

MINNETONKA PLANNING COMMISSION
September 7, 2017

Brief Description	Items concerning Shady Oak Road Redevelopment: 1) Comprehensive guide plan amendment; 2) Rezoning, 3) Subdivision, and 4) Site and Building Plan review
Recommendation	Recommend the city council adopt the ordinance and resolutions approving the proposal.

Previous Planning Commission Meeting

The planning commission reviewed the project and held a public hearing at the August 24, 2017. At that meeting the planning commission tabled the item as recommended by staff. The recommendation to table stemmed from the staff concern regarding depth of fill over the city's sanitary sewer main located on the western portion of the property.

Since the Planning Commission Meeting

The applicant has provided revised plans to address that concern. The plans reduce the amount of fill over the sanitary sewer line, modify the parking lot design and access driveway on Oak Drive Lane and slightly alter the landscaping plan. The building design and location on the property remain unchanged. (See revised plans dated 7/24/17).

During the planning commission discussion, the commission requested additional information on the following:

- community benefits of the proposal, in addition to affordable housing,
- how should the commission consider safety issues related to traffic, pedestrians and bicyclists, and
- elaboration on sustainability of the project.

In response, staff offers the following:

Community Benefits

In addition to providing affordable housing to residents, the project has the following community benefits:

- Additional residents and housing units that contribute to the city's 2040 (and 2030) housing goals,
- Removal of a blighted property,
- Clean-up of a contaminated property,
- Increase in greenspace and landscaping,
- Treatment of surface water run-off,
- Buffering of the adjacent wetland,
- Additional sidewalks for pedestrian mobility.

Safety issues related to traffic, pedestrians and bicyclists:

- Some important considerations include:
 - Appropriately designed roadway and sidewalk systems,
 - Separation of vehicles and pedestrians,
 - Adequate sight visibility, and
 - Lighting at intersections and sidewalks.

Sustainability

Site and building improvements that contribute to the project's sustainability include:

- Construction of a new residential building under the recently adopted state energy code that will reduce overall building energy demands,
- Overall intelligent building system features – i.e. lighting and water efficiencies.
- The proximity of residential housing adjacent to commercial services,

- The availability of Metro Transit bus service on Shady Oak Road adjacent to the site,
- Accessibility to future light rail transit station,
- Removal of a blighted property,
- Clean-up of a contaminated property,
- Increase in greenspace and landscaping,
- Treatment of surface water run-off,
- Overall reduction in site impervious surface,
- Buffering of the adjacent wetland,
- Additional sidewalks for pedestrian mobility,
- Inclusion of playground, and
- Inclusion of bike storage facilities.

Additional public comments have been submitted since the August 24, 2017 planning commission meeting. (See attachments).

Background (previous report)

The city of Minnetonka purchased the property at 4312 Shady Oak Rd. in March 2015. In November 2016, after several neighborhood meetings and a developer interview process, the city council selected Ron Clark Construction to begin negotiations and propose a development concept.

A concept drawing and site plan were presented in February and April of 2017. In June 2017, following community and city feedback, Ron Clark Construction announced it would make modifications to the concept plan. The revised concept plan was submitted as a formal application on July 24, 2017 and presented at an open house on August 2, 2017.

Formal development plans were submitted to the city on July 24, 2017. The city council introduced the ordinance rezoning the property on August 14, 2017. At the meeting, council members commented on the following:

- **Building design** – the changes to incorporate a flat roof, 2-story features and the L-shape were positive changes.

- **Similar projects** - requested information about similar high-density residential projects that were adjacent to single-family neighborhoods. What are the views from the southwest in terms of existing trees?

Three neighbors also provided public comments regarding the following – traffic, desire for low density affordable housing, concerns about high density residential adjacency to single family homes, health concerns, and the building design is not forward looking.

Proposal

Ron Clark Construction is proposing a three-story, 49-unit apartment building on the property located at 4312 Shady Oak Road. The proposed apartment building would have underground parking, resident community room, exercise room, on-site manager's office and an outdoor play area. The building would have a mix of 1, 2 and 3 bedroom apartments with rents expected to be between \$800 and \$1200 per month.

The proposal requires: (1) Comprehensive Plan amendment, (2) Rezoning, (3) Subdivision and (4) Site and Building Plan review. Specifically, the proposal requires approval of:

- 1) **Comprehensive Guide Plan Amendment.** The 2030 Comprehensive Guide Plan designates the site for commercial land uses. The proposal requires an amendment to high-density residential.
- 2) **Rezoning.** The property is zoned B-2 and R-1. The applicant is requesting a rezoning to Planned Unit Development.
- 3) **Subdivision.** The applicant is proposing to subdivide a portion of the adjacent and also city-owned residential property and allowance for stormwater management to occur on that property with an easement.
- 4) **Final Site and Building Plans.** By city code, site and building plan review is required for construction of any new building of the proposed size.

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**

The subject property is located along Shady Oak Road just south of Oak Drive Lane. The property is 1.63 acres in size and is occupied by a 25,680 square foot retail building. The site general slopes from east to west with a grade change at

the lower level building walkout. Existing hardsurface covers approximately 89 percent of the property.

- **Existing Zoning and Guide Plan Designation**

The property is currently zoned B-2, commercial. It is designated as commercial in the comprehensive guide plan.

- **Proposed Use**

As proposed, the 3-story apartment building would include 49 units with 1, 2 and 3 bedroom configurations. The building program schedule identifies 12 one-bedroom units, 23 two-bedroom units and 14 three-bedroom units. The building would have a footprint of 23,461 square feet and total gross building area of roughly 87,996 square feet, including underground garage space. The lowest garage level would include areas for building mechanical/electrical systems, trash, stairway and elevator accesses.

The three-story building is a flat roof design approximately 35 to 37 feet in height with shorter two-story areas at the north and south ends of the building which are 26 feet in height. The building would be faced with brick and composite materials. Two entry points are located along Shady Oak Road, a third on the south elevation and a fourth on the west elevation from the surface parking lot.

The building would be served by 89 parking stalls which include 66 under-building garage spaces and 23 surface parking stalls on the west side of the building. The main vehicular access to the site and building parking areas would be off Oak Drive Lane. (See attached).

	Shady Oak Crossings
Footprint	23,461 sq.ft.
Total Habitable Space*	87,996 sq.ft.
Floor Area Ratio	1.28
Hardcover	53 percent
Number of Units	49
Stories	3 stories
Density	31 units/acre

- **Surface Water Management**

The existing site has no surface water management system. As proposed, a storm water treatment basin would be constructed on the adjacent city-owned property

to accommodate the development. The storm water basin would be located in the rear yard of the existing home and north of the existing trees along the wetland edge. The storm water pond is sited to minimize impacts to the existing trees. The storm water pond would be required to meet surface water treatment minimums.

Primary Questions and Analysis

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

- **Are the changes to the comprehensive guide plan and zoning appropriate?**

Yes. The comprehensive guide plan change from commercial to high density residential and rezoning from commercial to planned unit development are appropriate. The subject property is currently zoned B-2, commercial. Changing the zoning to PUD, planned unit development, would be considered a downzoning of the property. Downzoning of property generally means that the anticipated use and adjacent property impacts would be lesser than under the existing zoning. In this case, staff's opinion is that the proposed 49-unit apartment building would have fewer negative impacts than the existing commercial building and tenants that may locate and operate within it would have on the surrounding neighborhood and commercial corridor. Those reduced impacts include the following:

- Surface water management and treatment,
- Garbage and refuse management,
- Increase in green space,
- Building and parking lot lighting spill and glare,
- Clean up of a contaminated property,
- Potential for a number of commercial businesses generating noise, odor and other potential nuisance conditions.

There is market demand for increased density and affordable housing. Since 2005, the city has studied a number of [redevelopment options](#) for the Shady Oak Road corridor and specifically for this property. Those options have ranged from commercial to a number of mid- and high-density residential alternatives. Again in 2016, the city conducted a specific engagement process for the property with the full intention of exploring redevelopment alternatives. Similar to the 2005 study, the alternatives generated by the neighborhood participants were mid- and high-density residential housing. In 2016, the city received four high density residential

concepts through its Request for Information solicitation to the development community. Three of the four concepts were apartment concepts ranging between 69 and 72 units. The fourth concept was the three story 56 unit Ron Clark apartment proposal. The city ultimately entered into negotiations with Ron Clark.

Locating higher density housing along more highly traveled roadway corridors and in close proximity to commercial services is good land use practice. The subject site is located along Shady Oak Road which is an arterial street. The location affords residents the ability of easy and convenient roadway and bus route access. Its location also provides the ability to walk or bike to commercial businesses and services along Shady Oak Road and downtown Hopkins. There are a number of high density residential housing units immediately adjacent to single family residential neighborhoods. This project would be as well. However, its location on the Shady Oak Road provides screening, buffering and less impactful use characteristics to the residential neighborhood that otherwise would not be possible if the property remained as a commercial use.

Planned unit development zoning is a commonly used zoning tool by the city to achieve specific objectives with a development project to further city goals. As defined in city code, "...PUD zoning may be considered by the city when it would result in one of the following public benefits:

- 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."

The code further states that, "...a PUD may be approved when the following general standards are met:

- a) The PUD results in at least one of the public benefits as outlined in section 2 of this ordinance;

b) The PUD is consistent with and advances the community-wide goals of the comprehensive plan; and

c) The PUD is appropriately integrated into existing and proposed surrounding development. This does not mean the PUD reflects the specific standards of the surrounding area such as lot size, density, setbacks, or design. While integration may be achieved through such standards, it may also be achieved through continuation of existing land use types, architectural transitions, landscape buffering, or other means.”

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

Yes. The applicant has proposed a three-story building, with underground parking that is an architecturally attractive and fits in the context of the Shady Oak Road commercial corridor. The building would be faced with brick and composite materials. The building would have a flat roof with two-story features at the north and south ends to soften the edges at Main Street and Oak Drive Lane intersections with Shady Oak Road. Apartment units would have glass sliding doors with a deck attached to the unit. The applicant has also proposed a landscaping plan that would over story trees along the street frontages to soften the building appearance. These features have improved the building aesthetics, impact and site functionality since the initial concept plan submittal. (See attached).

The proposed project would extend the sidewalk along Oak Drive Lane from Shady Oak Road to the driveway. The applicant has proposed internal walkways to connect the sidewalk to building access points. A tot lot play area is proposed for residents on the west side of the building.

Summary Comments

Staff supports the proposal. The revised site plan reduces the fill over the sanitary sewer line to better address grading and parking lot design issues noted during the August 24, 2017 review. As noted, the building design and location on the site remains unchanged with these revisions.

Staff Recommendation

Recommend the city council adopt the following:

- 1) Resolution approving a comprehensive guide plan amendment;
- 2) Ordinance rezoning the property from B-2 to R-1; and
- 3) Resolution approving final site and building plans and preliminary and final plat.

Originator: Loren Gordon, AICP, City Planner

Supporting Information

Surrounding Northerly: storm water ponding property; guided low density residential

Land Uses Easterly: Single family residential in the city of Hopkins
 Westerly: Single family residential; guided low density residential
 Southerly: commercial retail in the city of Hopkins

Planning Guide Plan designation: Commercial
 Existing Zoning: B-2, commercial

Development Standards

The proposed development standards are included as the regulatory standards under the planned unit development ordinance.

	Proposed
Building Setbacks	
North property line	40 ft
South property line	10.4 ft
East property line	16.5 ft
West property line	48 ft
Other Setbacks	
Floodplain	n/a
Wetland	n/a
Floor Area Ratio	0.74
Impervious Surface	53%
Density	31 units/acre
Height	36 ft.

Previous Reviews And Public Engagement The city has been actively involved in promoting redevelopment of the site. The following is a summary of meetings and open houses for the Ron Clark project.

City Council, Economic Development Advisory Commission and Planning Commission Meetings

August 24, 2017 – Planning Commission Meeting

- Review of the formal application
- Public hearing

August 14, 2017 - Joint EDAC/City Council Meeting

- Review of project financials
- Introduction of the rezoning ordinance

April 24, 2017 - City Council Meeting

- Concept plan review

February 27, 2017 - City Council Meeting

- Concept plan review

February 16, 2017 - Planning Commission Meeting

- Concept plan review

November 14, 2016 - City Council Special Meeting

- Shady Oak Road Redevelopment Developer Interviews

Open House and Neighborhood Meetings

August 2, 2017 – 7:30-9 a.m., 11 a.m.-1 p.m., 5-7 p.m.

- Updated concept plan. Feedback collected via Minnetonka Matters. Additional feedback was collected via Minnetonka Matters. Please note, City of Minnetonka staff documented feedback from the April 6 meeting on the discussion forum using the "Minnetonka Matters" admin account.

February 15, 2017

- Presentation of concept plan

Shady Oak Road Redevelopment Study

April 7, 2016

- The third meeting discussed feedback we have received and more development option information.

February 11, 2016

- The second meeting discussed, in more detail, the possible redevelopment of the property.

January 13, 2016

- Discuss the future of the property including a general outline of a process that will take place over several months and potential changes to the property.

City Actions

The proposal includes the following applications: (1) Comprehensive Plan amendment, (2) Rezoning, (3) Subdivision and (4) Site and Building Plan review. Specifically, the proposal requires approval of:

- **Comprehensive Guide Plan Amendment.** The 2030 Comprehensive Guide Plan designates the site for commercial land uses. The proposal requires an amendment to high-density residential.
- **Rezoning.** The property is zoned B-2 and R-1. The applicant is requesting a rezoning to Planned Unit Development.
- **Subdivision.** The applicant is proposing to subdivide a portion of the adjacent and also city-owned residential property and allowance for stormwater management to occur on that property with an easement.
- **Final Site and Building Plans.** By city code, site and building plan review is required for construction of any new building of the proposed size.

Preliminary and Final Plat

The preliminary and final plat reorients the existing property line between the two city owned parcels. The property line readjustment provides room for the apartment parking lot and additional frontage for the single family home. (See attached). Staff has reviewed the request and determined that the proposal meets city ordinance.

Stormwater

As proposed, drainage from the site would be managed in an open pond to the west of the building. As a condition of approval, a final stormwater management plan and specifications must be submitted prior to issuance of a grading permit. The plans must meet the standards of the city's Water Resources Management Plan, incorporating rate control, volume control, and water quality treatment.

Stormwater reuse was researched, but was determined that it was not a feasible option due to financial limitations.

Solar Energy

Solar energy opportunities are not proposed but are always an option for the property.

Utilities

Public water, sanitary, and storm sewer facilities are available to the site from Oak Drive Lane. A 50-foot sanitary sewer easement extends along the west property line. The easement

provides clearance for a 54-inch sanitary sewer pipe that services a large portion of the city.

Sidewalks

A sidewalk exists on Shady Oak Road which was newly constructed along with the roadway improvements. An additional sidewalk is proposed along the north side of the site.

Traffic and Parking Study

The city commissioned a traffic study to:

1. Understand existing traffic and parking conditions of the site;
2. Evaluate potential impacts of the proposed redevelopment; and
3. Address improvement options for any issues, if necessary.

In evaluating each of these items, the city's traffic engineering consultants drew on general engineering principles, as well as specific observations of the existing site. (See attached). The study generally concluded the project would have no negative impacts to the surrounding roadway system. A few of the study's key findings include:

- The level of service for traffic on Oak Drive Lane approaching Shady Oak Road at the development site is LOS "A" in the a.m. peak hour and LOS "B" in the p.m. peak hour with a maximum queue of two vehicles under existing conditions.
- The proposed site will generate 30 trip ends in the a.m. peak hour and 47 trip ends in the p.m. peak hour with almost all of the traffic using the Oak Drive Lane and Shady Oak Road intersection. Very little if any traffic would use Oak Drive Lane to go west.
- With the development of the site, the level of service for traffic on Oak Drive Lane approaching Shady Oak Road at the development site is LOS "B" in the a.m. peak hour and LOS "C" in the p.m. peak hour. The average increase in delay is 3 seconds/vehicle and the maximum queue length is two vehicles.

Since the completion of the traffic study, questions have been raised about the desire to include left and right turn lanes on Oak Drive Lane at Shady Oak Road. The city explored this potential

design change with Hennepin County as the expanded lanes would require changes to the newly constructed lane divider medians on Shady Oak Road. The County responded that it would not approve the design. Further, traffic conditions do not warrant the change.

Parking

The city code requires 2 parking spaces per unit for multi-family developments with one of those spaces located in an enclosed structure. As proposed, the Shady Oak Crossings project would provide 89 of the required 98 parking spaces or a ratio of 1.82 parking spaces per unit and 0.89 spaces per bedroom. Although 9 spaces short of the traditional code standard it is more than the number of parking spaces per unit for other recently approved apartment projects.

Shady Oak Crossings		
	Number of Spaces Required	Number of Spaces Provided
Underground	49	66
Surface	49	23
TOTAL	98	89

	Stalls per Bedroom	Stalls per Unit
Traditional Code Standard	n/a	2
ITE	n/a	1.10-1.37
Shady Oak Crossings Proposed	0.89	1.82
Tonka on the Creek	1.15	1.49
Carlson Island	1.03	1.55
The Ridge	.93	2
Highland Bank	1.2	1.78

Transit

The site at 4312 Shady Oak Road is served by bus routes 12 and 670. The nearest bus stop is located directly across the street from the site at Main Street and 20th Avenue North in Hopkins. Bus route 12 connects Minnetonka riders to Hopkins, St. Louis Park, and Minneapolis with service every 12-30 minutes during the weekday between 6:00 a.m. - 7:00 p.m. Express route 670 provides riders weekday express access to downtown in the

morning and evenings. In addition, the proposed Southwest LRT Shady Oak Road station is approximately a half mile from the proposed project. When completed in 2021, riders will have service to downtown Minneapolis and St. Paul.

Building Design

The proposed building would have a three-story appearance but have two-story features to soften the north and south building ends. (See attached). The proposed building would have a code-defined height of 36 feet as shown.

Building materials would include brick and composite materials. As a condition of approval, a final materials and color palette board must be submitted for staff review and approval.

Natural Resources

Trees

There are 38 significant trees on the site, one high priority tree and 2 that are structurally unsound. As proposed, the project would remove 1 high priority tree and 15 significant trees. The subject proposal would meet the tree protection ordinance.

There are a couple opportunities to increase the tree preservation by reconfiguring the storm water basin to save high priority tree 4822 and tree 4828.

If tree 4822 cannot be saved through grading changes mitigation will be required for it and two significant trees (4804 and 4805) for a total mitigation of 48-inches or 24, two-inch trees. The landscape plan indicates that they will plant 40 deciduous trees so this will satisfy the mitigation requirement.

Landscape Plan

Generally, the landscape plan meets ordinance requirements and staff approves it with the following comments:

- Trees cannot be planted within the utility or sanitary easement line. These could be relocated to the adjoining city property.
- A final landscape plan be provided for review and approval by staff.
- Provide a final project and landscape value.
- Plantings surrounding the pond be of a native seed mix.

- Thirteen maples are specified consider substituting 5 with a different genus for added diversity.

Wetland Items

- A 16.5-foot buffer with conservation easement around the wetland is required.

Erosion Control

- Meet city standard erosion control requirements including compliance escrow and the installation and maintenance of erosion control devices during construction.

Affordable Housing The project proposes all 49 units would be affordable to persons earning 60 percent of the area median income. Rents would also be required to meet certain affordability requirements.

The city's current comprehensive plan contains policy language addressing affordable housing. The following is excerpt from the plan addressing the city's position.

Minnetonka has actively worked to provide opportunities for new affordable housing in the city. For example, a policy of the EDA is that 10 to 20 percent of new multi-family units should be available as affordable housing. Additionally, one of the criteria that the city Chapter V. Housing 2030 Comprehensive Guide Plan V-20 utilizes for considering land use plan changes is the inclusion of affordable housing in a project.

The city is working to achieve the 2010 Livable Communities Act goals and the 2011-2020 goal for new affordable housing as set by the Metropolitan Council. The city has met the 2010 Livable Communities Act goal for new affordable owner-occupied housing; however, it is behind the 2010 Livable Communities Act goal for the construction of new affordable rental housing. In spring 2008, the city will be 111 units short of achieving the 2010 Livable Communities Act affordable rental housing goal.

The 2020 goal is for the addition of 383 new affordable units between 2011 and 2020. Since the city is fully developed, these units will likely be added to the city's affordable housing supply through infill or redevelopment opportunities. Additionally, in order to make the units affordable, it is probable that the units will

be multi-family (either owner-occupied or rental) due to the high land values in the city.

Actions

- a. Continue working with developers to include affordable housing in their developments, where appropriate.*
- b. Continue to work with developers in the development process to ensure the long-term affordability of units.*
- c. Work with Homes Within Reach and other affordable housing agencies and developers to add more affordable housing units in the city. Collaborate and support applications for grants or other funding sources for affordable housing. Provide information to these agencies on homes or areas of the city where affordable units could be located.*
- d. Locate new affordable and senior housing near access to the transit system, as appropriate.*
- e. Encourage multi-family rental developments where affordable housing is currently being provided to extend their affordability contract, if it is expiring, in order to continue providing affordable rents.*
- f. Make sure affordable housing is distributed throughout the entire community to prevent concentration in one particular area of the city.*
- g. Promote the use of green technologies, sustainable building techniques and design, and energy efficient products in new construction and redevelopment projects.*
- h. Support the implementation criteria for residential development, especially as it relates to affordable and mid-priced housing opportunities established in Chapter IV – 2030 Land Use.*

As the city works to update the comprehensive plan, affordable housing issues are becoming more difficult to address. Recent housing data prepared by the city's housing consultant suggests that in the past 5 years the city had 800 rental and 1000 owner occupied units drop out of the defined affordability range. A number of variables such as housing reinvestments, changing resident income levels and programs contribute to that loss. This

further emphasizes that housing affordability continues to be a difficult issue for the city to address.

Motion Options

The planning commission has four options as noted below.

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council approve the comprehensive plan amendment, rezoning, preliminary and final plats, and site and building plan.
2. Disagree with staff's recommendation. In this case, a motion should be made recommending the city council deny the comprehensive plan amendment, rezoning, preliminary and final plats, and site and building plan.
3. Concur with some of staff's recommendations and disagree with the others. In this case, a motion should be made recommending approval of the some and denial of the others. This motion must include a statement as to why denial is recommended.
4. Table the requests. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

Neighborhood Comments

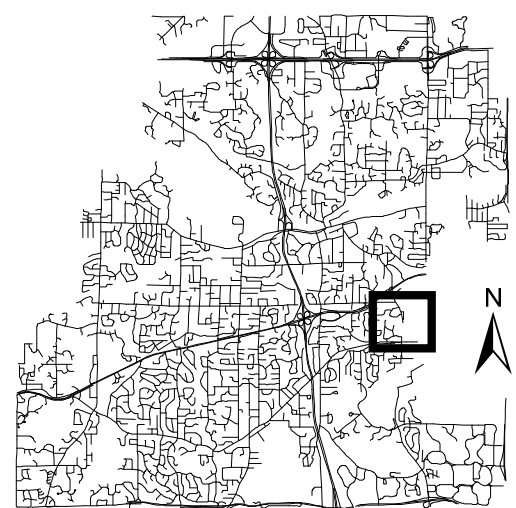
At the time of publication of this report, the city had received a number comments regarding the formal application that are included in the attachments. Notices were sent to 365 property owners in Minnetonka and Hopkins prior to the August 24, 2017 meeting and again prior to the September 7, 2017 meeting. In the last distributed email regarding this project, 756 emails were distributed, 34% of the 756 opened the email, 12% then linked to the information contained in the email.

Deadline for Action Waived



LOCATION MAP

Project: Shady Oak Redevelopment
Address: 4312 Shady Oak Rd.



This map is for illustrative purposes only.



7500 West 78th Street
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Monday, July 24, 2017

Loren Gordon
City of Minnetonka
14600 Minnetonka Blvd
Minnetonka, MN 55345

RE: Shady Oak Crossing Project Narrative

Ron Clark Construction is proposing a three-story, 49-unit apartment building on the property located at 4312 Shady Oak Road.

The proposed apartment building would have underground parking, resident community room, exercise room, onsite manager's office and an outdoor play area.

It is proposed to have a mix of 1, 2 and 3 bedroom apartments and they currently expect the unit rents to be between \$800 and \$1200 per month. (See attachments).

Zoning for the property is currently B-2, limited business district. The city's comprehensive plan guides the property for commercial use.

Rezoning and Comprehensive Plan: The proposed residential use requires a rezoning and guide plan change.

The proposed housing component would qualify the project for public benefit under the planned unit development zoning district.

A complementary high density residential comprehensive plan re-guidance would align with the zoning density of 31 units/acre. (49 units/1.58 acre).





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Building Design: The proposed 3 story building with a flat roof and two story components at each end represents significant first step in the redevelopment of the Shady Oak Road corridor between Highway 7 and Excelsior Boulevard.

This existing commercial building is dilapidated and unlikely to be a candidate for remodeling.

Other residential redevelopment in the area includes The Oaks of Mainstreet townhome development (late 1990s) at the corner of Shady Oak Road and Mainstreet.

The proposed apartment building incorporates a flat roof design and an articulated façade, underground parking and common building entry accesses.

Changes from Original design:

The proposed 3 story Apartment building has been redesigned in response to input from the neighbors, Planning Commission and Council.

The initial design presented at the 'Request for Interest' interview before the City Council was a 56-unit building with a gable roof. To address the collective concern for the overall size of the building we have reduced the number of units from 56 to 49 by removing two units from each end of the building and one unit from the outside corner. We also changed the gable roof to a flat roof.

These changes have reduced the building height to two stories as viewed from Shady Oak Road from the north, Main Street from the south and from the existing neighbors to the west.

Perimeter grades have been raised and retaining walls have been added to reduce the amount of exposed foundation from the base of the building. The building height as measured from average grade is now 35'-37' compared to the original proposed building height of 52'.

The Community Open House on January 11, 2006 sponsored by the Cities of Hopkins and Minnetonka presented a Shady Oak Road Redevelopment Study that showed all residential options for this site to be three stories.





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Site Design: Similar to the existing building, this proposal would site the apartment building toward Shady Oak Road while providing greenspace to separate the building from the sidewalk.

Surface parking and a tot lot are provided on the west side of the building.

Underground parking is accessed from Oak Drive Lane.

Site and building design considers the relationships of public and private spaces.

A strong relationship of the sidewalk, front yard space and the building's first floor is essential for great spaces.

Changes to Site Design:

The original proposed site plans had the entrance to the parking garage coming directly from Oak Drive Lane without an opportunity for the stacking of cars entering on to Shady Oak Road.

The building now has shifted south to allow the garage entrance to come from the surface parking lot to the west to now have only one entrance from Oak Drive Lane. This change allows for the stacking of cars entering Shady Oak Road.

As the building exterior has changed to a flat roof for a more 'Urban' design the building placement is now toward and connected to the sidewalk along Shady Oak Road while providing greenspace to separate the building from the sidewalk.

Significant landscaping and retaining walls will be placed at the north end of the building to screen the parking garage entrance. All efforts will be made to protect the existing trees as well as adding additional trees, landscaping and fencing to screen the existing neighbors from the surface parking.





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Stormwater Management:

The current property is covered with 1.22 acres of impervious surface and primarily drains to the wetland. The new development stormwater management system for the site will convey all site runoff to a new basin installed on the adjacent property to the West. The impervious area for the new development provides a 32% reduction from the existing site condition. The development will meet all management standards required by the City of Minnetonka, the Nine Mile Creek Watershed District and the MPCA NPDES Permit.

Traffic: The city consultant has prepared a traffic study of the area and it clearly shows that the new use will have less traffic than other currently allowed uses and the effect on the surrounding intersections is minimal.

We had discussions with the city and county about adding a right turn lane on Oak Drive Lane and the county said it was not needed and as such would not be allowed.

Financing: The project will be financed through the Minnesota Housing Finance Agency (MHFA) 9% tax credit program, The tax credit financing program is a public/private partnership whereby the tax credit investor receives federal tax credits for a 10 year period which we are able to convert into Equity for the project, this allows for a small mortgage but in return the rents must be kept at a level set by MHFA for 30 years, with a Tenant’s income restricted to 60% of the Median Income for the County., which currently for a family of 4 is \$54,240/year.

In addition MHFA does annual inspections of the property and require us to set aside about \$250,000 in reserves at closing and to set aside another \$22,050/year for major repairs and replacements. This assures that the building will be maintained at a high quality and continue to be an asset to the city for years to come.

If the project is approved by the city, we will be applying for tax credits in 2018 and if selected would plan to start construction on early 2019.





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55439

(952) 947-3000
fax (952) 947-3030

Professional Management: Steven Scott Management will be our management company, they are a highly respected local company.

We will have an onsite resident caretaker as well as a building manager who is at the building a minimum of 30 hours per week, along with a Senior Manager who oversees the building management.

As part of the maintenance and management of the building we are in each unit, normally monthly or bi-monthly to maintain equipment and to do a quick inspection to confirm no lease violations or undo wear and tear is happening.

Each resident in the household must pass extensive credit, criminal & housing history checks

The leases are also very clear as to our right to evict or non-renew a tenant for either a major lease violation or continued smaller issues. They also sign a Drug-free/Crime-free lease addendum.

Smoking is not allowed anywhere in the building.

