

**City Council Agenda Item #10\_  
Meeting of September 12, 2016**

**Brief Description** Ordinance approving a wetland rezoning to accommodate construction of that portion of the Southwest Light Rail Transit line located in the City of Minnetonka

**Recommendation** Adopt the ordinance

**Proposed Ordinance**

At its August 22, 2016 meeting, the city council approved a variety of resolutions associated with construction of the Southwest Light Rail Transit (SWLRT) line in the City of Minnetonka. At that meeting, the council also introduced an ordinance removing area from the wetland overlay zoning district. This wetland rezoning is required, as construction of the SWLRT line will require fill of 2.99 acres of wetland.

**Planning Commission Recommendation**

The planning commission considered various requests associated with construction of the SWLRT line, including the wetland rezoning, on August 4, 2016. A public hearing was conducted; no comments were received.

**Planning Commission Recommendation**

On a 6-0 vote, the commission recommended that the city council approve the various requests, including the rezoning. Meeting minutes may be found on page A7.

**Staff Recommendation**

Staff recommends the city council adopt the ordinance removing area from the wetland overlay zoning district. (See page A1–A6.)

Submitted through:

Geraldyn Barone, City Manager  
Julie Wischnack, AICP, Community Development Director  
Loren Gordon, AICP, City Planner

Originated by:

Susan Thomas, AICP, Assistant City Planner

## **Ordinance No. 2016-**

### **An ordinance removing area from the wetland overlay district to accommodate construction of the Southwest Light Rail Transit line**

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The City Of Minnetonka Ordains:

#### Section 1.

- 1.01        2.99 acres of wetland are hereby removed from the wetland overlay zoning district. This action is based on the following findings:
1.        The removal of the area from the overlay district is required to accommodate construction of that part of the Southwest Light Rail Transit (SWLRT) line located within the City of Minnetonka.
  2.        The removal of the area would not compromise the public health, safety, and welfare.
  3.        The removal of area would be consistent with the intent of the code and the comprehensive plan.
    - a)        The SWLRT line will provide a transportation alternative to residents, employees, and visitors to the region and, as such, contribute toward the greater public good.
    - b)        The area removed from the overlay district will be mitigated through purchase of a compensatory amount and value of wetland banking credits.

#### Section 2.

- 2.01        The areas to be removed from the overlay district are depicted on Exhibit A of this resolution.

Section 3.

3.01 This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on September 12, 2016.

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Terry Schneider, Mayor

ATTEST:

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David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction: August 22, 2016  
Date of adoption: September 12, 2016  
Motion for adoption:  
Seconded by:  
Voted in favor of:  
Voted against:  
Abstained:  
Absent:  
Ordinance adopted.

Date of publication:

