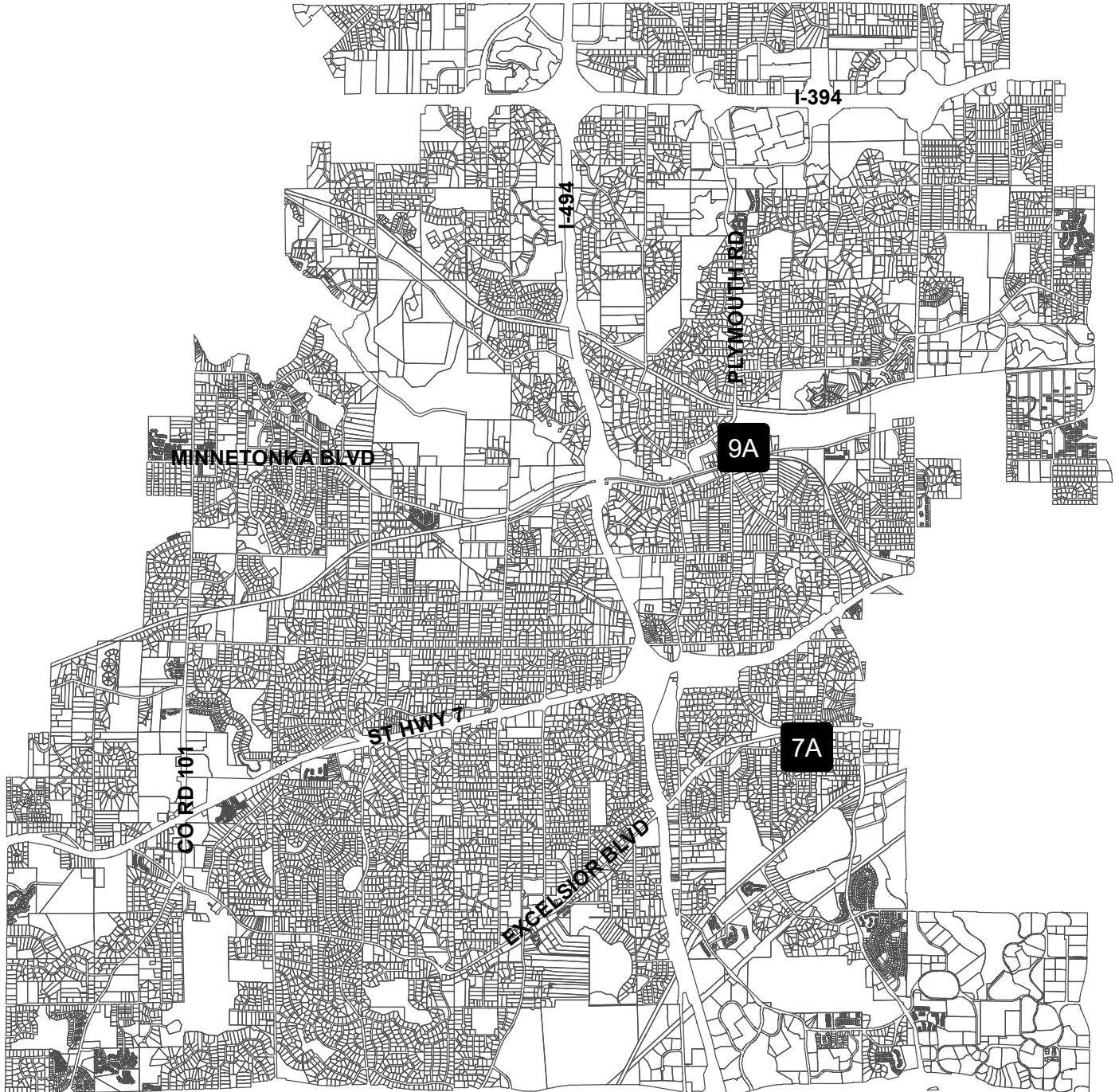




CITY OF
MINNETONKA

**CITY OF MINNETONKA
PLANNING COMMISSION
JAN. 4, 2024**

14600 Minnetonka Blvd. • Minnetonka, MN 55345
(952) 939-8200 • Fax (952) 939-8244
minnetonkamn.gov





**Planning Commission Agenda
Jan. 4, 2024
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: Dec. 14, 2023

5. Report from Staff

6. Report from Planning Commission Members

7. Public Hearings: Consent Agenda Items

- A. Conditional use permit, with locational variance, for an educational use within an existing religious institution at 12007 Excelsior Blvd.

Recommendation: Recommend the city council adopt the resolution approving the request (simple majority).

- Recommendation to city council (Jan. 29, 2024)
- Project Planner: Bria Raines

8. Public Hearings: Non-Consent Agenda Items

None

9. Other Business

- A. Concept Plan for a residential care facility development at 12620 Minnetonka Blvd.

Recommendation: Discussion topic only. No recommendation.

- To City Council (Jan. 29, 2024)
- Project Planner: Bria Raines

10. Adjournment

Planning Commission Agenda

Jan. 4, 2024

Page 2

Notices

1. Please call the planning division at (952) 939-8290 to confirm meeting dates as they are tentative and subject to change.
2. The following applications are tentatively scheduled for the Jan. 18, 2024 agenda.

Project Description	Greco Minnetonka, multiple applications
Project Location	15407 and 15409 Wayzata Blvd
Assigned Staff	Susan Thomas
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Wells Fargo, multiple applications
Project Location	1809 Plymouth Road
Assigned Staff	Susan Thomas
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Woodbridge Estates, multiple applications
Project Location	2503, 2505, 2511, 2615 Plymouth Rd
Assigned Staff	Susan Thomas
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Osberg Estates, preliminary plat
Project Location	2203 Oakland Rd
Assigned Staff	Susan Thomas
Ward Councilmember	Rebecca Schack, Ward 2

Project Description	Nash Residence, floodplain setback variance
Project Location	5516 Tamarack Circle
Assigned Staff	Bria Raines
Ward Councilmember	Kissy Coakley, 4

Project Description	Interactive Playground, CUP
Project Location	11300 47 th St W
Assigned Staff	Bria Raines
Ward Councilmember	Foster-Bolton, Ward 1

**Unapproved
Minnetonka Planning Commission
Minutes**

Dec. 14, 2023

1. Call to Order

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

2. Roll Call

Commissioners Powers, Waterman, Banks, Hanson, Henry, Maxwell and Sewall were present.

Staff members present: Community Development Director Julie Wischnack, City Planner Loren Gordon, Assistant City Planner Susan Thomas and Planner Bria Raines.

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

4. Approval of Minutes: Nov. 30, 2023

Powers moved, second by Waterman, to approve the Nov. 30, 2023 meeting minutes as submitted.

Powers, Waterman, Banks, Hanson, Henry, Maxwell and Sewall voted yes. Motion carried.

5. Report from Staff

Gordon briefed the commission on land use applications considered by the city council at its meeting on Dec. 4, 2023:

- Introduced an ordinance adopting a master development plan for redevelopment of the existing property at 1809 Plymouth Road.
- A motion to approve items concerning Walser Kia at 15700 and 15724 Wayzata Blvd. failed.

At the city council meeting scheduled to be held on Dec. 18, 2023, the city council will consider a motion to rescind a decision for a land-use application for 12620 Orchard Road.

The next planning commission meeting is scheduled to be held Jan. 4, 2023. The Dec. 28, 2023 planning commission meeting has been canceled.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda

No item was removed from the consent agenda for discussion.

Powers moved, second by Henry, to approve the item listed on the consent agenda as recommended in the staff report:

A. Expansion permit for a new garage and second-story living space at 12514 Orchard Road.

Expansion permit for a new garage and second-story living space at 12514 Orchard Road.

Powers, Waterman, Banks, Hanson, Henry, Maxwell and Sewall voted yes. Motion carried and the item on the consent agenda was approved as submitted.

Chair Sewall stated that an appeal of the planning commission's decision must be made in writing to the planning division within ten days.

8. Public Hearings

A. Floodplain alteration permit and conditional use permit for an attached accessory dwelling unit at 19102 Covington Road.

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

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

Judy Tauer, the applicant, stated that it has been a long process to get to this point. A civil engineer designed the proposal to meet all city and watershed requirements.

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

Powers stated that the proposal is a reasonable use for the property. Allowing the attached accessory dwelling unit to be a little larger matches today's needs. He applauded the applicant and staff for working to reach a reasonable proposal. He supports the staff's recommendation.

Waterman agreed with Powers. The proposal would be a reasonable use. He supports the staff's recommendation. He likes the proposal's location and that it would be attached to the house. The property has unique challenges.

Waterman moved, second by Banks, to recommend that the city council adopt the resolution approving a conditional use permit and floodplain alteration permit for an attached accessory dwelling unit at 19102 Covington Road.

Powers, Waterman, Banks, Hanson, Henry, Maxwell and Sewall voted yes. Motion carried.

This item is scheduled to be reviewed by the city council on January 18, 2023.

B. Preliminary plat with floodplain alteration permit and variances for Woodbridge Estates, a 14-lot subdivision, at 2503, 2505, 2511 and 2615 Plymouth Road.

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

Thomas reported. She recommended the denial of the application based on the findings listed in the staff report.

Chair Sewall confirmed with staff that the application does not have an accurate tree inventory. He recommends commissioners consider postponing the review of the application since the information needed to make a decision is missing.

Powers agrees with postponing the review of the incomplete application.

Chair Sewall confirmed with Thomas that the proposal currently includes 18 variance requests and that does not include variances that may be required if the proposal does not meet the tree protection ordinance requirements to be determined once an accurate tree inventory has been submitted.

In response to Banks' question, Thomas explained that either the planning commission must make a recommendation to the city council on the application or the applicant must agree to waive or extend the 120-day deadline for the city to take action on the application.

Kelsey Thompson, development director at Lakewest Development, applicant, stated that the applicant agrees to sign a waiver to extend the city's deadline to take action on the application. She hopes to have the required information in a couple of weeks and be ready for the planning commission meeting on Jan. 4, 2024.