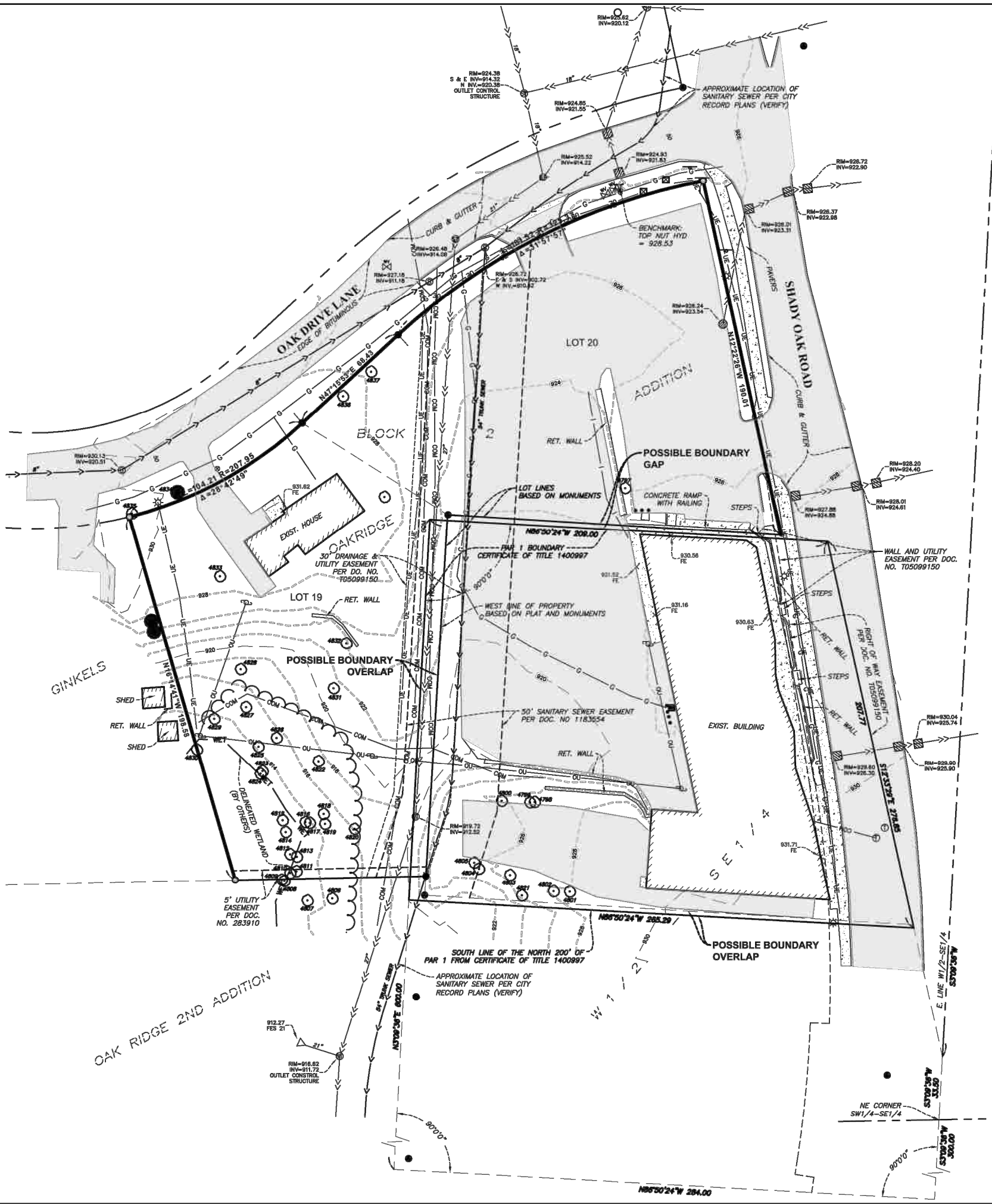


MN Builder License # 1220
www.RonClark.com

SUBMITTED PLANS

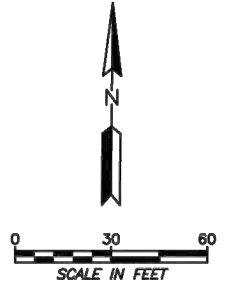
CERTIFICATE OF SURVEY

MINNETONKA, MN



LEGEND

- SET 3/4"ODx14" IRON PIPE WITH PLASTIC CAP 43055 OR MAG NAIL W/WASHER
- PROPERTY MARKER FOUND BY HENNEPIN COUNTY SURVEYOR
- FOUND MONUMENT
- ⊙ SANITARY SEWER MANHOLE
- ⊙ STORM SEWER MANHOLE
- ⊙ STORM SEWER INLET
- ⊙ STORM SEWER INLET
- ⊙ TELEPHONE MANHOLE
- ⊙ GAS METER
- ⊙ COMMUNICATIONS PEDESTAL
- ⊙ ELECTRIC MANHOLE
- ⊠ ELECTRIC TRANSFORMER
- ⊠ TRAFFIC SIGN
- BOLLARD/POST
- ⊙ UTILITY POLE
- ⊙ LIGHT POLE
- CONIFEROUS TREE
- DECIDUOUS TREE
- ⊙ WATER VALVE
- ⊙ HYDRANT
- STORM SEWER
- SANITARY SEWER
- WATERMAIN
- UNDERGROUND GAS LINE
- UNDERGROUND COMMUNICATION LINE
- OVERHEAD UTILITY LINE
- TREE LINE
- ▭ BUILDING
- ▭ CONCRETE SURFACE
- ▭ ASPHALT SURFACE



PROPERTY DESCRIPTION:

Certificate of Title 1400998

Lot 19 Block 2, Ginkels Oakridge Addition AND

Certificate of Title 1400997

Par 1:
All that portion of the tract or parcel of land described at paragraph "A" below, which lies Northerly of a line drawn parallel to and 200 feet Southerly of the North line thereof and the same extended, to-wit:

Paragraph "A". That portion of the West Half of the Southeast Quarter of Section 23, Township 117, Range 22, described as follows: Starting at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section; thence South along the East line of the West Half of the Southeast Quarter of said Section, a distance of 300 feet; thence Westerly at right angles to said East line for a distance of 284 feet; thence Northerly along a line parallel to said East line a distance of 600 feet; thence Easterly along a line at right angles to said East line 209 feet to the center line of McGinty Road; thence Southeasterly along the center line of McGinty Road to the East line of the West Half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.5 feet to the point of beginning.

Par 2:
Lot 20, Block 2, Ginkels Oakridge Addition

SURVEYORS NOTES:

1. Utility lines shown hereon are based on field markings and maps provided to us as a result of Gopher State One Call private utility locate (Ticket Numbers 170260089, 170260090), the surveyor cannot guarantee that all utilities were marked or that the markings/maps are accurate.
2. Horizontal Datum: Hennepin County Coordinate System NAD83(11)
3. Vertical Datum: NAVD88
4. Date of fieldwork: 2/3/2017
5. Gross area = 2.38 acres.
6. Portions of the subject property were covered by snow and ice at the time of survey, the surveyor does not guarantee that all improvements are shown hereon.
7. This survey was prepared based on a cursory title review, the surveyor does not guarantee that all or any adverse interests, easements or other encumbrances are shown or that the owner listed has fee title to the property.

SURVEYORS CERTIFICATION:

I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Chris Ambour Date
LS 43055

Responsive partner. Exceptional outcomes.

1802 WOODDALE DRIVE
WOODBURY, MN 55125

Ph: 651-395-5212

CLIENT NAME		PROJECT TITLE	
RON CLARK CONSTRUCTION & DESIGN		CERTIFICATE SURVEY	
DWN BY	CHK'D	APP'D	DWG DATE
MLH	CNA	CNA	6-FEB-2017
SCALE		1" = 30'	
#	REVISION DESCRIPTION	DWN	APP
1			
REV	REVISION DESCRIPTION	DWN	APP
PROJECT NO.		SHEET NO.	
1531-0009		2 OF 11	



MAIN STREET

23 PS.

TOT LOT

49 UNIT APARTMENT

OAK DRIVE LANE

SHADY OAK ROAD

SITE PLAN N →
1"=50'

7/24/17







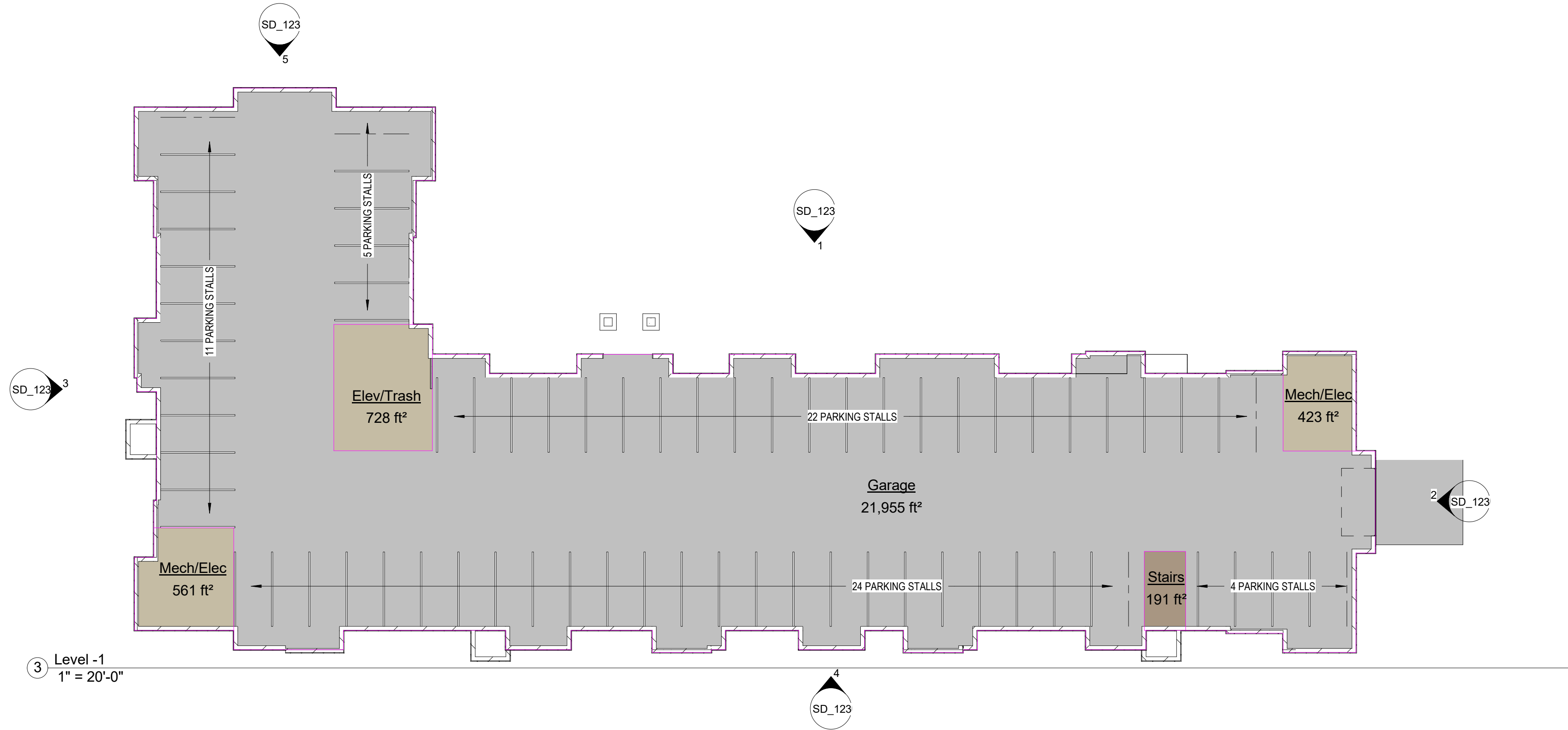




Area Schedule (Gross Units)			
Name	Count	Gross Area	Unit Type
Unit A1	10	818 ft ²	1BR
Unit A2 Type A	2	801 ft ²	1BR
	12		
Unit C1	13	1,015 ft ²	2BR
Unit C2	10	1,038 ft ²	2BR
	23		
Unit D3b	10	1,367 ft ²	3BR
Unit D4	2	1,328 ft ²	3BR
Unit D4 2	2	1,337 ft ²	3BR
	14		
Grand total:	49		

Parking Schedule	
Type	Count
Level -1	
Garage	66
Level 1	
Surface	21
Surface ADA	2
	89

Total Gross Area	
Level	Area
Level 3	17,268 ft ²
Level 2	23,410 ft ²
Level 1	23,461 ft ²
Level -1	23,857 ft ²
Grand total	87,996 ft ²



Project Number
Date
Drawn By Author
Checked By Checker

NOT FOR
CONSTRUCTION

Date
Revision
Rev. No.

Floor Plans

1" = 20'-0"

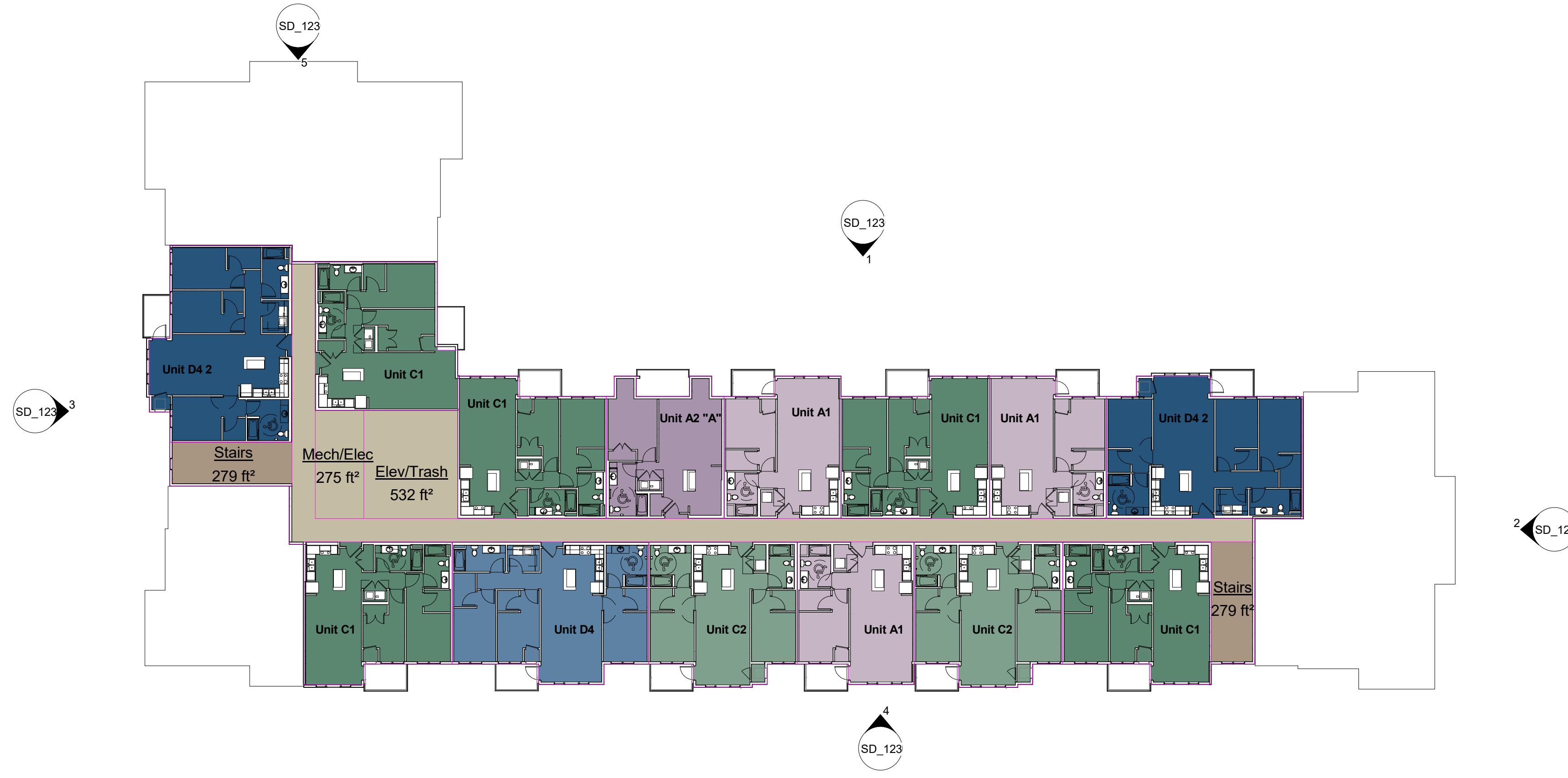
SD_121

Area Schedule (Gross Units)			
Name	Count	Gross Area	Unit Type
Unit A1	10	818 ft ²	1BR
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Level -1	23,857 ft ²
Grand total	87,996 ft ²



① Level 2
1" = 20'-0"



② Level 3
1" = 20'-0"

Project Number	
Date	
Drawn By	Author
Checked By	Checker

NOT FOR CONSTRUCTION

Date	
Revision	
Rev. No.	



BUILDING HEIGHT COMPARISON



VIEW FROM SHADY OAK ROAD
FIRST NEIGHBORHOOD MEETING



VIEW FROM SHADY OAK ROAD
PROPOSED ELEVATION

BUILDING WIDTH COMPARISON

8/17

WARNING:

THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING FOR LOCATIONS OF ALL EXISTING UTILITIES. THEY SHALL COOPERATE WITH ALL UTILITY COMPANIES IN MAINTAINING THEIR SERVICE AND/OR RELOCATION OF LINES.

THE CONTRACTOR SHALL CONTACT GOPHER STATE ONE CALL AT 651-454-0002 AT LEAST 48 HOURS IN ADVANCE FOR THE LOCATIONS OF ALL UNDERGROUND WIRES, CABLES, CONDUITS, PIPES, MANHOLES, VALVES OR OTHER BURIED STRUCTURES BEFORE DIGGING. THE CONTRACTOR SHALL REPAIR OR REPLACE THE ABOVE WHEN DAMAGED DURING CONSTRUCTION AT NO COST TO THE OWNER.

CALL BEFORE YOU DIG
GOPHER STATE ONE CALL

TWIN CITY AREA: 651-454-0002
 TOLL FREE 1-800-252-1166

SHADY OAK CROSSING MINNETONKA, MN

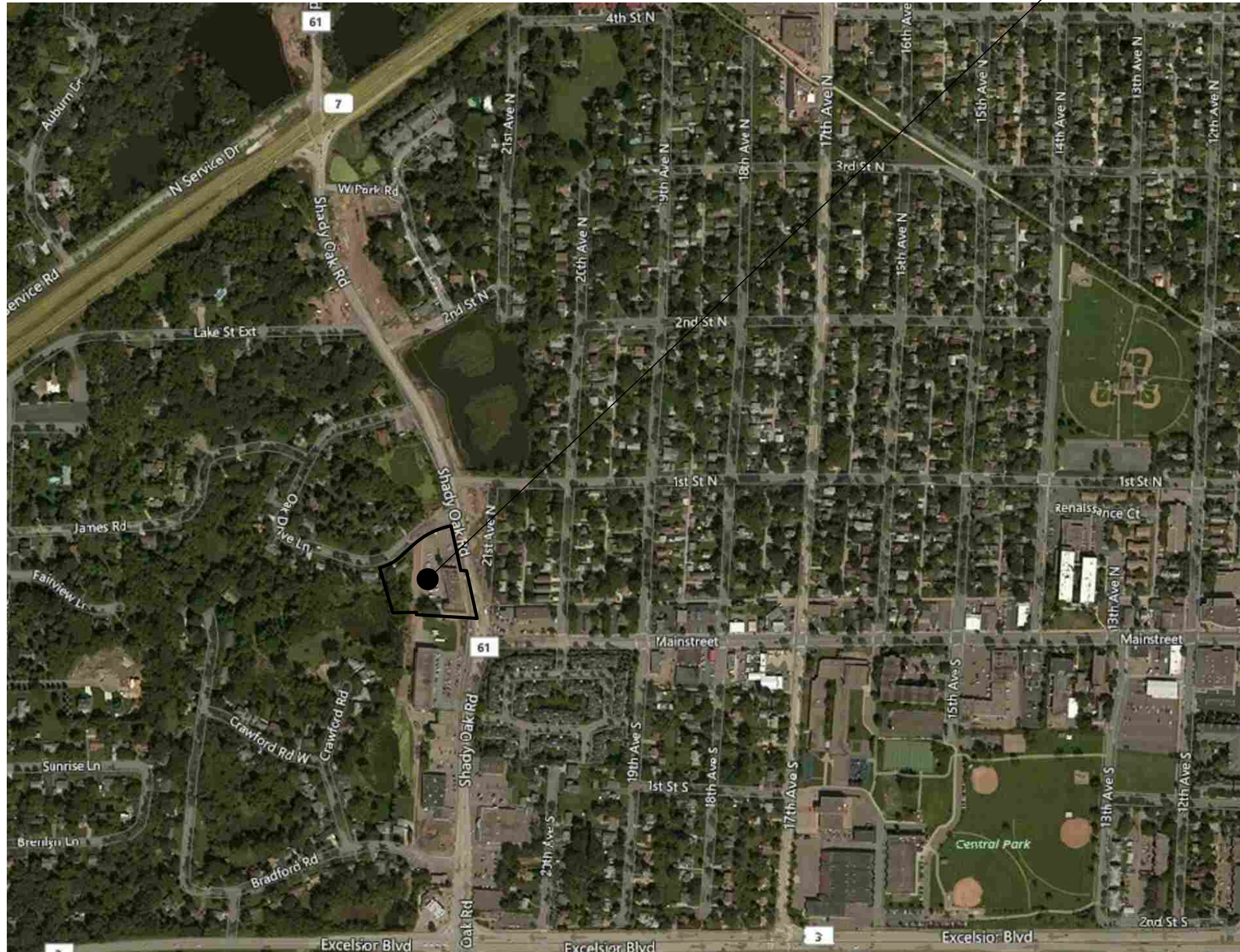
PROJECT DIRECTORY

OWNER:
 RON CLARK CONSTRUCTION & DESIGN
 MIKE ROEBUCK
 7500 WEST 78TH STREET
 EDINA, MN 55439
 PH. 952.947.3022
 EMAIL: MIKE@RONCLARK.COM

ENGINEER:
 CAMPION ENGINEERING SERVICES, INC.
 MARTY CAMPION
 1800 PIONEER CREEK CENTER
 MAPLE PLAIN, MN 55364
 PH. 763.479.5172
 EMAIL: MCAMPION@CAMPIONENG.COM

SURVEYOR:
 WENCK ASSOCIATES
 1800 PIONEER CREEK CENTER
 MAPLE PLAIN, MN 55359
 PH. 763.479.4200

PROJECT LOCATION



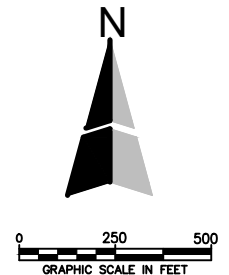
NOTE:
 BOUNDARY AND TOPOGRAPHIC INFORMATION PER SURVEY PREPARED BY WENCK ASSOCIATES, DATED FEBRUARY 6, 2017.

GOVERNING SPECIFICATIONS:

1. THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" LATEST EDITION & SUPPLEMENTS.
2. CITY ENGINEERS ASSOCIATION OF MINNESOTA (CEAM) STANDARD UTILITIES SPECIFICATIONS. (LATEST EDITION)
3. ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND ORDINANCE WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.
4. CITY OF MINNETONKA STANDARD SPECIFICATIONS & DETAILS.

INDEX

SHEET NO.	DESCRIPTION
1.	COVER SHEET
2.	CERTIFICATE OF SURVEY
3.	PRELIMINARY PLAT—SHADY OAK CROSSING
4.	PRELIMINARY SITE PLAN
5.	PRELIMINARY UTILITY PLAN
6.	PRELIMINARY GRADING PLAN
7.	PRELIMINARY STORM WATER POLLUTION PREVENTION PLAN
8.	TREE INVENTORY
9.	TREE PRESERVATION PLAN
10.	DETAILS
11.	DETAILS



NO.	DATE	DESCRIPTION
1	07/22/2017	PARKING STALL COUNT
2	08/25/2017	LOWER PROPOSED BUILDING
REVISIONS		

CAMPION ENGINEERING SERVICES, INC.

• Civil Engineering • Land Planning
 1800 Pioneer Creek Center,
 P.O. Box 249
 Maple Plain, MN 55359
 Phone: 763-479-5172
 Fax: 763-479-4242
 E-Mail: mcampion@campioneng.com

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 Martin P. Campion -Lic. # 19901 Date:

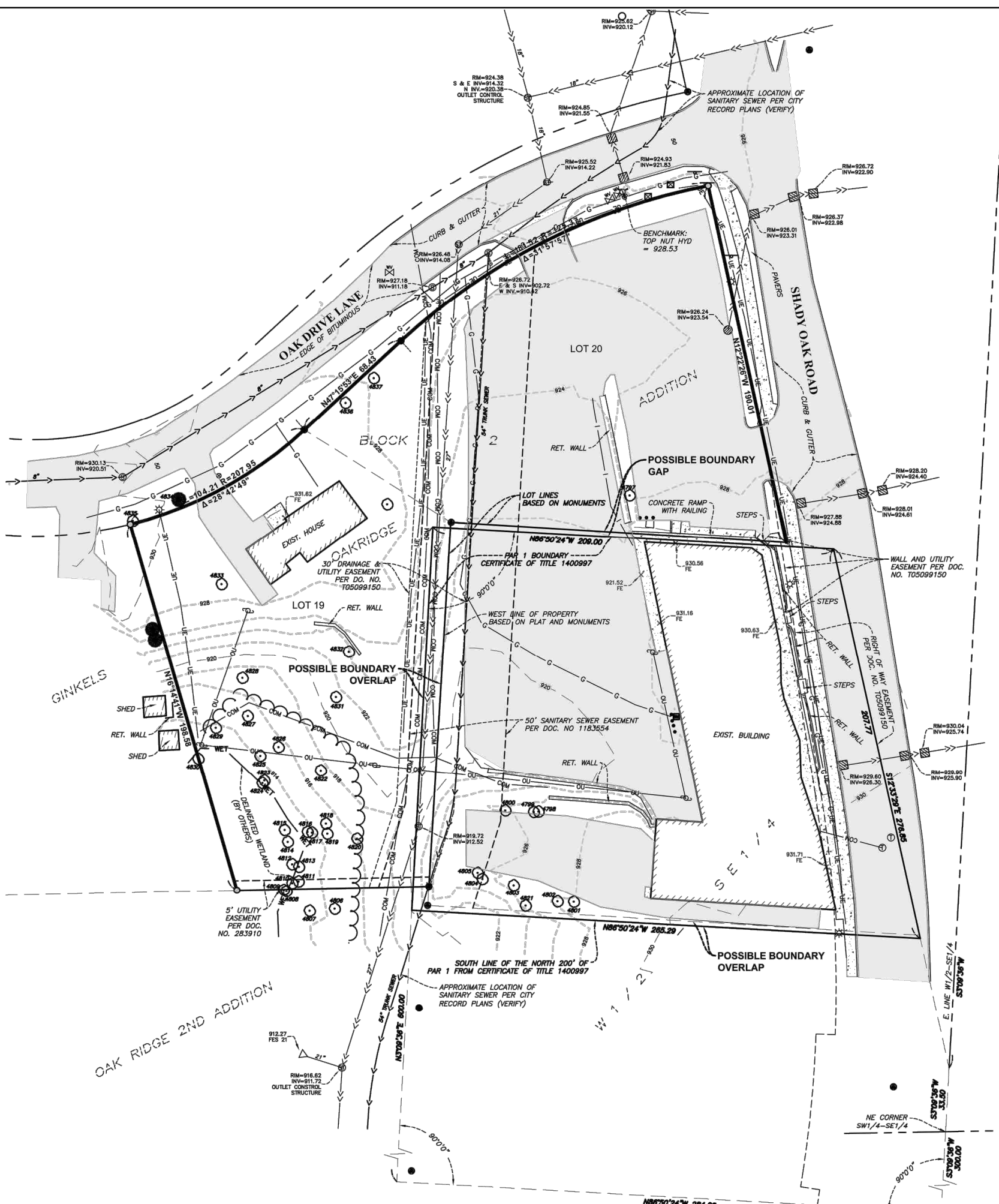
SHADY OAK CROSSING
RON CLARK CONSTRUCTION
 MINNETONKA, MN

COVER SHEET	PROJECT NO: 17-011
SHEET NO. 1 OF 11 SHEETS	DATE: 07/24/2017

C:\Users\mkr-co\OneDrive\2017\17-011 Shady Oak Crossing\CAD\CAD1 COVER SHEET.dwg

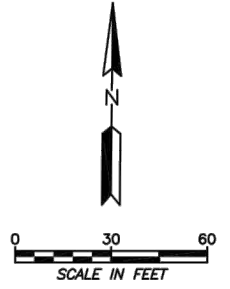
CERTIFICATE OF SURVEY

MINNETONKA, MN



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- OVERHEAD UTILITY LINE
- TREE LINE
- ▭ BUILDING
- ▭ CONCRETE SURFACE
- ▭ ASPHALT SURFACE



PROPERTY DESCRIPTION:

Certificate of Title 1400998
 Lot 19 Block 2, Ginkels Oakridge Addition
 AND
 Certificate of Title 1400997
 Par 1:
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 Lot 20, Block 2, Ginkels Oakridge Addition

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3. Vertical Datum: NAVD88
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SURVEYORS CERTIFICATION:

I hereby certify that this survey was completed by me or under my direct supervision and that I am a duly licensed land surveyor under the laws of the State of Minnesota.