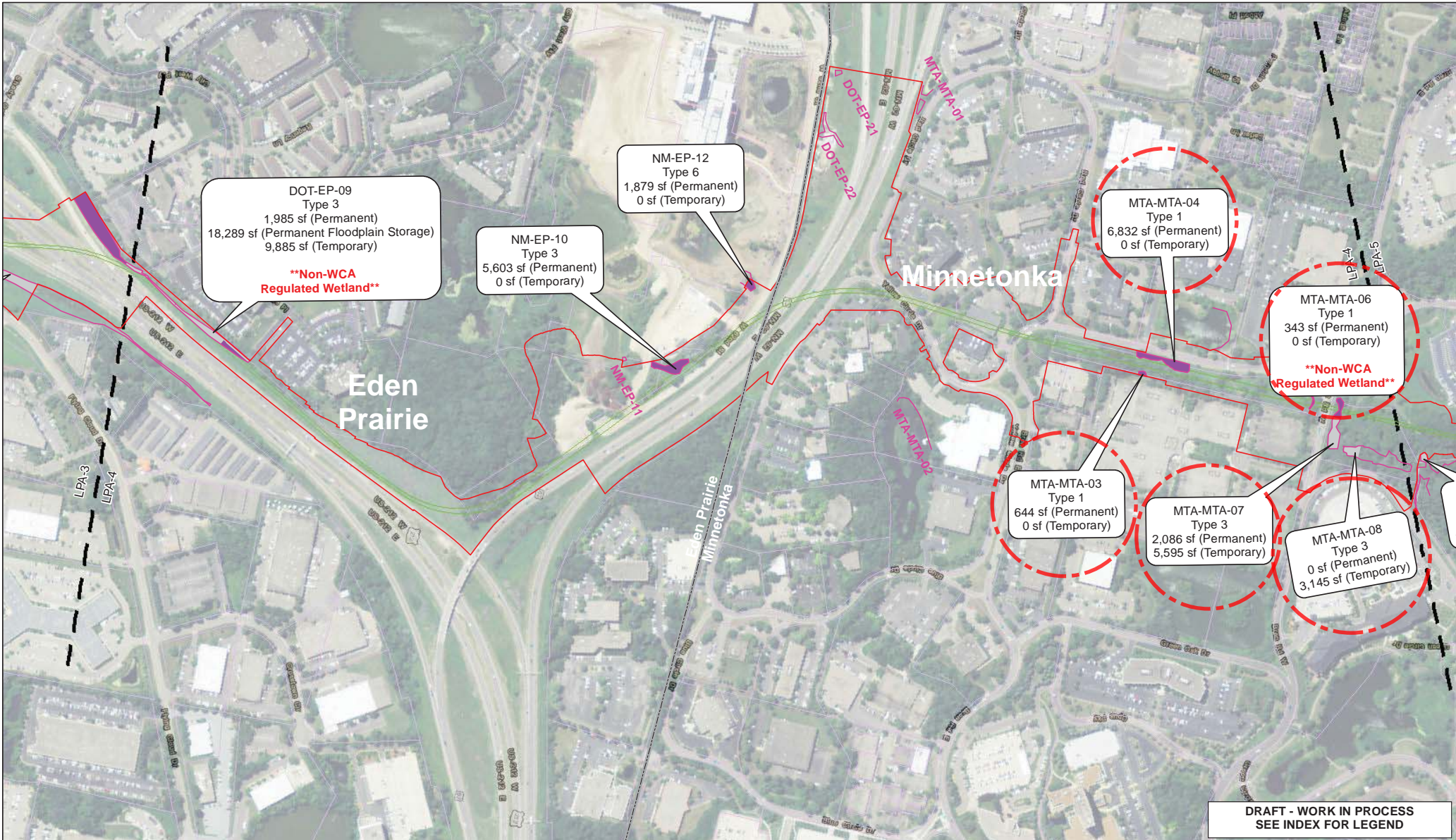
I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on September 12, 2016.

