

**Addenda
Minnetonka City Council Meeting
Meeting of May 22, 2023**

ITEM #14A - Items concerning Marsh Run II redevelopment, a multi-family residential development by Doran, at 11816 Wayzata Blvd:

- A public comment was received after the city council packet had been published. That comment has been attached.
- The following language on page 2 to of the city council staff report should read as follows:
 - The proposal would result in at least two public benefits specifically outlined in the code. It would: (1) include forty affordable housing units ~~without request for public assistance~~; and (2) result in a development compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts.

Item #14C - Items concerning a multi-family residential development at 10701 Bren Rd E:

- The following finding of fact to be added to page 3 of the Resolution:
 7. The Landscaping Plans submitted on April 26, 2023 and May 16, 2023, were provided after the review deadline and have not been reviewed by staff.



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TO: City Council
FROM: Loren Gordon, AICP, City Planner
DATE: May 22, 2023
SUBJECT: Change Memo for May 22, 2023, City Council Meeting

Item 14A Items concerning Marsh Run II redevelopment, a multi-family residential development by Doran, at 11816 Wayzata Blvd:

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Item 14C Items concerning a multi-family residential development at 10701 Bren Rd E:

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Minnetonka City Council:

RE: Doran's proposal for a 6 floor 197 unit apartment complex which would replace an existing two story office complex just west of the Minnetonka Birke apartment building along the north frontage road of interstate 394 and just east of Ridgedale Drive. Each of the city's notices referenced 11816 as the address of the existing Marsh Run office complex under consideration for demolition.

There does not appear to be a building at 11816 Wayzata Blvd? The address for The Birke is 11700 and the smaller office building between The Birke and Marsh Run has 3 addresses, 11800, 11812, & 11824. There is one sign at the west driveway to Marsh Run with the address of 11900 Wayzata Blvd. I am very familiar with the 11900 address as my employer officed in this complex from 1987-1990.

On May 22, 2023, this council has indicated that it will make a final decision on this project proposed by Doran. It is understood that the planning commission has given its approval by a one vote margin. Barely a stamp of approval for something of this magnitude. I applaud the planning commission for all their hard work as I do the city council. While the planning commission has rendered their approval, it would be nice to know if their approval would be the same if a project like this was proposed in their residential neighborhood? When it comes to this councils vote, please consider this same question.

At the initial Council meeting several Council Members voiced their approval to the Doran presenters statement that this proposed apartment building will be constructed completely within the footprint

of the existing office building. At the recent planning commissions discussion and vote of approval, several committee members indicated their approval by the claim that the same footprint was being maintained. However, Doran's staying within the same footprint does not appear to be the case.

The most common definition of the word footprint is "the impression left by a foot or shoe on the ground or a surface." In construction terms it most often refers to the foundation perimeter of a building. If you leave a footprint with a size 9 shoe and then step on that same footprint with a size 12 shoe you are not maintaining the same footprint, you are creating a new footprint. The Doran plan calls for a similar design configuration but a newer and much larger footprint.

By comparison, there are basically 3 wings of the two story Marsh Run office complex, two of them are 37 ft wide and one is 38ft wide. These widths do not include the decking that protrudes from the main foundation. The existing office building does not have a center hallway with suites on each side like apartment buildings have with entrances opening to the center hallway. For this office building all entrance and exit doors of the existing office building open to the wooden walkway on the exterior of the building. Imagine a 38 ft width with a 5 hallway. This leaves 33ft for exterior and hallway walls or about 16ft for the depth of each apartment to maintain the same footprint. Thus, no wider than a 16ft wide mobile home.

A lot of discussion centers around this apartment proposal to be built like Birke. For simplicity, the Birke is constructed with basically a U

shape design. The width of the north wing is 84ft and the width of the south wing is 115ft. Like the widths of the Marsh complex, the cantilevered decks are not part of the width measurements.

Accepting that the new proposed apartment will be similarly constructed, 84 ft – 115 ft widths are considerably larger than the current footprint of the Marsh having 37-38ft widths.

As pointed out at the planning commission meeting, there are three residential neighborhoods that are close to The Marsh. Westridge HOA is the closest and has 20 units, Bay Hill is just to the north of Westridge and has 60 single units and The Gables townhomes have 104 single family homes. This represents a total of 184 single family residences.

