during the Ford Road Before and After Study, currently being completed by SRF, the expected traffic volume changes to the Jordan Avenue/US 169 Southbound Ramp intersection as a result of the closure were included in the year 2019 build conditions.

Trip Generation

To account for traffic impacts associated with the proposed development, a trip generation estimate for the weekday a.m. and p.m. peak hours as well as on a daily basis were developed. The future trip generation estimate for the site, shown in Table 3, was developed using two different approaches. The first approach used a rate based on the existing traffic counts collected at the adjacent apartment driveways, while the second approach used the Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition.

Table 3 Trip Generation Estimate

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>A.M. Peak Hour Trips</th>
<th>P.M. Peak Hour Trips</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td>Existing Apartment Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartments(1)</td>
<td>78 Units</td>
<td>5</td>
<td>20</td>
<td>20</td>
</tr>
<tr>
<td>ITE Rate</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Apartments (220)</td>
<td>78 Units</td>
<td>8</td>
<td>32</td>
<td>31</td>
</tr>
</tbody>
</table>

(1) Based on actual driveway counts collected April 18, 2017.

The trip generation rate of the existing apartment building is approximately one-third less than the rate from ITE during the a.m. and p.m. peak hours. However, to provide a conservative estimate, the ITE rate approach was carried forward for the future analysis. Results of the trip generation estimate indicate the proposed development is expected to generate 40 weekday a.m. peak hour, 48 p.m. peak hour, and 519 daily trips to/from the site. Trips generated were distributed to the study area based on the directional distribution shown in Figure 4, which was developed based on existing travel patterns. Future year 2019 build conditions are shown in Figure 5.
Note: Northbound Jordan Avenue is stop controlled, while southbound is a free movement. The westbound off-ramp is yield controlled.
Year 2019 Intersection Capacity Analysis

To determine if the existing roadway network can accommodate year 2019 build traffic forecasts, a detailed intersection capacity analysis was completed. Additionally, the proposed development driveway was analyzed to determine if any internal capacity issues are expected. Results of the year 2019 build intersection capacity analysis shown in Table 4 indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing roadway geometry and traffic controls.

Table 4 Year 2019 Build Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>A.M. Peak Hour</th>
<th>P.M. Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>Cedar Lake Road and Jordan Avenue</td>
<td>B</td>
<td>14 sec.</td>
</tr>
<tr>
<td>Jordan Avenue and Minnetonka Hills Driveway(1)</td>
<td>A/A</td>
<td>9 sec.</td>
</tr>
</tbody>
</table>

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

While no mitigation is necessary from an intersection capacity perspective, additional striping enhancements could be considered. In particular, northbound Jordan Avenue approaching Cedar Lake Road could be striped to indicate a dedicated left-turn lane and a shared through/right-turn lane. Although not currently striped this way, this is how motorists were observed driving. The northbound left-turn lane should be approximately 250 feet in length, which would allow for a 100 foot southbound left-turn lane at the Jordan Avenue/US 169 Southbound Ramp intersection. Although not likely to improve intersection capacity, this striping consideration may help reduce confusion for northbound Jordan Avenue/US 169 Southbound Ramp motorists.

In addition to striping, consideration could be given to review the traffic control at the Jordan Avenue/US 169 Southbound Ramp intersection. A preliminary review indicates that an all-way stop control or modifying the southbound off-ramp to a stop control from a yield control would allow for an acceptable level of service. In either case, 95th percentile queues for the southbound off-ramp are expected to be approximately 75 to 85 feet, which is an increase of 20 to 30 feet. With the expected construction of the southbound off-ramp deceleration lane (currently being built), these queues may be able to be managed without extending to US 169. Both of these alternative traffic control conditions would help motorists identify who has the right-of-way between northbound Jordan Avenue and westbound off-ramp motorists. Further discussions with MnDOT should occur to determine to the appropriate traffic control and timing.
Parking Review

Parking observations were completed to identify the current parking supply and demand (i.e. utilization) for the site to help determine if there will be sufficient parking on-site to accommodate a parking variance for the proposed development. Observations indicate that there are approximately 169 existing parking spaces on site (88 underground, 81 outdoor). The 88 underground spaces are fully leased and are assigned to specific tenants. Four time periods were reviewed to identify the peak parking demand for the site. These time periods were all overnight, when residential land uses are at their peak parking demand. A summary of the parking observations for the entire site is provided in Table 5.