Chair Sewall supports reviewing the application when it includes all of the required information to make it complete and waiting to receive public comments on a completed, final application. Staff will continue to provide feedback to the applicant for each revised plan submitted. He will open the public hearing to provide those present the opportunity to provide comments but cautioned that interested parties may need to evaluate and submit comments again once the city receives the final plan and reviews it at a future planning commission meeting.

Thomas spoke with the applicant earlier in the day and had a waiver prepared for the applicant to sign to agree to extend the city's 120-day limit to take action on the application until Jan. 31, 2024. Ms. Thompson agreed that the applicant would sign the

waiver agreeing to extend the city's 120-day time limit to take action on the application until Jan. 31, 2024.

The public hearing was opened.

Julie Rudowsky, 2460 Emerald Trail, stated that:

- She would like the applicant to plant evergreens along the road where the entrance is because it is adjacent to her backyard.
- She is concerned with an increase in noise. Right now, there is nice greenery. She would like the applicant to plant evergreen trees.
- Her property currently has water issues with runoff flowing through her backyard. She discussed it with the applicant, who said they would look into it. Her neighbor also has some water runoff behind their property.

Bryan Badzin, 2600 Crescent Ridge Road, stated that:

- He has met with the applicant.
- He is going to wait to comment on the proposal until the final application is reviewed by the planning commission in the future.

No additional testimony was submitted, and the hearing was continued until the next review of the application at a planning commission meeting.

Powers moved, second by Hanson, to table taking action on a preliminary plat with floodplain alteration permit and variances for Woodbridge Estates at 2503, 2505, 2511 and 2615 Plymouth Road.

Powers, Waterman, Banks, Hanson, Henry, Maxwell and Sewall voted yes. Motion carried.

9. Adjournment

Waterman moved, second by Maxwell, to adjourn the meeting at 7:17 p.m. Motion carried unanimously.

By:

Lois T. Mason
Planning Secretary

MINNETONKA PLANNING COMMISSION
Jan. 4, 2024

Brief Description	Conditional use permit, with a locational variance, for an educational use within an existing religious institution at 12007 Excelsior Blvd.
Recommendation	Recommend the city council adopt the resolution approving the request.

Background

Faith Church was constructed sometime in the 1930's with the religious use assumed to have begun at the same time. The religious institution predates the city ordinance. This means the property does not have a conditional use permit for the religious use, nor is one required as the use has been continued since before the city ordinance.¹

In 2007, the city approved a conditional use permit (CUP) for the International Spanish Language Academy (ISLA), an educational institution, to occupy space with the Faith Church building. Faith Church remained the primary use and ISLA the accessory use until 2010, when ISLA moved to another property in Minnetonka. At that time, the educational use was discontinued for more than 12 months, and the CUP expired.

Proposal

Faith Church proposes to lease the property to Agape Christi Academy, an educational institution. The academy would serve up to 160 grades K through 12 and preschool students, operating Monday through Friday from 8 a.m. to 5 p.m.

As the previous CUP for ISLA expired, a separate CUP for a new educational institution is required. A variance to a CUP standard requiring that educational uses have direct access to a collector or arterial roadway is also required. Pioneer Road, from which the site gains access, was formerly designated as a neighborhood collector when ISLA operated at the site. Since ISLA's closure, the Comprehensive Plan changed the classification to a local residential street, which now requires a variance.

Staff Analysis

Staff finds that the proposed educational use is reasonable and appropriate, as:

- **CUP Standards.** But for the requested variance, the educational use would meet all CUP standards. These standards are outlined in this report's "Supporting Information" section.

¹ If the use was discontinued for more than 12 months, the property would lose its nonconforming status, and a CUP would be required to resume the religious use after the period of interrupted use.

- **Complimentary Use.** Agape Christi Academy's daytime and weekday use of the building would be complimentary to the church's more typical evening and weekend use.
- **Parking.** The proposed use would meet the parking ordinance.
- **Complaints.** An educational institution previously occupied the site for a few years. The city received no complaints about the use during that time.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit with variance, for an educational use within an existing religious institution at 12007 Excelsior Blvd.

Originator: Bria Raines, Planner
Through: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Land Uses

North: Excelsior Blvd, single-family homes beyond
 South: Single-family homes, zoned R-1
 East: Shady Oak Road, commercial properties beyond
 West: Single-family homes, zoned R-1

Planning

Guide Plan designation: Institutional
 Zoning: R-1, low density residential

Parking

After a recent repaving and restriping of the parking lot, there are 196 parking stalls on the property. The existing use requires a significant amount of parking. The proposed use, which will operate during the off hours of the church, will require far less than the number of available parking stalls:

Use	Code Requirement	Area Size	Required Parking Stalls	Total Stalls Required
Religious	10 per 1,000 sq. ft. of main assembly area	32,000 sq. ft	320 stalls	320 stalls
Educational	-	-	-	-
Pre-school	2.5 per 1,000 sq. ft.	350 sq. ft.	One stall	45 stalls
Elementary School (K – 5 th grade)	2 per classroom	Six classrooms	12 stalls	
Middle School (6 th – 8 th)	2 per classroom	Three classrooms	Six stalls	
High School (9 th – 12 th)	1 per employee station, plus 10 per 1,000 sq. ft. of main assembly area	Four classrooms & Activity Center (2,218 sq.ft.)	4 stalls + 22 stalls	

Agape Christi Academy has provided additional information based on students enrolled for the 2024 school year. The table below details the maximum number of students and teachers allowed in each high school classroom based on the State Building Code occupancy capacity. The table also includes the total number of staff positions outside of those within the aforementioned high school classrooms. The total provided below would equate to the highest number possible of parking stalls required for students and staff at the Agape Christi Academy based on driving age.

Grade	Maximum Occupancy per Code Capacity	Driving Age Faculty
Grade 10	20 people	-
Grade 11	Eight people	-
Grade 12	Seven people	-

Staff	-	22
Total: 57 stalls		
The Driving Age Faculty column is the total number of staff excluding those counted within the high school classrooms.		

CUP Standards

The proposed use would meet the general and specific educational institutions and facilities standards, as outlined in City Code §300.16 Subd. 2 and §300.16 Subd. 3(a) respectively.

General Standards

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies, and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services, or existing or proposed improvements and
4. The use does not have an undue adverse impact on public health, safety, or welfare.

Specific Standards

1. Direct access is limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;

Finding: Primary access to the site is from Nelson Drive, a local street. With the approval of the variance to the direct access requirement, all specific conditional use permit standards would be met.

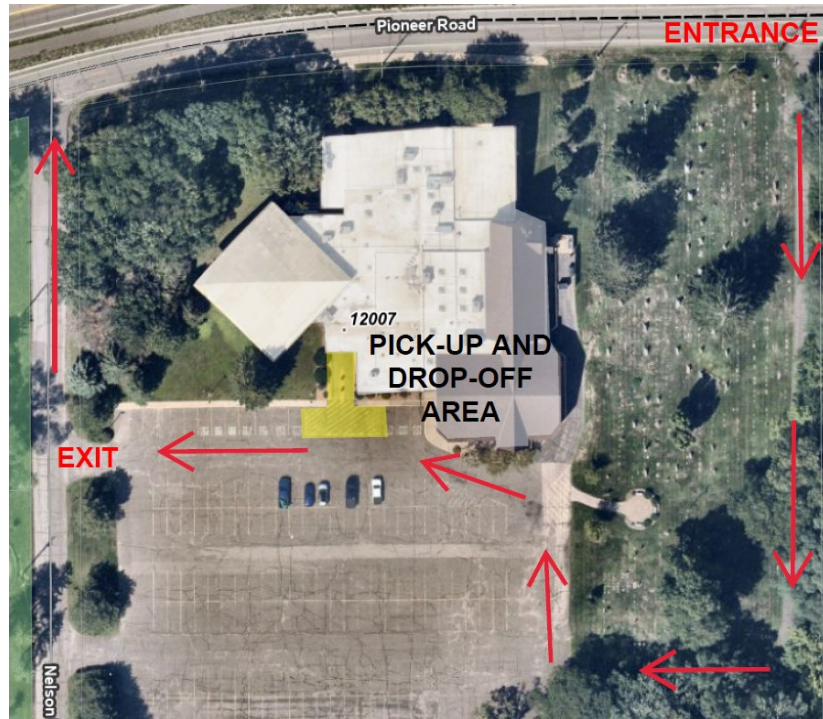
2. Buildings set back 50 feet from all property lines and parking setbacks are subject to section 300.28 of this ordinance;

Finding: The existing building has a nonconforming setback from the north property line. The proposed use of the existing building would not change this setback.

3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;

Finding: Students are not bussed to the site. Parents are instructed to enter the site from Pioneer Road onto Cemetery Road, to the drop-off and pick-up area, and then exit the site to

the west onto Nelson Drive. The stacking area would occur on the easterly parking lot and Cemetery Road. A condition of approval has been included that stacking or waiting must occur on-site and not on Nelson Drive.



4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;

Finding: The property contains large areas of green space that could be used for outdoor activities, as well as Pioneer Park across the street. Neighboring residential properties are well-screened by existing vegetation.

5. No more than 60 percent of the site is to be covered with impervious surface, and the remainder is to be suitably landscaped;

Finding: The proposed educational use of the building would not change the existing site.

6. The site and building plan is subject to review pursuant to section 300.27 of this ordinance, and

Finding: The proposal is for continued occupancy of an existing building. No changes to the site or building are proposed. As such, it would meet the standards outlined in City Code §300.27 Subd.5.

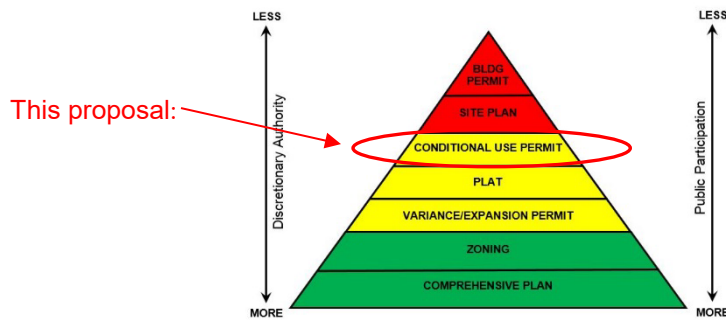
7. Not connected to, or part of, any residential dwelling.