Chris Ambour Date
 LS 43055

Responsive partner. Exceptional outcomes.
 1802 WOODDALE DRIVE
 WOODBURY, MN 55125
 Ph: 651-395-5212

CLIENT NAME		PROJECT TITLE	
RON CLARK CONSTRUCTION & DESIGN		CERTIFICATE SURVEY	
DWN BY	CHK'D	APP'D	DWG DATE
MLH	CNA	CNA	6-FEB-2017
SCALE		1" = 30'	
#	XXX	XX/XX/XX	PROJECT NO.
REV	REVISION DESCRIPTION	DWN APP	REV DATE
			1531-0009
			SHEET NO.
			2 OF 11

WARNING:

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CALL BEFORE YOU DIG
GOPHER STATE ONE CALL
 TWIN CITY AREA: 651-454-0002
 TOLL FREE 1-800-252-1166

LEGEND

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- OVERHEAD UTILITY LINE
- TREE LINE
- ▭ BUILDING
- ▭ CONCRETE SURFACE
- ▭ ASPHALT SURFACE
- - - EASEMENT LINE
- . - . - . STRUCTURE SETBACK LINE

STRUCTURE SETBACKS:
 10' FROM RIGHT OF WAY AND
 SOUTH PROPERTY LINE

PROPERTY DESCRIPTION:

Certificate of Title 1400998

Lot 19 Block 2, Ginkels Oakridge Addition
 AND

Certificate of Title 1400997

Par 1:

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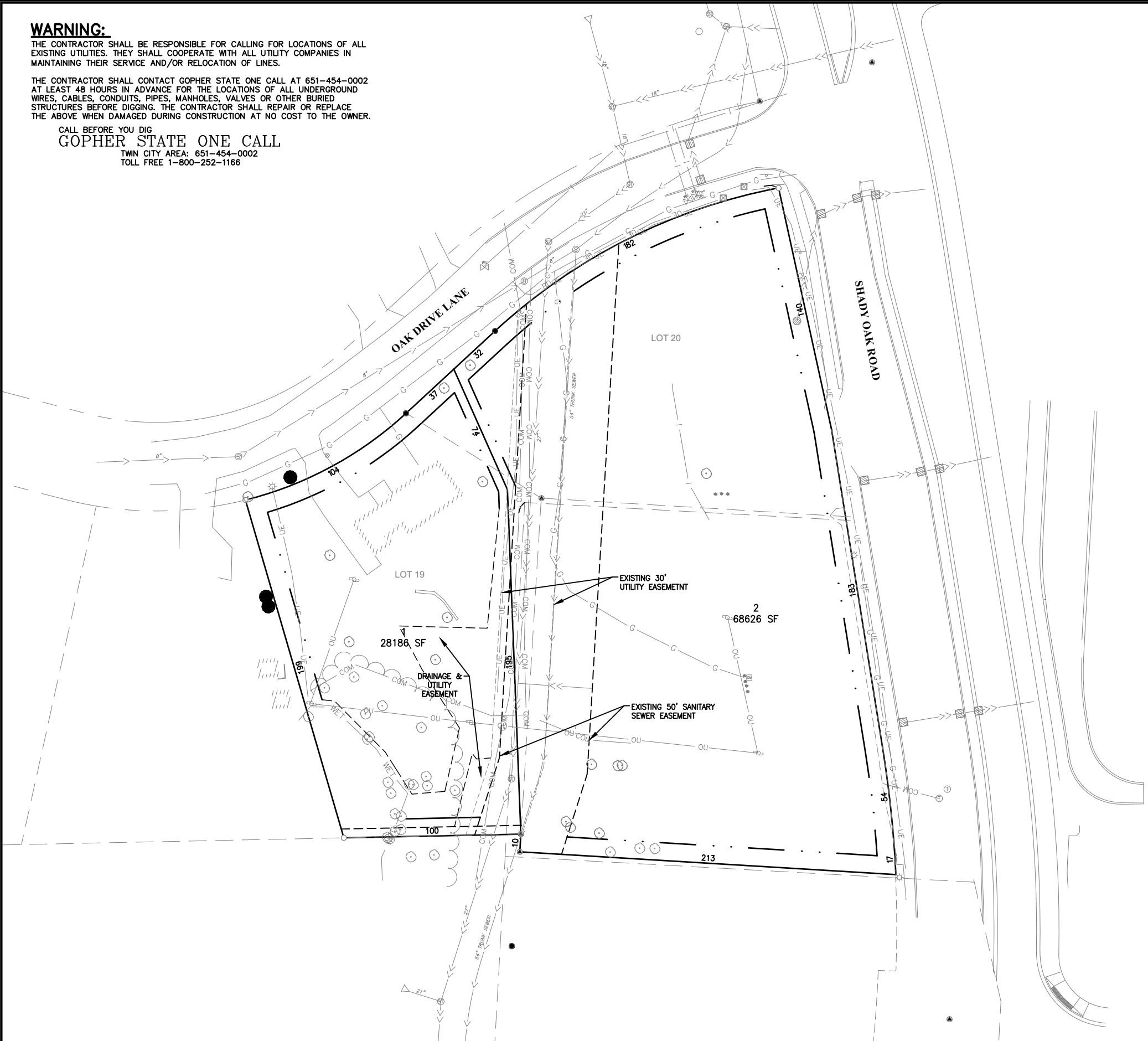
Par 2:

Lot 20, Block 2, Ginkels Oakridge Addition

EXISTING ZONING = B-2, R-1

TOTAL AREA = 2.38 AC
 SHADY OAK RIGHT-OF-WAY AREA = 0.16 AC
 WETLAND AREA = 0.63 AC

Plot Date & Time: C:\Users\mk-co\OneDrive\2017\17-011 Shady Oak Crossing\CAD\DWG\3 preliminary.pld.dwg



NO.	DATE	DESCRIPTION
1	07/22/2017	PARKING STALL COUNT
2	08/25/2017	LOWER PROPOSED BUILDING
REVISIONS		

CAMPION ENGINEERING SERVICES, INC.

● Civil Engineering ● Land Planning
 1800 Pioneer Creek Center,
 P.O. Box 249
 Maple Plain, MN 55359
 Phone: 763-479-5172
 Fax: 763-479-4242
 E-Mail: mcampion@campioneng.com

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 Martin P. Campion -Lic. # 19901 Date:

SHADY OAK CROSSING
RON CLARK CONSTRUCTION
 MINNETONKA, MN

PRELIMINARY PLAT	PROJECT NO: 17-011
SHEET NO. 3 OF 11 SHEETS	DATE: 07/24/2017

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CALL BEFORE YOU DIG
GOPHER STATE ONE CALL
 TWIN CITY AREA: 651-454-0002
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LEGEND

- | | | |
|---|----------------------------------|----------------------------------|
| ○ SET 3/4"Øx14" IRON PIPE WITH PLASTIC CAP 43055 OR MAG NAIL W/WASHER | ⊠ ELECTRIC TRANSFORMER | → STORM SEWER |
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| ⊙ GAS METER | ⊙ HYDRANT | ▭ CONCRETE SURFACE |
| ⊙ COMMUNICATIONS PEDESTAL | — EXISTING MINOR CONTOUR | ▭ ASPHALT SURFACE |
| ⊙ ELECTRIC MANHOLE | — EXISTING MAJOR CONTOUR | |
| | — PROPOSED CONTOURS | |
| | X 896.55 PROPOSED SPOT ELEVATION | |

GRADING NOTES

- CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE GOVERNING CODES.
- THE CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. THE CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
- THE CONTRACTOR MUST CONTACT ALL APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE LOCATIONS OF SMALL UTILITIES SHALL BE OBTAINED BY THE CONTRACTOR BY CALLING GOPHER STATE ONE CALL (1-800-252-1166).
- SAFETY NOTICE TO CONTRACTORS: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE DUTY OF THE ENGINEER OR THE DEVELOPER TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES IN, ON OR NEAR THE CONSTRUCTION SITE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND MAINTAINING TRAFFIC CONTROL DEVICES SUCH AS BARRICADES, WARNING SIGNS, DIRECTIONAL SIGNS, FLAGMEN AND LIGHTS TO CONTROL THE MOVEMENT OF TRAFFIC WHERE NECESSARY. TRAFFIC CONTROL DEVICES SHALL CONFORM TO APPROPRIATE MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARDS.
- THE CONTRACTOR SHALL RESTRICT ALL GRADING AND CONSTRUCTION ACTIVITIES TO AREAS DESIGNATED ON THE PLANS. ACTIVITIES PROHIBITED OUTSIDE THE CONSTRUCTION BOUNDARIES INCLUDE, BUT ARE NOT LIMITED TO: STOCKPILING SOILS AND OTHER MATERIAL, STORING EQUIPMENT OR OTHER MACHINERY, DRIVING VEHICLES, LEAKING OR SPILLING OF ANY "WASHOUT" OR OTHER TOXIC MATERIALS.
- ALL SOIL TESTING SHALL BE COMPLETED BY THE OWNER'S SOILS ENGINEER. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ALL REQUIRED SOIL TESTS AND INSPECTIONS WITH THE SOILS ENGINEER.
- PRIOR TO PLACEMENT OF ANY STRUCTURE OR PAVEMENT, A TEST ROLL WILL BE REQUIRED ON THE PARKING LOT SUBGRADE. THE CONTRACTOR SHALL PROVIDE A LOADED TANDEM AXLE TRUCK WITH A GROSS WEIGHT OF 25 TONS. THE TEST ROLLING SHALL BE AT THE DIRECTION OF THE SOILS ENGINEER AND SHALL BE COMPLETED IN AREAS AS DIRECTED BY THE SOILS ENGINEER. THE SOILS ENGINEER SHALL DETERMINE WHICH SECTIONS ARE UNSTABLE. CORRECTION OF THE SUBGRADE SOILS SHALL BE COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SOILS ENGINEER AND AS SPECIFIED.
- THE SITE HAS NOT NECESSARILY BEEN DESIGNED TO BALANCE THE ON-SITE MATERIALS. AFTER THE SITE GRADING IS COMPLETE, IF EXCESS SOIL MATERIAL EXISTS, THE CONTRACTOR SHALL DISPOSE OF ALL EXCESS SOIL MATERIAL OFF-SITE IN A MANNER ACCEPTABLE TO THE OWNER AND THE REGULATING AGENCIES.
- THE EXISTING TOPSOIL ON THIS SITE VARIES IN DEPTH. IT IS THE CONTRACTOR'S RESPONSIBILITY THAT ALL SURFACE VEGETATION AND ANY TOPSOIL OR OTHER LOOSE, SOFT OR OTHERWISE UNSUITABLE MATERIAL BE REMOVED FROM THE STREET AND BUILDING PAD AREAS PRIOR TO PLACEMENT OF ANY EMBANKMENT IN ACCORDANCE WITH THE SOILS REPORT.
- EMBANKMENT MATERIAL NOT PLACED IN THE PARKING LOT OR BUILDING PAD AREAS SHALL BE COMPACTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE QUALITY COMPACTION METHOD AS OUTLINED IN MN/DOT 2105.3F2 OR AS DIRECTED BY THE SOILS ENGINEER.
- EXCAVATION FOR THE PURPOSE OF REMOVING UNSTABLE OR UNSUITABLE SOIL SHALL BE COMPLETED AS REQUIRED BY THE SOILS ENGINEER. EMBANKMENT MATERIAL PLACED IN THE PARKING LOT SHALL BE COMPACTED IN ACCORDANCE WITH THE SPECIFIED DENSITY METHOD AS OUTLINED IN MN/DOT 2105.3F1. EMBANKMENT MATERIAL PLACED IN THE BUILDING PAD AREA SHALL BE COMPACTED IN ACCORDANCE WITH THE SOILS REPORT.
- TOLERANCES:
 - THE PARKING LOT SUBGRADE FINISHED SURFACE ELEVATION SHALL NOT VARY BY MORE THAN 0.05 FOOT ABOVE, OR 0.10 FOOT BELOW, THE PRESCRIBED ELEVATION OF ANY POINT WHERE MEASUREMENT IS MADE.
 - AREAS WHICH ARE TO RECEIVE TOPSOIL SHALL BE GRADED TO WITHIN 0.30 FOOT ABOVE OR BELOW THE REQUIRED ELEVATION, UNLESS DIRECTED BY THE ENGINEER.
 - TOPSOIL SHALL BE GRADED TO PLUS OR MINUS 1/8 INCH OF THE SPECIFIED THICKNESS.
- ALL DISTURBED UNSURFACED AREAS ARE TO IMMEDIATELY RECEIVE FOUR INCHES OF TOPSOIL, SEED AND MULCH AND BE WATERED UNTIL A HEALTHY STAND OF GRASS IS OBTAINED.
- SPOT ELEVATIONS SHOWN INDICATE FINISHED GRADE ELEVATION UNLESS OTHERWISE NOTED.
- PROPOSED CONTOURS ARE TO FINISHED SURFACE GRADE OR GUTTER LINE IF CURB. PLAN GRADE IS TO FINISHED GARAGE FLOOR ELEVATION.
- CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ASSURE A SMOOTH FIT AND CONTINUOUS GRADE ALONG MATCHING PAVEMENT AREAS AND/OR CURBS.
- THE CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM THE BUILDINGS FOR ALL NATURAL AND PAVED AREAS.
- THE CONTRACTOR SHALL PROVIDE DEWATERING AS REQUIRED TO COMPLETE THE SITE GRADING CONSTRUCTION OR AS DIRECTED BY THE SOILS ENGINEER.

CAUTION NOTES:

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.

THE CONTRACTOR MUST CONTACT ALL THE APPROPRIATE UTILITY COMPANIES AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS. THE LOCATIONS OF SMALL UTILITIES SHALL BE OBTAINED BY THE CONTRACTOR BY CALLING GOPHER STATE ONE CALL AT 800-252-1166 OR 651-454-0002.

POND GRADING

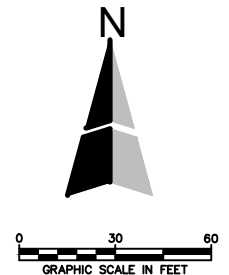
- THE CONTRACTOR SHALL AVOID COMPACTING THE POND BOTTOM. RUBBER TIED EQUIPMENT SHALL BE PROHIBITED WHEN WORKING IN THE POND AREA.
- THE BOTTOM AND SIDE SLOPES SHALL BE STABILIZED WITH THE SPECIFIED PLANT MATERIALS WITHIN 7 DAYS OF COMPLETING THE POND GRADING.
- POND SHALL BE GRADED 12" - 18" ABOVE FINAL GRADE UNTIL SITE GRADING IS SUBSTANTIALLY COMPLETE.
- AS PART OF FINISH GRADING, NATIVE SOILS IN THE POND SHALL BE DE-COMPACTED TO A DEPTH OF 12" - 18".

CAUTION NOTES:

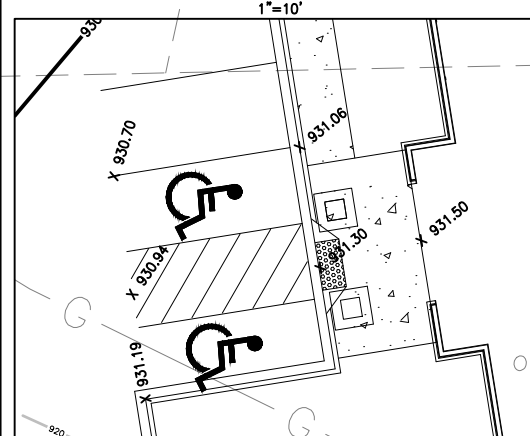
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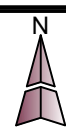
NOTES:
 1. ALL RETAINING WALLS 4' AND HIGHER SHALL BE DESIGNED BY A STRUCTURAL ENGINEER



HANDICAP PARKING DETAIL



NO.	DATE	DESCRIPTION
1	07/22/2017	PARKING STALL COUNT
2	08/25/2017	LOWER PROPOSED BUILDING
REVISIONS		



CAMPION ENGINEERING SERVICES, INC.

• Civil Engineering • Land Planning
 1800 Pioneer Creek Center,
 P.O. Box 249
 Maple Plain, MN 55359
 Phone: 763-479-5172
 Fax: 763-479-4242
 E-Mail: mcampion@campioneng.com

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 Martin P. Campion -Lic. # 19901 Date:

SHADY OAK CROSSING
RON CLARK CONSTRUCTION
 MINNETONKA, MN

PRELIMINARY GRADING PLAN	PROJECT NO: 17-011
SHEET NO. 6 OF 11 SHEETS	DATE: 07/24/2017

WARNING:

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CALL BEFORE YOU DIG
GOPHER STATE ONE CALL
 TWIN CITY AREA: 651-454-0002
 TOLL FREE 1-800-252-1166

PROJECT DIRECTORY

OWNER:
 RON CLARK CONSTRUCTION & DESIGN
 MIKE ROEBUCK
 7500 WEST 78TH STREET
 EDINA, MN 55439
 PH. 952.947.3022
 EMAIL: MIKE@RONCLARK.COM




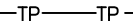
SWPPP DESIGNER:
 CAMPION ENGINEERING SERVICES, INC.
 MARTY CAMPION
 1800 PIONEER CREEK CENTER
 MAPLE PLAIN, MN 55364
 PH. 763.479.5172
 EMAIL: MCAMPION@CAMPIONENG.COM

EROSION CONTROL INSTALLER
 NAME: _____
 CONTACT: _____
 ADDRESS: _____
 PHONE: _____

CONTRACTOR
 NAME: _____
 CONTACT: _____
 ADDRESS: _____
 PHONE: _____

EROSION CONTROL QUANTITIES:

SITE RESTORATION = 1.0 AC
 SILT FENCE = 1400 LF
 INLET PROTECTION = 7 EA
 ROCK CONSTRUCTION ENTRANCE = 1 EA
 CATEGORY 3 EROSION CONTROL BLANKET = 8,100 SF

-  DENOTES INLET PROTECTION
-  DENOTES ROCK CONSTRUCTION ENTRANCE
-  DENOTES SILT FENCE
-  DENOTES TREE PROTECTION FENCE

NO.	DATE	DESCRIPTION
1	07/22/2017	PARKING STALL COUNT
2	08/25/2017	LOWER PROPOSED BUILDING
REVISIONS		

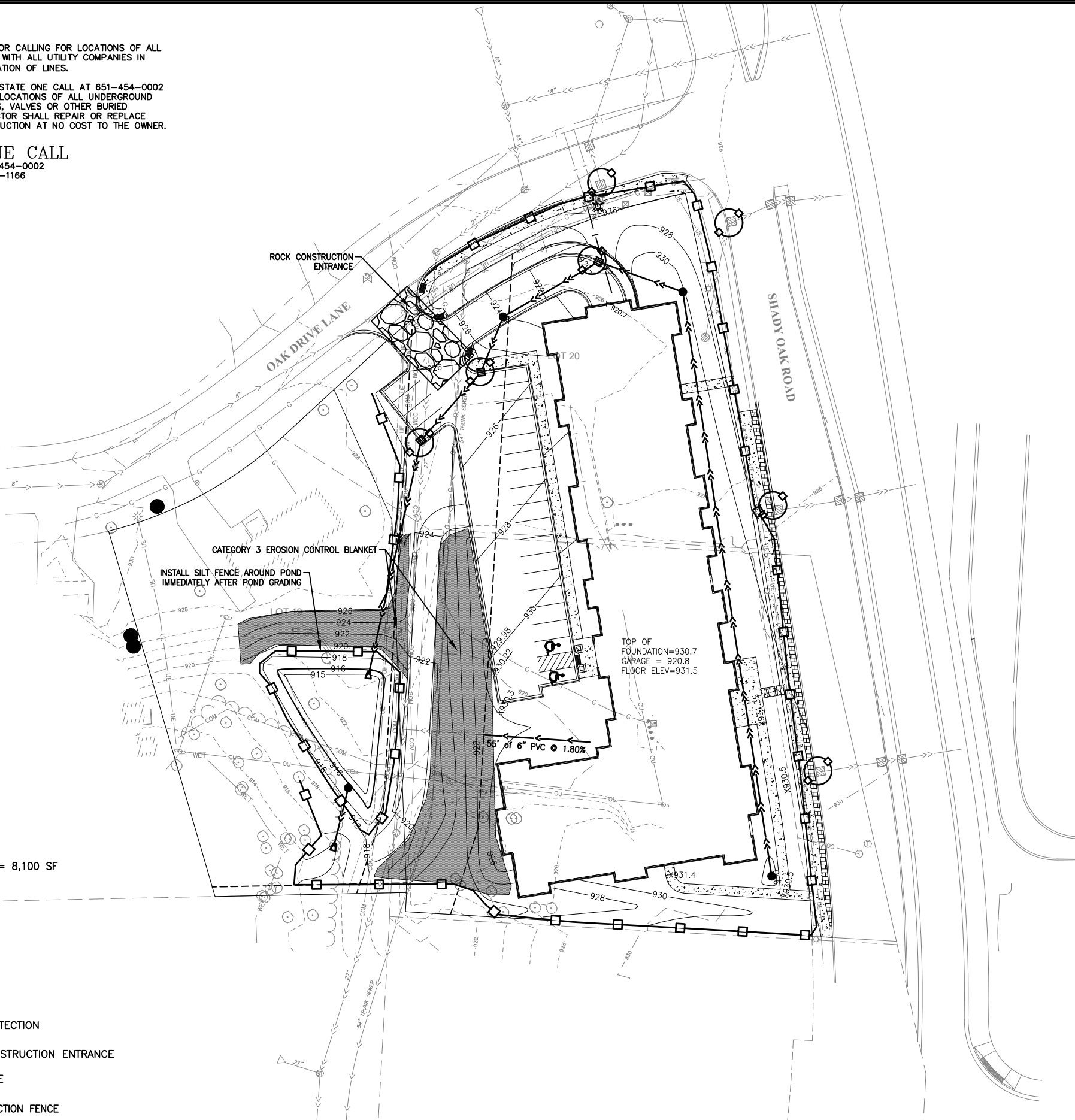
CAMPION ENGINEERING SERVICES, INC.

• Civil Engineering • Land Planning
 1800 Pioneer Creek Center,
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 Phone: 763-479-5172
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 E-Mail: mcampion@campioneng.com

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 Martin P. Campion -Lic. # 19901 Date: _____

SHADY OAK CROSSING
RON CLARK CONSTRUCTION
 MINNETONKA, MN

PRELIMINARY STORM WATER POLLUTION PREVENTION PLAN
 SHEET NO. 7 OF 11 SHEETS
 PROJECT NO: 17-011
 DATE: 07/24/2017



EROSION/SILTATION CONTROL

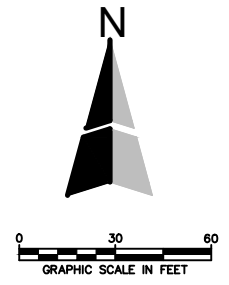
1. ALL EROSION CONTROL AND SILTATION CONTROL WILL COMPLY WITH MINNESOTA'S BEST MANAGEMENT PRACTICES MANUAL AND REGULATIONS OF THE CITY.
2. THE CONTRACTOR SHALL BE FAMILIAR WITH AND FOLLOW ALL REQUIREMENTS OF THE MPCA NPDES PHASE II PERMIT FOR CONSTRUCTION ACTIVITIES INCLUDING BUT NOT LIMITED TO: WEEKLY EROSION CONTROL INSPECTIONS, INSPECTION AFTER 0.5" RAINFALL OR MORE AND DOCUMENTATION OF ALL CORRECTIVE MEASURES. BY BEGINNING CONSTRUCTION, THE CONTRACTOR ACKNOWLEDGES THE TERMS OF THIS PERMIT AND AGREES TO ABIDE BY THEM.
3. THE CONTRACTOR SHALL PERFORM ANY CORRECTIVE MEASURES ORDERED BY THE CITY OR THE MPCA WITHIN 24 HOURS OF NOTIFICATION. ALSO, ADDITIONAL EROSION CONTROL MEASURES DEEMED NECESSARY BY EITHER THE CITY OR THE MPCA SHALL BE INSTALLED WITHIN 24 HOURS OF NOTIFICATION.
4. ANY DEPOSITING OF SILT OR MUD ON NEW OR EXISTING PAVEMENT, IN TEMPORARY SEDIMENTATION BASINS, OR IN EXISTING STORM SEWERS OR SWALES SHALL BE REMOVED AFTER EACH RAIN AND AFFECTED AREAS CLEANED.
5. THE CONTRACTOR SHALL ASSUME COMPLETE RESPONSIBILITY FOR CONTROLLING ALL SILTATION INCLUDING BUT NOT LIMITED TO ROCK ENTRANCES AND/OR SILT FENCES. CONTROL SHALL COMMENCE WITH GRADING AND CONTINUE THROUGHOUT THE PROJECT UNTIL ACCEPTANCE OF THE WORK BY THE OWNER. THE CONTRACTOR'S RESPONSIBILITY INCLUDES ALL DESIGN AND IMPLEMENTATION AS REQUIRED TO PREVENT EROSION AND THE DEPOSITING OF SILT. THE OWNER MAY, AT HIS/HER OPTION DIRECT THE CONTRACTOR IN HIS/HER METHODS AS DEEMED FIT TO PROTECT PROPERTY AND IMPROVEMENTS.
6. ANY DEPOSITING OF SILT IN SWALES SHALL BE REMOVED AFTER EACH RAIN AND AFFECTED AREAS CLEANED TO THE SATISFACTION OF THE OWNER, ALL AT THE EXPENSE OF THE CONTRACTOR. THE SILT FENCES SHALL BE REMOVED AND THE SILT REMOVED FROM THE PONDING AREAS BY THE CONTRACTOR AFTER THE TURF IS ESTABLISHED.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH AND MONITORING THE REQUIREMENT OF THE MPCA PERMIT.
8. ALL DISTURBED AREAS, EXCEPT ROADWAYS, BUILDING AREAS, PARKING AREAS, ISLANDS AND SIDEWALK, SHALL BE RESTORED WITH A MINIMUM 4 INCHES TOPSOIL, SEEDED AND MULCHED (TYPE I) WITHIN 72 HOURS OF COMPLETION OF SITE GRADING, OR WITHIN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF THE SITE HAS TEMPORARILY CEASED. SEEDING SHALL BE IN ACCORDANCE WITH MNDOT SPECIFICATION 2575, SEED MIX 150 @ 40 LBS/ACRE (OR APPROVED EQUAL). DORMANT SEEDING AREAS SHALL BE SEEDED AND MULCHED IN ACCORDANCE WITH MNDOT SPECIFICATIONS, STRAW MULCHING QUANTITY SHALL BE TWO TONS PER ACRE, FERTILIZER (10-10-20) SHALL BE APPLIED AT A RATE OF 200 POUNDS PER ACRE (CAN BE OMITTED IN LANDSCAPED AREAS IF LANDSCAPED SEEDING IS DONE CONCURRENTLY).
9. CONSTRUCTION SHALL PROCEED IN THE FOLLOWING SEQUENCE:
 - a. CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE CITY.
 - b. INSTALL EROSION CONTROL MEASURES AND ROCK CONSTRUCTION ENTRANCE.
 - c. CONTACT CITY FOR APPROVAL OF EROSION CONTROL INSTALLATION.
 - d. CONSTRUCT TEMPORARY SEDIMENTATION PONDS AND INSTALL TEMPORARY OUTFALL WITH STANDPIPE.
 - e. CONSTRUCT TEMPORARY DRAINAGE DITCHES/SWALES/STORM SEWER TO DIVERT SURFACE RUNOFF TO TEMPORARY SEDIMENTATION PONDS.
 - f. MAINTAIN EROSION MEASURE, I.E. SILT FENCE, ROCK CONSTRUCTION ENTRANCE.
 - g. MAINTAIN ALL TEMPORARY SEDIMENTATION PONDS. COMPLETE SITE GRADING TOLERANCING.
 - h. INSTALL SEED AND MULCH ON AREAS THAT ARE NOT TO BE HARD SURFACES.
10. SLOPE PROTECTION AND EROSION CONTROL SHALL BE DONE IN ACCORDANCE WITH SECTION 02370 SLOPE PROTECTION, EROSION CONTROL AND STORM WATER POLLUTION PREVENTION PLAN OF THE PROJECT MANUAL.
11. ALL STORM SEWER INLETS AND FLARED END SECTIONS SHALL BE ADEQUATELY PROTECTED BEFORE AND AFTER PAVEMENT CONSTRUCTION UNTIL ALL DISTURBED AREAS ARE STABILIZED. CONTRACTOR SHALL PLACE MIRAFI FABRIC AND GRAVEL OVER ALL CATCH BASIN GRATE INLETS UNTIL PAVING SURFACES ARE PAVED AND THE LANDSCAPING IS COMPLETED.
12. STOCKPILE AREAS WHICH REMAIN ON THE SITE FOR MORE THAN SEVEN DAYS SHALL BE SEEDED, MULCHED, AND SURROUNDED BY SILT FENCE.
13. TEMPORARY AND PERMANENT SEDIMENTATION PONDS, AT LOCATION SELECTED BY OWNER, SHALL BE CONSTRUCTED WITH THE INITIAL GRADING. THE SEDIMENT MUST BE REMOVED FROM THESE PONDS, AS NECESSARY, PRIOR TO COMPLETION OF THE PROJECT.
14. BIO LOGS SHALL BE INSTALLED AT PIPE INLETS AND OUTLETS UNTIL RIPRAP IS INSTALLED. PERMANENT ENERGY DISSIPATORS SHALL BE INSTALLED WITHIN 24 HOURS OF CONNECTION TO A SURFACE WATER.
15. INSTALL SILT FENCE AROUND POND UPON COMPLETION OF GRADING.
16. EROSION AND SEDIMENT CONTROL PRACTICES MUST REMAIN IN PLACE UNTIL THE OWNER HAS DETERMINED THAT THE SITE SOILS HAVE BEEN PERMANENTLY STABILIZED AND SHALL BE REMOVED WITHIN 30 DAYS THEREAFTER.
17. ALL STOCKPILES OF SOIL OR OTHER MATERIALS SUBJECT TO EROSION BY WIND OR WATER SHALL BE COVERED, VEGETATED, ENCLOSED, FENCED ON THE DOWN GRADIENT SIDE OR OTHERWISE EFFECTIVELY PROTECTED FROM EROSION IN ACCORDANCE WITH THE AMOUNT OF TIME THE MATERIAL WILL BE ON SITE AND THE MANNER OF ITS PROPOSED USE.