Table 5 Parking Observations

<table>
<thead>
<tr>
<th>April 19, 2017 12:00 a.m.</th>
<th>April 20, 2017 5:00 a.m.</th>
<th>April 20, 2017 12:00 a.m.</th>
<th>April 21, 2017 5:00 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supply</td>
<td>169</td>
<td>169</td>
<td>169</td>
</tr>
<tr>
<td>Demand</td>
<td>132</td>
<td>136</td>
<td>138</td>
</tr>
<tr>
<td>Surplus/(Deficit)</td>
<td>37</td>
<td>33</td>
<td>31</td>
</tr>
<tr>
<td>Percent Occupied</td>
<td>78%</td>
<td>80%</td>
<td>82%</td>
</tr>
</tbody>
</table>

The proposed development is planning to provide 62 outdoor spaces and 60 underground spaces for a total of 122 spaces. To determine if the proposed parking supply will meet the demand for the site, a detailed parking review was completed using the Minnetonka City Code, the *ITE Parking Generation Manual, 4th Edition*, and the existing parking demand rate for the existing apartment complex. The following information summarizes the parking demand review.

1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for a multi-family residential unit, the minimum number of parking spaces required is two spaces per dwelling unit, of which one space is enclosed. Given the proposed development is 78 units, a total of 156 spaces are required, which results in a 34-space deficit.

2) The weekday ITE 85th percentile demand for a 78-unit apartment is 151 spaces, which is expected to occur overnight. This represents a 29-space deficit.

3) Based on observations at the existing Minnetonka Hills apartments, a lower demand was observed. A demand of 1.5 spaces per unit was identified, which equates to a peak demand of 117 spaces for the proposed 78-unit apartment complex. This results in a five (5) space surplus.

Results of the parking demand review and observations indicate that there is approximately a 30-space surplus at the existing 2828 Jordan Avenue Apartment surface lot. If the proposed development has a peak parking demand similar to the adjacent apartments, there would be a 35-space surplus between the two buildings. However, if the proposed development has a peak parking demand similar to ITE, there would be only two (2) space surplus. Based on this parking review, the proposed parking supply is expected to meet the demand for the site.
Site Plan Review

A review of the proposed site plan was completed to identify any issues and recommend potential improvements with regard to access, circulation, and sight distance. In general, there are no major issues with the current site access and circulation. However, taller shrubs/landscaping at the driveways, along with the curvature of the roadway obstruct sight lines to Jordan Avenue from the existing Minnetonka Hills Driveway.

Looking North  Looking South

In both directions, the sight distance is approximately 140 feet. Based on the *AASHTO Policy on Geometric Design of Highways and Streets (2011)*, the decision sight distance for a 20 mph roadway is 225 feet and for a 30 mph roadway is 335 feet. A vehicle making a left-turn from the existing driveway does not have the appropriate sight distance to make these maneuvers. It should be noted that the stopping sight distance for a vehicle traveling along Jordan Avenue at 20 mph is 115 feet, which is adequate. Since there are no advisory speed signs to the southwest along Jordan Avenue, a 15 mph advisory speed sign on Jordan Avenue should be installed. The existing advisory speed sign for southbound traffic along Jordan Avenue should be reduced to 15 mph to improve decision time for motorists exiting the Minnetonka Hills driveway. Additionally, efforts should be made to trim and reduce any landscaping that obstructs the view from this driveway. The sight distance improvements are shown in Figure 6.
Update sign to a 15 mph speed limit advisory sign

Trim/reduce landscaping to minimize sight distance impacts for motorists

Install a 15 mph speed limit advisory sign
Conclusions and Recommendations

The following study conclusions and recommendations are offered for consideration:

1) Study intersections currently operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing geometric layout and traffic controls.

2) The proposed development includes 78 apartment units and would be fully operational by the year 2018. There is expected to be 62 surface parking spaces and 60 underground parking spaces.

3) The proposed development is expected to generate 40 a.m. peak hour, 48 p.m. peak hour, and 519 daily trips to/from the site.

4) Results of the year 2019 build intersection capacity analysis indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS B or better during the a.m. and p.m. peak hours with the existing roadway geometry and traffic controls.