Finding: The educational facility would be located within an existing religious institution.

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)

Pyramid of Discretion



Voting Requirement

The planning commission will make a recommendation to the city council. The commission’s recommendation and council decision require the affirmative vote of a simple majority.

Motion Options

The planning commission has three options:

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

Neighborhood Comments

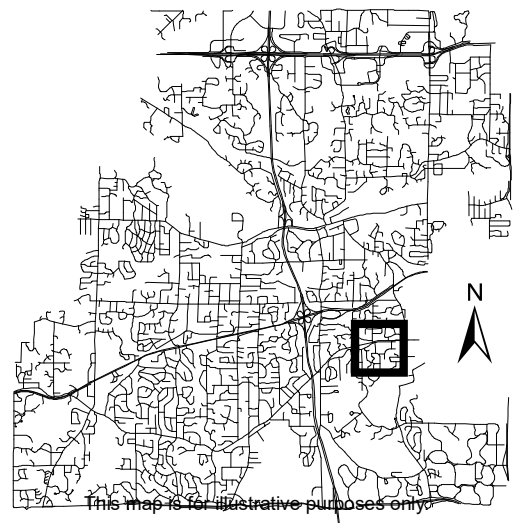
The city sent notices to 57 area property owners and received one comment. See the attachment,

Deadline for Action March 12, 2024



Location Map

Project: Faith Church
Address: 12007 Excelsior Blvd



Dear City of Minnetonka,
Agape Christi Academy was established over 10 years ago as a private learning institution currently based in Eden Prairie. The school serves Grades K through 12, plus Pre-K, and has a current enrollment of approximately 115 students. The school estimates 140 students for the Fall 2024 term at move-in. Enrollment is projected to increase to up to 160 students over the 2025 and 2026 school years. This is a student body similar in size to that of the ISLA Spanish immersion school which Faith Church hosted previously.

Overall, the Agape school and previous ISLA school are very comparable in size, student ages, likely space utilization, and overall school year timing. Faith Church intends to use the building space in the same overall way. Because School Use would typically be non-concurrent with church use, during weekdays and occasional evenings, there would be more than adequate parking available on site. Drop-Off and Pick-up would be in private vehicles, rather than busses.

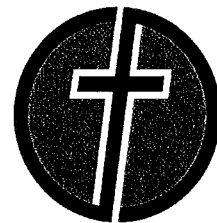
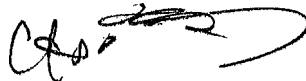
The school would operate during the normal September through May school months from Monday through Friday, generally 8 am to 5 pm. The school does not expect to use the space regularly during the summer vacation months or on weekends during any part of the year.

Faith Church never received a single ISLA school-related complaint from the surrounding community during its years of use and, to the best of our knowledge, neither did the City of Minnetonka. This application is simply reviving a previous activity, which itself was also approved under a previous Conditional Use Permit.

The required Variance requested is in response to a change of classification of the access roads from Excelsior Blvd to the proposed school property in City's Comprehensive Plan, with adjacent portions of Pioneer Trail and Nelson not having any residential properties, and therefore meeting the intent of the Comprehensive Plan to limit school traffic through residential neighborhoods.

Thank you in advance for your consideration of the submitted Conditional Use for School Use in the R-1 Zoning District and Variance to address the current "direct access" standard.

Respectfully,
Curtis Brophy
Lead Pastor
Faith Church Minnetonka



PRACTICAL DIFFICULTIES WORKSHEET

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

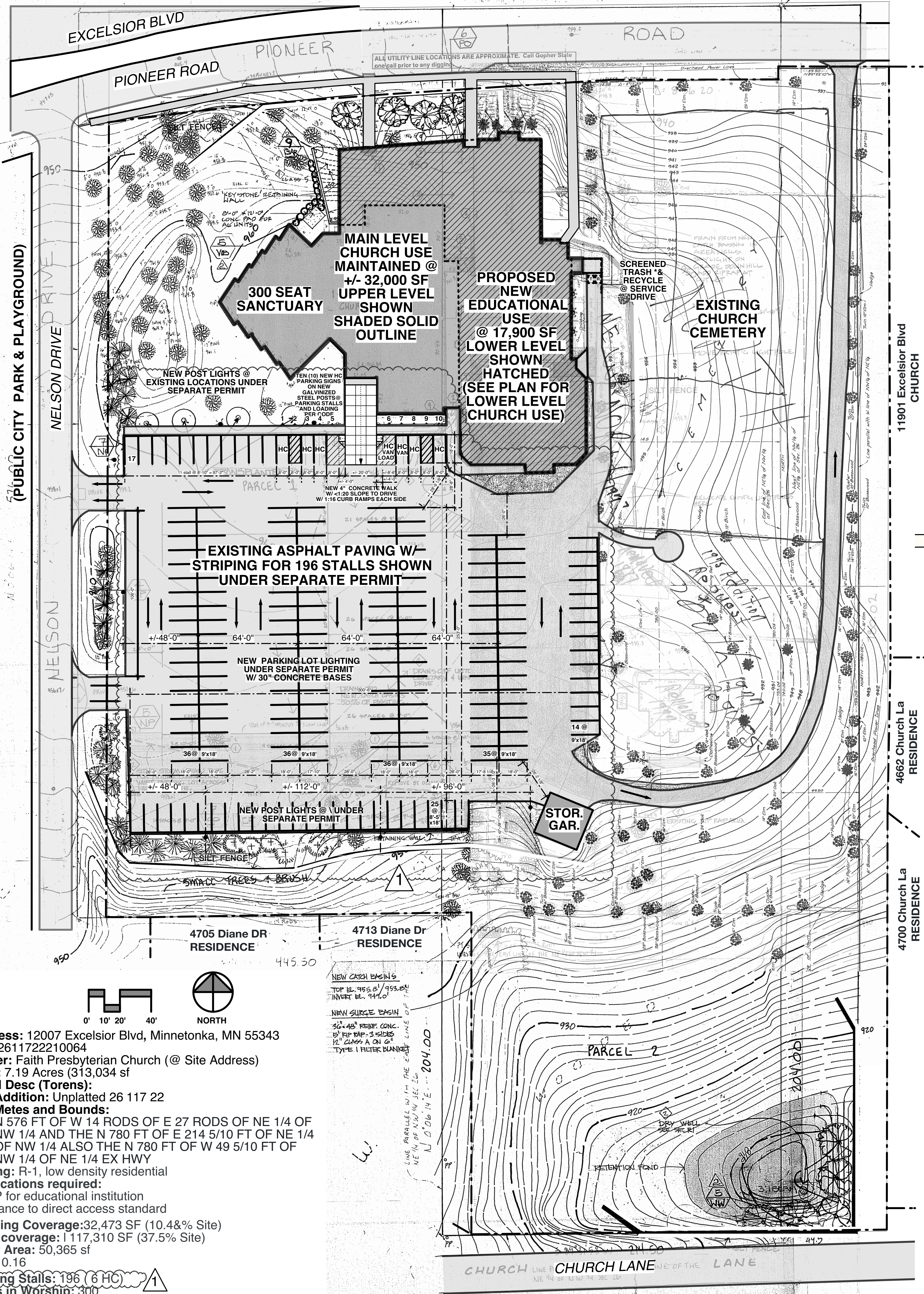
- 1) The proposed variance is in harmony with the general purpose and intent of the zoning ordinance;
- 2) The proposed variance is consistent with the comprehensive plan; and
- 3) An applicant establishes that there are practical difficulties in complying with the ordinance standard from which they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

PRACTICAL DIFFICULTIES

<p>Describe why the proposed use is reasonable</p>	<ul style="list-style-type: none"> -Existing adjacent access streets connect directly to the site from Excelsior Boulevard without passing through residential neighborhood. -Property previously had similar educational use without complaints from City or neighbors.
<p>Describe:</p> <ul style="list-style-type: none"> • circumstances unique to the property; • why the need for variance was not caused by the property owner; and • and why the need is not solely based on economic considerations. 	<ul style="list-style-type: none"> - Existing access streets were previous classified to be compliant but was changed in recent Comprehensive Plan, beyond control of the Owner. - Property has been located on Excelsior Blvd throughout it's existence, with frontage road being added at a later time.
<p>Describe why the variance would not alter the essential character of the neighborhood</p>	<ul style="list-style-type: none"> - As mentioned before, existing streets continue connect directly to the site from Excelsior Boulevard without passing through residential neighborhood. - Property is bounded by heavy landscaping, including public Park to west that act as a buffer to adjacent residential properties.