WETLAND BUFFER RE-VEGETATION

1. EROSION/SEDIMENT CONTROL PRACTICES SHALL BE USED DURING BUFFER VEGETATION ESTABLISHMENT.
2. DISTURBED BUFFER AREAS SHALL BE PLANTED WITH STATE SEED MIX 35-641 (BWSR U5) OR EQUIVALENT.

EROSION MAT REQUIREMENTS

1. TEMPORARY EROSION MATS SHALL BE BIODEGRADABLE DOULBE-NET STRAW (NORTH AMERICAN GREEN 5150 OR APPROVED EQUAL) AND EROSION MATS SHALL HAVE A MINIMUM FUNCTIONAL LONGEVITY OF 10 MONTHS.
2. PERMANENT EROSION CONTROL MAT SHALL BE ENKAMAT 7010/7016 OR APPROVED EQUAL AND SHALL BE COVERED WITH TEMPORARY EROSION CONTROL MAT AFTER TOPSOIL AND SEEDING.
3. EROSION MATS PLACED ON SLOPES 3:1 OR GREATER SHALL BE ROLLED DOWN SLOPE AND WITH 4" MINIMUM LAP AND STAPLED AT 1' O.C.
4. CONSTRUCT A 6"x12" ANCHOR TRENCH 3' BEYOND CREST AND TOE OF SLOPE. STAPLE EROSION MAT IN TRENCH AT 1' O.C.



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GOPHER STATE ONE CALL
 TWIN CITY AREA: 651-454-0002
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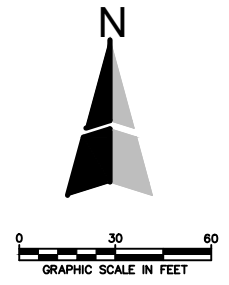
Plot Date & Time:

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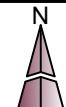


#	Tag number	Size	Common Name	Scientific Name	Notes
1	4797	15	Siberian Elm	<i>Ulmus pumila</i>	
2	4798	11	White Mulberry	<i>Morus alba</i>	
3	4799	10	White Mulberry	<i>Morus alba</i>	
4	4800	8	White Mulberry	<i>Morus alba</i>	
5	4801	19,11	Siberian Elm	<i>Ulmus pumila</i>	
6	4802	22,12	Siberian Elm	<i>Ulmus pumila</i>	
7	4803	16	Siberian Elm	<i>Ulmus pumila</i>	
8	4804	11,11,10,9,8	Siberian Elm	<i>Ulmus pumila</i>	
9	4805	12,11,10	Siberian Elm	<i>Ulmus pumila</i>	
10	4806	24	Siberian Elm	<i>Ulmus pumila</i>	major internal decay along trunk
11	4807	10	Green Ash	<i>Fraxinus pennsylvanica</i>	
12	4808	12	Green Ash	<i>Fraxinus pennsylvanica</i>	
13	4809	15	Cottonwood	<i>Populus deltoides</i>	
14	4810	14	Cottonwood	<i>Populus deltoides</i>	
15	4811	25	Cottonwood	<i>Populus deltoides</i>	
16	4812	20	Silver Maple	<i>Acer saccharinum</i>	
17	4813	18	Cottonwood	<i>Populus deltoides</i>	
18	4814	11,11	Green Ash	<i>Fraxinus pennsylvanica</i>	
19	4815	11	Green Ash	<i>Fraxinus pennsylvanica</i>	
20	4816	16	Green Ash	<i>Fraxinus pennsylvanica</i>	
21	4817	8	Box Elder	<i>Acer negundo</i>	
22	4818	17	Box Elder	<i>Acer negundo</i>	
23	4819	9	Box Elder	<i>Acer negundo</i>	
24	4820	8	American Elm	<i>Ulmus americana</i>	
25	4821	12	Siberian Elm	<i>Ulmus pumila</i>	
26	4822	22,22	Northern Pin Oak	<i>Quercus ellipsoidalis</i>	
27	4823	16	Green Ash	<i>Fraxinus pennsylvanica</i>	
28	4824	14	Siberian Elm	<i>Ulmus pumila</i>	
29	4825	40	Cottonwood	<i>Populus deltoides</i>	
30	4826	8	Green Ash	<i>Fraxinus pennsylvanica</i>	
31	4827	17,16,12	White Mulberry	<i>Morus alba</i>	internal decay in 16" stem along trunk
32	4828	25	Siberian Elm	<i>Ulmus pumila</i>	
33	4829	8	Green Ash	<i>Fraxinus pennsylvanica</i>	
34	4830	9,8	Green Ash	<i>Fraxinus pennsylvanica</i>	
35	4831	18,11	Silver Maple	<i>Acer saccharinum</i>	
36	4832	13	White Mulberry	<i>Morus alba</i>	
37	4833	25	Siberian Elm	<i>Ulmus pumila</i>	
38	4834	14	Colorado Blue Spruce	<i>Picea pungens</i>	25' in height
39	4835	42	Silver Maple	<i>Acer saccharinum</i>	
40	4836	10	Russian Olive	<i>Elaeagnus angustifolia</i>	
41	4837	11,10	Russian Olive	<i>Elaeagnus angustifolia</i>	

TREE INVENTORY COMPLETED BY KEN ARNDT, SR. FOREST ECOLOGIST, MIDWEST NATURAL RESOURCES



NO.	DATE	DESCRIPTION
1	07/22/2017	PARKING STALL COUNT
2	08/25/2017	LOWER PROPOSED BUILDING


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 Martin P. Campion -Lic. # 19901 Date:

SHADY OAK CROSSING
RON CLARK CONSTRUCTION
 MINNETONKA, MN

PRELIMINARY TREE INVENTORY PLAN		PROJECT NO: 17-011
SHEET NO. 8 OF 11 SHEETS		DATE: 07/24/2017

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TREE PRESERVATION NOTES

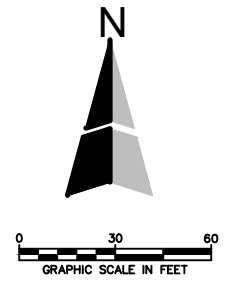
- BEFORE LAND CLEARING BEGINS, CONTRACTOR SHOULD MEET WITH THE CONSULTANT ON SITE TO REVIEW ALL WORK PROCEDURES, ACCESS ROUTES, STORAGE AREAS AND TREE PROTECTION MEASURES.
- TREE PROTECTION FENCE SHALL BE INSTALLED PRIOR TO ANY CONSTRUCTION ACTIVITIES AND IS TO BE PLACED OUTSIDE OF THE DRIP LINE OF ALL SIGNIFICANT TREES TO BE SAVED. FENCE TO REMAIN UNTIL ALL SITE WORK IS COMPLETED. FENCE SHOULD NOT BE MOVED OR RELOCATED WITHOUT VERBAL OR WRITTEN COMMUNICATION WITH THE CONSULTANT. HEAVY DUTY SILT FENCE SHALL BE USED FOR TREE PROTECTION FENCE.
- NO FILL SHOULD BE PLACED AGAINST THE TRUNK, ON THE ROOT CROWN, OR WITHIN THE DRIP LINE AREA OF ANY TREES THAT ARE TO BE SAVED.
- CARE MUST BE TAKEN TO PREVENT CHANGE IN THE SOIL CHEMISTRY DUE TO CONCRETE WASHOUT AND LEAKAGE OR SPILLAGE OF TOXIC MATERIALS SUCH AS PAINTS OR FUELS.
- ALL CONSTRUCTION EQUIPMENT, VEHICLE TRAFFIC AND STORAGE AREAS MUST BE LOCATED OUTSIDE OF ANY TREE PROTECTION AREA.
- PRUNING OF OAK TREES MUST NOT TAKE PLACE FROM APRIL 15 TO JULY 1.
- IF WOUNDING OF OAK TREES OCCUR, A NON-TOXIC WOUND DRESSING MUST BE APPLIED IMMEDIATELY. (EXCAVATORS MUST HAVE A NON-TOXIC TREE WOUND DRESSING WITH THEM ON DEVELOPMENT SITES.)
- HEAVY-DUTY SILT FENCE SHALL BE STAKED AT THE DRIP LINE OF EXISTING TREES TO BE SAVED.
- NO BURNING PERMITS WILL BE ISSUED FOR TREES TO BE REMOVED. TREES & SHRUBS MUST EITHER BE REMOVED FROM SITE OR CHIPPED.
- ANY TREES DAMAGED OR REMOVED NOT LISTED ON THIS TREE PRESERVATION PLAN MUST BE REPLACED AT A RATE OF 2:1 DIAMETER INCHES.



Tag Number	Size	Common Name	High Priority	Save/Remove	Notes
4797	15	Siberian Elm	No	Remove (1)	
4798	11	White Mulberry	No	Remove (1)	
4799	10	White Mulberry	No	Remove (1)	
4800	8	White Mulberry	No	Remove (1)	
4801	19,11	Siberian Elm	No	Remove (1)	
4802	22,12	Siberian Elm	No	Remove (1)	
4803	16	Siberian Elm	No	Remove (1)	
4804	11,11,10,9,8	Siberian Elm	No	Remove	
4805	12,11,10	Siberian Elm	No	Remove	
4806	24	Siberian Elm	No	Save	major internal decay along trunk
4807	10	Green Ash	No	Save	
4808	12	Green Ash	No	Save	
4809	15	Cottonwood	No	Save	
4810	14	Cottonwood	No	Save	
4811	25	Cottonwood	No	Save	
4812	20	Silver Maple	No	Save	
4813	18	Cottonwood	No	Save	
4814	11,11	Green Ash	No	Save	
4815	11	Green Ash	No	Save	
4816	16	Green Ash	No	Save	
4817	8	Box Elder	No	Save	
4818	17	Box Elder	No	Save	
4819	9	Box Elder	No	Save	
4820	8	American Elm	No	Remove (2)	
4821	12	Siberian Elm	No	Remove (1)	
4822	22,22	Northern Pin Oak	Yes	Save	
4823	16	Green Ash	No	Save	
4824	14	Siberian Elm	No	Save	
4825	40	Cottonwood	No	Save	
4826	8	Green Ash	No	Save	
4827	17,16,12	White Mulberry	No	Save	internal decay in 16" stem
4828	25	Siberian Elm	No	Remove (2)	
4829	8	Green Ash	No	Save	
4830	9,8	Green Ash	No	Save	
4831	18,11	Silver Maple	No	Remove (2)	
4832	13	White Mulberry	No	Remove (2)	
4833	25	Siberian Elm	No	Save	
4834	14	Colorado Blue Spruce	No	Save	25' in height
4835	42	Silver Maple	No	Save	
4836	10	Russian Olive	No	Save	
4837	11,10	Russian Olive	No	Save	

Total trees	55
Significant trees	53
High priority trees	1
Significant trees removed outside of Basic Tree Removal and Pond area	8
High Priority trees removed	0
Required Mitigation (8 x 2") =	16'
Remove (1)	Indicates trees removed within the "basic tree removal area"
Remove (2)	Indicates trees removed within the ponding area

X DENOTES TREE TO BE REMOVED



Plot Date & Time: C:\Users\mk-co\OneDrive\2017\17-011 Shady Oak Crossing\CAD\CAD\9 TREE PRESERVATION PLAN.dwg

1	07/22/2017	PARKING STALL COUNT
2	08/25/2017	LOWER PROPOSED BUILDING
NO.	DATE	DESCRIPTION
REVISIONS		

CAMPION ENGINEERING SERVICES, INC.

• Civil Engineering • Land Planning
 1800 Pioneer Creek Center,
 P.O. Box 249
 Maple Plain, MN 55359
 Phone: 763-479-5172
 Fax: 763-479-4242
 E-Mail: mcampion@campioneng.com

I hereby certify that this plan, specification or report has been prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Minnesota.
 Martin P. Campion -Lic. # 19901 Date:

SHADY OAK CROSSING
RON CLARK CONSTRUCTION
 MINNETONKA, MN

PRELIMINARY TREE PRESERVATION PLAN

SHEET NO. 9 OF 11 SHEETS

PROJECT NO: 17-011
 DATE: 07/24/2017

**CORRESPONDENCE FROM A
PLANNING COMMISSION MEMBER**

Loren:

As I mentioned a few weeks ago, I will be out of town on September 7th, and will not make the meeting. I had hoped that we would be able to vote on the Shady Oak proposal last night, but understand the mechanics as to why we were unable to proceed.

Given the energy and interest surrounding this proposal, I would be remiss to not make available my thoughts to the public, staff, and fellow commissioners. These would be my comments if I were able to attend the meeting. If you are able, please share the following.

Thank you,

Sean

First, I would like to thank city staff on the work they put into this project, and in particular, the community outreach. I believe the September 7th meeting will be the 12th time the public has been invited to participate in the discussions surrounding the redevelopment of this site.

To the those residents who have participated in the many meetings/discussions, your involvement is appreciated. Thanks to those who have taken the time to write to commission members and city staff. We read all of the correspondence.

While I cannot speak for other members, I must say that I personally have found offensive some of the comments we have received. They are neither constructive nor persuasive, and have little bearing on the facts and circumstances that we are charged with evaluating. I am all for free speech, but rants are more likely to hurt one's arguments, in my view. I am also not a fan of individuals assuming they speak for the other 52,000 + residents of Minnetonka.

In the preamble to our meetings, the Chair reads a statement that tries to put in context the role of the Planning Commission in the overall decision making process. The longer I have served, the more I have come to appreciate one of the ideas in this statement. We are often challenged to weigh the greater good of the community against individual or groups of property owners. This project could not illustrate the point any better, in my view.

As I have weighed the various pros and cons to the proposal (and there are too many to list), a few stick out to me:

Pros

- I like the proposed design. The reduction in mass is a positive for me.
- I believe the site is appropriate for the proposed use. I have been consistent in asking for this and other developments; *what if we had no zoning change....what could someone build without community input?* Its simplistic, but the neighborhood could end up with a use generating higher traffic, no remediation, and less visually attractive.
- The feedback from the development community is telling to me. The highest and best use is probably for high density residential, not retail, industrial or other specialty uses.

Cons

- The site is tight, and it would be better if there could be a greater buffer to the northwest/west neighborhood.
- Traffic: As someone who commutes daily to St Paul, I can attest to the traffic issues of the metro. But I do not proclaim to be an expert, and feel it my obligation to defer to the professional engineering community (parking study).
- Pedestrian safety. I don't know how to evaluate this, and would defer again to the experts
- Neighborhood opposition

Other:

Affordable Housing, which I refer to as workforce housing. This is not an issue unique to Minnetonka. The whole country is faced with it, particularly in upper income communities. Affluent people want to live in this community. Land is expensive, we have no green fields left for development. We are left with only redevelopment options. Demolition costs, construction costs (which did not decline in the recession), and a shortage of skilled trades all add up to expensive housing.

A quick Google search suggests starting salaries for Minnetonka teachers and police officers to be less than \$50,000. A family of four with this income cannot afford to live in the city.

As a community, we are aspirational in our desire to add affordable housing, but the needs/demands outstrip our ability to even catch up to prior year's goal setting. Given the lack of land, we are left to find small opportunities in attempting to address this issue.

I come back to the issue of balancing sometimes competing interests. In this instance, I weigh in on the side of the greater community.

I am in favor of the Proposal and would vote to recommend to the City Council for their approval.

Respectfully,

Sean OConnell
Minnetonka Planning Commission Member

TRAFFIC STUDY

Memorandum

To: *Loren Gordon, City Planner
City of Minnetonka*

From: *Anthony Heppelmann, PE*

Date: *April 5, 2017*

Re: *Shady Oak Redevelopment
WSB Project No. 1502-70*

Introduction

This traffic impact study addresses a proposed redevelopment of the property at 4312 Shady Oak Road with a 54 Unit apartment building. The project location is shown on Figure 1. The development would replace the existing retail building on this site. The proposed site layout is shown on Figure 2. The proposed development would have access to Oak Drive Lane via two proposed access points, one to a 32 space surface parking lot and one to proposed underground parking. The primary issue for this project is the potential queues and delays on Oak Drive Lane at Shady Oak Road and the potential impact on safety and the proposed access to the site.

Existing Conditions

Shady Oak Road was recently reconstructed as a four lane divided roadway. The reconstructed Shady Oak Road has a median at the north entrance of Oak Drive Lane onto Shady Oak Road so this access only allows right-turns in and right-turns out. The southerly access of Oak Drive Lane to Shady Oak Road is full access. WSB set a video traffic counter at the southerly Oak Drive Lane access to Shady Oak Road in March, 2017. The am and pm peak hour turning movement volumes recorded at this intersection are shown on Figure 3. The peak hour traffic volumes on Oak Drive Lane are relatively low in both the am and pm peak hours.

Hennepin County conducted peak hour counts on Shady Oak Road near this intersection in 2004 and in 2012. The peak hour volumes in 2012 were lower than in 2004. In 2004, there were 940 vehicles per hour (vph) in the am peak hour and 1260 vph in the pm peak hour. In 2012, there were 815 vph in the am peak hour and 1063 vph in the pm peak hour. The 2017 peak hour volumes based on the most recent counts taken by WSB are 1253 vph in the am peak hour and 1712 vph in the pm peak hour. The reason current traffic counts are much higher than in 2004 and 2012 is because TH 169 was closed north of Bren Road when these counts were taken and Shady Oak Road is being used as an alternative route. Peak hour volumes on Shady Oak Road can be expected to decrease once TH 169 is reopened to traffic. The traffic operations analysis is based on the higher peak hour counts from 2017.

Figure 1
Project Location

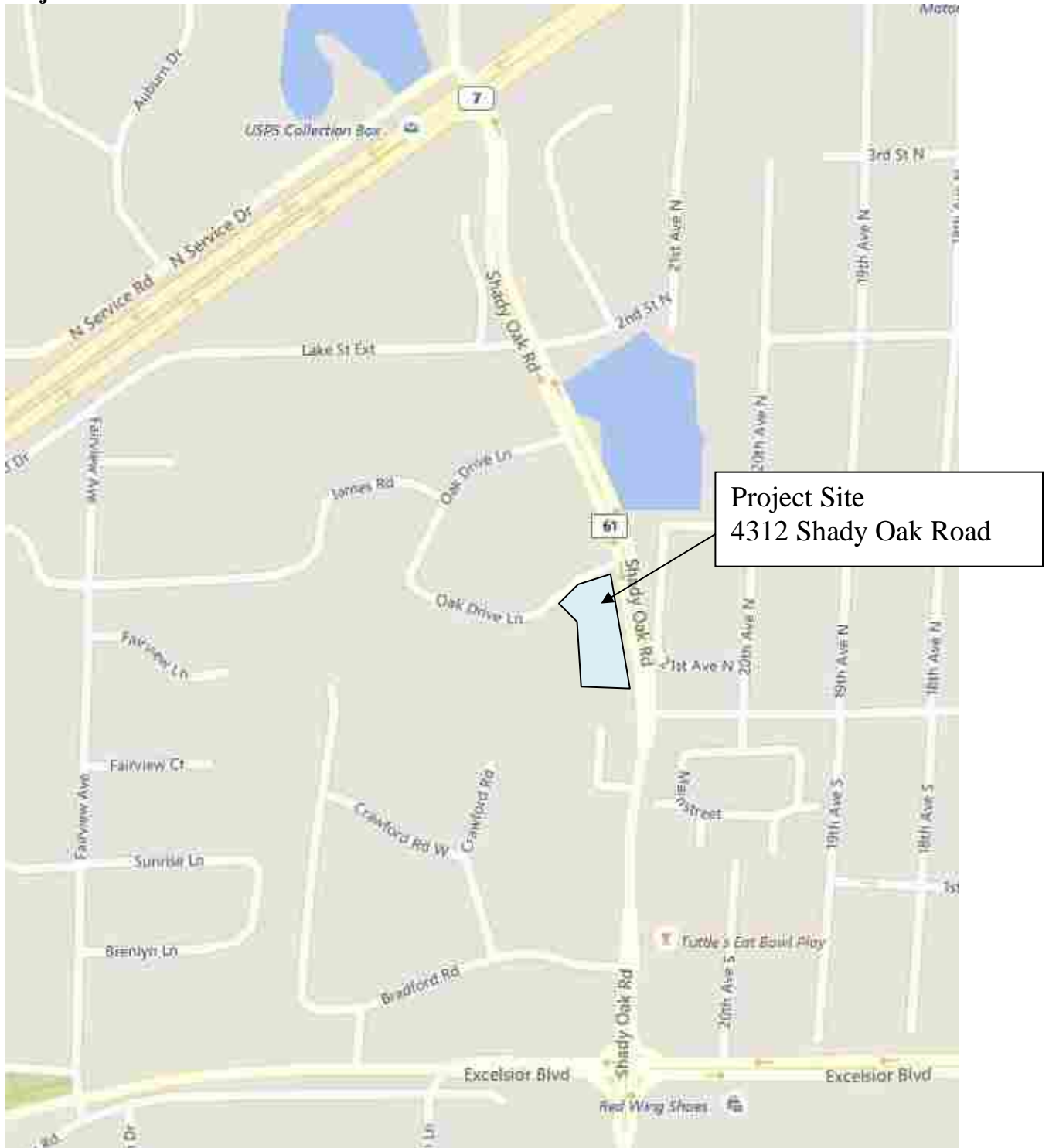


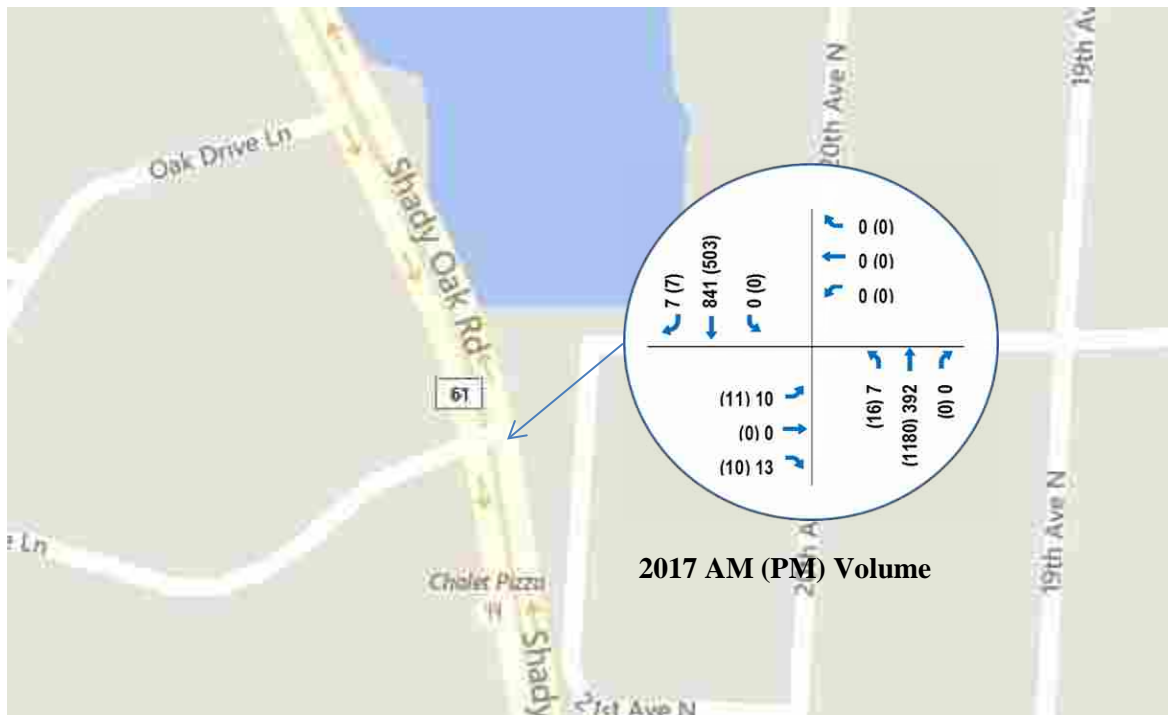
Figure 2
Proposed Site Plan



2/22/16

WHITTEN ASSOCIATES, INC. SHADY OAK ROAD REDEVELOPMENT MINNETONKA, MN IRON CLARK CONSTRUCTION

Figure 3
Existing (2017) Traffic Volumes



The southerly access of Oak Drive Lane is 24 feet wide and has one inbound and one outbound lane at Shady Oak Road. WSB conducted a traffic operations analysis for the Oak Drive Lane and Shady Oak Road intersection for the am and pm peak hours based on the traffic counts shown in Figure 3. The analysis was conducted using SimTraffic software which is a microsimulation model that models each vehicle through the intersection. The results of that analysis are shown in Table 1.

Table 1
Delay and Level of Service at Oak Drive Lane and Shady Oak Road—Existing Conditions

AM Peak Hour

Intersection		Appr	Total Delay by Movement			LOS by Movement			LOS by Approach (Sec/Veh)		LOS by Intersection (Sec/Veh)		Appr	Average & Maximum Traffic Queueing (feet)								
Control	Location		L	T	R	L	T	R	Delay	LOS	Delay	LOS		Left-Turn			Through			Right-Turn		
														Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
Thru-Stop	4: CSAH 61/Shady Oak Road & Oak Drive Lane	NB	7	1	0	A	A	A	1	A	3	A	NB	4	31	50						
		WB	0	0	0	A	A	A	0	A			WB									
		SB	0	4	4	A	A	A	4	A			SB									
		EB	15	0	5	C	A	A	9	A			EB	16	51							

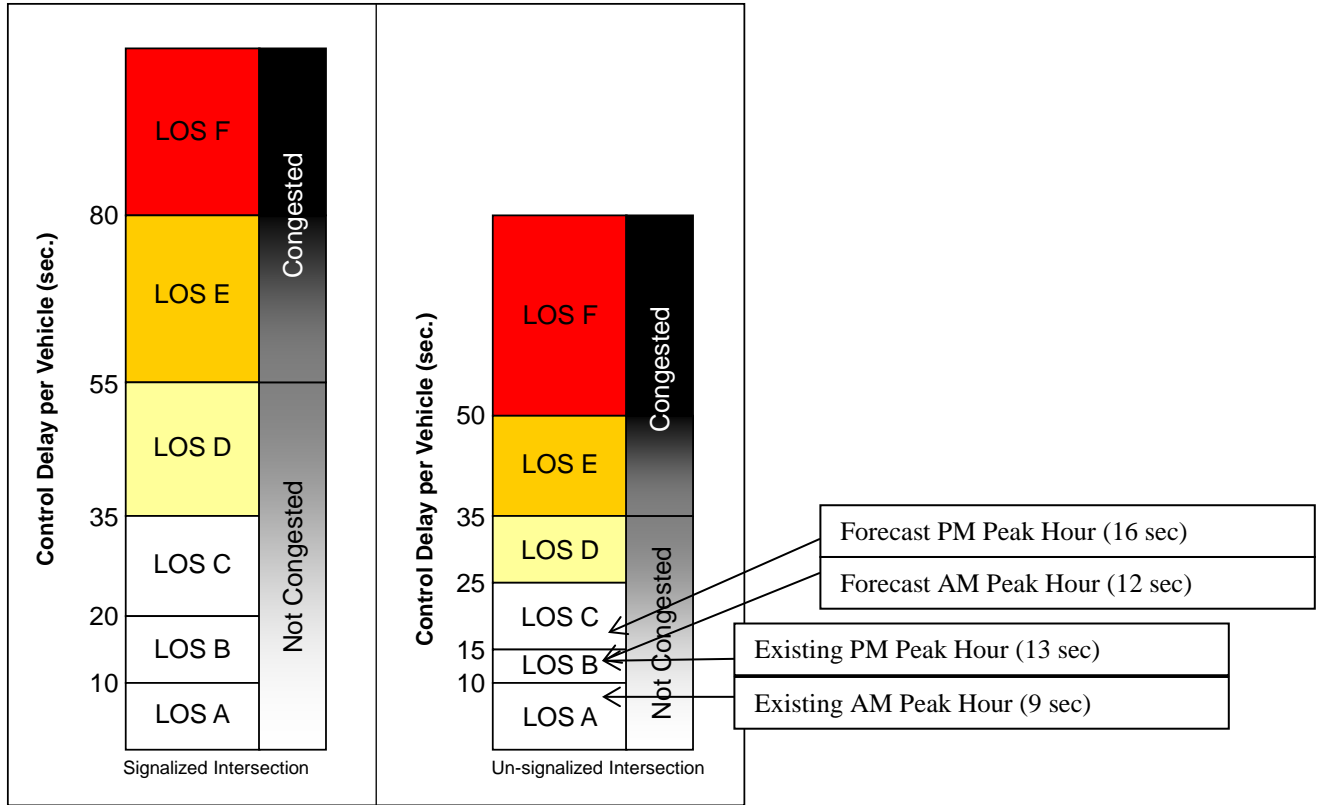
PM Peak Hour

Intersection		Appr	Total Delay by Movement			LOS by Movement			LOS by Approach (Sec/Veh)		LOS by Intersection (Sec/Veh)		Appr	Average & Maximum Traffic Queueing (feet)								
Control	Location		L	T	R	L	T	R	Delay	LOS	Delay	LOS		Left-Turn			Through			Right-Turn		
														Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
Thru-Stop	4: CSAH 61/Shady Oak Road & Oak Drive Lane	NB	5	2	0	A	A	A	2	A	3	A	NB	5	39	50						
		WB	0	0	0	A	A	A	0	A			WB									
		SB	0	4	3	A	A	A	4	A			SB									
		EB	19	0	6	C	A	A	13	B			EB	17	43							

Intersection operations are evaluated in terms of average seconds of delay per vehicle for the intersection, and for each approach and turning movement. The average number of seconds of delay is broken into six ranges assigned letter grades A through F defining each level of service (LOS) as shown in **Figure 4**. The ranges for unsignalized intersections are narrower than the ranges for signalized intersections. This is because many factors including the intangible factors of driver discomfort and frustration are considered. A one-minute delay at a red light is perceived as being more tolerable than one minute waiting for a gap in traffic at a stop sign, especially when there are vehicles queued behind. It is generally recognized that LOS D is the lowest acceptable LOS for urban intersections. Intersection capacity is also defined in terms of queue lengths of stopped vehicles. A 100-foot queue is approximately equal to four cars.