The Birke has 175 apartments, and the planning commission is recommending the construction of another apartment building that will add 197 apartments. This new total means 384 apartment units, and twice as many residents as the three existing neighborhoods on far less acreage. Talk about density saturation.

The Birke does not disturb wildlife in the wetlands. The same cannot be said regarding the proposed apartment. This proposed apartment will abut up against the wildlife area, and cause undo harm to the habitat of the wildlife. It has already been mentioned that The Birke has caused problems in our neighborhood so it's more likely than not that this apartment building will result in similar disruptions.

Doran did have one open house relative to this project. It was held in a room at The Birke. Unfortunately, certainly not the fault of Doran, it just happened to have taken place in the middle of winter on a cold blistery night. Knowing that there is really no parking for visitors at The Birke, the weather and lack of parking most likely contributed to the low turnout. Neighbors most likely simply decided to stay home and not brave the weather elements. My impression of the open house is that it was held to obtain feedback on the drawings displayed, not on concerns from neighbors.

At the initial council meeting and proposal by Doran I spoke about having offices in the present office complex from 1987 to 1990. Our office was on the lower level of the east wing all the way to the pond end. When we were told that this office complex was slowly sinking due to the soil, our owners decided not to renew the lease and we moved. For over 22 years I have laughed at that decision as the office building still stands and functions with my home overlooking the smaller office building being referenced.

In 2000 my family moved from Robbinsdale to our present home in the south building of the Westridge Association, the closest building to The Offices of The Marsh. It is common knowledge that Rottlund Homes had intended to add more buildings to the Bay Hill complex but due to soil conditions, the land would not support the weight of that type of structure and thus they opted for our associations structures. If another one or two Bay Hill structures could not be built where our Westridge community is built, it simply stands to reason that a 6 story apartment complex on lower grounds closer to ponds would face even more difficulties.

At the very end of the recent planning commission meeting, it was mentioned by city staff that this proposal if passed will involve up to \$800,000.00 of city funds to stabilize the land of this proposed site! This is quite alarming on several levels. Just why is the City willing to use taxpayer funds to support a project by a commercial contractor and their investors? Doran had every opportunity to determine if the soil on this lot would support such a structure in plenty of time to determine if the purchase could meet their needs. Presenting this staggering amount in a public forum at the 11th hour seems, at the very least, sneaky.

Thinking about the soil needing stabilization makes one wonder if it will involve having to install pilings? If so, has there been any study on what that noisy constant pounding will cause to neighbors and to the wildlife? This staggering amount must take a large bite out of the anticipated property tax revenue that the city figures to gain.

As a community that has been around or over 22 years paying our stated share of taxes, we have yet to hear one word about how this project will benefit ours or neighboring residents. This is easy to say as we have seen nothing but difficulties since the construction of The Birke and have not noticed any benefits.

Doran representatives stated at the planning commission meeting that they have no plans to disturb the wetlands. However, at the same time they propose to construct a walkway connecting the NE corner of this proposed lot with the NW corner of the smaller office building lot. They indicated that the path walkway would be installed up and around the

storm water pond. Presumably to make it more convenient for residents of the new apartment to use parking spaces at this smaller office building lot that are not taken up by tenants of that office building. Such a connecting path would cut right through portions of the wetlands and would likely require footings to support the walkway. The connecting path and those using it, including their pets, would most definitely disturb the wetlands and wildlife. Why is there a need for a connecting path when on the south end of both parcels of land has a nice cement sidewalk that easily connects one lot to the other?

There has been quite a bit of discussion about dogs. I happen to love dogs and have owned many. Doran touts their DNA testing capabilities but in the same breath makes it abundantly clear that they have no control over their tenants dogs once they leave their premises. That is certainly understandable. I feel confident that I can speak for all residents of our three communities, none of us will have any concerns about pet waste from Doran tenants on the Doran property.

It is generally accepted knowledge that Doran completely missed the parking problems that the Birke caused and continues to cause. Whatever remedies that they have tried to take area liken to kicking the can down the road. Our associations were required to jump through hoops to get a few, widely spaced apart, no parking signs. Prior to the no parking signs, tenants and guests of the Birke used Fairfield Road to park, many times maintaining their parking space for days at a time. This is despite the city prohibiting parking on City streets overnight. We are unaware of any enforcement action taken by the city.