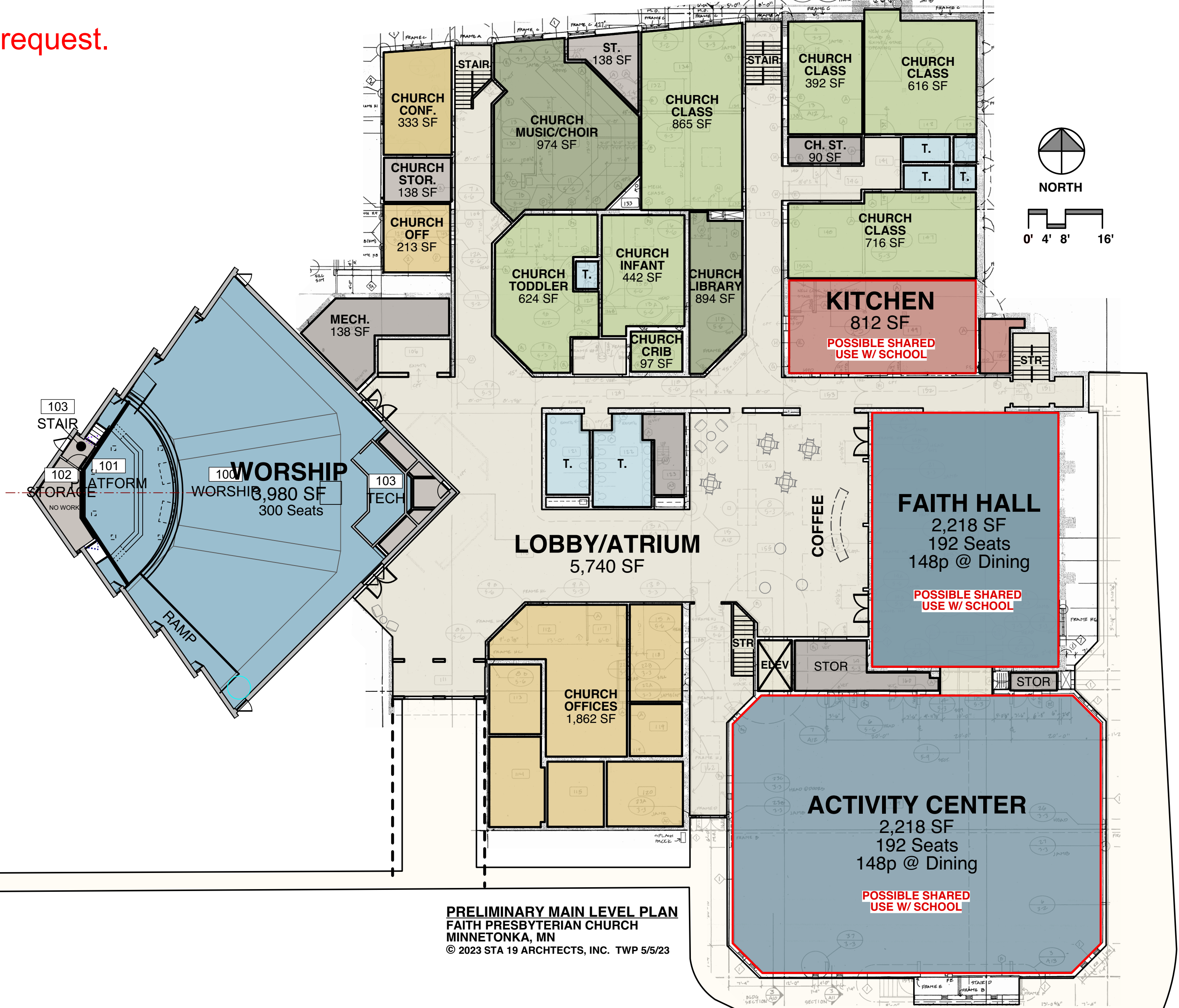
VARIANCE APPLICATIONS WILL NOT BE ACCEPTED IF THIS WORKSHEET IS NOT COMPLETE

Re-striping and resurfacing request is reviewed administratively. The re-striping does not impact the CUP request.



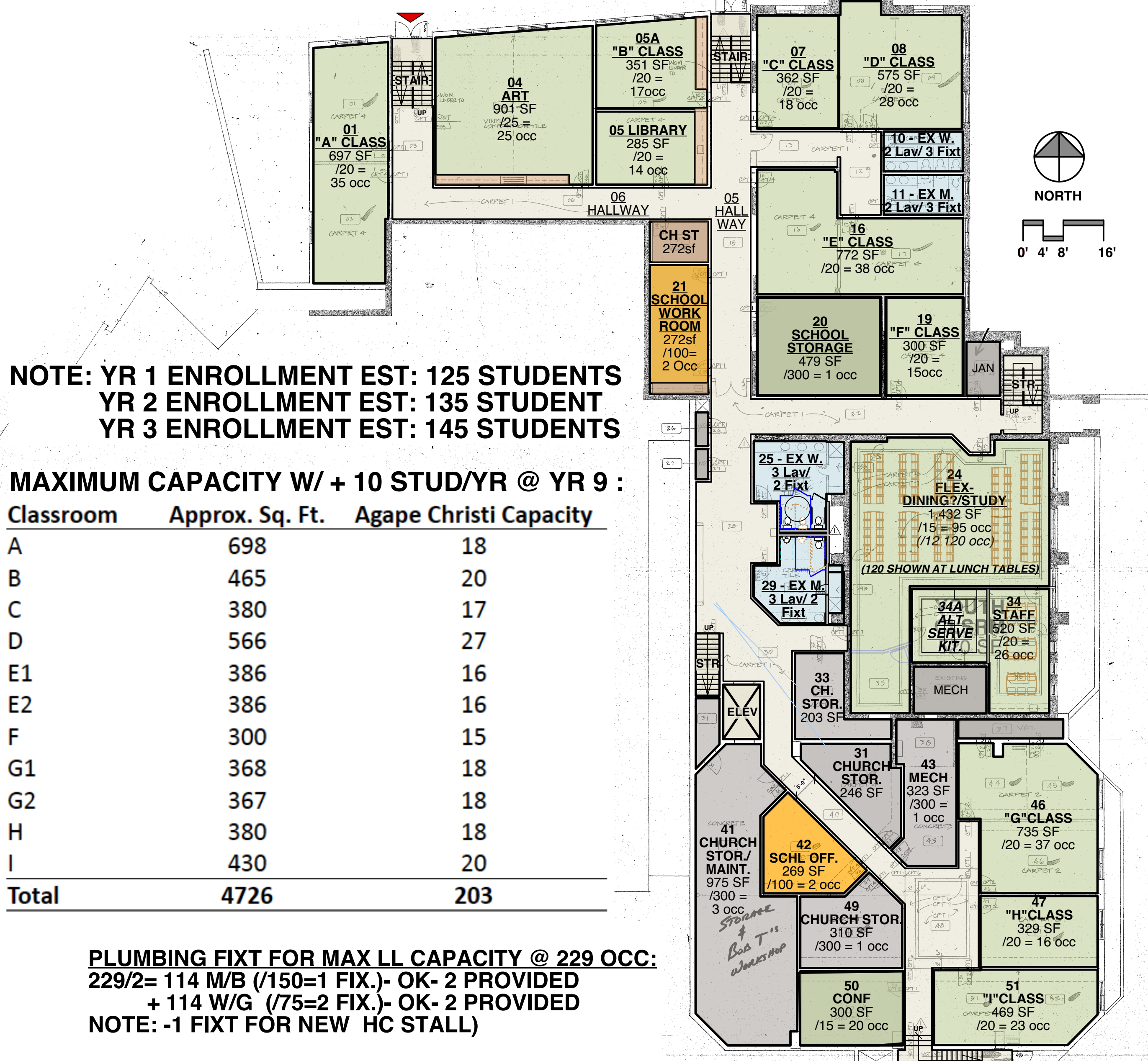
Address: 12007 Excelsior Blvd, Minnetonka, MN 55343
 PID: 2611722210064
 Owner: Faith Presbyterian Church (@ Site Address)
 Area: 7.19 Acres (313,034 sq ft)
 Legal Desc (Torens):
 Addition: Unplatted 26 117 22
 Metes and Bounds:
 N 576 FT OF W 14 RODS OF E 27 RODS OF NE 1/4 OF NW 1/4 AND THE N 780 FT OF E 214 5/10 FT OF NE 1/4 OF NW 1/4 ALSO THE N 780 FT OF W 49 5/10 FT OF NW 1/4 OF NE 1/4 EX HWY
 Zoning: R-1, low density residential
 Applications required:
 · CUP for educational institution
 · Variance to direct access standard
 Building Coverage: 32,473 SF (10.4% Site)
 Hard coverage: 1,117,310 SF (37.5% Site)
 Floor Area: 50,365 sq ft
 FAR: 0.16
 Parking Stalls: 196 (6 HC) 1
 Seats in Worship: 300

1 A0.1 EXISTING SITE PLAN- NO WORK REQUIRED FOR NEW EDUCATIONAL USE



PRELIMINARY MAIN LEVEL PLAN
 FAITH PRESBYTERIAN CHURCH
 MINNETONKA, MN
 © 2023 STA 19 ARCHITECTS, INC. TWP 5/5/23

3 A0.1 EXISTING UPPER LEVEL PLAN- NO WORK REQ. FOR NEW EDUCATIONAL USE



NOTE: YR 1 ENROLLMENT EST: 125 STUDENTS
 YR 2 ENROLLMENT EST: 135 STUDENT
 YR 3 ENROLLMENT EST: 145 STUDENTS

MAXIMUM CAPACITY W/ + 10 STUD/YR @ YR 9 :

Classroom	Approx. Sq. Ft.	Agape Christi Capacity
A	698	18
B	465	20
C	380	17
D	566	27
E1	386	16
E2	386	16
F	300	15
G1	368	18
G2	367	18
H	380	18
I	430	20
Total	4726	203

PLUMBING FIXT FOR MAX LL CAPACITY @ 229 OCC:
 229/2= 114 M/B (/150=1 FIX.)- OK- 2 PROVIDED
 + 114 W/G (75=2 FIX.)- OK- 2 PROVIDED
 NOTE: -1 FIXT FOR NEW HC STALL)

3 A0.1 EXISTING LOWER LEVEL PLAN- ONLY WORK REQ. TO ADD HC RESTROOM STALLS

STATION NINETEEN

Architects - Incorporated
 4181 WEST BROADWAY AVENUE
 MINNEAPOLIS, MINNESOTA 55422
 PHONE (612) 623.1800
 FAX (612) 623.0012

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Registered Architect under the laws of the state of:

MINNESOTA

SIGNATURE
 ARCHITECT: THOMAS PETERSON
 REGISTRATION NUMBER: 44417
 DATE: 24 OCTOBER 2023
 DRAWN BY: TWP
 CHECKED BY: TWP

PROJECT TITLE
FAITH PRESBYTERIAN CHURCH
 MINNETONKA MINNESOTA

Project Number **4565.00**

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No.	Date	Appr	Revision Notes
1	12/19/23	TWP	REVISED PARKING COUNT - STRIPING & LIGHTS UNDER SEPRATE PERMIT

Phase **CITY APPROVAL**

Sheet Title **SITE PLAN BUILDING PLANS**

Drawing No.