The analysis shows the eastbound approach operates at LOS “A” in the am peak hour and LOS “B” in the pm peak hour with an average delay of 9 seconds/vehicle in the am peak hour and 13 seconds/vehicle in the pm peak hour. The analysis indicates there is potential for there to be up to two vehicles waiting at this intersection during the peak hours. Review of the video logs for the intersection revealed that there was never more than one vehicle waiting on the eastbound approach of Oak Drive Lane during either the am or pm peak hours when the counts were taken.

Figure 4
Level of Service Definitions



SOURCE: Level of Service thresholds from the Highway Capacity Manual.
 K:\Traffic\Level of Service (LOS)\LOS Delay Graphic.ppt

Traffic Forecasts

The estimated trip generation for the site is shown in Table 2 below. The estimated trips are based on trip generation rates from the Institute of Transportation Engineers Trip Generation Manual 9th Edition. The site is expected to generate 30 trips in the am peak hour and 47 trips in the pm peak hour.

Table 2
Site Trip Generation

Description/ITE Code	Units	Expected Units (independent variable)	Calculated Daily Trips	AM Peak Trips - Total	AM In	AM Out	PM Peak Trips - Total	PM In	PM Out
Apartment 220 (adjacent street)	Dwelling Unit	54	451	30	6	24	47	31	16

In order to develop the traffic forecasts with the proposed development the above site generated trips were added to existing counts.

In this study, WSB did not reduce the forecasts by the trips generated by the current use. The table below shows the trip generation for two other potential scenarios for this site. The estimated trips are based on trip generation rates from the Institute of Transportation Engineers Trip Generation Manual 9th Edition. The first row in the table below shows the potential trip generation of the current use if the building were fully occupied. The existing building has almost 26,000 square feet and would generate more than 1000 trips per day and 95 pm peak hour trips if the building were fully occupied. The second row in the table below shows the potential trip generation if the site were redeveloped as a pharmacy similar to an approved plan on the southeast corner of Shady Oak Road and Excelsior Boulevard. This would be an approved use under the current zoning. In this scenario the site would generate over 1200 daily trips and 129 pm peak hour trips. This is more than twice the number of trips generated by the proposed 54 unit apartment building.

**Table 3
Alternative Trip Generation for the Site**

Description/ITE Code	Units	Units (independent variable)	Calculated Daily Trips	AM Peak Trips - Total	AM In	AM Out	PM Peak Trips - Total	PM In	PM Out
Alternate Scenario—Existing Retail	1000 KSF	25.7	1,097	25	15	9	95	46	50
Alternate Scenario--Pharmacy	1000 KSF	13.0	1,260	45	23	22	129	64	64

Site Trip Distribution

Almost all of the trips are expected to use Oak Drive Lane to access Shady Oak Road. Unless there are major delays at Shady Oak Road there is no reason that a vehicle would find it convenient to use Oak Drive Lane into the neighborhood. At Shady Oak Road about half will turn right and half will turn left which is the pattern of the existing traffic at this intersection. Figure 5 shows the trips that would be added to the Oak Drive Lane and Shady Oak Road intersection as a result of the proposed development.

Figure 6 shows the forecast traffic volumes with the proposed project.

Figure 5
Site Trips at Oak Drive Lane and Shady Oak Road

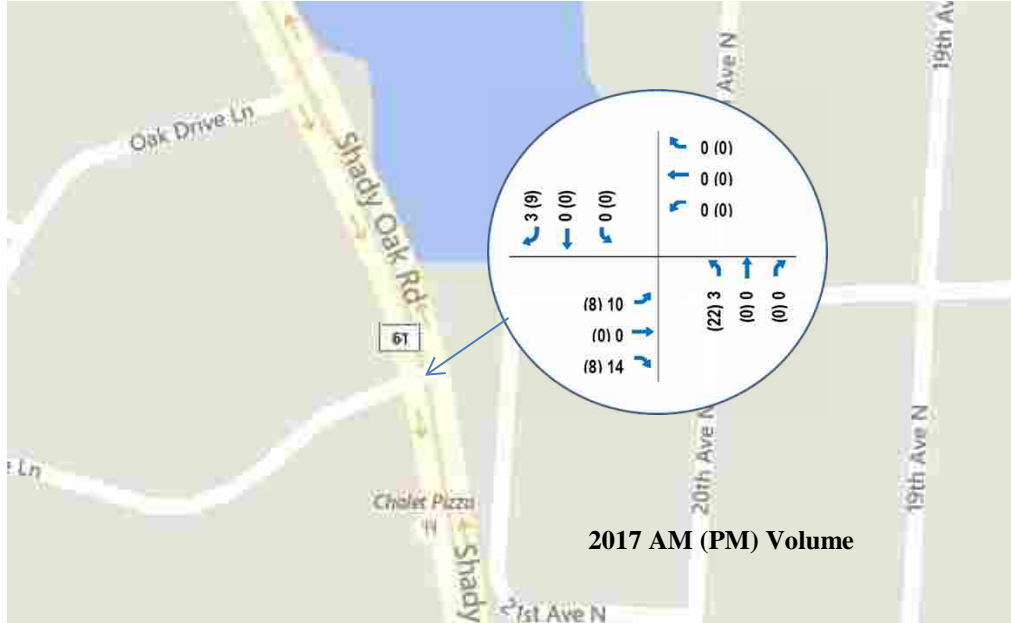
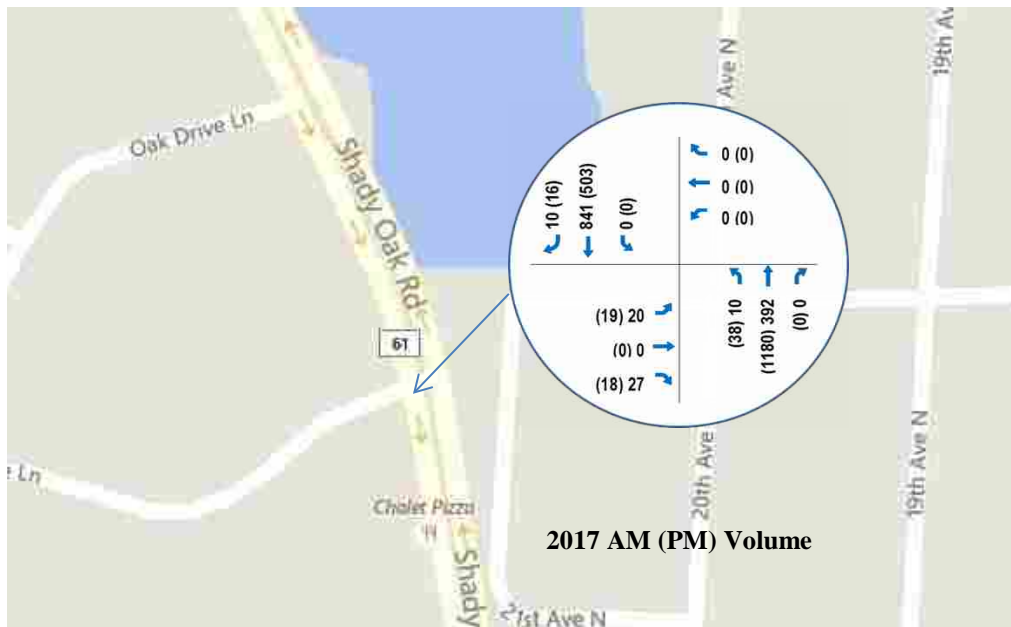


Figure 6
Forecast Volumes at Oak Drive Lane and Shady Oak Road with Development



Future Traffic Operations

WSB conducted traffic operations analysis of the forecast traffic volumes with the development to determine how delays, level of service and vehicle queues may change with the proposed project. Table 4 shows the results for one year after opening of the development. The analysis shows that the eastbound approach operates at LOS “A” in the am peak hour and LOS “C” in the pm peak hour with an average delay of 12 seconds/vehicle in the am peak hour and 16 seconds/vehicle in the pm peak hour. The increase in delay over the existing conditions is 3 seconds per vehicle on this approach. The analysis indicates that the potential queue length is still about two vehicles. However most of the time there would not be more than one vehicle waiting at the intersection.

**Table 4
Delay and Level of Service at Oak Drive Lane and Shady Oak Road With Development**

AM Peak Hour

Intersection		Appr	Total Delay by Movement			LOS by Movement			LOS by Approach (Sec/Veh)		LOS by Intersection (Sec/Veh)		Appr	Average & Maximum Traffic Queueing (feet)								
Control	Location		L	T	R	L	T	R	Delay	LOS	Delay	LOS		Left-Turn			Through			Right-Turn		
														Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
Thru-Stop	4: CSAH 61/Shady Oak Road & Oak Drive Lane	NB	7	1	0	A	A	A	1	A	3	A	NB	7	38	50						
		WB	0	0	0	A	A	A	0	A			WB									
		SB	0	4	5	A	A	A	4	A			SB									
		EB	19	0	7	C	A	A	12	B			EB	28	69							

PM Peak Hour

Intersection		Appr	Total Delay by Movement			LOS by Movement			LOS by Approach (Sec/Veh)		LOS by Intersection (Sec/Veh)		Appr	Average & Maximum Traffic Queueing (feet)								
Control	Location		L	T	R	L	T	R	Delay	LOS	Delay	LOS		Left-Turn			Through			Right-Turn		
														Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage	Ave Queue	Max Queue	Storage
Thru-Stop	4: CSAH 61/Shady Oak Road & Oak Drive Lane	NB	6	2	0	A	A	A	2	A	3	A	NB	13	43	50						
		WB	0	0	0	A	A	A	0	A			WB									
		SB	0	4	4	A	A	A	4	A			SB				4					
		EB	24	0	7	C	A	A	16	C			EB	25	62							

Conclusions and Recommendations

The following conclusions and recommendations were reached from the analysis that was conducted for this traffic study of the proposed 54 unit apartment at 4312 Shady Oak Road.

- The level of service for traffic on Oak Drive Lane approaching Shady Oak Road at the development site is LOS “A” in the am peak hour and LOS “B” in the pm peak hour with a maximum queue of two vehicles under existing conditions.
- The proposed site will generate 30 trip ends in the am peak hour and 47 trip ends in the pm peak hour with almost all of the traffic using the Oak Drive Lane and Shady Oak Road intersection. Very little if any traffic would use Oak Drive Lane to go west.
- With the development of the site, the level of service for traffic on Oak Drive Lane approaching Shady Oak Road at the development site is LOS “B” in the am peak hour and LOS “C” in the pm peak hour. The average increase in delay is 3 seconds/vehicle and the maximum queue length is still two vehicles.
- Based on the above WSB recommends that the access from the proposed development site be located at least 100 feet to the west of the intersection to allow traffic to exit the site without conflicts with traffic queued at the intersection. One access from the site to Oak Drive Lane is preferable to minimize vehicle conflicts.
- Separate right and left turn lanes on Oak Drive Lane at Shady Oak Road could slightly reduce delays but is not required to provide an acceptable level of service at this intersection.

PREVIOUS REVIEW MEEETINGS

Calvert thought that it would be important that the project appear homogenous and not have the affordable housing building appear different than the other building.

Sewell thought that the project looks great. He favored managing the height. As the starting point for development in the area, it looks great and has a lot of great features.

This concept plan is tentatively scheduled to be reviewed by the city council at its meeting on March 6, 2017.

B. Concept plan review for the Shady Oak Redevelopment located at 4312 Shady Oak Road.

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

Gordon and Wischnack reported. They recommended that the planning commissioners 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.

Wischnack explained that "low income" housing refers to a resident with an annual income of less than 30 percent of the area median income. Median income is \$85,000 for this area. "Affordable housing" covers a range of up to 80 percent of the area median income. The proposed rent would be between \$800 and \$1,200 a unit which would be considered 60 percent of area median income. Wischnack refers to it as "workforce housing" and the worker typically earns between \$40,000 and \$50,000 a year. Tax credits would be used to offset the affordability of the project. The proposal would not be "Section 8 housing," but Section 8 vouchers may be used to subsidize the rent.

Knight noted that the site has a fair amount of pollution. He asked if the adjacent site on the south side would be part of the proposal. Wischnack answered in the negative.

Chair Kirk asked who pays to have the site cleaned up. Wischnack explained that there are grants available. The city would apply for a grant to fund the cleanup. The city likes to have the redevelopment grading coincide with the cleanup.

Tim Whitten, of Whitten Associates, and Mike Roebuck and Mike Waldo, of Ron Clark Construction and Design, the development team, introduced themselves. Mr. Whitten stated that he is excited to work on the site since it is located in Minnetonka. He pointed out a large stormwater management easement located on the site. The site has a grade challenge and access restricted to Oak Drive Lane. The most efficient way to access the proposed three-story building with 54 units and structured parking would be straight in from the end. The site today is mostly impervious surface. There would be 59 enclosed parking stalls and 32 surface parking stalls. The grade dictated the site's design. The proposal would reduce the site's amount of impervious surface. A lot of green would be added. Even though the amount of stormwater runoff would be decreased, a rain garden would still be added to clean the stormwater. The concept plan shows the mass and scale of the building. The architectural features would provide a transition from existing residential to a commercial area. The focus would be to keep the main roof at a low pitch and stay within scale. Landscaping details would be worked out. Ron Clark is known for exceeding landscaping requirements. He was available for questions.

Calvert confirmed with Mr. Whitten that brick in brown tones and cement-board detailing would be the idea for the exterior.

Mr. Waldo explained that 54 units would allow for a full-time caretaker on site and on-site manager. He would like more than 54 units, but that would be a little tight.

Chair Kirk invited anyone present to comment.

Andy Braun, 4408 Crawford Road, asked for the purchase price of the site, the selling price of the site, the cost of the development, and how much profit would be expected from the rent of the units. He thought residents of the three-story building would be able to see his residence. He was concerned for his property's value, public safety, and his wellbeing. "The record" shows that the comments were "less than three stories." He asked if "Section 8" could apply.

Elizabeth Miller, 4408 Crawford Road, stated that she spoke on behalf of four of her neighbors. Her landscape would be degraded by the scope of the project. They received the information a couple weeks ago. The homeowners are invested for the future. A park or green space was off the table for discussion. The neighbors would take the loss on their property values, happiness, and safety.

Ann Aanestad, 4255 Oak Drive Lane, stated that she was concerned with the height of the proposed building. The surrounding houses are ramblers, one-story,

and modest-style houses. The underground parking would make the building four stories. It would not fit the housing in the area. The nearest park is over a mile away. There is not enough green space to accommodate 54 units. The proposal would cause grid lock in the area. The apartment building would not be appropriate in the area. It would not fit.

Chris Aanestad, 4255 Oak Drive Lane, stated that the building looks like it is four stories with the roof. It does not fit with the character of the neighborhood at all. He preferred owner-occupied. He did not know why townhomes would not be considered. He asked for the size of the lot and how many townhomes would be feasible. He thought 10 townhomes would allow the city to recoup its money. Traffic is a huge issue. This is the only access out of the neighborhood.

Kyle Holm, 4234 Oak Drive Lane, was worried about the stress 54 units would put on the school systems. The size of the building would be doubled. He asked if lowering the number of units could decrease rent because an on-site manager would not be funded. The rent would still be high. He is investing in his house. He agreed that something needs to happen on the site, but he is worried about his resale value.

David Cousins, 4531 Greenwood Drive, stated that he did not see a complete line of justification. He asked what more needs to be done with the process and how urgent is the redevelopment. He asked for the tax consequences for the city and county.

Mr. Braun asked if the \$800 to \$1,200 range included subsidies. He was concerned with headlights hitting a house near the site. He questioned why all options were not on the board to begin with.

Ellen Cousins, 4531 Greenwood Drive, requested that action be tabled for a couple years until the lite rail has been operating to see what would be the best use of the property. She saw no reason to develop the property. The proposal would ruin the neighborhood.

Mr. Braun said that the site is very visible on a main corridor. Something commercial that would be a public resource would be more appropriate than residential. Residential housing should be located further from the corridor.

Ms. Miller confirmed that commissioners had something that she previously submitted.

Nathan Toldts, 4231 Oak Drive Lane, stated that he was concerned with the size of the building, number of units, and traffic. He would prefer something smaller that would provide more of a transition to the single-family residences.

Receiving public comments was concluded.

Chair Kirk noted that this concept plan is tentatively scheduled to be reviewed by the city council at its meeting on February 27, 2017.

Chair Kirk explained that the planning commission looks at the land use issues of each proposal, not the financial aspects. Wischnack stated that the purchase price for both properties was \$1.9 million. The sale price is unknown and will not be public information until it is included in the agenda report and reviewed by the city council for approval of the sale at a city council meeting. Of the \$1.9 million paid for the Shady Oak project, \$900,000 was returned to the city. When the city council purchased the property, the purpose was to solve a road improvement issue. The city council has purchased other properties for parks, but not this site.

Mr. Waldo explained that apartment buildings financed with tax credits or any other source is required to allow a Section 8 voucher to be used based on the rent being charged. He estimated 5 to 12 percent of the units would have a renter utilizing a voucher. He noted voucher users are some of the best tenants because the participants do not want to risk losing the voucher.

Gordon noted that the site is located in the Hopkins School District. The school district would be better able to estimate the number of school-age children in the area. Bus routes are planned during the enrollment process. He estimated that a school bus would travel past the site.

Gordon explained that redevelopment has always improved surrounding property values in Minnetonka. A residential apartment building pays the highest rate of property taxes. There is a commercial use underperforming next door. An underperforming commercial use next door could decrease surrounding property values.

Chair Kirk reviewed comments from the public including concern with the size of the building and traffic issues related to Oak Drive Lane and Shady Oak Road.

Calvert clarified that the site is currently zoned for a commercial use. Gordon confirmed that the site is guided by the comprehensive guide plan for commercial and its zoning district is B-2, which would allow offices, gas stations, and fast-

food restaurants with a drive-through window. The proposed zoning change would be a less intensive district than a commercial district.

Calvert asked how a 54-unit apartment building would fit with the city's housing goals. Gordon reviewed the housing gaps analysis that projected 1,250 units would be located within a half mile of the Shady Oak SWLRT station.

Wischnack reviewed options considered for the site. The city's goal of purchasing the site was not to make money. It was necessary for the Shady Oak Road improvement project. The city hopes to break even when it is sold.

Powers confirmed with Wischnack that a commercial use could apply to be located on the site, but never did. Wischnack explained that staff met with developers representing each type of use and all of them determined that the location would not be good for retail or commercial. A pharmacy may be the only viable commercial use.

Calvert confirmed with Wischnack that the adjacent house would not be included in the proposal.

Knight thought that the proposal probably is too big, has too many units, and would add to the traffic problems.

Calvert was concerned with the mass. She was excited that the building would be moved away from the road and create green space. Having an on-site manager is important, but she thought that the building would be too big.

Powers did not think the proposal would fit into the neighborhood. Headlights into the house and traffic on Oak Drive Lane are serious issues. He did not like the concept plan.

Calvert clarified that the proposal would provide "affordable housing." She has no aversion to renters who utilize vouchers.

O'Connell stated that he knows of developments that provide Section 42 housing and the buildings are well maintained and attractive. He stated that multi-family housing should be located on a busy, arterial road. The issue with access to travel north is real and the proposal would increase that problem. The use of the site is better as multi-family residential than its current zoning. The site is an eyesore. It would benefit the neighborhood to fix it.

Sewell felt that apartments would be an appropriate use, but the scale of the building may not fit and could adversely impact the neighborhood.

Chair Kirk noted that the utility easement limits what can be done on the site. The proposed building would be too tall and long. There would be no transition from the proposed building to single-family residences. The entrance would need to be on the west side to provide better traffic flow. There should be no more than one driveway off of Oak Drive Lane.

Chair Kirk thanked the neighbors for their attendance.

9. Adjournment

***Sewell moved, second by Calvert, to adjourn the meeting at 9:33 p.m.
Motion carried unanimously.***

By: _____
Lois T. Mason
Planning Secretary

Bergstedt moved, Wiersum seconded a motion to grant the license. All voted "yes." Motion carried.

14. Other Business:

A. Concept plan review for the Shady Oak Redevelopment located at 4312 Shady Oak Road

Wischnack gave the staff report.

Mike Waldo, Ron Clark Construction, said the company really likes the site and has enjoyed working with the city. During the concept plan review process the developer was trying to understand what the neighborhood, planning commission and council was looking for. He felt that the apartment use was a great transitional zoning.

Tim Whitten, Whitten Associates, said currently pretty much the entire site was covered by impervious surface. There was an opportunity to add a lot of green space. The current building was a walkout on the west side. The proposal would put a parking structure in place of the walkout. He said there was an easement on the west side that defined the site. The building can't go past that. A number of different options were looked at as they prepared to respond to the request for information. Everything they looked at came back to the same location on the property with one structured building. The solution they are looking at works hard to fit into the available space. The hope is to push the building close to Shady Oak Road to create an urban feel.

Whitten noted there were around 50 people who attended the neighborhood meeting and he was appreciative of the respectful discussion. In looking at the site there was a significant grade difference from the south to the north. The only realistic access was on Oak Drive Lane. This would work well since the site tipped that way. In the middle of the surface parking was the main entrance to the building. A lot of grade needs to be raised to provide the handicap accessibility. This provides the opportunity to cover the structured part of the building. The center of the building on the main floor would be the common area amenities. The idea was to promote direct access for residents to get to the Shady Oak Road sidewalk so they can take advantage of mass transit. There would be ample space for bikes in the building.

Ann Aanestad, 4255 Oak Drive Lane, said the roadway off Shady Oak Road was actually preferred but because property to the south of the proposed building was privately owned, it could not be purchased. Due to the reconstruction of Shady Oak Road there already was a lot of traffic

coming from the upper neighborhoods into her neighborhood. She said the proposed building would cause massive traffic concerns and was too big. The building was surrounded by wetlands that already were disturbed by the road reconstruction. She said the wetlands should be preserved. She asked that the city consider making it into a preserve area to preserve water quality and the wetlands.

David Cousins, 4531 Greenwood Drive, said the consensus at the neighborhood meeting was there wasn't a lot of support for the project. The building as rendered looks nothing like the other buildings in the area. He said planning commissioners made comments about the site continually being looked at as some type of transitional site, but the height of the building was too much. There were several comments about too much mass. There were also concerns about the traffic situation. He suggested re-thinking what should be done with the site.

Elizabeth Miller, 4408 Crawford Road, said she shared the same concerns as the other two testifiers including traffic issues. The area needed more community development as it was cut off from any nearby amenities such as parks. She felt that option was taken off the table from the very beginning. She said one of the planning commissioners agreed that the project would hurt neighborhood property values. Sustainable agriculture was something the city was lacking. Nationwide there are school to garden programs that are very positive to the community.

Kyle Holm, 4234 Oak Drive Lane, asked what the developer was thinking the roof peak height would be. His house's roof peak height was 19 feet and he thought this was comparable to the rest of the neighborhood. He said the foundation size of the proposed building would double from the current building. He shared the concerns about traffic. The neighborhood was starting to turn over with a lot of young families so he liked the idea of gardening for the property.

Wagner noted the other property was not being included at this point and asked for more information about that. There had been a lot of discussion during the council study session about whether to include the other property as part of this project and the council seemed to be split on the issue. Wischnack said that on the original submission there were townhomes placed on the location. Because of the neighboring single family homes staff felt it seemed odd to place a twin home on the property. It could still be added to the plan.

Wiersum said the fact the city owned both the parcels it begged the question if there could be more creativity with the transition. He asked what options existed, given the easement, to bridge the two properties in a

way that made sense. Whitten said it would be a terrific opportunity to use both properties as one if not for the easement between the two. The variety of different site solutions would have been extraordinary. Wiersum asked what the dollar value was for the smaller lot. Wischnack said the average house value in the neighborhood was \$205,000. Wiersum said while the ideas for a park were nice, \$1.9 million for a one acre park seemed too spendy but maybe using the separated property creatively to create an amenity might take the sting out of the some of the options being considered.

Allendorf said his recollection of the council's discussion during the study session was the same as Wagner's. He thought the majority of the council was leaning on looking at a proposal that would use both properties not together, because of the easement, but the townhouse idea on the west property provided a good transition into the neighborhood. He asked if it was anticipated a traffic study would be done if the project moved forward. Wischnack said a traffic study along with all the environmental work and storm water analysis would be done if the project proceeded. She noted there had been discussion about gaining access off the Mainstreet and those discussions would continue.

Ellingson said during the neighborhood meeting it was pointed out it was possible to turn left or right on Oak Drive Lane but it was difficult to turn left especially during rush hour. He questioned how the traffic would be directed to Mainstreet.

Acomb said housing made sense for the site. She had concerns about the size of the building compared to the single-family homes and businesses in the area. The multi-level housing in Hopkins along Mainstreet doesn't have such a large look. She drove the neighborhood earlier in the day and said it was a charming neighborhood. She thought it would be a great place to live given the proximity to the light rail station. There were parts of the plan she appreciates like the green space and the bicycle accommodations. She had concerns about circulation on the site and the two access points. She recalled the discussions about including the other property and at the time it was more appealing to her than it currently was. There's no buffer between the building and the neighborhood. She liked the idea of having some open space.

Wagner said this location was studied by the council for a number of years. The council had always considered the area as part of the light rail walkshed. The discussion was about ensuring this site was attractive and blended in with what the future of the corridor will be. It will not fit in with the current strip mall or the empty lots. The council would love to have open space everywhere but that wasn't why this particular parcel was

purchased by the city. He thought the site outlived its life as a commercial site and housing was appropriate. He was not as concerned with the 54 units because the other options looked had even more units. He liked the look that made it feel more "townhome-ish" versus the current look with one entrance that looked too "apartment building-ish." He would like to have it feel more residential in the look.

Bergstedt said there were a lot of constraints on the site. When the city purchased the property, it was not done with the intention to have a park and he thought residential was appropriate. It looked like a very urban apartment building with its proximity to the road. If there was a way to soften the look and make it look more "townhome-ish" that would be good. His biggest concern was with the traffic. If people can't easily and safely get on to Shady Oak Road then the number of units and how well the building was designed didn't matter. He noted the site was a contaminated site and asked how that would be addressed with whatever was developed on the site and how that would be funded. Wischnack said the site cleanup was part of the negotiation. With other contaminated sites the city applied for available funding from the county, state and Metropolitan Council. Typically, the cleanup was done as part of the development process. The cleanup can't be done without removing the building and contaminated soil. Currently staff was writing the response action plan. This had to be done regardless of how the site was developed.

Wiersum said a number of things had been looked at for the property. The proposal for 54 units was the smallest that was looked at other than the townhomes, which simply were not feasible. If done right, 54 units would work if the traffic works. He looked at the stacking on Oak Drive Lane as being an issue. He said looking at the multi-unit buildings the council approved during the last five years, many of them very attractive buildings, he has never driven by one and thought, 'that's smaller than I expected it would be.' For him that was a challenge. With the peaked roof, even though from a zoning standpoint it was a three-story building, he could understand the concerns that it looked like a four-story building. He challenged the architect to make the building look smaller. He said the site could be developed as commercial, but residential was less intrusive. Whatever ultimately was approved would be a dramatic improvement over what exists today. He wouldn't want to live next to what currently is on the site. The traffic study would tell a lot and would likely reveal some issues. He would like the building to have less scale and mass so it looked smaller.

Schneider said the use of housing and the potential to do workforce housing on the site was a great advantage for the city. It was very difficult to do and there was a certain critical mass needed to attract the attention

of the funders to make it happen. He thought 54 units was about the right number and would not push for a two-story building or a significantly different footprint. His guess was the traffic study would show the streets can handle traffic, and there would be a wait and a challenge with the people parked in the garage exiting during rush hour. He strongly suggested losing the efficiency of having the driveway go in direct but rather going in to the west. He would be willing to grant a parking variance because it would serve the neighborhood and make the development better. Having the driveway that close to the intersection was problematic. He also suggested widening the city street so there was a right turn in and left turn out. He said the current design while very attractive but lost some of the charm and "wow" factor that was initially shown. For him there were a couple of options. One was going forward with what was currently shown with a little less pitched roof to reduce the appearance. Another option would be adding a front porch and a patio to the first level units facing Excelsior Boulevard. This would be a huge benefit to the character and look.