5) While no mitigation is necessary from an intersection capacity perspective, the following striping and traffic control modifications could be considered.

   a. Stripe northbound Jordan Avenue at Cedar Lake Road to include a dedicated left-turn and shared through/right-turn lane. The northbound left-turn lane should be 250 feet in length, which would allow for a 100 foot southbound left-turn lane at the Jordan Avenue/US 169 Southbound Ramp intersection.

   b. Consider a review of the traffic control at the Jordan Avenue/US 169 Southbound Ramp intersection. A preliminary review indicates that an all-way stop control or modifying the southbound off-ramp to a stop control (from a yield control) would provide acceptable level of services.

6) The proposed parking supply is expected to meet the demand for the site.

7) Install a 15 mph advisory speed sign southwest of the Minnetonka Hills driveway.

8) Reduce the existing advisory speed sign for southbound traffic along Jordan from 20 mph to 15 mph.

9) Trim and reduce any landscaping that obstructs the view from the existing Minnetonka Hills driveway.
Neighborhood Comments
On May 10, 2017, at 5:46 PM, [redacted] wrote:

Tony,

My name is Kevin Lile and I live at 10030 Cove Drive in Minnetonka. I'm currently the President of the Cedar Cove Homeowners Association.

I had intended to attend the Planning Commission meeting earlier this month to express my concerns regarding the proposal to build another apartment building on Jordan Avenue, as part of the Minnetonka Hills complex. However, I learned that discussion of this proposal has been postponed. I am writing to you now to voice my concerns.

My first and most urgent concern has to do with the impact of the addition of 70 plus apartments on Jordan Avenue, and the potential risk it poses for residents of both Cedar Cove and the Minnetonka Hills complex. As I am sure you know, this particular section of Jordan Avenue has no shoulders. It's a very tight fit of one lane in each direction. At present, when the Minnetonka Hills complex parking lots are being snowplowed in the Winter, or when they are being cleaned in the summer, the apartment residents are forced to park their cars on both sides of Jordan Avenue. I don't fault them for this. There is literally no place else for them to park. However, with no shoulders and cars parked on both sides of Jordan, two vehicles travelling in opposite directions are unable to pass one another. Adding 70 plus more apartments would obviously make a bad situation even worse. With cars parked on both sides of Jordan, I believe Emergency Vehicles would likely have a difficult time getting through. Obviously, this could put the life and health of all residents in jeopardy.

This particular section of Jordan is wooded. Removing trees and natural vegetation with an apartment building will change the character of the entrance to both Minnetonka Hills and Cedar Cove, and most definitely not for the better. This coupled with the additional population density will, I believe, have a detrimental impact on the property values at Cedar Cove.

I would appreciate it if you would share my concerns with the members of the Planning Commission. I would also appreciate being informed about when this particular proposal will be on the Planning Commission agenda. I want to be there, as well as do many of my neighbors.

Thank you.

Kevin Lile
Tony,

Great to hear from you and I do understand. I assumed something was happening as you are usually very good at responding. It seems like the timing is good and I will definitely look at the report after tonight’s meeting. Here are some points that might be worth making for you tonight.

I understand about the current plan for High Density Residential - and the house on the site to be demolished is long overdue. I think my greatest concern is for traffic safety when so many cars are added to the entrance on to Jordan which is currently designated “Hidden Driveway” with a 20 mile per hour speed limit around the blind curve. A check of traffic would show that speed limit is routinely exceeded.

The existing Minnetonka Hills building has 90 units and the proposed building adds 78 more units, nearly doubling the number of vehicles using that hidden driveway intersection on Jordan Drive.

Perhaps something could be done to slow traffic around that curve since the speed limit is being ignored, and perhaps a flashing marked crosswalk could be done where pedestrians cross Jordan near that intersection. It seems like a stop sign or something would also be necessary since vehicles routinely exceed the posted speed and adding that many cars seems like a recipe for disaster if nothing is done to change the traffic pattern.

What I’d like to see is a smaller building, but I imagine that is not economically viable for the developer, and there would still be issues with additional vehicles using that hidden driveway.

Susan Goll

On Apr 24, 2017, at 8:53 AM, Tony Wagner <twagner@eminnetonka.com> wrote:

Susan --

I so apologize for my delay in responding. I was traveling internationally for work basically from 25-March to 14-April and embarrassingly got behind in my council email.