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David E. Maeda, City Clerk

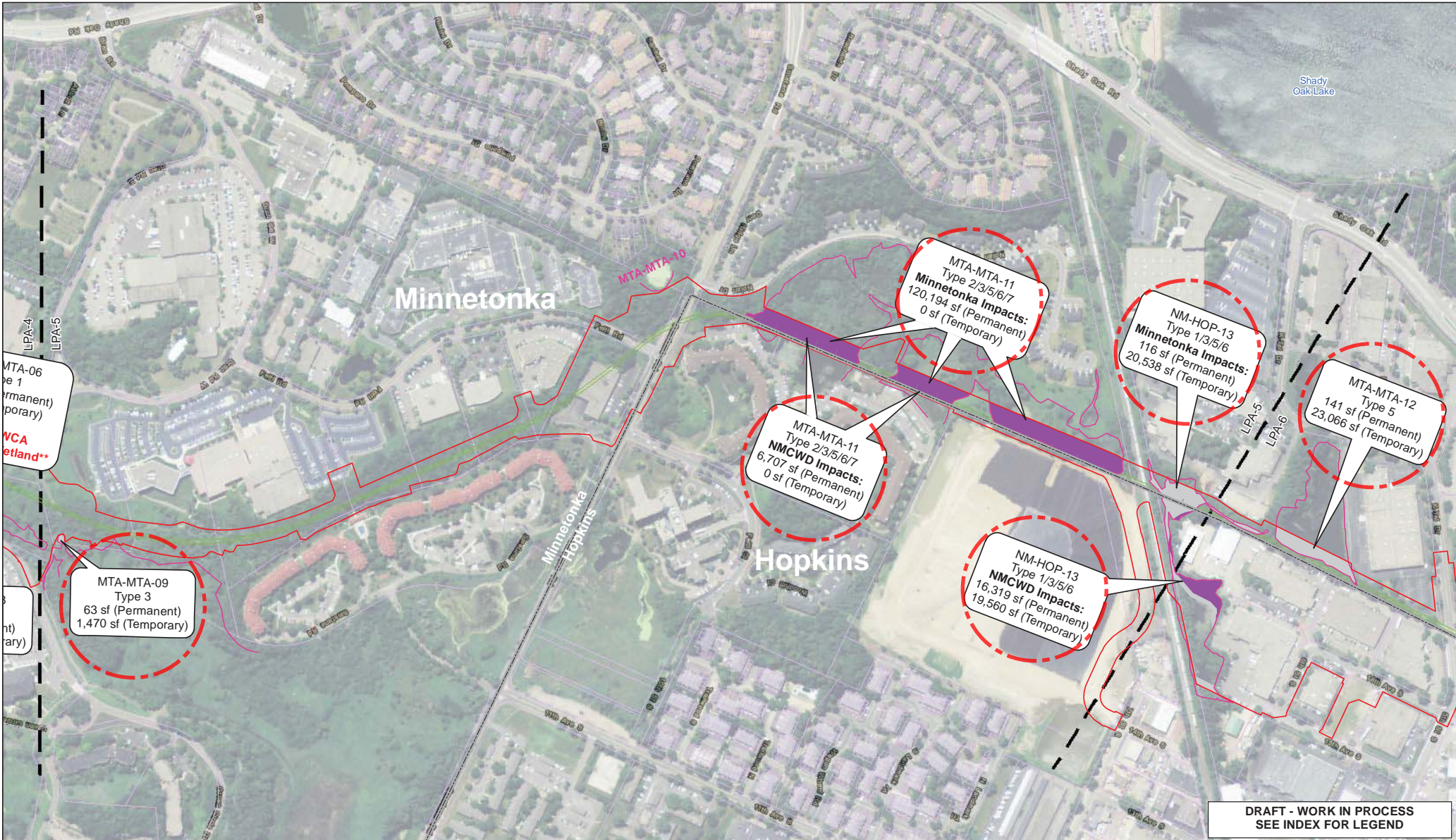
Date:

# EXHIBIT A



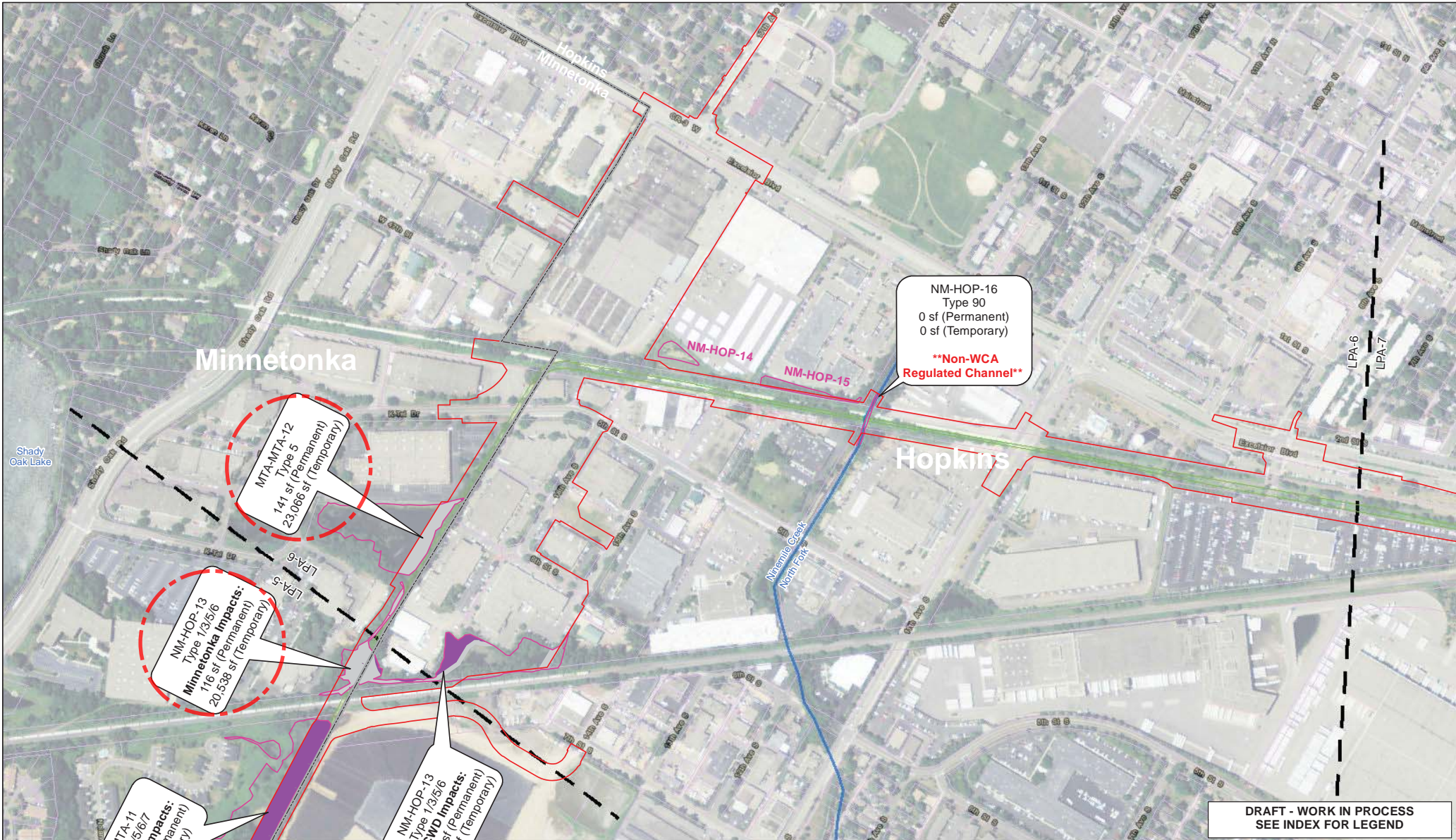
	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 4 Rev 00.00 4/6/2016 Sheet 4 of 15</p>	<p>0 100 200 400 Scale</p>	
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	<h1>SOUTHWEST LRT</h1> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 5 Rev 00.00 4/6/2016 Sheet 5 of 15</p>		
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DRAFT - WORK IN PROCESS  
SEE INDEX FOR LEGEND

	<h2>SOUTHWEST LRT</h2> <p>WCA Regulated Aquatic Resource Impacts MapBook</p>	<p>LPA- 6 Rev 00.00 4/6/2016 Sheet 6 of 15</p>		
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**D. Items concerning construction of that portion of the SWLRT line located in the city of Minnetonka.**

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

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

Calvert asked if mitigation could be done. Colleran responded in the negative. There is nowhere in Minnetonka to recreate 2.99 acres of wetland, so wetland banking credits would be purchased. Unlike wetland rules, there is no state tree removal law. There would be no room to replant the trees that would be lost. Colleran explained the difference between permanent and temporary fill.

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

***Powers moved, second by Calvert, to recommend that the city council adopt the following for construction of that part of the SWLRT project located within the city of Minnetonka:***

1. *An ordinance removing area from the wetland overlay zoning district (see pages A97–A101 of the staff report).*
2. *A resolution approving a wetland and floodplain alteration permit (see pages A102–A117 of the staff report).*
3. *A resolution approving wetland, wetland buffer, and floodplain variances (see pages A118–A121.)*
4. *A resolution approving a conditional use permit for impervious trails within wetland buffers (see pages A122–A124 of the staff report).*
5. *A resolution approving construction on a steep slope development and tree removal (see pages A125–A127 of the staff report).*

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