Wischnack said the next steps would be to have more neighborhood meetings and another concept plan review.

15. Appointments and Reappointments:

A. Appointment of advisors for the 2017 Local Board of Appeal and Equalization

Schneider moved, Bergstedt seconded a motion to approve the appointment of Mr. Powers, Ms. Frost, Mr. Kriedberg and Ms. Miller as advisors for the 2017 Minnetonka Local Board of Appeal and Equalization. All voted "yes." Motion carried.

16. Adjournment

Bergstedt moved, Wiersum seconded a motion to adjourn the meeting at 8:29 p.m. All voted "yes." Motion carried.

Respectfully submitted,



David E. Maeda
City Clerk

Schneider said he liked the natural look of the wood but in today's environment it deteriorates rapidly. It looks good for a year or two. He suggested looking at something that was more stable that looks good long term.

Wiersum said the boardwalk between Crosby Cove and Grays Bay dam was particularly well done and was extremely durable given the amount of traffic. He suggested using that same material for this boardwalk. He asked if there was a place in the city that used the same lighting as was being proposed for this project. D. Ellingson said this would be the first LED lighting used in Minnetonka.

Bergstedt said he preferred the synthetic material for the boardwalk. He questioned the durability of wood and had even bigger questions about how slippery wood can become when it's wet.

Wagner moved, Bergstedt seconded a motion to adopt resolution 2017-040 approving the conditional use permit, with wetland setback variances, for trails and boardwalks within required wetland buffers; and resolution 2017-041 approving the conditional use permit for installation lighting on an existing athletic field until 9:45 p.m. All voted "yes." Motion carried.

C. Continued concept plan review for the Shady Oak Redevelopment located at 4312 Shady Oak Road

Gordon, and City Engineer Will Manchester gave the staff report.

Tony Heppelmann, WSB & Associates, said he was directly involved with the Shady Oak Road reconstruction project. As soon as the city contacted his company to do the study, they went and put out video cameras to count the traffic. Simulation models are used to model the traffic. The modeled data is used to compare with the visual data. What the data showed was the 54-unit apartment building would increase the delay for drivers on Oak Drive Lane turning on to Shady Oak Road by three seconds. The traffic study also looked at what the traffic would be if the current building were fully occupied. He said in the p.m. peak hour it would generate almost three times the traffic amount compared with the apartment building. Other types of redevelopment like a Walgreens were also looked at and it was determined something like that would generate almost twice the amount of traffic compared with the apartment building. He said the apartment building would probably be the lowest traffic generator of anything that could be put on the site.

Heppelmann said currently the Oak Drive Lane is about 28 feet wide, only wide enough for a single vehicle approach so vehicles making a left turn

have the potential to block vehicles making a right turn. The study showed that at most there would be a couple vehicle queue. The information was provided at the open house and there was a question about when the counts were taken and if spring breaks might have impacted the count. He said WSB went out a second time and the counts on Oak Drive Lane were pretty much identical. The numbers on Shady Oak Road were up for unknown reasons. He noted the counts on Shady Oak Road were up about 70 percent from 2012 likely due to the diversion off Highway 169.

Wagner asked what could be expected in terms of stacking on Oak Drive Lane. Heppelmann said the model indicated the longest expected queue was two vehicles but there was enough room for four vehicles.

Schneider noted Heppelmann had said there was a potential for a vehicle making a left turn to block the ability of another vehicle to make a right turn. He asked if the recommendation was to put in a right turn lane. Heppelmann said currently the road isn't wide enough to add a right turn lane so in order to accomplish this, the curb would have to be moved. Given that most of the time there weren't vehicles on Oak Drive Lane at the intersection, he didn't think the cost of moving the curb was justified. The study showed the average overall delay was about 16 seconds.

Wischnack continued the staff report. She said there were three questions staff was presenting to the council to help guide the council discussion.

- 1) Is the council comfortable with the proposed multi-family apartment building with the monthly rents falling in the range of \$800-\$1,200?
- 2) Is the council comfortable with this density (30-32 units per acre)?
- 3) Comments about the design of the building.

Tim Whitten, Whitten Associates, presented the revised concept plan.

Mike Waldo, Ron Clark Construction and Design, showed examples of the company's buildings in other communities. He went over some of the changes to the plan meant to address concerns that had been raised at the neighborhood meetings.

Wagner noted a lot had changed through the process. The current plan was for affordable and tax credit housing. He asked if anything had change in terms of the viability of the project given the potential changes at the federal level. Waldo said there had been changes since they started working on the RFI at the beginning of the process. The election and the expectation of tax reform had reduced the value of the credits. The difference is probably round 10 or 11 cents less than a year ago. He said he thinks the credits will go back up two or three cents.

Wiersum asked if the amount of habitable square footage had changed from earlier concepts. He also asked if there had been a change to the mix of one, two, and three bedroom units. Waldo said 98 percent of the mixture was the same. He said the overall square footage was substantially the same.

Fartun Ahmed, 14528 Moonlight Hill Road, said she is a business owner in the city and her parents run a daycare near this site. She supports the project and asked the council to support it as well. Affordable housing is very important for the city and discussions about affordable housing need to happen. She said young people like herself think very differently than the older generation that lives in the city. A lot of her generation is not looking to settle down and buy homes right away. A lot of her peers have school loans that they are trying to pay off so affordable housing was important to them. She said she read a lot of the rhetoric that was on the Minnetonka Matters portion of the city website. Comments like "this is going to be another Blake Road" were very inappropriate. She grew up in Westside Village on Blake Road and she doesn't use drugs or trash neighborhoods and the same could be said with a lot of people in that neighborhood. She said the racial inequality that exists in Minnetonka is something that needs to be discussed. Comments like "those people" refer to members of her community. It was important to have affordable housing for the law-abiding citizens who are very innovative and who want to contribute to the community. She said a lot of the parents who use her childcare center have had to move out of the city because they can't find affordable housing. A lot of the young people who grew up in the city are looking for diversity, innovation and community building.

Paul Burgett, a Hopkins resident, said he was opposed the project. He agreed with Ahmed that affordable housing was a good thing. He thought it should have been part of the discussion for the 75-unit development off Highway 169 where it wouldn't impact the neighborhood as much. He was opposed to the size of the building, which would be two-thirds the size of the Titanic. The huge building would be dropped into a neighborhood that wasn't made for it. He supported affordable housing in the city but thought jamming this building into this neighborhood would hurt affordable housing going forward. He suggested townhomes would be a better fit for the site or that the city wait five to ten years to see what happens to the market.

Elizabeth Miller submitted a petition signed by people opposed to the plan. She asked the architect at the open house what the tangible size difference in height was between this plan and the previous plan. She said the architect had no idea. If the city was investing taxpayer money to the developer, she thought the developer should at least know the height of

the building. If the developer could not live without 54 units and the neighbors couldn't live with 54 units there was a disconnect and maybe this wasn't the right developer. She said she appreciated Acomb's inquiry during the Minnetonka Hills Apartments' discussion about if affordable housing had been considered for that development because that's where Miller thought affordable housing should go. She noted a map was emailed to staff showing where affordable housing was located in the city. She noted there was a very high amount within a one-mile radius of this neighborhood and little in the rest of the city. There were affordable homes in the neighborhood through the Homes Within Reach program. She would like to see more of that type of housing. She said the traffic engineer didn't take into consideration the increased traffic that would occur with the park and ride if the LRT is built. She lives on Bradford Road and turning onto Shady Oak Road is very dangerous. She asked for a traffic study in that area too. She noted there was no easy access to Junction Park. The trees shown in the drawing were 50 feet high and in reality it would take years for the trees to grow that high.

Jen Westmoreland Bouchard, 4640 Caribou Drive, said she seconded everything Ahmed said. She had noticed a dangerous and very harmful thread of rhetoric in the comments on the online petition and the Minnetonka Matters site as well. She asked those opposed to the plan that had valid concerns to talk with their neighbors who are conflating crime with affordable housing and disparaging members of the community who live on Blake Road. She said she was impressed with the clear communication coming from the city but she was noticing there were voices being left out of the conversation. Westmoreland Bouchard said another resident, Angelique Ellis, asked her to share her comments with the council. Ellis looked for months to find affordable housing in the city. She needed a space that would accommodate her as someone in a wheelchair. Ellis indicated there was a lack of affordable housing for people with disabilities.

Chris Aanestad, 4255 Oak Drive Lane, asked what the buildable area was for the property. He said staff indicated it was 30-32 units per acre. According to his calculations using 54 units, the buildable area was 1.2 acres. This equates to 45 units per acre. He noted 15 business owners had been knocked off the property. He questioned if the city wanted tax credits for developers or jobs and taxes collected from business owners.

Farhia Mohamed said she was a resident in Ward 3. She was supportive of the project. It was deeply disturbing that some of the neighbors leapt to unwarranted conclusions such as thinking an individual was unfit and undesirable due to their financial bracket. Everyone wanted to live in a safe and secure neighborhood. If the sole concern about the project had

to do with the landscape then the discussion should focus on what could be done to create conscientiousness behind the design. However if the opposition perpetuated racial segregation within the city, a city that was mostly white, then the city has failed. Race matters. She quoted a Somali proverb that translated meant a person doesn't enter a home simply because the door was open but rather a person enters a home because there was a welcoming face at the door. She said this was the community people want in Minnetonka.

Joyce Fiedler said she was a huge proponent of affordable housing. With her disappointment in the presidential election, her goal for the year was to find common ground in all she did. This plan was a good example. The people raising concerns about the building size, the number of people in it, and the traffic, had reasonable concerns. The people concerned about affordable housing also had reasonable concerns. She said the racial component should not be ignored. Everyone should recognize and listen to each other's concerns.

Jim Reinitz, 4252 Oak Drive Lane, said he was a member of the Ford site task force in St. Paul. He had not heard any discussion about the pollution on the Shady Oak Road site. He supported affordable housing in areas where people could walk or bike to their jobs. This would reduce pollution and help the ozone layer. He said affordable housing should be put all around the city not just in certain sections.

Steve Philbrook, 4222 Oak Drive Lane, said most of the neighbors did not have an issue with affordable housing. He didn't know anyone in the neighborhood who was a racist. His mother participated in the walk for peace march on Washington. He grew up as a hippie and was very liberal. His problem was the big monstrosity being shoved down the neighbors' throats. One can put pearls on a pig and it still will be a pig. He said the traffic in the area already was horrible and dangerous. Research had to be done to determine if the site was polluted. Further research was needed to study the traffic.

Ellen Cousins, 4531 Greenwood Drive, said she wanted the council to remember the times when they were surprised by how big other buildings were once they were built. Buildings on drawings look a lot smaller than when they actually are built. She also wanted the council to keep in mind this would not just impact people on Oak Drive Lane but also people on Bradford Lane, Crawford Road and the whole neighborhood behind. She said the traffic engineer reported traffic was 75 percent higher than it was in 2012. She wondered what the projection had been in 2012. She asked the council to take a step back and determine if the project should be built now or if it was better to wait to build the right project.

Abbey Holm, 4234 Oak Drive Lane, said she thought affordable housing was terrific. She had lived in affordable housing. She thought this specific site was not conducive to the size of the building being discussed. She noted she had a discussion with Wiersum and she appreciated his comments about compromise being about meeting in the middle. If the developer could not lower the number of units from 54 then there was no ability to make a compromise.

Tim Gustafson, 12340 James Road, said the renderings looked beautiful from the Hopkins side but not the Minnetonka side. He said it appeared the decision had already been made that the only solution was a multi-unit building. The options for other types of community projects like a public garden or expanding the park were not being considered. The taxpayers of the city had already paid for the property. Why not consider what the people would like to see on the property?

Wagner said the council had been discussing the Shady Oak Road corridor for over a decade and the corridor's proximity to the potential light rail station. The council had been told that residential development generates less traffic than commercial development. With the desire to have a more walkable community, this area was probably at the edge of where housing could occur. He said he always thought this corridor could blend commercial services and housing. He thought multi-family housing for this property was appropriate. The site was close to transit, both current and future. He's always been an avid believer that affordable housing should be near transit.

Wiersum agreed multi-family housing was appropriate for this site. In discussing the village centers the council had often discussed the notion of combining affordable housing with transit.

Acomb agreed multi-family housing was appropriate for the site for the reasons Wagner and Wiersum had mentioned. The city wanted a diversity of housing stock and affordable housing was something the city wanted to make sure was provided for. She thought affordable housing needs to be looked at throughout the city.

Ellingson noted there was a townhouse development just kitty korner from this site on Main Street so there already was housing close to the location. The road reconstruction took away parking in front of the buildings so it made it more difficult for commercial businesses. He thought housing was appropriate for the site. He thought one of the best things about the plan was it was 100 percent affordable housing.

Bergstedt said the city desperately needed affordable housing throughout the city so anytime it can be added, it was a good thing. This location being close to downtown Hopkins, good transit and possibly the LRT, made it very appropriate for some type of multi-family affordable housing.

Wagner said everyone would like R1 housing or a park on the site but for him that would be a massive underutilization of the property. There weren't locations in the city that have characteristics of this property, being near transit. The city was falling behind on its affordable housing targets and affordable housing was appropriate for this site.

Schneider noted there was a comment that the property should be used for Home Within Reach homes. He was part of the steering group that created that program and serves on its board. While doable, it takes a lot of extra effort and resources. Nothing of any substance can be done quickly. There have been 40-50 homes built through the program in the city, but it has taken 12-15 years to do so. This plan would provide over 50 units immediately. He thought the walkability to transit and tying it in with LRT was critical but the proximity to downtown Hopkins was just as important. He said the concept and scope of the project was very appropriate. It was important to keep in mind the challenging tax credit financing and its connection with the feasibility of the project happening. There was a difficult process the developer has to go through so the profit earned was well deserved. People who thought the number of units could be cut in half didn't understand the dynamics of affordable housing and how difficult it was, particularly in the tax credit market.

Wiersum thanked Ron Clark and his team for their work. He said he gets offended when people talk about developer greed because everyone wants to get paid. People have a right to make a living. Developers play a valuable role in the community. He noted he was paraphrased but paraphrased badly. He didn't say compromise was having people get to the middle. What he said was the best compromises occur when nobody was happy. That's where he saw the challenge with the plan. If somebody wins somebody was going to lose. The developer was saying to get a quality building, 54 units were needed. This would allow for fulltime management. This made sense. He said he was the one that said looking at other developments, none looked smaller than he expected. He was concerned about that for this site. It was a small site. It was ideally located for housing and well located for affordable housing. Getting this right was important because he didn't want to build the wrong project in the wrong place where people got mad enough that general support for affordable housing diminished. He was hoping for a compromise that would make everybody unhappy and that the end result was a multi-unit building with

significant number affordable units that was scaled appropriately for this site. He thought the concept plan was a little on the high side.

Bergstedt commended everyone who attended the meeting and for people being respectful with those that didn't share the same point of view. He said he found himself feeling strongly both ways. The city needs affordable housing and this was a fabulous location for affordable housing. The part that makes it difficult was what the neighbors were saying. When he looked at the size of the parcel, the mass of the building and the lack of green space, a lot of things that were done with other developments could not be done here. This would be a huge building on a very small parcel. He thought townhouses would be a nice transition into the single family neighborhood on each side. The problem was to do affordable housing required more mass to make it work economically. If the council decided it wanted less units, he believed the developer would not submit an application. They had put in a lot of effort to try and make the building look smaller.

Acomb said one comment that resonated with her was the need to look for common ground. She supported the importance of using affordability in this location. She also was concerned with the size of the building and the impact on the neighbors. Her desire was to do something that made the building smaller. She preferred a two story building even if this meant it couldn't be 100 percent affordable units. This might be a compromise that needed to be made even if it meant the development couldn't be with this developer. She thought that would be unfortunate and didn't want to see that happen.

Ellingson said most of the other commercial buildings along Shady Oak Road were one story. The townhouses were two stories. To have a three-story building would be out of scale with the other buildings. He said his other concern was there already were traffic issues and access to Shady Oak Road. He didn't want to create another access issue for those living in the building. The original proposal was a building that was over 300 feet long, equal to a football field. This seemed like a big footprint. He wondered why the roof couldn't be flat. This would be one way to make it look smaller.

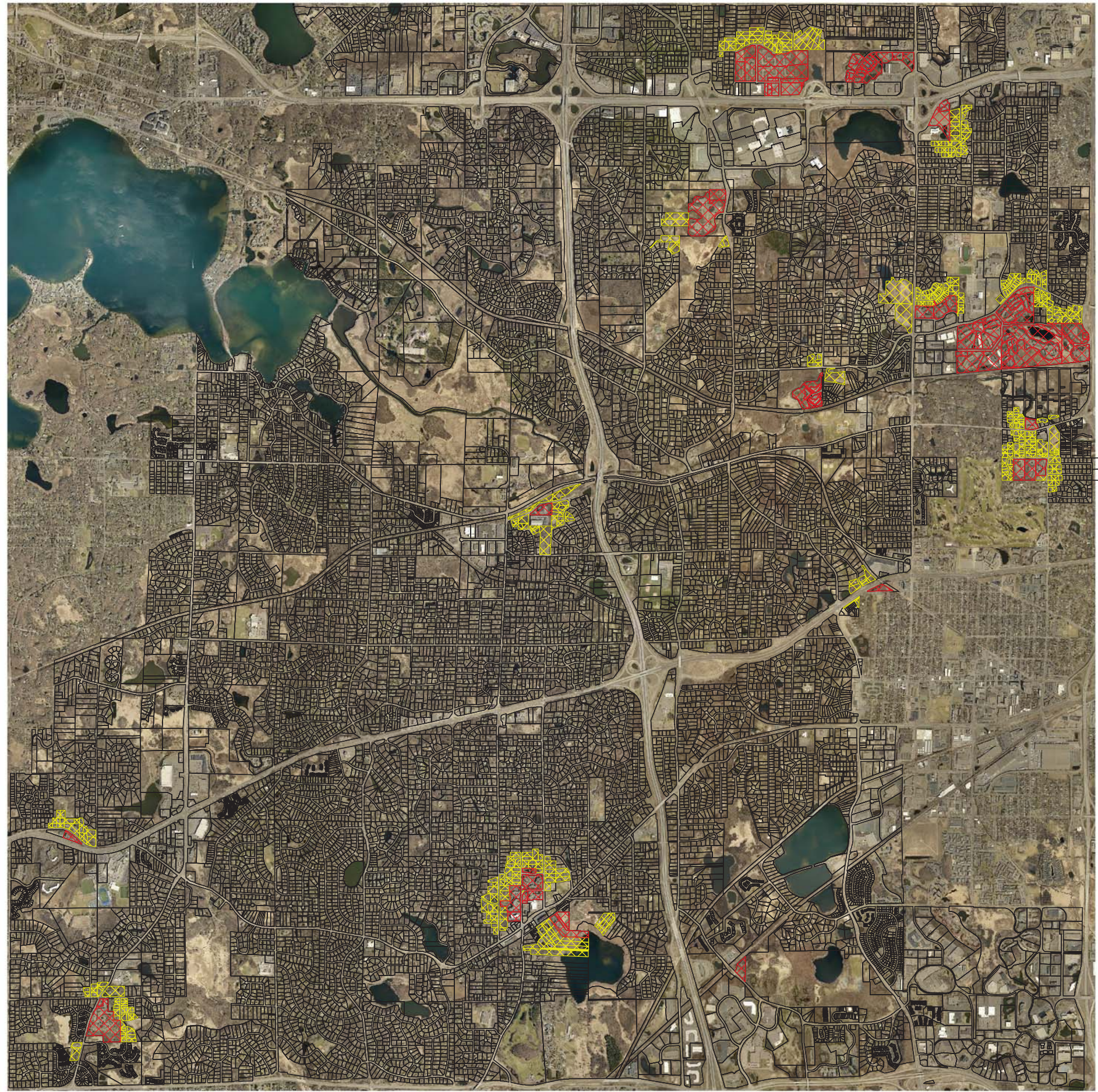
Wagner said this was a classic dilemma for the council. There were neighborhood concerns about size and density. There were council and community goals for affordable housing. There were constraints with the site no matter what went there because of the easement. He was thinking about this site and the Shady Oak LRT station in the context of a 100-year transformation. What is seen today won't be what will be seen tomorrow. The question for the council was if this building was the start of the

inevitable transition in this corridor. Would the transition start in 2020 when this building might go up or would it start in 2030, or 2040 when the light rail station goes in. Eventually the area would become more dense. He would like to have 54 units on a bigger site but that wasn't the hand the city was dealt here. He saw the corridor intensifying in use and that it would become more walkable. He said the size of other recent developments do not bother him as much as some of the other council members. He thought the new building on Plymouth Road looks nice and was a great addition to the Ridgedale area. He thought Cherrywood Pointe and Applewood Pointe would be good additions to the city. The city could wait to see if something else gets proposed, but the math probably would not change. He didn't disagree with anything the neighbors said but in reality, it wasn't going to become a garden.





Schneider said before Council Member Allendorf left the country, he shared his thoughts about this plan with him. Allendorf was very supportive of affordable housing and felt this was the right site but he felt the building was too big. He would be willing to add additional incentives from the city contribution, whether it be reduced price or a combination of things to allow the number of units to be reduced while still making it feasible to reduce the size. This still would not mean a story could be eliminated from the building but it could be made smaller.

Schneider said he was reluctant for the city to put more money into the project but with the shared pain that was discussed maybe that was something that should be on the table. The city did not want to get so prescriptive that the development just did not work because nobody would benefit from that. The question was trying to find the right balance in getting the building to be as palatable as possible without jeopardizing the feasibility. This was the direction he would give the developer. He suggested fleshing out the design perhaps taking into account Allendorf's suggestion to see if something more palatable could be considered. He thought there was a solution in that mix. The reason he didn't think going from a three story to a two story building was feasible was because it would eliminate the underground parking. The challenge was making the three stories compact and designed enough to become more attractive. He thought being more creative with the edges of the building while potentially losing a few units might work. While the neighbors might not like to look at the building it would be an asset to the neighborhood with all the noise, traffic, light and activity on Shady Oak Road. The challenge would be finding the right mix and this would require the developer working with staff, and perhaps an open-minded neighborhood representative who could contribute a perspective that would contribute to the process.

**ADDITIONAL RESEARCH AND
FOLLOW - UP**



GUIDED HIGH-DENSITY
 with
AREA LOW-DENSITY

 Parcels
 City Boundary
 Parcels
 N
 1 INCH = 30 FEET

 high-density
 low density

PUBLIC COMMENTS RECEIVED

July 28, 2017

From: andy braun

Sent: Friday, July 28, 2017 12:01 PM

To: Julie Wischnack <jwischnack@eminnetonka.com>;

Subject: Re: 4312 Shady Oak Road - Development

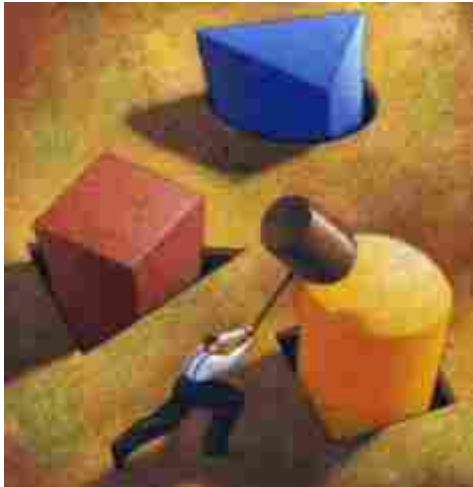
Hi Julie, I see Ron Clark continues to try to finesse their way into approval.

Unfortunately I expect the council will approve the concept in regards to size/scope/fit as Ron Clark has played the chess game well.

I want to remind you that Ron Clark (and if approved by the council, then the council too) are blatantly ignoring the overwhelming position of the community. This alone should be grounds enough to deny the project.

If approved, the council will have gone rogue, and operating with total and complete disregard for the constituents of which it represents. and this sort of practice would be considered entirely unacceptable.

Square peg, round hole, its that simple



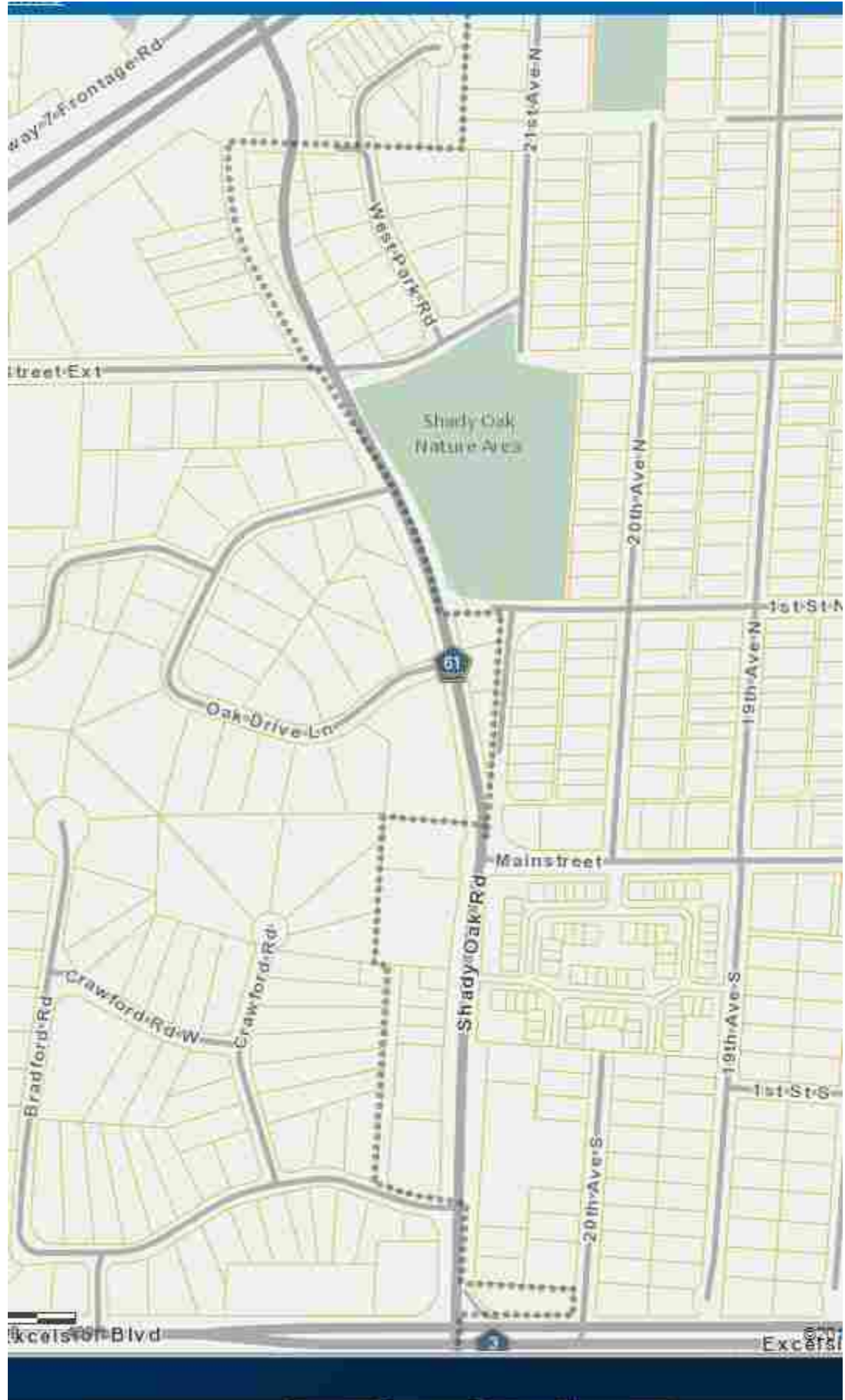
I think a few of our focuses could be:

1. Currently zoned B2 Limited business district.
 - a. Apply to rezone to PUD High Density
 - i. This application has been submitted
2. Current Comp Plan guides the property for commercial use.
 - a. Apply to Ammend the comp plan.
 - i. This application has been submitted.

3. Page 2 of the Project narrative states “represents significant first step in the redevelopment of the Shady Oak Road corridor between Highway 7 and Excelsior Boulevard.”
 - a. The first significant step was rebuilding the road, which has had ‘mixed’ results of positive and negative improvements. These details could be further defined.
 - b. I think our neighborhood as a whole (both Hopkins and Minnetonka) doesn’t want to see ‘high impact’ development. As we prefer to keep the corridor ‘low impact/low scale’
 1. I know the city of Hopkins plans to keep it ‘low impact,’ they’re very happy where its at and their Comp Plan actively and purposefully guides for this, as they instead guide to focus new developments near downtown and the light rail station.
 - c. The only commercial property within Minnetonka along the corridor is the very SW most portion (the Freedom station and Dominos) everything else is low density residential.

i. For these reasons, I don’t see what more ‘redevelopment’ they could be referring to...?

1. Their comp plan clearly does not guide for new development, hence the ammendment...



d.

4. They said they “needed” 56 units (from the previous concept) to make it “viable.” Now that its 49 units how can it still be viable?
 - a. Perhaps a more modest design? perhaps its all part of their chess game strategy?