Tonight, the city council will hear the ‘introduction’ of the application. We will provide some initial comments and then refer it to the Planning Commission where you can provide public
comment at the hearing. If you'd like to look at the staff report for tonight, it can be found on the City's website (click on gov't, mayor & city council, meetings).

A few items of note.
1. This property has been guided (e.g. Planned in the City's Comprehensive Plan) as High Density Residential. So the ability to keep it fully wooded and/or single family home is extremely unlikely. However, you can advocate concerns on traffic at that intersection (onto Jordan) and density (size / units for the site).
2. Related to the Wooded Area, the city has a woodland preservation ordinance which restricts the # / amount of the area that can be disturbed. According to the staff report, it appears the proposal meets the ordinance/policy today ... but I'll be asking questions tonight prior to introduction.

Hope this helps and I'm happy to chat on the phone as well.

Again my sincere apologies for the delay.

Tony

Tony Wagner
Minnetonka City Council, Ward 2
612-382-5212

Sent from my iPad

On Apr 21, 2017, at 8:34 AM, Susan Goll wrote:

Hi Tony,

I didn’t hear anything from you on this and wondered if you have any suggestions.

Susan Goll

Begin forwarded message:

From: Susan Goll
Subject: Proposed Development at 2800 Jordan Ave
Date: April 7, 2017 at 11:31:48 AM CDT
To: twagner@eminnetonka.com

Hello Tony,
I so appreciate all your help in the past when we were able to get a sidewalk built on this section of Jordan Ave. So.. My husband John Ziegenhagen and plan to attend the public hearing on May 4th and we are wondering what other steps we might take as individuals, and with our Cedar Cove association and neighbors.

I have looked at the plans on the city site and am very concerned about 2 things:

1. The impact on safety for vehicles and pedestrians of adding that many cars and people to the Minnetonka Hills entrance off Jordan Ave. That entrance onto Jordan is a nearly blind corner and that particular part of Jordan is narrower than the rest of Jordan and cars routinely speed around that corner. The sidewalk has improved safety for pedestrians, and in doing so there are more people walking on that stretch of Jordan but the “crossover” from the south sidewalk to the north sidewalk is right where the entrance to Minnetonka Hills and the nearly blind corner is located. It does not seem like a safe situation to add more cars and people without some kind of change to that section of Jordan, or some kind of entrance change into Minnetonka Hills.

2. Loss of woodland area. It appears from the plan that there will be a significant loss of mature trees, and while the plan says there will be replanting that is still a major concern.

I cannot help but think that additional apartments in our neighborhood will have a negative effect on the property values in our town home development too.

So do you have any suggestion for how our Cedar Cove neighborhood can respond to this?

Susan Goll
2017 Introduction Minutes
B. Items concerning Minnetonka Hills Apartments at 2800 and 2828
Jordan Avenue

1) Major amendment to an existing master development plan;
2) Site and building plan review, with a parking variance;
3) Preliminary and final plats; and
4) Vacation of easements.

City Planner Loren Gordon gave the staff report.

Wagner said there was a safety concern from nearby neighborhoods about the driveway sightlines. He said a resident raised a second concern about the massive gully and what the foundation would look like.

Acomb asked if consideration would be given to a conservation easement because of the woodland preservation area. She also asked if there would be consideration given to a percentage of the units being affordable. Gordon said it was common practice to evaluate using a conservation easement to protect the area that is not developed and what would be preserved long term. He said the affordability component had not been discussed with the developer but could be asked prior to the planning commission hearing.

Wagner said the staff report indicated the woodland preservation area was at 25 percent. He asked if this was always calculated as the percentage of the total woodland preservation area as opposed to just what was on the property. Gordon said the ordinance stated 25 percent of the woodland preservation area could be impacted.

Schneider said the development may trigger a tree replacement of some kind. Replacing trees on a fully wooded site was not too realistic. He asked what the city’s practice was on requiring the replacement be done offsite where there would be public benefit. Gordon said he couldn’t point to examples of where replacement was required that could not be done onsite. There were times the full landscaping package wasn’t required because it would make the site too dense. He said staff would look into Schneider’s idea.

Wiersum said he thought Schneider’s idea was an interesting one. There were a lot of trees being removed. If the trees couldn’t be replaced he would be OK with a trade for affordable housing.