A0.1

Proposed Shool Use @ Faith Presbyterian Church, Minnetonka

©2023 Station 19 Architects, Inc. TWP

Room Use by Grade Provided by Sta 19 w/ Agape & Faith 11/16/23

Rooms Used by Students	Grade Grouping	Space (sq ft)	Code Capacity (Sq Ft/20)
01	Pre-K and K	697	35
05 & 05A	3 and 4	636	32
07 & 08	1 and 2	937	47
16	9 and 10	772	39
19	11 and 12	300	15
46	5 and 6	735	37
47 & 51	7 and 8	789	39
Totals		4866	243

Current	possible in space (Max Enrollment)
25	28
24	29
30	38
16	31
3	12
22	29
19	32
139	199

PARKING

Group	Driving Age Students & Staff @ Code Capacity
Grade 10	20
Grade 11	8
Grade 12	7
Staff	22
Total Above	57

Current	At Max Enrollment
4	15
1	6
2	6
22	22
29	49

City of Minnetonka, MN: Raines, Bria

Tuesday, December 26, 2023 8:06 AM

Subject	City of Minnetonka, MN: Raines, Bria
From	City of Minnetonka, MN
To	Bria Raines
Sent	Saturday, December 23, 2023 7:14 PM

You have received this link from CAROL RODINE for the following page:

<https://www.minnetonkamn.gov/Home/Components/StaffDirectory/StaffDirectory/394/3436?npage=5>

FAITH CHURCH As a neighbor living at 4708 Barbara Dr I see the church from my back yard. Our driveway is the on the west of Nelson Dr as the church parking access is on the east. My concerns are as follows: 1. The narrowing of Pioneer Road when the bike path was installed will force the bus parking, at the curb cut in front of the education wing, to fill the eastbound side of Pioneer Road. This will be an obstacle for my eastbound neighbors as well as parents heading for the Noah's Ark Child Care located at Oasis Church on the other side of the cemetery. 2. Use of Pioneer Park as a play space will bring another safety challenge. It is across Nelson Dr from the church. Nelson Dr. is a busy narrow street. It is the main neighborhood access for the residents on Barbara Dr., Diane Dr., Joanne, and "lower" Winterset. There are also MANY delivery and service vehicles over that hill each day. 3. I repeat, Nelson Drive is a narrow street. The turn onto the hill from Pioneer Road is a challenge for longer vehicles. It is not a 90° corner. The narrowness of the intersection makes turning to go up the hill a lesson in patiences. In winter conditions it is even more challenging as the hill is historically slick (thank you overhanging oak trees). The idea of another school is not an issue. ISLA was a good neighbor. That staff worked hard to manage the safety of the students. The main difference now is the narrowing of Pioneer Road and how that impacts safety going forward.

Carol Rodine
4708 Barbara Dr.

Finding this option to send this communicate was not easy. The card from the city about communication was a dead end. The email address Braines @minnetonkamn.gov was not recognized.

Resolution No. 2024-

Resolution approving a conditional use permit, with locational variance, for an educational use within an existing religious institution at 12007 Excelsior Blvd.

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

Section 1. Background.

1.01 Station 19 has requested a conditional use permit, with locational variance, for an educational use to occupy the existing church building Mon. through Fri., generally from 8 a.m. to 5 p.m.

1.02 The property is located at 12007 Excelsior Blvd. It is legally described as follows:

The East 445.5 feet of that part of the Northeast Quarter of the Northwest Quarter lying Northerly of Winterset Park, and the West 83.5 feet of that East 562 feet of the North 322 feet of said, Northeast Quarter of the Northwest Quarter; also that part of the Northwest Quarter of the Northeast Quarter lying North of the Winterset Park First Addition, which lies West of the most Westerly line of Block 2, in said Winterset Park First Addition and its Northerly extension. All in Section 26, Township 117, Range 22, Hennepin County, Minnesota.

Torrens Certificate No. 1437320

1.03 On Jan. 4, 2024, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. Standards.

2.01 City Code §300.16 Subd. 2 outlines the following general standards that must be met for granting a conditional use permit.

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

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
4. The use does not have an undue adverse impact on public health, safety or welfare.

2.02 City Code §300.16 Subd. 3(a) outlines the following specific standards that must be met for granting a conditional use permit for educational facilities:

1. Direct access is limited to a collector or arterial roadway as identified in the comprehensive plan or otherwise located so that access can be provided without conducting significant traffic on local residential streets; the use is not permitted on property that has access only by way of a private road or driveway that is used by more than one lot;
2. Buildings set back 50 feet from all property lines and parking setbacks are subject to section 300.28 of this ordinance;
3. School bus pick-up and drop-off areas located outside of the public right-of-way and designed to enhance vehicular and pedestrian safety;
4. Recreational areas designed for group outdoor activities set back 25 feet from residential property, suitable buffering provided to protect neighboring properties from noise and adverse visual impacts, and lighted playing fields permitted only upon demonstration that off-site impacts can be mitigated substantially;
5. No more than 60 percent of the site is to be covered with impervious surface, and the remainder is to be suitably landscaped;
6. The site and building plan are subject to review pursuant to section 300.27 of this ordinance, and
7. Not connected to, or part of, any residential dwelling.

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

Section 3. Findings.

-
- 3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.
- 3.02 The proposal generally meets the specific conditional use permit standards outlined in City Code 300.16 Subd.3(a).
1. Primary access to the site is from Nelson Drive, a local street. A variance is required.
 2. The existing building has a non-conforming setback from the north property line. The proposed use of the existing structure would not change this setback.
 3. Students are not bussed to the site. Parents are instructed to enter the site from Pioneer Road onto Cemetery Road, to the drop-off and pick-up area, and then exit the site to the west onto Nelson Drive. The stacking area would occur on the easterly parking lot and Cemetery Road. As a condition of this resolution, stacking or waiting must occur on-site and not on Nelson Drive.
 4. The property contains large areas of green space that could be used for outdoor activities, as well as Pioneer Park across the street. Neighboring residential properties are well-screened by existing vegetation.
 5. The proposed educational use of the building would not change the existing site.
 6. The proposal is for continued occupancy of an existing building. No changes to the site or building are proposed.
 7. The educational facility would be located within an existing religious institution.
- 3.03 The proposal would meet the variance standard outlined in City Code §300.07 Subd. 1(a):
1. Purpose and Intent of the Ordinance. The intent of requiring direct access to collector or arterial is to ensure local residential streets – and residential properties – are not burdened with a significant increase in traffic. As proposed, the students would be entering the site from Pioneer Road and leaving the site directly across from Pioneer Park. There are no residential properties directly adjacent to these access points that would be affected by the weekday traffic of drop-off and pick-up.
 2. Consistent with Comprehensive Plan. The subject property is guided for low-density residential development. The requested conditional use permit would allow for the educational institution consistent with this designation.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance:
 - a) Reasonableness and Character of Locality. The proposal is similar to a previous use that occurred on the site, which received no complaints. This proposal would not change the existing building or site. The proposed changes would occur internally and have no anticipated impact to the neighborhood.
 - b) Unique Circumstance. The property has direct access to Nelson Drive with the southern access within 0.1 miles of Excelsior Boulevard. Although the access from the parking lot is not directly onto Excelsior Boulevard, the access is immediate and along a route with no residential driveways.

Section 4. City Council Action.

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

1. This resolution must be recorded with Hennepin County.
2. All pick-up and drop-off vehicles must stack or queue on-site. No vehicle stacking is allowed on Nelson Drive.
3. The city council may reasonably add or revise conditions to address any future unforeseen problems.
4. Any change to the approved use that results in a significant increase in a significant change in character would require a revised conditional use permit.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Jan. 29, 2024.

Brad Wiersum, Mayor

Attest:

Becky Koosman, 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 Jan. 29, 2024.

Becky Koosman, City Clerk

MINNETONKA PLANNING COMMISSION
Jan. 4, 2024

Brief Description	Concept Plan for four residential homes at 12620 Minnetonka Blvd.
Action Requested	Discuss concept plan with the applicant. No formal action required.

Proposal

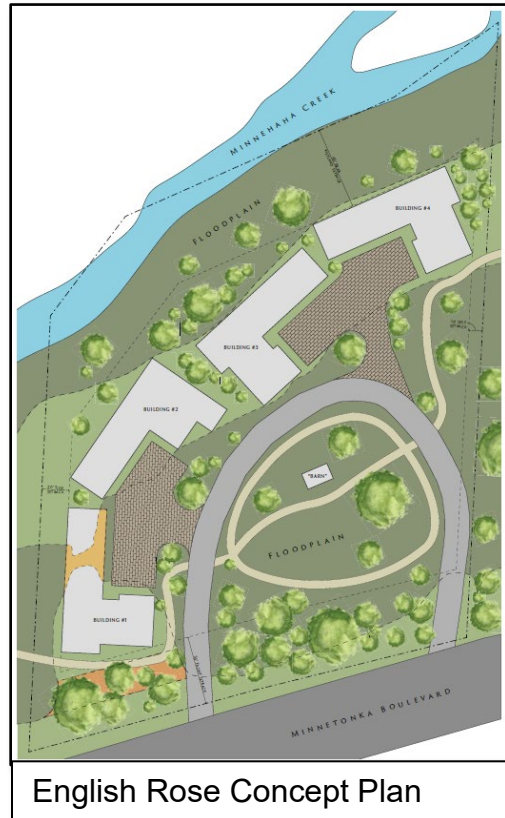
English Rose has submitted a concept plan for a redevelopment of the property at 12620 Minnetonka Blvd. The 2.85-acre property, nestled between Big Willow and Mills Landing parks, is improved with a single-family home, a detached garage, and a substantial floodplain covering approximately two-thirds of the site.

The property is zoned R-1 Low-Density Residential District. Comprehensive Plan guidance is Parks.

The proposal would remove the existing structures, which are within the wetland setback from Minnehaha Creek, and construct four single-residence homes to be operated as residential care facilities for assisted living and dementia care clients.

Review Process

The staff has outlined the following review process for the proposal. At this time, a formal application has not been submitted.



English Rose Concept Plan

- **Neighborhood Meeting.** The developer held a neighborhood meeting on Dec. 11, 2023 at the Minnetonka Community Center. The applicant, Joshua Wertz, presented to the five residents in attendance. Two members of the planning staff and the property owner also sat in on the meeting. Discussion items included:
 - *Natural resources.* A majority of the audience's questions were concerning wetlands, floodplains, and tree removal. Specifically, if the project could meet setbacks and how many trees were proposed for removal. The applicant explained that those details had not yet been decided on and deferred to staff. Staff used a visual aid to explain that the concept plan review is for preliminary feedback on a general idea. Staff further explained that it is during the formal application review that a set of detailed plans are required and, along with other city ordinances, the natural resource standards would be reviewed. Staff also assured the audience that another opportunity for public comment is provided during the formal review process.