New 2017 Qualifying Incomes: at or below \$37,980 (family of 1) at or below \$43,440 (family of 2) at or below \$48,840 (family of 3) at or below \$54,240 (family of 4) at or below \$58,620 (family of 5) at or below \$62,940 (family of 6) Projected rents — Including utilities: 1 bedroom = \$848/month 2 bedroom = \$1,017/month 3 bedroom = \$1,175/month

5. “These changes have reduced the building height to two stories as viewed from Shady Oak Road from the north, Main Street from the south and from the existing neighbors to the west.”
 - a. I don’t understand this, if its 3 stories, its 3 stories. Especially in the face of the Hopkins residence across the street, and the neighborhood to the west.
6. Mandates for publicly funded projects to meet LEED or other certifications for sustainability.
 - a. Green materials, Solar/Geothermal, green roof, storm water abatement, green waste management.
7. I’d argue that ‘single band allocation is institutionalized segregation’ and is therefore unconstitutional and un-American.
 - a. There should be mandates or incentives for ‘mixed affordability allocations/bands along with market rate’ tenants. I expect this is a more inclusive, integrated and transparent strategy for effective housing development.
8. All of the arguments made for the ‘merit/value’ of its location in the area, all reference resources provided by Hopkins, and no resources provided by Minnetonka. Where’s the burden/commitment from Minnetonka to provide resources/amenities/infrastructure for this development?
9. This only creates 49 units of the 144 units needed in the 51-80% AMI allocation. I’d argue the focus should be where the demand is greatest, in the lower AMI allocations. Why doesn’t this concept include those other allocations?

Sewered Community	(A) Overall Allocation	Shares of existing affordable housing in each band ¹			Shares of allocation in each band ²			Allocation	
		(B) At or below 30% of AMI (Avg = 9.8%)	(C) 31% to 50% of AMI (Avg = 27.4%)	(D) 51% to 80% of AMI (Avg = 62.8%)	(E) At or below 30% of AMI (Region = 49.9%)	(F) 31% to 50% of AMI (Region = 24.9%)	(G) 51% to 80% of AMI (Region = 25.2%)	(H) At or below 30% of AMI (A x E)	(I) At or below 30% of AMI (A x F)
Hennepin County									
Bloomington	586	6.9%	22.2%	70.9%	52.8%	29.3%	17.9%	310	171
Brooklyn Center	238	5.0%	75.3%	19.7%	43.1%	0.0%	56.9%	103	0
Brooklyn Park	583	7.6%	38.5%	53.8%	51.4%	13.1%	35.4%	300	199
Champlin	201	3.1%	18.6%	78.3%	57.1%	32.8%	10.1%	115	20
Corcoran	184	19.6%	7.0%	73.5%	40.3%	44.5%	15.2%	76	76
Crystal	25	2.8%	50.3%	46.9%	56.0%	4.0%	40.0%	14	0
Dayton	333	25.8%	20.2%	54.0%	33.6%	30.9%	35.4%	112	108
Deephaven	10	0.6%	2.5%	96.8%	54.5%	45.5%	0.0%	5	0
Eden Prairie	1,408	2.8%	24.1%	73.2%	57.0%	27.4%	15.6%	802	389
Edina	876	17.7%	24.7%	57.6%	41.6%	26.6%	31.7%	365	232
Excelsior	36	14.8%	46.0%	39.2%	43.2%	5.4%	51.4%	16	16
Golden Valley	111	11.9%	21.1%	67.1%	47.7%	30.6%	21.6%	53	36
Greenfield	31	0.0%	41.2%	58.8%	61.3%	9.7%	29.0%	19	0
Greenwood	0	0.0%	2.0%	98.0%	0.0%	0.0%	0.0%	0	0
Hopkins	158	13.9%	25.2%	61.0%	45.6%	25.9%	28.5%	72	43
Independence	72	8.4%	12.9%	78.7%	52.1%	38.0%	9.9%	38	28
Long Lake	28	6.5%	23.1%	70.4%	53.6%	28.6%	17.9%	15	15
Loretto	3	9.6%	36.8%	53.6%	68.7%	0.0%	33.3%	2	0
Maple Grove	1,188	1.2%	25.5%	73.3%	58.5%	26.1%	15.4%	694	309
Maple Plain	28	6.2%	36.8%	56.9%	53.6%	14.3%	32.1%	15	15
Medicine Lake	0	0.0%	26.9%	73.1%	0.0%	0.0%	0.0%	0	0
Medina	253	1.0%	8.9%	90.2%	58.3%	41.7%	0.0%	147	0
Minnetonka	1,400	11.3%	12.5%	76.2%	47.3%	38.8%	13.9%	651	539
Minnetonka Beach	0	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0	0
Minnetrista	285	0.9%	27.4%	71.7%	58.8%	23.9%	17.3%	168	57
Mound	69	9.5%	41.4%	49.1%	49.3%	11.3%	39.4%	34	34
New Hope	84	7.2%	25.7%	67.0%	52.4%	25.0%	22.6%	44	44
Orono	158	15.2%	14.7%	70.1%	44.9%	36.5%	18.6%	71	71
Osseo	26	6.0%	56.1%	37.9%	50.0%	0.0%	50.0%	13	0

Household Size:	Extremely Low Income (at or below 30% AMI)	Very Low Income (at or below 50% AMI)	Low Income (at or below 80% AMI)
One-person	\$18,200	\$30,350	\$46,100
Two-person	\$20,800	\$34,650	\$52,650
Three-person	\$23,400	\$39,000	\$59,250
Four-person	\$26,000	\$43,300	\$65,800
Five-person	\$28,410	\$46,800	\$71,100
Six-person	\$32,570	\$50,250	\$76,350
Seven-person	\$36,730	\$53,700	\$81,600
Eight-person	\$40,890	\$57,200	\$86,900

Source: U.S. Department of Housing and Urban Development, FY 2015 Income Limits¹⁷

Even with the existing supply of affordable housing, more than 282,000 low- and moderate-income households in the region are paying more than 30% of their household income on housing costs, and nearly 144,000 of those are paying more than half their income on housing.

This is much better, and not what the project represents.



With kind regard.

Andy Braun



From: Julie Wischnack
Sent: Friday, July 28, 2017 12:26 PM
To: 'andy braun'
Subject: RE: 4312 Shady Oak Road - Development

Thank you for your email Andy. I will share your thoughts with the commissions and council reviewing the proposal over the next few months.

Julie

From: andy braun
Sent: Friday, July 28, 2017 4:26 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>;
Subject: Re: RE: 4312 Shady Oak Road - Development

Thanks Julie, much appreciated.

The intentions of affordable housing are neutral and non segregative. The disparate impact however of this particular implementation will be negative in that it isolates and then illuminates the tenants socioeconomic status. Ron Clark is literally proposing to segregate a group of people based solely on socioeconomic status. I personally can't support that, and I don't think the council should either. I'm sure everyone is in favor of supporting everyone, especially those in need. But I don't think anybody wants to draw attention to themselves (or others) because they are in need. This is why a development that is entirely comprised of affordable housing is poor execution. I'd argue that it should be a mix of all AMI ranges as well as market rate. This will ensure that its integrated and transparent. Its what fair to the tenants, neighborhood and community as a whole.

I'm hearing comments like "oh yeah, who ever would have thought the city would want to put up Projects" and "of course they put up the Projects right on top of Hopkins" and "those poor people are going to stick out like a sore thumb, good thing they're on the very outskirts of Minnetonka, and not on the Wayzata side." implying it fits better on the Hopkins side.

I HATE hearing this rhetoric, its a terrible thing to have to face. But unfortunately I don't know if I can disagree with them, I mean this is their inner truth...Its not wrong...

I really think an 'integrated model' would alleviate/do away with this rhetoric, as opposed to the 'segregated' model presented by Ron Clark.

I'd also like express that if this was a private sale that I could understand a lesser regard for the input/virtue/position of the community, however because this is city owned property, that there should be especially careful attention payed to the input/virtue/position of the community. We know you guys and Ron Clark are hearing us and we appreciate that, but we're seeing only small incremental down-scaling of the

project. And we get that the city wants to make its money back, and that Ron Clark is a business. But there's just still too much of a disconnect between the proposal and community. There's simply not enough common ground nor enough of a compromise.

I mean, its our land, why can't we do what we want with it?

I'd say lets split the difference.

Two stories, bottom is light commercial, top is residential. We split the costs of the development right down the middle, the cities share is to be paid back interest free. Includes a modest public pavilion.

thanks for your attention.

Andy Braun

August 1, 2017

From: andy braun

Sent: Tuesday, August 01, 2017 3:48 PM

To: Julie Wischnack <jwischnack@eminnetonka.com>;

Subject: Re: RE: 4312 Shady Oak Road - Development

Hi Julie, If we're being forced to move ahead with this concept, I think need to pay Ron Clark for their design, and put it out to bid. We need to see multiple bids especially since the property, improvements and development subsidy is heavily supported by public tax dollars. Special consideration and favor should go towards minority owned and non-profit developers.

thanks.

Andy Braun

On Tuesday, August 1, 2017, 4:00:02 PM CDT, Julie Wischnack <jwischnack@eminnetonka.com> wrote:

I will share your thoughts with the city council.

Julie

From: andy braun

Sent: Tuesday, August 01, 2017 4:13 PM

To: Julie Wischnack <jwischnack@eminnetonka.com>;

Subject: Re: RE: RE: 4312 Shady Oak Road - Development

Thats great and much appreciated.

Did you ever hear why Ron Clark is not designing/promoting it as a mix of Market Rate nor above 60 AMI? Is the design or amenities simply not appropriate/up to par for market rate or above 60 AMI tenants?

Do you, the council and the developer agree that a mix of Market Rate and all AMI ranges would promote transparent integration, as opposed apparent segregation? Shouldn't we all be promoting this especially because of the public subsidy?

thanks again.

Andy Braun

August 2, 2017

From: Elizabeth A

Sent: Wednesday, August 2, 2017 9:45 AM

To: Julie Wischnack <jwischnack@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>

Subject: traffic safety issue on bradford

Good Morning,

I hate to be having to complain to you guys-I know you're working hard to meet all kinds of demands and I'm sure it can be really hard. Ahead of these continued meetings with Ron Clark (which your residents overwhelmingly are against progressing with and hiring them), we still haven't seen any solutions to the traffic issue.

Getting out on to Shady Oak Road from Bradford (or Excelsior from the other exit) is dangerous. It forces our neighborhood to be extremely aggressive when trying to get out of the neighborhood. The street was not designed well enough to add 50 apartments to with out exacerbating an already frustratingly dangerous driving situation.

So that's our everyday. What about emergencies? How are they supposed to be able to get in and out when you and Ron Clark have double or tripled the traffic?

Exiting/entering on to Excelsior is even worse. It's down right terrifying when there's ice on the road.

I am really tired of going to these meetings, we don't want high density and we don't want 3 levels. I will keep calling in, emailing in and showing up to represent mine and my neighbor's concerns as long as I own my home.

Thank you,
Elizabeth Miller

As an aside, how is it fair to give most of the other high density residential sites in Minnetonka acres and acres of swamp and open land surrounding them but when building 'affordable/low housing' (whatever the kids call it these days) you literally build it on an acre with no buffer for the private residences surrounding it and no buffer to the busy street and the next city?

August 3, 2017

From: andy braun

Sent: Thursday, August 03, 2017 5:04 PM

To: Brian Kirk <bkirk@eminnetonka.com>; John Powers <jpowers@eminnetonka.com>; Deborah Calvert <dcalvert@eminnetonka.com>; David Knight <dknight@eminnetonka.com>; Sean O'Connell <soconnell@eminnetonka.com>; Rebecca Schack <rschack@eminnetonka.com>; Joshua Sewall <jsewall@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>

Subject: 4312 Shady Oak Road - Redevelopment - RC Application.

Hi Brian, it was nice speaking with you last night at the open house.

I'm curious if anyone has assembled a pros/cons, cost/benefit, benefits/detriments analysis that we can use to more tangibly weigh the value of this application.

If not, I have, please see below. I'd encourage you to refine and/or elaborate as you see fit.

Benefits/Detriments.

City:

Benefit:

- 1) Gets to fulfill 49 units of the 144 units needed in the 51-80% AMI category as defined by the Met Council
- 2) Slight uptick in tax revenue.
- 3) Gets out of landlord business.
- 4) Cleans up brownfield contamination.
- 5) Gets to recoup a 750k of its 900k investment from purchase of the land.
- 6) Majority of amenities are provided by city of Hopkins, alleviating Minnetonka's responsibility for providing these amenities.
- 7) Keep the affordable housing tenants on the very outmost edge of the city's border, and away from the core of Minnetonka's more affluent neighborhoods.

Detriment:

- 1) Promotes amending the Comp Plan and Zoning regulations.
- 2) Promotes the needs of developer over the affordable tenants, local community and neighborhood.
- 3) Promotes segregation and isolation.
- 4) Promotes housing development in favor of, and while simultaneously driving out small business development.

- 5) Public tax dollars used to subsidize and pad the profit margins of private developers, in favor of alternatively supporting minority owned or non-profit developers.
- 6) Does not promote sustainability nor green building practices such as LEED certification, renewable energy, sustainable materials, comprehensive waste management, composting and zero landfill impact programs.
- 7) Provides only 49 affordable units of the overall 1,064 allocation set by the Met Council.

Developer:

Benefit:

- 1) Gets to develop 'shortcut' housing that does not comply with Minnetonkas common apartment conventions such as ample buffering, green space, road, park and emergency vehicle access.
- 2) Make their profit, while being unable or unwilling to develop truly affordable housing, relying on the taxpayer to provide a subsidy to make up the difference.
- 3) Gets to claim and promote their business as providing virtuous, positive, well integrated affordable housing development.
- 4) Does not have to compensate for the neighborhoods loss of property value.
- 5) Does not have to compensate for the neighborhoods loss of privacy.
- 6) Does not have to compensate for the neighborhoods increased road congestion and safety risk.

Detriment:

- 1) Identified as putting profits before affordability and integration.
- 2) Identified as not applying Minnetonkas' common apartment conventions such as ample buffering, green space, road, park and emergency vehicle access.
- 3) Identified to not support sustainable nor green building practices.
- 4) Identified as providing false or misleading narratives about each subsequent concept proposals 'minimal viability'.
- 5) At significant risk of hindsight concluding the project to be unsuccessful or otherwise missed opportunities to maximize potential.

Affordable Tenants (at 60 AMI or less):

Benefit:

- 1) Gain access to housing.

Detriment:

- 1) Provides only 49 units of the 1,064 allocation set by the Met Council
- 2) Minimal amenities, not consistent with what a market rate type design practices nor Minnetonkas' common convention.
- 3) Systemic segregation and isolation based on socioeconomic status.
- 4) Knowing that their housing is causing a negative impact, and is unaccepted by the neighborhood and local community.

- 5) Pedestrians forced into immediate proximity to high traffic and unsafe areas.

Neighborhood and local community

Benefit:

- 1) Potential local economic uptick.

Detriment:

- 1) Invasive, aggressive, imposing presence that does not fit with the neighborhood.
- 2) High density not appropriate for the neighborhood.
- 3) Undermines the overall well-being of the neighborhood.
- 4) Loss in property value in the surrounding neighborhood.
- 5) Infringement on privacy, security and increased vulnerability.
- 6) Does not comply with the comp plan defined by Minnetonka nor Hopkins for this section of Shady Oak Road.
- 7) Does not comply with zoning regulations.
- 8) Promotes increased development of the corridor which it was not designed to accommodate, is not appropriate for nor welcomed into the neighborhood.
- 9) Promotes segregation and isolation based on socioeconomic status.
- 10) Does not support sustainable nor green building practices.
- 11) Promotes limited access to outdoor spaces and amenities.
- 12) Promotes unsafe outdoor environments, roadways and common spaces.
- 13) Promotes using roads designed for low traffic residential neighborhoods to be used for high density housing.
- 14) Promotes the disregard for community engagement and interest
- 15) Puts the need of the developer and city before the needs of the neighborhood and affordable tenants.
- 16) Does not promote local business development especially minority owned and non-profit.

Thanks.

Andy Braun

August 10, 2017

From: Elizabeth A

Sent: Thursday, August 10, 2017 4:38 PM

To: Terry Schneider <tschneider@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Brad Wiersum <bwiersum@eminnetonka.com>; Tony Wagner <twagner@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>; Dick Allendorf <dallendorf@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>

Subject: Fwd: Shady Oak Road Redevelopment Project Update

City Council Members,

The high density apartment building is too close to the busy road and too close to residents' back yards.
Other high density in Minnetonka is surrounded by nice city owned land that is the way all apartments should be built here.
Please remember that your constituents have been asking that we be heard all along and the fact is this is still a high density, multi-story.
Ron Clark is not the builder we want. Ron Clark said they couldn't make it any smaller and then they did 3 times.
Tell them to go back to the drawing board please because this 1 acre lot cannot reasonably support that many more humans.
Thank you for hearing us, your neighbors as we weigh in to find a future that is fair.

Respectfully,
Elizabeth Miller

August 13, 2017

From:
To: Julie Wischnack; Loren Gordon; Susan Thomas; Bob Ellingson
Cc:
Subject: 4312 Shady Oak Rd Contact Info
Date: Sunday, August 13, 2017 12:37:47 PM

To Whom It May Concern;

My name is Blake Huffman and I lead a non profit that builds / renovates homes for 2 populations - domestic violence survivors and military veterans.
The non profit's name is Journey Home MN and information can be found at www.journeyhomemn.org.
We would like to discuss building medium density housing that would be focused on veterans at the above address.
We are working on similar projects around the cities and would love to discuss the potential of developing this site.
Regards,
Blake Huffman

August 14, 2017

From: Elizabeth A
Sent: Monday, August 14, 2017 2:42 PM
To: Bob Ellingson <bellingson@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>; Terry Schneider <tschneider@eminnetonka.com>; Tony Wagner <twagner@eminnetonka.com>; Dick Allendorf <dallendorf@eminnetonka.com>; Brad Wiersum <bwiersum@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>
Subject: Quick reminder -

All,

Ahead of the meeting tonight, I wanted to engage you on the fact that your constituents are still strongly opposed to using our city's money and resources for the project proposed by Ron Clark on the stance that it will not serve to build community, there are significant safety hazards in regard to traffic, there is not enough buffers for a high density building on this site, 4312 Shady Oak.

No one from our community has budged, we do not want high density, multi-story to be installed with our own city funds. We do not like that Ron Clark lied or was deceiving when they told us multiple renditions ago that they couldn't make it any smaller, contradicting themselves months or weeks later with a scaled back image. We do not want our tax payer dollars going towards this company and believe that the city should have been looking for alternatives long ago.

To further the argument that this project is out of touch with the neighborhood, it thoroughly disagrees with Hopkins' plans for this corridor (between 7 and Excelsior).

This building should look toward the future and unfortunately, it is emblematic of the criticism that surrounds the city of Minnetonka in regards to the poor job we have done to take care of affordable housing needs. This is not a good place for affordable housing- the bus service is not great or good (much unlike all of the buildings going up near Ridgedale), access to jobs and recreation are limited, and there is scientific evidence that being that close to a busy road will eventually cause the inhabitants lung and throat damage.

Thank you so much for hearing your constituents and neighbors alike- we want to be heard and we want to work together to come up with solutions to the various problems surrounding this very important location, and the very important issue of affordable housing.

Regards,
Elizabeth Miller

From: Jeri Massengill

Sent: Monday, August 14, 2017 3:56 PM

To: Alisha Gray <agray@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>; Terry Schneider <tschneider@eminnetonka.com>; Dick Allendorf <dallendorf@eminnetonka.com>; Tony Wagner <twagner@eminnetonka.com>; Brad Wiersum <bwiersum@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>

Subject: Shady Oak Road and Oak Drive Lane

Hello City Council and Staff - I wanted to pass this along as a visual example of my concerns about the safety of Shady Oak Road where it intersects with Oak Drive Lane. I'm very thankful it was not a child that got hit this time.



Photo taken Friday Aug 11. Photographer (my neighbor) said it looked like someone got hit trying to cross Shady Oak from Oak Drive Lane, and it wasn't during rush hour.

As you know, Oak Drive Lane is proposed as the only access to Ron Clark's proposed multi-family apartment building at this intersection. This proposed apartment is within just a few feet of a busy road where people routinely speed 10 to 20 miles over the 30 mph limit. Adding a nearly 50 unit apt building at this location, that can only be accessed via my residential street, will only increase the risks of accidents in this area and has the potential to substantially increase traffic past my house when people cut through the neighbor to avoid backups on Shady Oak Road. And since the proposed building is within just a few feet of the road, vehicle emissions will enter open apartment windows and the air intake units potentially causing health impacts to the residents.

I encourage all of you to consider a more suitable location for families within our beautiful city. This location offers no park or other safe open space for the children to run around and play. The tot lot will be of interest to only the youngest kids. I know we can do better and I respectfully ask you consider a more appropriate use for this parcel. Light commercial, low density residential (set-back from the road) or green space with access directly from Shady Oak Road are all better uses for this challenging parcel.

Best Regards,
Jeri Massengill
4272 Oak Drive Lane, Minnetona

August 15, 2017

On Tuesday, August 15, 2017, 9:03:39 AM CDT, andy braun < > wrote:

Hi Bob, it was a pleasure speaking with you last night after the council meeting. As you know, there is nobody in our neighborhood whom is particularly in favor of this development, in fact most if not all are in strong opposition. We believe that a development such as this deserves be something that we can all be happy to support and welcome with open arms. Instead it is something that we are all having to 'settle' for, and that nobody is actually happy with nor excited about.

We are doing an injustice to ourselves, our community and the eligible tenants, and are operating in stark contrast to the City's own Mission and Goals by promoting this development.

I'm curious if anyone on the Development Board, Staff, or Council has assembled a pros/cons, cost/benefit, benefits/detriments analysis that we can use to more tangibly weigh the value of this application.

If not, I have, please see below. Id encourage you to refine and/or elaborate as you see fit.

As you'll see, it does not add up to a win.

From: andy braun
Sent: Tuesday, August 15, 2017 4:58 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>
Subject: Re: 4312 Shady Oak Road - Redevelopment

Hi Julie, I'd like to know if you, staff, council or commission can please help us out with a very basic and on going concern we have.

I'm curios why this particular property is getting so much attention in the first place? Whats the compelling reason to put so much focus on this property in particular?

I see the city of Minnetonka owns a lot of undeveloped land, much of which is located adjacent to the Village Centers as defined in the EXISTING comp plan.

Wouldn't one of those other parcels provide a fix for most if not all of the issues we're having at the 4312 location?

- 1) Immediate access to public transit
- 2) Increased buffering which is consistent with the other high density developments in Minnetonka
- 3) Not relying entirely on low density residential roads for access, including emergency vehicles.
- 4) Increased access to amenities, especially those supported by Minnetonka.

- 5) Not require a change to the Comp Plan and Zoning
- 6) Allow for a higher quantity of units.
- 7) Little to no negative impact and resistance on the local neighborhood.
- 8) Not be in stark contrast to the city of Hopkins comp plan and zoning.

Couldn't one of these other properties just as easily be sold for development? and that money be used to recoup the cost of the 4312 property, its clean up and preparation for its next phase of usage? Thus allowing us to turn the property into much needed green space or other uses?

Ultimately we're still waiting on the explanation about how the 4312 proposal MAKES SENSE or is a WIN. So far we have heard no explanation. We're doing everything we can to try to coax that out of you/staff/board/council....but still its yet to be provided.

Please help us out on understanding this, we feel we deserve at least to understand how its being justified.

Thanks and with kind regard.

Andy Braun

August 16, 2017

From: Julie Wischnack
Sent: Wednesday, August 16, 2017 9:57 AM
To: 'andy braun'
Cc: Loren Gordon <lgordon@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>
Subject: RE: 4312 Shady Oak Road - Redevelopment

Thank you for your email. There is a staff report being generated for next week's planning commission meeting. Some of the questions below will be addressed by that report. If they are not addressed, or you don't agree with the report findings, the public hearing portion of the meeting is specifically for that purpose: discussion and different points of view.

As far as selling other properties, that is a council decision and direction is necessary to move that way.

Julie

From: andy braun
Sent: Wednesday, August 16, 2017 11:43 AM
To: Julie Wischnack <jwischnack@eminnetonka.com>
Cc: Loren Gordon <lgordon@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>
Subject: Re: RE: 4312 Shady Oak Road - Redevelopment

Hi Julie, I see in the Project Narrative that the project will be financed through the "Minnesota Housing Finance Agency (MHFA) 9% tax credit program" I'm looking to educate myself on the terms of that program. Can you please point me to the specific documentation that you/RC are using as reference material? I'm finding a lot of different information online, and want to make sure I'm reviewing the same documents you are.

I've attached the 2019 Housing Tax Credit Self-Scoring Worksheet (for the 9% Housing Tax Credits as described in the project narrative), and the State of Minnesota Housing Tax Credit 2017 Qualified Allocation Plan (QAP), and the Housing Tax Credit Program Compliance Manual

Are these the correct documents?

<http://www.mnhousing.gov/wcs/Satellite?c=Page&cid=1358905254471&pagename=External%2FPage%2FEXTStandardLayout>

Thanks,
Andy Braun

From: Alisha Gray
Sent: Wednesday, August 16, 2017 2:20 PM
To: andy braun; Julie Wischnack <jwischnack@eminnetonka.com>
Cc: Loren Gordon <lgordon@eminnetonka.com>
Subject: RE: RE: 4312 Shady Oak Road - Redevelopment

Andy-

If you have specific questions related to the tax credit program and where to find the application and reference materials contact MHFA at 651-296-9832.

There is a general landing page for available funding located at:
<http://www.mnhousing.gov/wcs/Satellite?c=Page&cid=1385305184884&pagename=External%2FPage%2FEXTStandardLayout>

Best,

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka |
14600 Minnetonka Blvd.
Minnetonka, MN 55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com

From: andy braun
Sent: Wednesday, August 16, 2017 2:52 PM
To: Alisha Gray <agray@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>
Cc: Loren Gordon <lgordon@eminnetonka.com>; Elizabeth A. <>
Subject: Re: RE: RE: 4312 Shady Oak Road - Redevelopment

Thanks Alisha, my question though I think is better suited for you guys, because its really focused on the unique attributes of this specific application.

that is, which form are you and RC using to Score, Qualify and Ensure compliance? Are they the ones I had previously attached?

Are there any forms I've missed specific to the 9% Housing tax credit as indicated in the Project Narrative?

For example, the information you pointed me to describing the 9% credit (See attached MHFA_1041358.pdf, from the link below) describes the program as "Low-Income Housing Tax Credit" and I understood that this term is quite distinct and different from "affordable housing." maybe I'm mixing my terms, but this is an example of why I think its important we're all using the same documents and terms, and why I'm asking for clarification and guidance.

Is this still a section 42 based proposal?

www.mnhousing.gov/wcs/Satellite?c=Page&cid=1385305184884&pagename=External%2FFPage%2FEXTStandardLayout

Minnesota Housing Finance Agency

HOME ABOUT US JOBS NEWS POLICY & RESEARCH PARTNER LOGIN INVESTORS

Mortgage rates starting at: **3.875%** View all interest rates

Funding Post-Selection Management, Compliance & Servicing Grant Programs Ending Homelessness Section 8

Overview Available Financing Multifamily Common Application Tax Credits Preservation Supportive Housing Building Standards

Home > Multifamily Rental Partners > Funding > Overview

Funding Overview

Minnesota Housing offers a variety of financing products and deferred loans for rental properties in Minnesota as well as grant funding for efforts that advance the agency's priority of preventing and ending homelessness.

Grant funding is typically available on a biennial basis through a variety of competitive RFP processes. Please see our Grant Program tab for further information on these programs which include rental assistance (FHPAP, HTF, Bridges, Bridges RTC, HOPWA, operating assistance, and the Section 811 PRA program.)

Financing is available on a pipeline basis and/or through the Consolidated RFP. A select number of deferred funds are not available on a pipeline basis, please see the program guide for details. The Consolidated RFP, offered once per year, consolidates and coordinates multiple housing resources into one application process. Applicants can apply for Minnesota Housing funds through the [Multifamily Common Application](#).

Tax Credits

The Low Income Housing Tax Credit is a federal income tax credit awarded to owners and then sold to investors to generate capital for construction, or acquisition with substantial rehabilitation, of eligible housing. Minnesota Housing awards tax credits in two rounds of a competitive allocation process held each year. Round 1 is held concurrent with the Minnesota Housing Consolidated Request for Proposals (RFP) and a smaller Round 2 traditionally is held early in the calendar year. The Agency establishes a waiting list of unfunded or partially funded applications at the

Quick Links

- Rent and Income Limits
- Program Guides and Manuals
- Underwriting Standards
- Low-Income Rent Classification (LIRC)
- Loan Servicing Requests
- Federal Opt-Out Log
- Continuum of Care
- Previous Multifamily Funding Awards
- Interest Rates for Multifamily Products

thanks.

Andy Braun

From: Alisha Gray

Sent: Wednesday, August 16, 2017 3:04 PM

To: andy braun

Cc: Julie Wischnack <jwischnack@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>

Subject: RE: RE: RE: 4312 Shady Oak Road - Redevelopment

Andy-

The developer applies for the tax credits through MHFA, not the city. Yes, this is considered a Section 42 project. An overview of LIHTC program is located on the website that I linked to in the previous email. All the scoring criteria and priorities are listed in the [HTC's Qualified Action Plan \(QAP\)](#).

Again, all the tax credit information and forms are on the MHFA website:

<http://www.mnhousing.gov/wcs/Satellite?c=Page&cid=1358905254471&pagename=External%2FPage%2FEXTStandardLayout>

Best,

Alisha Gray | Economic Development and Housing Manager | City of Minnetonka |
14600 Minnetonka Blvd.

Minnetonka, MN 55345 | p. 952.939.8285 | f. 952.939.8244 | agray@eminnetonka.com

From: Julie Wischnack

Sent: Wednesday, August 16, 2017 3:24 PM

To: 'andy braun'

Cc: Loren Gordon <lgordon@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>

Subject: RE: RE: 4312 Shady Oak Road - Redevelopment

You have the proper link in your email.