Wagner moved, Bergstedt seconded a motion to introduce the ordinance and refer it to the planning commission. All voted “yes.” Motion carried.
Resolution
Resolution No. 2017-

Resolution denying a major amendment to the existing master development plan, final site and building plans, with a parking variance, and preliminary and final plats for Minnetonka Hills Apartments at 2800 and 2828 Jordan Avenue

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

Section 1. Background.

1.01 Alliant Engineering, on behalf of Minnetonka Hills Apartments, LLP is proposing to redevelop the properties at 2800 and 2828 Jordan Avenue. As proposed a 78-unit apartment building would be constructed.

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

1.03 The proposed development requires multiple items:

1. Major amendment to an existing master development plan;
2. Final site and building plans, with a parking variance;
3. Preliminary and final plat; and
4. Vacation of existing drainage and utility easements.

1.04 On June 8, 2017, the planning commission held a public hearing on this request. The applicant was provided the opportunity to present information. The commission considered all of the hearing testimony and the staff report, which are incorporated by reference into this resolution. The planning commission recommended that the city council deny the proposal and associated requests.

Section 2. Standards and Findings.

2.01 City Code §300.28, Subd. 19 outlines the PUD, planned unit development
standards for developments which remove more than 35 percent of the site’s high priority trees or 25 percent of a woodland preservation area.

1. Using creative design, which may include the clustering of homes, reducing lot sizes, reducing or expanding normal setbacks, custom grading, retaining walls, buffers and establishing the size and location of building pads, roads, utilities and driveways;

**Finding:** Given the site’s dense vegetation, it would be difficult to redevelop the property without removing a significant amount of the site’s regulated trees. While it is unlikely that any high-density development of the site would be in full compliance with the city’s tree protection ordinance, a more intuitive and innovative site and building design could reduce the amount of necessary tree removal.

2. Preserving the continuity of woodland preservation areas by developing at the edges of those areas rather than at the core;

**Finding:** The proposal would not exceed the maximum removal amount of woodland preservation area allowed by ordinance. In fact, the proposal would not break up the continuity of the existing woodland preservation area.

3. Exercising good faith stewardship of the land and trees both before subdivision and after, including the use of conservation easements where appropriate; and

**Finding:** While the proposal would not meet this requirement outright, the city could require conservation easements over the woodland preservation area. The developer has also indicated a willingness to commit to a stewardship plan to remove buckthorn from the site.

4. Minimizing the impact to the character of the existing landscape and neighborhood.

**Finding:** While the developer incorporated retaining walls to reduce the amount of required grading, the proposal would undoubtedly change the character of the existing landscape and neighborhood.

City Code §400.28, Subd. 20(b) outlines the guidelines for consideration when reviewing steep slope developments:
1. The property is physically suitable for the design and siting of the proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

   a) Design developments into steep slopes, rather than making significant alterations to the slope to fit the development:

   1) avoid building pads that result in extensive grading outside of the building footprint and driveway areas;

      Finding: While it is likely that the grading limits around the parking lot could be “tightened” to reduce the amount of required grading, the grading limits do not extend a significant distance beyond the building footprint and parking area.

   2) use retaining walls as an alternative to banks of cut-and-fill, and design and site such walls to avoid adverse visual impact;

      Finding: The proposal includes a number of retaining walls to reduce the need for cut-and-fill to accommodate the building pad.

   3) allow for clustering with different lot shapes and sizes, with prime determinant being to maximize the preservation of the natural terrain;

      Finding: While the proposal includes preliminary and final plat, the subdivision is only to allow for separate ownership of the apartment buildings and would not be a requirement.

   4) allow flag lots when appropriate to minimize grading;

      Finding: This standard does not apply.

   5) avoid cuts and fills greater than 25 feet in depth; and

      Finding: While the ordinance does not outright prohibit “cuts” and “fills” in excess of 25 feet, the proposal would include a “cut” of 26 feet into the slope.
6) design grading to preserve the crest of prominent ridges. Buildings may be located on the prominent ridges, as long as the requirements of this subdivision are met.