Therefore, the residents could make additional comments after seeing the formal application plans.

- *Architectural style of the homes.* Comments provided preferred each house to have a different appearance and not all identical.
- *Proposed lighting on the property.* Neighbors across the creek were concerned that bright lighting could cause an issue. The applicant does not anticipate any lighting issues as most residents go to sleep early, and only interior lights would be needed for staff. However, the applicant proposed that when lighting was determined, it could be on timers or turned off by a certain time each night.

The neighbors reached out to the applicant for a second meeting. The applicant provided a memo summarizing the topics discussed at the second neighborhood meeting. For more information, please see attachment pages 29-30.

- **Planning Commission Concept Plan Review.** The planning commission Concept Plan Review is intended as a follow-up to the neighborhood meeting. The objective of this meeting is to identify major issues and challenges in order to inform the subsequent review and discussion. The meeting will include a presentation by the developer of conceptual sketches and ideas but not detailed engineering or architectural drawings. No staff recommendations are provided, the public is invited to offer comments, and planning commissioners are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.
- **City Council Concept Plan Review.** The city council Concept Plan Review is intended as a follow-up to the planning commission meeting and would follow the same format as the planning commission Concept Plan Review. No staff recommendations are provided, the public is invited to offer comments, and council members are afforded the opportunity to ask questions and provide feedback without any formal motions or votes.

Key Issues

City staff has identified the following considerations for any development of the subject properties:

- **Site Plan:** The proposed site plan would intensify development on the site.
 - **Trail connections.** Site circulation is proposed to connect to the public parks on either side of the property, which would allow the public to cross onto the property and be within proximity to assisted living and memory care clientele.
 - **Safety.** The applicant has compared the proposal to “dementia villages” located in other communities throughout the world. A facility with clientele similar to a “dementia village” may require safety measures on the property in proximity to Minnehaha Creek, Minnetonka Boulevard, and city trails and parks.

- **Wetland:** The site is subject to the Minnehaha Creek Watershed District requirements, which could require a more significant buffer than city code requirements. A reduced setback or buffer request may be necessary for the site.
- **Floodplain:** The site is subject to the floodplain ordinance, which will require a setback from the floodplain elevation. The concept plan is not required to have specific setback and elevation details; however, the floodplain requirements should be considered when providing feedback on the number or placement of the proposed four single-residence homes.
 - **Floodplain alteration.** The concept plan proposes floodplain alteration which would relocate a portion of the floodplain into the utility easement. Floodplain alterations are not allowed within the utility easement; the replacement of the floodplain would need to be located elsewhere on the property and outside of the easement.
- **Building Character:** Building elevations have been provided with character details to be visually pleasing. Input on building massing, desired character, location, and number is important.
- **Rezoning:** Under the current zoning, R-1 low density, the proposal would not be permitted. Depending on the number of homes proposed in the formal application, the project may require rezoning the property to a higher density or a planned unit development.¹
- **Comprehensive Plan Amendment:** For many years, the city had an interest in purchasing the property to connect Big Willow and Mills Landing to expand the city park but was not able to come to an arrangement with the current owners. The past three comprehensive plan updates have guided the property as a park. If the proposal were to move forward, a comprehensive plan amendment to change the land use designation from parks to a complementary residential designation would be required.

Discussion Topics

The staff has identified and requests planning commission feedback on the following key topics:

- **Residential Use.** The single-residence property is designated for parks in the comprehensive plan. What is the commission's opinion regarding a rezoning and comprehensive plan amendment for the concept plan?

¹ For PUD zoning consideration, one of the following public benefits must occur: a) Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development; b) Provision of affordable housing; c) Provision of a housing type or target housing price that is desirable to the city; d) A mix of land use types; e) Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts; or f) Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development; g) Other public benefits as recognized by the city.

- **Site Plan.** The proposed site plan identifies the building location, vehicular and pedestrian connections, and a community building. Does the commission have comments on the general location, trail connection to city parks, safety preparedness, and organization of these elements?
- **Natural Resources:** The site is subject to wetland and floodplain setbacks, tree protection ordinances, and floodplain alteration guidelines.² Does the commission have comments on the proposed location or number of buildings in relation to the site's natural resources?
- **Building Design.** Building elevations have been provided. Does the commission have comments on the building massing and design elements?
- **Other Considerations.** What other land use-related items would the commission like to comment on?

Staff Recommendation

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.

Originator: Bria Raines, Planner
Through: Loren Gordon, AICP, City Planner

² Floodplain alterations require no net fill. This means that any area of floodplain removed (filled) must be replaced (cut) elsewhere so that there is no overall loss of floodplain area.

ADDITIONAL INFORMATION

Next Steps

- **Formal Application.** If the developer chooses to file a formal application, notification of the application will be mailed to area property owners. Property owners are encouraged to view plans and provide feedback via the city's website. Through recent website updates: (1) staff can provide residents with ongoing project updates; (2) residents can "follow" projects they are particularly interested in by signing up for automatic notification of project updates; (3) residents may provide project feedback on the project; and (4) and staff can review resident comments.
- **Council Introduction.** The proposal would be introduced at a city council meeting. At that time, the council would be provided another opportunity to review the issues identified during the initial Concept Plan Review meeting and to provide direction about any refinements or additional issues they wish to be researched and for which staff recommendations should be prepared.
- **Planning Commission Review.** The planning commission would hold an official public hearing for the development review and would subsequently recommend action to the city council.
- **City Council Action.** Based on input from the planning commission, professional staff, and the general public, the city council would take final action.

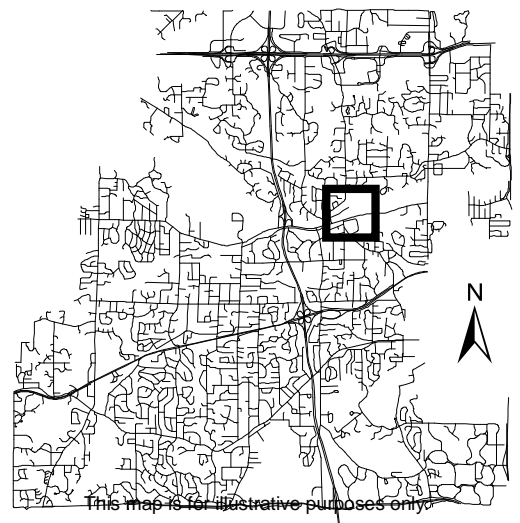
City Roles and Responsibilities

- **City Council.** As the ultimate decision maker, the city council must be in a position to equitably and consistently weigh all input from their staff, the general public, planning commissioners, applicants and other advisors. Accordingly, council members traditionally keep an open mind until all the facts are received. The council ensures that residents have an opportunity to effectively participate in the process.
- **Planning Commission.** The planning commission hosts the primary forum for public input and provides clear and definitive recommendations to the city council. To serve in that role, the commission identifies and attempts to resolve development issues and concerns prior to the council's consideration by carefully balancing the interests of applicants, neighbors, and the general public.
- **City Staff.** City staff is neither an advocate for the public nor the applicant. Rather, staff provides professional advice and recommendations to all interested parties, including the city council, planning commission, the applicant and residents. Staff advocates for its professional position, not a project. Staff recommendations consider neighborhood concerns, but necessarily reflect professional standards, legal requirements and broader community interests.



Location Map

Project: English Rose
Address: 12620 Minnetonka Blvd



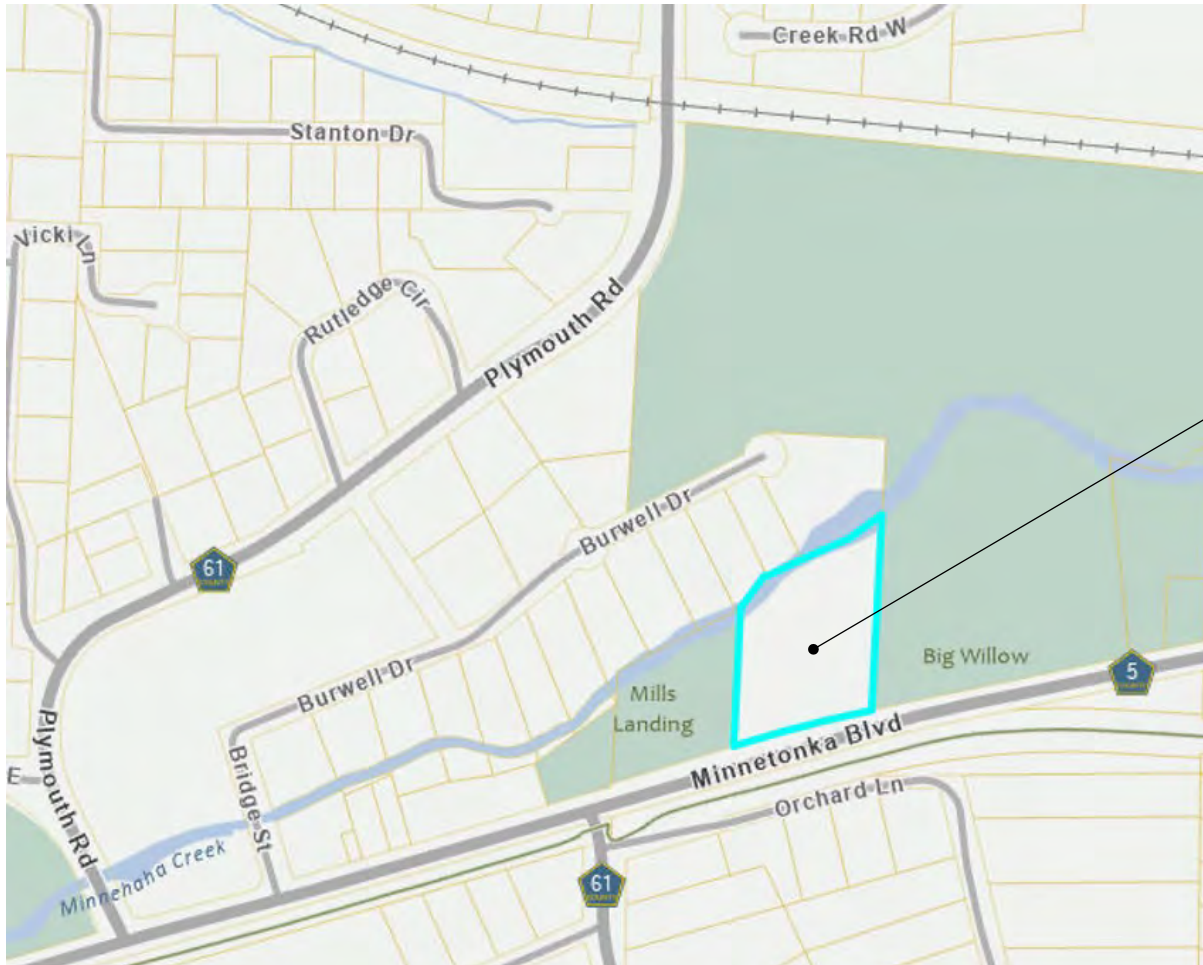
This map is for illustrative purposes only.