As associations with residents affected by these parked cars, we had to secure acknowledgement from all three associations to get the city to make this area no parking. Our concerns with the parked cars was one of safety. Those parked cars make it extremely dangerous when traveling by them and meeting another motorist coming from the opposite direction. Doran joined us in the no parking request but having done nothing to curb the problem, their interest was perhaps more financial as they want their residents to park inside the Birke and pay an additional fee for that parking.

While the no parking signs have helped, violators today still park there often right up to the stop sign at Fairfield Road and Wayzata Blvd, they park right in front of the US Mail Dropbox and have no regard for parking in front of a fire hydrant. It would be nice if the Police department and community service officers would make more appearances along this area instead of relying on neighboring community residents to call and report violators. It may be beneficial to this problem if the apartment management would provide additional reminders to tenants making sure they are aware of these concerns and remind them to make sure their guests are also aware of this parking restriction. Soon it will be summer and with warmer weather and more activity on the Birke pool deck, it is suspected that more and more parking violations will happen.

Doran has indicated that with they plan to allow parking in the smaller office buildings open parking spaces at times when they are not being used by that buildings tenants and guests. As I recall, they believe that this will be a benefit to visitors of the new apartment. These open spaces when available will more likely be gobbled up by tenants or

guests of the Birke as this office building is far closer to the Birke than to the new proposed apartment.

Everything points to the reality that the city will move forward with some type of additional housing venue to replace the current office complex at 11900 Wayzata Blvd. This current office building has quite possibly come to the end of its useful life. Any proposed replacement apartment building should be built to conform to the neighborhoods and blend in without sticking out like a sore thumb.

As proposed, this building is way too large for the area. Combine the number of apartment units in this proposal with those in the Birke results in oversaturation of the area. We would ask that strong consideration be given to bringing this apartment down to 4 floors instead of the proposed 6. As pointed out by one commissioner, the Luxe owners did so without a fuss, so why can't Doran? Are the comments and complaints of our neighbors any less worthy of this request than those around the Luxe?

Assisting with the financing of this project to enrich the pockets of a commercial contractor and their investment groups hardly seems fair and reasonable to current or future residents of Minnetonka. Doran purchased the land, and they should bare any costs associated with any reconstruction. Bringing the structure down two levels might eliminate or considerably reduce the anticipated costs of land stabilization.

Doran has indicated in a drawing that they will not remove any trees that are over 30 ft, we believe that NO TREES along the creek that

parallels the east wing of the present office structure should be removed. These trees offer refuge to many bird and animal species and are our only buffer between the Westridge HOA and the present or proposed structure. If you walk along the east wing of the office building, between that wing and the creek you will discover hundreds of tree roots near the surface of the ground and cutting those roots will undoubtedly have an adverse effect on the trees that those roots belong to.

Doran stated at the very first public meeting with the council that their proposed apartment building would maintain the same footprint. The diagrams provided to the planning commission show that while similar in design layout, the proposed footprint is greatly expanded.

To protect the wetlands, creek & ponds we believe that limits on the position of a portion of the existing office buildings east most wing should be maintained. We do not believe that any building should be allowed to have an eastern wall any closer to the creek or wetlands than the positioning of the current east wall of the existing office complex. Also, no building should be allowed to have a northern wall any closer to the wetlands than is the present north wall of the east wing on the current office building. It is hoped that these two restrictions would allow the trees to continue to provide the same current buffer and the same habitat for wildlife. Perhaps Doran could build just as far to the west and south as permitted by the city to maintain their present design layout.

We would ask that you please make sure that any reconstruction project will completely protect the wetlands and trees.

Should the city agree with Doran's proposal and allow a connecting path from to be constructed, we would ask that the city also require Doran to extend the current privacy fence located by the trash cans on the northern end of the small office buildings lot. Such extension should be along the its northern property line from the present fence surrounding trash cans following westerly to the wetlands. This might insure that our privacy is somewhat maintained.

This is a residential area and allowing construction noise to begin at 7am and continue until 11 pm hardly seems reasonable. While there is no way to eliminate construction noise, it could certainly be limited to more reasonable hours like 8am to 5pm. Our residents are just like each one of you in that you would most likely not appreciate having your sleep or time following your jobs interrupted by the constant pounding of construction workers and their equipment. It was frankly shocking to hear that when confronted by the noise coming from the Birke, Doran stated that it was subcontractors whom they have no control over that were making the unwelcomed noise. It is a mind boggling kicking of the can down the road to expect anyone to believe that a general contractor has no control over their subcontractors.

Sincerely,

Charles Ross,

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