**Finding:** The amount of grading needed to create the building and parking pad would be significant. As proposed, these pads would require the prominent knolls and ridges of the site to be graded out.

b) Design streets and driveways that generally follow existing contours, except where necessary for public safety or to minimize the adverse impacts from traffic:

1) use cul-de-sacs and common drives where practical and desirable to preserve slopes; and

2) avoid individual long driveways, unless necessary to locate the principal structures on a less sensitive areas of the site.

**Finding:** The proposal would avoid a long driveway as the new apartment building would be served by a connection to the existing Minnetonka Hills Apartment driveway from Jordan Avenue.

c) Concentrate development on the least sensitive portion of the site to maximize the preservation of significant trees and natural features:

1) preserve sensitive areas by clustering buildings or using other innovative approaches; and

**Finding:** The proposal is located such that, while it would remove woodland preservation areas, it would not break up the continuity of the existing preservation area. That said, the proposed building and parking lot would remove the existing and natural slope on the site.

2) maintain sufficient vegetation and design the scale of the development so that it does not overwhelm the natural character of the steep slope.
Finding: The proposal would preserve some vegetation along Jordan Avenue. However, the proposal would remove a significant amount of vegetation east of the existing apartment building.

d) Preserve steep slopes that buffer residences from non-residential sources of light and noise.

Finding: It is very likely that the slope and associated vegetation provides some noise mitigation from US 169 for the existing Minnetonka Hills apartment building. Were the proposed building constructed, it would also provide a level of noise mitigation.

2. The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

a) Wherever practical, minimize the impervious surface area and maximize the use of natural drainage systems:

1) design any new drainage systems away from neighboring properties, away from cut faces or sloping surfaces of a fill, and towards appropriate drainage facilities, whether artificial or natural. Drainage systems must comply with the city's water resources management plan; and

2) use existing natural drainage system as much as possible in its unimproved state, if the natural system adequately controls erosion.

Finding: Runoff would be directed to the catch basin and natural depression in the southeast corner of the site. However, design alternatives could result in a reduction in the amount of impervious surface.

b) Avoid building on or creating steep slopes with an average grade of 30 percent or more. The city may prohibit building on or creating slopes in the following situations:

1) where the city determines that reasonable development can occur on the site without building on or creating slopes; or
2) development on such slopes would create real or potentially detrimental drainage or erosion problems.

   Finding: The slopes onsite have an average grade of 26 percent.

c) design slopes to be in character with the surrounding natural terrain;

   Finding: The proposal would significantly change the natural terrain of the site both aesthetically and physically.

d) use benching, terracing, or other slope-stabilizing techniques for fill, as determined appropriate by the city engineer;

   Finding: The proposal includes a number of retaining walls, but does not incorporate benching or terracing.

e) install and maintain erosion control measures during construction in accordance with the current Minnesota pollution control agency best management practices; and

   Finding: If the city decided to approve the project, this would be included as a condition of approval.

f) revegetate disturbed areas as soon as practical after grading to stabilize steep slopes and prevent erosion, as required by the city.

   Finding: If the city were to approve the proposal, this could be included as a condition of approval.

3. The proposed development provides adequate measures to protect public safety.

   a) limit the slopes of private driveways to not more than 10 percent, the driveway should have sufficient flat areas at the top and toe to provide vehicles a landing area to avoid vehicles slipping into the adjacent street during icy conditions. The city may require a driveway turn-around; and

   b) provide sufficient access for emergency vehicles to reach the proposed buildings.
**Findings:** Minor modifications would be needed to the site plan to meet this standard. However, it is likely compliance could be achieved.

Section 3. Council Action.

3.01 The city council denies the proposal and associated requests based on the findings outlined in section 2 of this resolution.

Adopted by the City Council of the City of Minnetonka, Minnesota, on June 26, 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 June 26, 2017.

David E. Maeda, City Clerk
Lot 1, Block 2, Minnetonka Hills Apartments, Hennepin County, Minnesota, EXCEPT that part of Lot 1, Block 2, Minnetonka Hills Apartments lying North of the North line of Outlot C, said Addition and its Westerly extension.

And,

That part of Lot 1, Block 2, Minnetonka Hills Apartments, lying North of the North line of Outlot C, said Addition and its Westerly extension, Hennepin County, Minnesota.

(Torrens property: Certificate of Title No. 1075439)

And,

Outlot C, Minnetonka Hills Apartments, Hennepin County, Minnesota.

(Abstract property)

And,

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

(Abstract property)