1. Project Overview
2. Four Special Homes
3. English Rose
4. Community Benefits



This proposal relates to a 2.98-acre parcel located on the north side of Minnetonka Boulevard between Plymouth Road and Hopkins Crossroads.



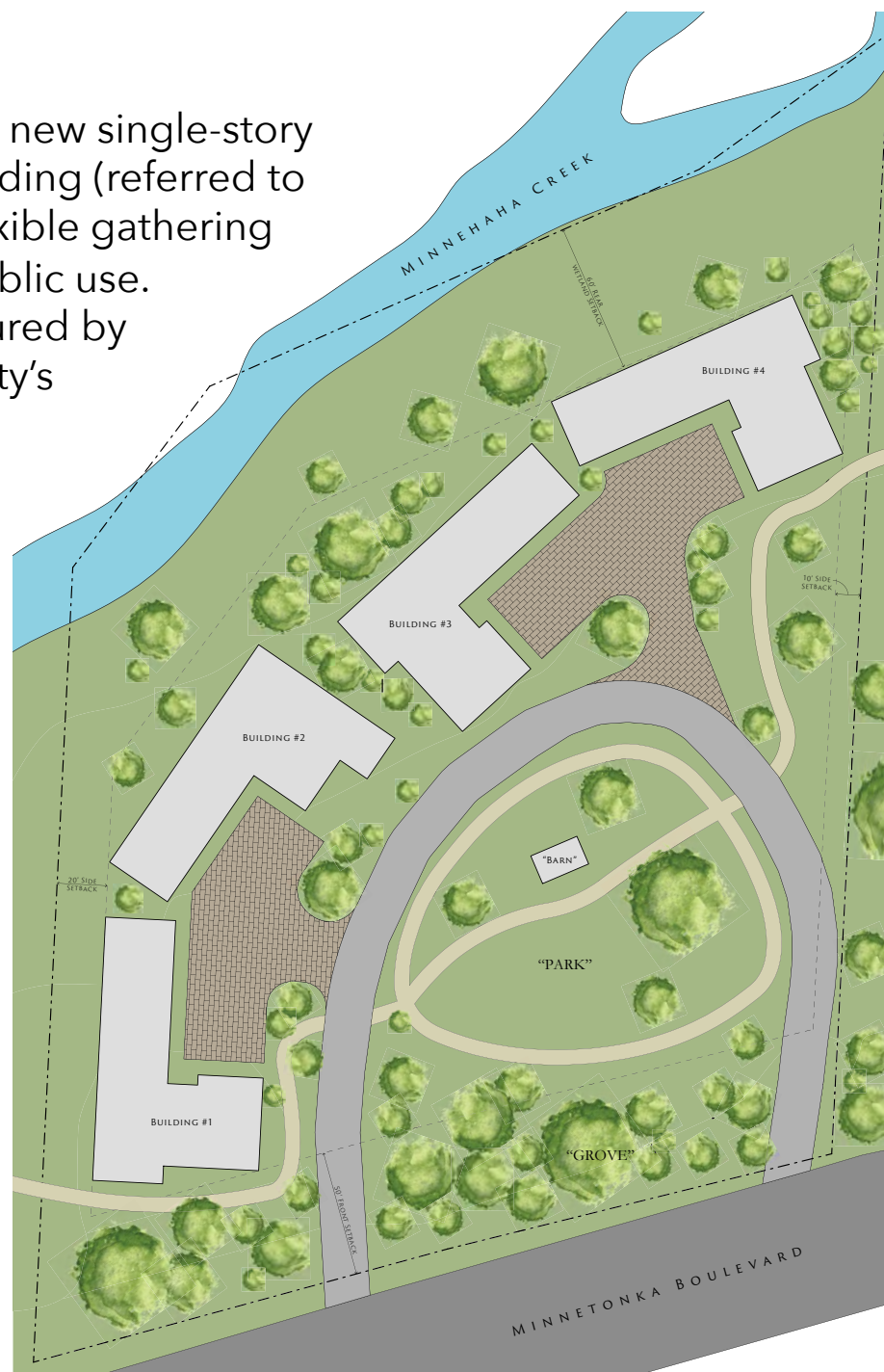
Address
12620 Minnetonka Blvd.
Minnetonka, MN 55305

Current Use
Single Family Home

Proposed Use
Four single-family homes



We are proposing to build four new single-story homes, a small community building (referred to as the "Barn") to be used as flexible gathering space, and walking trails for public use. Views from the street are obscured by existing trees along the property's southern border





One of the homes overlaps with the city's newly adopted floodplain. We propose to reroute it to the south of Building #1



1. Project Overview
2. Four Special Homes
3. English Rose
4. Community Benefits



English Rose homes are architecturally significant and nestled into picturesque neighborhoods. Most are in Edina, where we have successfully operated since 1997. We opened our first Minnetonka home last year, renovating a beautiful mid-century modern residence originally built in 1971



9804 Oak Ridge Trails, Minnetonka, MN 55305



It was the childhood home of English Rose owner Joshua Wert

LakeMinnetonka Magazine

Returning Home

by Emily Gedde | Jun 2023

Senior Living, Interior Design



StarTribune

Owner of senior housing turns childhood home in Minnetonka into assisted-living facility

After his mother decided to move, the owner of English Rose renovated a midcentury showplace to welcome residents.

By Julie Kendrick Special to the Star Tribune | NOVEMBER 26, 2022 — 3:27PM





English Rose homes are beautifully appointed on the inside...



9804 Oak Ridge Trails, Minnetonka, MN 55305



.... and thoughtfully landscaped outside



9804 Oak Ridge Trails, Minnetonka, MN 55305



The four homes proposed for the new development will each be unique and custom designed by an architect



Illustrative



An abundance of windows provide residents with important natural light and views of the property's greenspace, most of which will be left undisturbed



Illustrative



Home exterior will use quality materials and include thoughtful architectural details



Illustrative

1. Project Overview
2. Four Special Homes
3. English Rose
4. Community Benefits



The real magic of English Rose, however, is *not* beautiful homes. It's the quality of care provided by our highly compassionate and professional staff



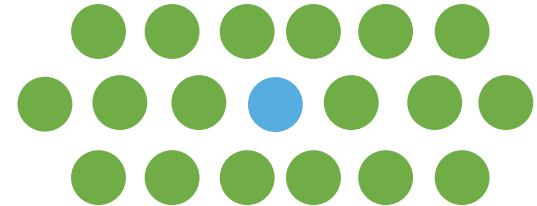


English Rose staff are carefully vetted and highly trained. Their primary purpose is to meaningfully engage with residents. They're able to do this because because of our unique staffing model

Caregiver to Resident Ratios

 Minnesota Average
Long Term Care Facilities

1:18



 English Rose

1:3*

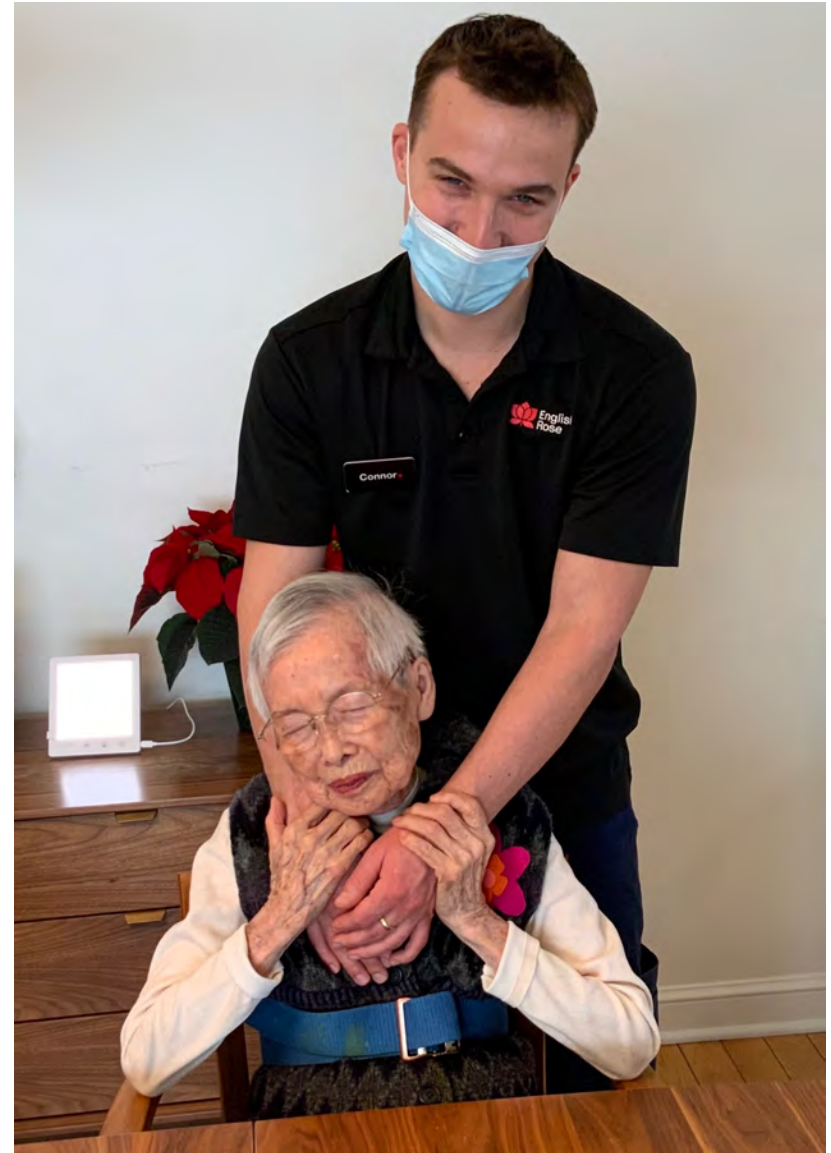




English Rose residents, all of whom required 24/7 care, maintain a sense of normalcy not possible in an institutional facility

English Rose Residents...

- Wake up when they want and go to bed when they want
- Home made meals and a kitchen full of their favorite snacks
- Participate in the operation of the home if they want to
- Welcome visitors to their home 24/7
- Run errands, see friends, attend religious services
- Benefit from house amenities massage, physical therapy, etc.
- Enjoy personalized engagement their hobbies and interests

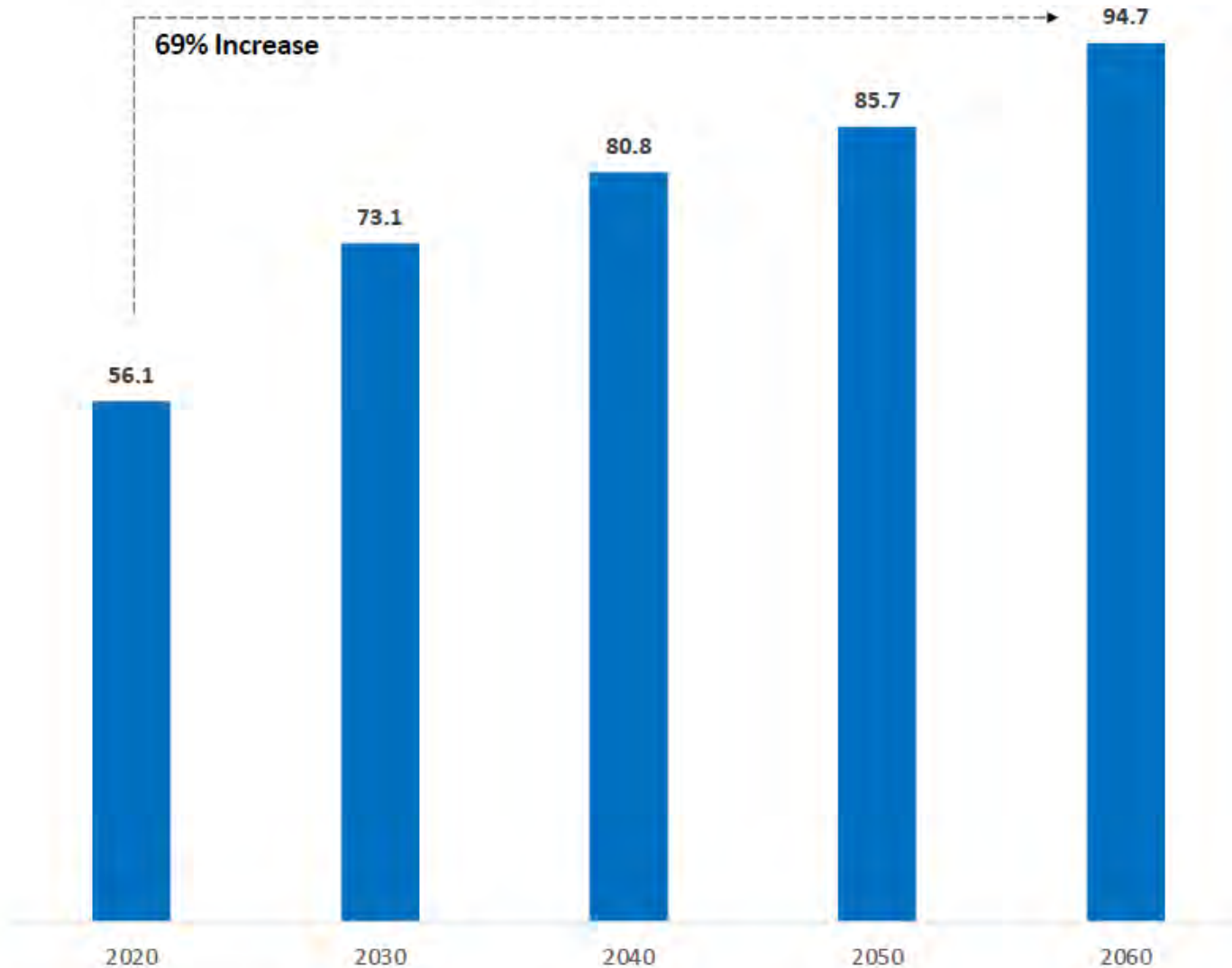


1. Project Overview
2. Four Special Homes
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By 2060, nearly one in four Americans is projected to be an older adult

Millions of Americans 65 Years and Older



Source: U.S. Census Bureau, 2017



Community are seeking a variety of innovative housing solution, as a recent New York Times article highlighted on July 3rd, 2023

Are “Dementia Villages” the Future of Care?

Treatment solutions outside the United States blur the line between home, hospital, and hospitality



Carpe Diem in Norway offers two- and three-story residential buildings in varying shades of brick and wood to create a contained civic space where residents can roam freely, with supervision



Dementia Villages are communities where residents safely live in a familiar neighborhood environment



Rendering of a future new Jersey Dementia Village comprised of 15 homes in a farmhouse aesthetic. *Source: New York Times*



Dementia Villages are a much more humane environment than secured memory wards in large-scale institutional facilities



Rendering of a future new Jersey Dementia Village comprised of 15 homes in a farmhouse aesthetic. *Source: New York Times*



An important component of the proposed development is the “Barn”, a small single-story gathering space that can be used for a variety of different activities



Photograph for illustrative purposes only

Examples of Uses

- Gardening Center
- Sensory Room
- Yoga Studio
- Popup General Store
- Movie Theater
- Project Space
- Community Education



The goal is to break ground next Summer and welcome residents in Fall 2025

Proposed Timeline



* Making this the first Dementia Village in the United States!



Many community benefits are generated by this inspired development

Community Need	Senior housing solutions a priority as baby boomers age
Innovative Care Solution	Nothing like this anywhere in the United States
Operational Excellence	25+ years experience operating quality care homes
Better than Six Homes	Standard R1 development is six new \$2 million homes
Green Development	Minimal impact on environment (e.g., all homes built on slab)
Public Park	Connected to existing trails and invites the community in
Inspired Built Form	Quality materials and elevated design
Single Use Neighborhood	Avoids mix-used neighborhoods created by standard care homes
Minnetonka Families	Families want their loved ones nearby - not out in Medina, for example
New Jobs	Generates important caregiver jobs (\$20-30 / hour) in Minnetonka



I look forward to partnering with the community as we explore this exciting opportunity

- Questions?
- Observations?
- Comments?
- Ideas?
- Insights?
- Recommendations?

Thank You



Joshua Wert
612-965-4040
joshua@joshuawert.com

Memorandum

To: Bria Raines
From: Joshua Wert
Date: December 20, 2023
Re: Second Neighborhood Meeting

Bob Olson organized a neighborhood meeting in his backyard at 4pm on Wednesday, December 20th, 2023. We chose that time so that we could collectively view from across the creek the property owned by Roger Anderson while the sun was still up. The meeting was attended by seven neighbors, all of whom live on Burwell Drive and all of whom were invited to, and some who attended, the first neighborhood meeting held the prior week at City Hall on December 11th.

Standing on Mr. Olson's dock, topics discussed included:

- **House placement:** Referencing the preliminary conceptual design, we collectively guesstimated the location of each home, acknowledging that the actual location will be influenced by wetland and floodplain setbacks and other considerations.
- **House design:** For neighbors who were not able to join us last week at the first neighborhood meeting, I referenced English Rose's high design standards. I shared my belief that there would be
- **Tree Removal:** One neighbor asked if I could indicate which trees would be cut down. Of course, I could not as everything is too preliminary, but I shared with her that I had no plans to remove any trees I didn't have to and that I was willing to add trees if doing so helped create a reasonable screen. I shared with her that a tree inventory would be done this Spring and once plans were finalized, we would know which trees were going to stay.
- **Wetland Encroachment:** Two neighbors on the north side of the creek told stories about the challenge of accommodating wetland setbacks when renovating their home. I assured them that I would not encroach the wetlands and that an advantage of building from scratch is that I can set the foundations appropriately based on the most up to date delineation and regulations.

- **Exterior Lighting:** Everyone was pleased to hear that there are no exterior light requirements associated with care homes licensed by the MN Department of Health, our operation does not require us to light up the backyards, and that I would be happy to make any reasonable accommodation to ensure that English Rose is a beloved neighbor. They shared a desire to keep the sky dark at night (i.e., minimize light pollution). I assured them that English Rose shares the sentiment and that, conveniently, most of our residents are in bed by 7pm.
- **The English Rose business model:** Discussed English Rose's unique approach to care. A few neighbors joked that it would be nice to know that when they start to suffer from memory loss, they could just cross the river to check in.
- **Shift timing and Light:** Shift changes occur, generally, at 6am, 2pm, and 10pm. One neighbor was concerned about automobile headlights shining into their home when caregivers come and go. I promised them that we will ensure that does not happen through design or landscaping.
- **Traffic from staff and visitors:** I shared with them that on average, during the day, there will likely be five cars per home, three from caregivers plus two from visitors.
- **Fencing:** One neighbor asked if I would need to install fences in the backyard to ensure resident safety wasn't compromised by the presence of a creek. I explained that the homes would all have back decks from which the residents could enjoy the view of the creek, but that they are never outside without supervision. Moreover, all outdoor activities (walking, yardwork, outdoor programming, etc.) would occur in front (to the south) of the homes. I do not plan to have any fencing installed between the homes and the creek.

It was a super friendly discussion. I promised to email them a copy of the presentation I shared on December 11th, and invited everyone to stay in touch throughout the process.