Julie

From: andy braun

Sent: Wednesday, August 16, 2017 3:25 PM

To: Bob Ellingson <bellingson@eminnetonka.com>

Subject: Spot Zoning - Ordinance

Hi Bob, Can you please help in understanding a few things?

We're really concerned about "Spot Zoning" that would be occurring if the Council approves the rezoning being applied for by Ron Clark with the 4312 Shady Oak Road, 49 unit, section 42 subsidized apartment development.

Is there an existing ordinance that prevents/protects against "Spot Zoning"? I have not found one.

If not, could you please introduce one ASAP?

I've spoken with Corrine Heine, a staff lawyer there, and she wasn't able to provide any insight into this matter as her role is support staff and council, and not the public :(

please let me know.

thanks.

Andy Braun

August 17, 2017

From: Becky Aspelund
Sent: Thursday, August 17, 2017 8:58 AM
To: Loren Gordon <lgordon@eminnetonka.com>
Subject: Shady Oak redevelopment

Hi, Rebecca Aspelund here: 4237 Oak Drive Lane, Minnetonka Does anyone recognize the impact of heavy machinery, construction trucks, workers and all that goes with this apartment complex being built in our neighborhood on our small residential road. For what a year or more ? Can you imagine the traffic and congestion this will cause on our only access to go north on Shady Oak! What a nightmare trying to leave our homes with all those large trucks turning in and out on our little street.
Please reconsider this proposal, all it offers Us is a really long Nightmare!

Sent from my iPad

From: Mark Bauer
Sent: Thursday, August 17, 2017 10:38 AM
To: Bob Ellingson <bellingson@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>
Subject: 4312 Shady Oak Road

Hello my name is Mark Bauer and I live at 4266 Oak Drive Lane.

I am opposed to the Ron Clark development plan at 4312 Shady Oak Road for reasons stated below. I have spoken with many people in the surrounding area and the feeling is pretty consistent..

Traffic, height, high-density, noise/privacy, safety, quality of life, Minnetonka values, traffic residential road use, outside light rail radius, not in Mtka where may need more housing., Hopkins services & schools.

Please develop it..... BUT Not in this fashion

Mr. Ellingson,

This is in your ward (1) take a look around and see if you truly feel that a project of this nature belongs at this location.

Just want to be "on record"

Thank you,

Mark Bauer

From: Kathy Dols

Sent: Thursday, August 17, 2017 11:42 PM

To: Bob Ellingson <bellingson@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>

Subject: Shady Oak Road Redevelopment, 4312 Shady Oak Rd.

(I would have added this to my last email, but I did not hear back from my phone request to the Hopkins school district.)

Some of those in favor of this proposed development feel this area needs many additional affordable housing apartments. I feel this is not the case. There is research showing several affordable housing locations within close proximity to this site. Once again, the proposed building is too large/has too many apartments. Other areas of Minnetonka are severely lacking affordable housing in comparison to this area. As a guideline, we can use the number of students enrolled in the Free and Reduced Price Lunch program. My phone research to the school districts showed the Minnetonka school district has about 5.5% of the students enrolled and the Wayzata school district has approximately 12% of the students enrolled. In lieu of being able to talk to someone from the Hopkins school district, I looked up the program statistics at the Minnesota Department of Education which showed 40% plus of the students in the Hopkins school district were enrolled in the program. My conclusion from this is that Minnetonka doesn't need to locate all their affordable housing on the Hopkins border, which already has housing options, but rather needs to offer more of the affordable housing in the other school districts to better balance the housing throughout our City. I think, too, that some of the proponents of this affordable housing development were quite excited at the possibility of moving to Minnetonka and most probably thought that translated to the Minnetonka school district, not the Hopkins school district.

Kathy Dols

4228 Oak Drive Lane

From: andy braun

Sent: Thursday, August 17, 2017 12:11 PM

To: Julie Wischnack <jwischnack@eminnetonka.com>

Subject: 4312 Shady Oak Road - Redevelopment

Julie, as this will be our last opportunity to provide feedback and guidance on this proposal I'd like to request documentation on the correspondence between Hopkins and Minnetonka regarding the coordination of comp plans, zoning and any other type of planning for this section of the Shady oak corridor between Hwy 7 and Excelsior Blvd. If you review the two cities' comp plan, you will see active and purposeful "maintaining of the downscaled, low level, low density, low impact development, and maintaining in its current state into the future"

I'd like to request an ordinance to prevent/protect against "Spot Zoning"

I'd like to request a 'first right of refusal public option' to 'buy back' this lot at the RC sale price, and put it into a public land trust.

I'd like to request that if approved we receive fair compensation for our losses as previously explained.

I think it's important to understand that this design is NOT consistent with the common convention/common practice design principles found in the rest of Minnetonka high density developments. And we argue that they should. Especially because it's public land and public financing. Why are affordable tenants less deserving of what market rate tenants receive? Especially when we're paying the developer to bring it up to par? We're providing them with all the money they need that they still can't accomplish a meet-comp consistent with common convention? This is either because of deception or incompetence, or some reason not yet explained. Perhaps because the site simply has too many restrictions due to errors in oversight of the 'pre-development improvement phase' related to the road construction and storm water easement, which cannot be overcome?

We CAN NOT trust Ron Clark. They have proven to be dishonest and admittedly providing false information regarding the 'minimal viability' of each of the previous 2 design iterations. How can we allow them to go back on their word? They specifically told us that iteration 1 it was 'minimally viable, that they could not reduce the scope in any way, its as small as they can go to be viable' Then they came back with iteration 2 which was a 'downscaled version, slightly reconfigured but with the same number of units, and again told us 'minimally viable, that they could not reduce the scope in any way, its as small as they can go to be viable.' Then a third time with a completely different look, somewhat augmented configuration and a 10% reduction in the number of units. And again tell us 'minimally viable, that they could not reduce the scope in any way, its as small as they can go to be viable.' So which one is it? Not all 3 can be true at the same time. This is either due to deception, incompetence or some other reason yet to be described. I understand the "iteratively sharpening the pencil" approach, especially as a "strategy for acceptance and approval" however they should have told us that to begin with. Coupling "this is just a concept" with "this is minimally viable" does not excuse their lack of accuracy or truthfulness. They promote that they're a professional developer and we should hold them to a high standard of professional conduct. They are clearly professional scam artists as well, it seems this is their real expertise, because they seem to be doing a fine job of pulling the wool over our eyes.

This proposal clearly falls short on several items that are necessary for adequate design, acceptance and approval.

- 1) Too big/too invasive/too high density for the neighborhood/scale of the area.
- 2) No immediate access to public transit
- 3) Little to no buffering which is inconsistent with common practice of the other high density developments in Minnetonka
- 4) Relies entirely on low density residential roads for access, including emergency vehicles.
- 5) Little to no 'Cue' area for access on/off Shady Oak Road.
- 6) Little to no outdoor space or buffering for children/pedestrians/park access.(Shady oak is already dangerous enough especially for children, and Minnetonka is promoting that parks are provided across shady oak on the Hopkins side, as a positive design attribute)
- 7) Most/all amenities are provided by Hopkins.
- 8) Requires an amendment to the Comp Plan and Zoning
- 9) Does not conform with the 'Village Centers' model'
- 10) Significant negative impact to the local neighborhood which is being disregarded.
- 11) Stark contrast to the city of Hopkins comp plan and zoning.
- 12) Drives out local business. Does not promote minority or non profit based developers.
- 13) Does not promote green building practices.
- 14) Does adhere to the City's Mission and Goals.
- 15) Promotes "spot zoning"

Can anybody argue that we're so desperate for this particular development that we're willing to make so many sacrifices?! Especially when there are ample alternatives that are more accessible and don't have these inherent/unsolved/unsolvable problems?!

Its important to remind everyone that this is our government, and we expect accurate and thorough representation.



Government

Minnetonka City Government

City Code

> City Council & Mayor

City Manager

> Agendas & Minutes

> Boards and Commissions

Who Else Represents Me?

> Elections

Government

Minnetonka is governed by a city council, with the mayor presiding over meetings. A variety of boards and commissions support and advise the city council. The city manager oversees day-to-day city operations, executing the decisions of the city council through the city's departments and staff. The city code of ordinances is the codification of the decisions councils have made over the years about how the city should be run.

Every effort is made to make these decisions open to the public; this is our government. A number of resources are available to help you understand how the city is governed, what decisions are being made, and how you can participate in that process.

Its also important to understand how this proposal fits with our Mission and Goals.

Mission and Goals

In May 2011, the Minnetonka City Council revised the city's mission, vision and strategic goals to help guide the city's future priorities and policies [Is time to revise it again? Because clearly the bar has been set too high and they aren't being followed]. The mission, vision and strategic goals are listed below.

Mission

Our purpose is to provide the core public services [forcing this development upon our neighborhood is not a core service, clearly overstepping the role of this government] our community residents and businesses [whom are being undermined and neglected] rely upon in their daily lives, while striving to preserve and enhance [Demolish and diminish] the distinctive character [whats distinctive about a generic building, oh, its how it infringes on the neighborhood and forces unsafe outdoor access to recreation and transportation, yes that is distinctive character] that makes Minnetonka a special place to live. [its special all right, a special kind of neglect for the wellbeing of prospective affordable tenants and the neighborhood]

Vision

Minnetonka will be the community of choice [where's the choice in this, for anyone? I couldn't choose to live in this apartment, I don't qualify. I can't choose to put it in a more appropriate location, I can't choose that it gets done to an appropriate scale, I can't choose that it gets done with green building practices, I can't choose to have my losses as a tax paying property owner be recouped. The tenants can choose to recreate in a tot lot, parking lot, back ally, small neighborhood street, abandoned gravel lot or push their stroller across a 4 lane county road? And then go where? Can choose to not risk merging onto a busy county road instead to 'shortcut' through a low density residential

road? Can choose to have their bedroom windows open and let heavy traffic noise and smog comfort their babies to sleep? Can choose to walk out the front door, and fall down the retaining wall onto the sidewalk and into oncoming traffic? Can choose to chase balls and frisbees onto a county road? where people live [only because they have no other option and are forced to the outskirts of town], work [hard to commute without decent access to public transit], play [oh sure little Billy, lets go play catch in the street, or go play in the dumpsters in the back ally] and conduct business [or rather drive business out] in a naturally beautiful environment [which the neighbors have, you can see it, but you can't have any nearby, the city determined you don't deserve it.]

Guiding Principles

- We will focus on excellent **customer service** [by whitewashing and neglecting to accurately represent our feedback? By not answering many of my questions? Oh by serving Ron Clark first, as they're a bigger customer than we are?] by striving to do the right thing [Striving sounds like a disclaimer, where's the commitment and accountability?], at the right time [now is the time to finally getting around to addressing the affordable housing issue, nows the time to neglect the interests of residence and prospective affordable housing tenants], for the right reason [Still waiting to hear what the right reasons for this proposal that aren't primarily rooted in the interests of the city's and developers bottom line].
- We will set the standard for **innovative leadership** [Innovative leadership would be steering Ron Clark to build GREEN, actually no, that's not innovative, that is the state of the art, we're clearly behind the times. The standard of innovative leadership in this regard is very low, I see no innovation nor leadership] by forging collaborative partnerships [Between the city and Ron Clark, and disregarding the neighborhood], adopting new technologies [The technologies of forcing your will upon the people through coercion?] and promoting effective service delivery [Services such as those provided primarily by Hopkins? Oh, services like fire, ambulance and waste management, they don't even have decent access. Oh, services such as community support and fostering wellbeing? Not in this case]
- We will foster **open and inclusive communication** to encourage community involvement [what good is communication and involvement if our positions and feedback are disregarded, ignored and belittled?], and to maintain the trust and respect of those we serve. [I trust that the cities and developers interests are being served before the neighborhood and prospective affordable tenants, but the respect that you have to 'serve yourself first' but that is not the role of government]
- We will live our **shared values** [sure we can live our shared values, but what happens when the city and developer put their values before those of their constituents, oh I know, this] of authentic communication [authentic communication is not whitewashing and misrepresenting the feedback of the community], contagious enthusiasm [I see distain and frustration from all parties], shared success [Shared to whom? Certainly not the affordable tenants nor neighborhood], outcome focused teamwork [negative outcomes in this case, teamwork spelled with an "I" not inclusive of your constituents needs], adaptable

learning [learning how to not be accountable to your constituents] and innovation, [innovating ways to use brute force in favor of collaboration and problem solving] and healthy human relationships. [Healthy human relationships do not involve segregation, neglect, lowered standards of living, and infringing on property rights]

Goals

Responsible stewards [responsible to the city's and Ron Clarks interests before the neighborhoods and prospective affordable tenants]

We will be **responsible stewards** of the city's physical assets [By erroneously buying a property, then improving it with roads and storm water easement in a way that completely undermines any reasonable future development. Or by operating the property at near slum lord levels, or by not maximizing on the sites potential?] human capital [By dragging us through this process of hours of meetings, research and feedback which is disregarded, multiple phases of deceptive or incompetent 'minimal viability' downscaling] and financial resources by: [using public funds to buy then erroneously improve a property rendering it almost entirely unusable for development?]

- Providing good value for the dollars entrusted to us. [Value which is a benefit only to the developer in this case]
- Managing for the long-term to ensure the city's ongoing ability to provide quality services at a reasonable price. [Long term of the developers bottom line? Long term of the cities tax base? Services such as emergency vehicles which have the quality of extremely poor access to this property? At a price which we have to 'lose our hat on' to resell the property, then pay to pad the pockets of the developer because they can't or won't develop a truly affordable building? Are we talking about "long-term" as in the "100 year plan" as cited in previous council meetings? Because based on the precedence set in this process, the city is forcing me to consider no longer paying my taxes due to the lack of representation. What value or purpose is there in government without representation? Oh I know, to promote for-profit interests before its constituents...that is a common trend, locally, regionally, nationally and internationally. I guess I should expect no less than the status quo]
- Sustaining core services and continuing infrastructure investments, while living within our means. [Core services which can't adequately access the property. Core services such as parks and rec, libraries and public transit which these tenants wouldn't have adequate nor easy access to? Except for the services which are somewhat accessible but are provided by Hopkins.]

Natural environment

We will protect and enhance the unique **natural environment** of our community by:

- Carefully balancing growth and development with preservation efforts that protect the highly valued water and woodland resources of our community. [By

cramming and filling the entire parcel with high density housing. The closest immediate natural environment is provided by the private residence, not the city, and is only accessible by vision, and not physically. What good is protecting and enhancing a unique natural environment for these prospective affordable tenants if they don't have adequate or reasonable access?]

- Developing and implementing realistic long-term plans to mitigate threats to water quality, urban forests, and the unique natural character of Minnetonka. [long term plans which can be easily changed and undermined via a comp plan and zoning amendment. Maybe 'realistic' is a disclaimer that says 'reality is whatever serves the city and Ron Clark the best today.' The threat is the precedence that this type of development promotes, there is no mitigation in this case, only brute force of a self-imposed undermining of this goal. Or long term plans such as the "100 year plan" (cited in previous council meetings) well we're all going to be dealing with millions of climate refugees, disease, water and food shortages, and complete social unrest if we're not already dead, if we don't implement significant sustainability practices NOW which this proposal completely neglects. If we're looking at the "100 year plan" then our focus on this development is completely irrelevant. My proposal for year round-low impact-food production **does** address the "100 year plan" head on. We'd build one of those deep winter greenhouses on every street corner, back yard, front yard or any possible space if we knew what was good for us, but much like this apartment proposal, blatant oversight and short term thinking is the norm.
- Taking an active role in promoting energy and water conservation, sustainable operations and infrastructure, recycling and environmental stewardship. [This is hilarious, couldn't be a more blatant lie. This development is contrary to almost everything here, and certainly contrary to the spirit of this goal]

Public safety

We will maintain quality **public safety** for our residents and businesses by: [promoting the development of a property with extremely limited accessibility, direct exposure to a busy 4 lane county road, and no immediate access to sufficient outdoor spaces. Is it safe to build using entirely unsustainable practices?]

- Implementing appropriate recommendations in the Public Safety Management and Operations Study to address the evolving police, fire and emergency service needs of our community, including an aging and more diverse population. [Devolving in this case, falls well beneath the bar of common practice standards]
- Providing seamless, coordinated and integrated public safety services through common protocols and shared practices among departments and personnel. [I hope they build a helicopter pad because ambulance won't be able to access when there are other emergency road vehicles on site]
- Leading collaborative efforts with other agencies to cost-effectively provide quality public safety services, with an emphasis on coordinated technology, equipment and programs. [and a deemphasis on building sites with adequate access. Perhaps you're banking on drone-ambulances?]

Transportation

We will work to meet the **transportation** needs of our residents and businesses by: [putting high density development on a newly improved county road which doesn't even offer basic and reasonable access to public transit? Are you banking on drone ubers?]

- Providing and preserving a quality local street system, based on a financially sustainable plan for reconstruction and ongoing maintenance. [the qualities of restricting access for emergency vehicles, public transit, and local transit from small residential roads on/off the 4 lane county road?]
- Collaborating with our state, regional and local partners in the timely development of shared highways and streets. [collaboration which significantly restricts access for emergency vehicles, public transit, and local transit from small residential roads on/off the 4 lane county road? And which significantly and erroneously undermines the sites potential for future development.]
- Actively participating in regional light rail planning and development to ensure that community needs and interests are served. [planning to put this development outside of 'village centers' where light rail and public transit is focused. This development is completely decoupled from the proposed LRT station]
- Pursuing shared sub-regional transit solutions with neighboring communities to improve service within the area. [Pretty much going to have to rely on uber drones]

Community development

We will support well-planned, responsible **community development** by: [This is completely insulting that the city can promote that it is adhering to this goal. Putting the needs of the city and developer before the needs of local residence and prospective affordable tenants. By planning to buy a property, erroneously improve it by undermining future development through restrictive roads and storm water easements. Then selling it a loss to a developer whom is promoting an entirely unreasonable development that misses many opportunities to maximize potential and a lack of oversight, which is completely outside of the existing 'well planned' comp plan scope thus requiring an amendment to the comp plan and zoning.]

- Carefully balancing individual property rights with community-wide interests, while respecting the unique character of Minnetonka's neighborhoods. [Really? Where's the care or balance? Property rights are being infringed upon, community wide interests are being undermined, and the unique character of the neighborhood is being negatively altered and diminished through the brute force of selfish government and developer interest]
- Initiating programs and policies that broaden housing choices to both meet the needs of our aging population and attract young residents. [This development does neither, and was initiated by the met council, not the city]
- Actively promoting the vitality of designated village centers, which integrate uses and connect people to commercial, residential, employment, and public activities.

[would the comp plan amendment turn this into a village center? This development does not promote the village center concept, in fact it undermines the intent of a village center. The intent of village centers has merit and value, lets maintain that traction and effort going forward.]

- Supporting business retention and expansion and attracting new businesses to help our private sector be economically competitive. [This is hilarious. This will drive out existing business, completely block out future business (except maybe home based business), but it does help Ron Clark's business, but does not support minority nor non-profit, nor green business, but that's cool, who cares about them anyway]

Recreation

We will provide excellent **recreational** amenities by: [By landlocking affordable housing complexes from reasonable access?]

- Offering a full range of programs for people of all ages and ability levels. [but only if they have a car to get there]
- Responsibly maintaining our parks, trails and recreational facilities, while fairly balancing user fees with general community support. [Oh that's great, parks that these tenants can't reasonably access unless they have a car. Whos going to feel comfortable pushing a stroller across a 4 lane county road? Or riding their tricycle in a gravel parking lot?]
- Renewing, expanding and maintaining a trail system to encourage outdoor recreation, and improve the connectivity and walkability of our community. [Where's the walkability to nearby parks? Where's the integration with trail systems?]

I look forward to receiving feedback on these and all previously outstanding inquiries.

Thank you, with kind regard.

Andy Braun
4408 Crawford Rd.
Minnetonka MN, 55343

From: andy braun
Sent: Thursday, August 17, 2017 1:02 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>
Subject: Re: 4312 Shady Oak Road - Redevelopment

please take note.

[Peter Calthorpe: 7 principles for building better cities](#)



better cities

More than half of the world's population already lives in cities, and another 2.5 billion people are projected t...

Andy Braun

From:

Sent: Thursday, August 17, 2017 3:21 PM

To: Julie Wischnack <jwischnack@eminnetonka.com>

Cc: Loren Gordon <lgordon@eminnetonka.com>

Subject: Letter to City of Minnetonka with attachments

Julie and Loren, Please make sure this latter and all attachments get into the packet for the Planning Commission Meeting on Aug. 24th.

Thank you, Chris and Ann Aanestad

From:

Sent: Thursday, August 17, 2017 3:22 PM

To: Julie Wischnack <jwischnack@eminnetonka.com>

Cc: Loren Gordon <lgordon@eminnetonka.com>

Subject: Fwd: [2/3]Attached Image

There should be 17 pages total.

Thanks again, Chris

Chris Aanestad

Commercial Account Manager

New Brighton Ford

From:

Sent: Thursday, August 17, 2017 3:24 PM

To: Julie Wischnack <jwischnack@eminnetonka.com>

Cc: Loren Gordon <lgordon@eminnetonka.com>

Subject: Fwd: [3/3]Attached Image

More attachments.

Chris Aanestad
Commercial Account Manager
New Brighton Ford

Dear City of Minnetonka,

The Ron Clark proposal remains basically the same. It did not address neighborhood concerns regarding traffic, safety, high density, noise, privacy, and height.

When asked if there is any apartment complex of this size that uses a small residential road to access their complex, Luren Gordon, Minnetonka's city planner, said two examples are The Ridges and The Cliffs of Minnetonka. PLEASE go and look at these apartment complexes. They do not use residential roads to access them and the neighborhood behind these apartments is totally separated with a huge buffer of trees. Traffic from the apartments and from the neighborhood have their own roadways.

It is not acceptable anywhere else in Minnetonka to have a large apartment complex use a small residential road as their only access. It is not acceptable in this area either. Shady Oak Road is a busy road and Oak Drive Lane is a small local residential road not designed for massive traffic. There is a current permanent curb cut on Shady Oak Road that is used by the commercial businesses located on this parcel. It was built for reason-to keep traffic off of Oak Drive Lane. Any development that is built on this parcel needs to use the access from Shady Oak Road and/or gain access from the light at Main Street.

This proposal is unacceptable as the driveway to this project is directly across from the single-family home across the street on Oak Drive Lane and next to other single-family driveways in the neighborhood. It will set a precedent in Minnetonka that will allow large apartment complexes to be built on residential roads in neighborhoods. How would you like the driveway next to yours to be a driveway for 49 families and 100+ cars making multiple trips at all times of the day/night?

Also, any other Ron Clark development uses a major road and is not connected with a neighborhood. Their New Hope project, Compass Pointe, is just one example where access is off of West Broadway. It is NOT connected to the neighborhood.

This proposal is too massive for this area as Shady Oak Road is all low profile buildings. This massive apt. proposal leaves very little green space and residents would have limited access to parks. It is not a safe place for families with children to live, as Shady Oak Road is very busy.

Please vote "NO" to this proposal. Imagine your residential road being used by a massive apartment complex. It is not acceptable anywhere else in the city. Vote NO.

Hundreds of residents are against this proposal. You have received petitions, letters and phone calls regarding this. We want to keep our neighborhoods and community safe. This proposal will have a negative impact on our community.

Attached are many examples that prove that apartment complexes in Minnetonka are not attached to neighborhoods. It is a bad idea to start a precedent of building large apartment buildings in small residential neighborhoods using only residential roads to access them.

Sincerely, Ann and Chris Aanestad
8/16/2017



Traffic Issue for Oak Drive Lane

Traffic will and does backup
to north access of Oak Drive
Lane forcing residents of
new building to cut through.
This is NOT acceptable!



OK
8/17/17



The Ridge Apartments

Hennepin County Property Map

Date: 8/17/2017

Mimnetonka, MN.



PARCEL ID: 0211722230058

OWNER NAME: Sunset Ridge Mimnetonka Lp

PARCEL ADDRESS: 12758 Wayzata Blvd, Mimnetonka MN 55305

PARCEL AREA: 1.75 acres, 76,335 sq ft

A-T-B: *Torrent*

SALE PRICE:

SALE DATA:

SALE CODE:

ASSESSED 2016, PAYABLE 2017
 PROPERTY TYPE: Apartment
 HOMESTEAD: Non-Homestead
 MARKET VALUE: \$8,644,000
 TAX TOTAL: \$94,141.22

ASSESSED 2017, PAYABLE 2018
 PROPERTY TYPE: Apartment
 HOMESTEAD: Non-homestead
 MARKET VALUE: \$8,931,000

Comments:

- No residential access.

The data is furnished "AS IS" without representation or warranty of accuracy. It is furnished with no liability of any kind, and it is intended for legal, engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from the data.

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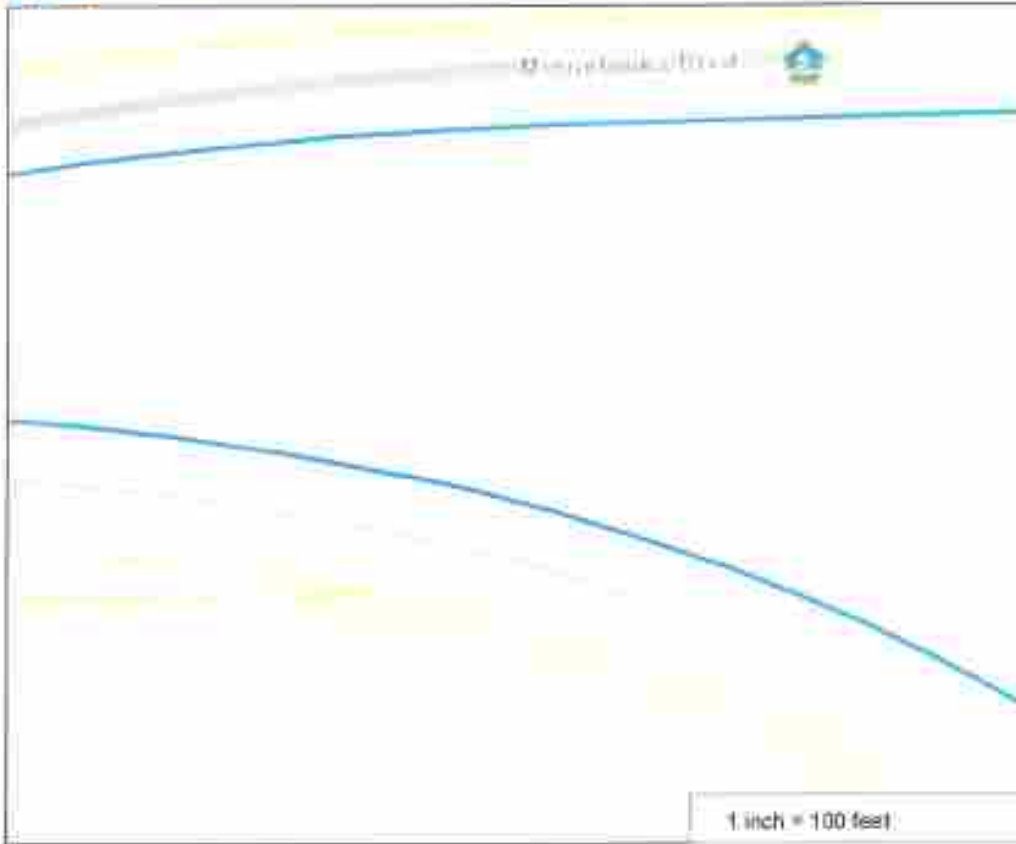
CA 8/17/17



Applewood Pointe Hennepin County Property Map

*Minnetonka
MN.*

Date: 8/17/2017



PARCEL ID: 1411722240011
 OWNER NAME: Applewood Pointe Co-Op MHA
 PARCEL ADDRESS: 12201 Minnetonka Blvd,
 Minnetonka MN 55305
 PARCEL AREA: 4.08 acres, 177,540 sq ft
 A-T-B: Abstract
 GALE PRICE: \$1,944,300
 SALE DATA: 1/2015
 SALE CODE: Vacant Land
 ASSESSED 2016, PAYABLE 2017
 PROPERTY TYPE: Cooperative Housing
 HOMESTEAD: Non-Homestead
 MARKET VALUE: \$1,589,000
 TAX TOTAL: \$31,297.96
 ASSESSED 2017, PAYABLE 2018
 PROPERTY TYPE: Cooperative Housing
 HOMESTEAD: Non-homestead
 MARKET VALUE: \$1,589,000

Comments:

*- No residential
 access
 - Bordered by
 Bike Trail*

This data is provided AS IS, with no representation as to completeness or accuracy. It is furnished with no warranty of any kind and is not intended to be used for engineering or surveying purposes. Hennepin County shall not be liable for any damage, injury or loss resulting from the data.

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*Cat
 8/17/17*

Ron Clark "Village Commons" *Savage MN.*

Property Card

Parcel ID Number 264450010

Savage MN.

Taxpayer Information

Taxpayer Name
VILLAGE COMMONS I LIMITED PART

Mailing Address
7500 W 76 ST
EDINA MN 55438

Property Address

Address
1412E VIRGINIA AVE
City
SAVAGE MN 55378



Parcel Information

Uses
110 Apt 4+ units

GIS Acres 3.73133
Dedictd Acres 3.73
Plat VILLAGE COMMONS
Lot
Block 001

Tax Description Block 001 Lot 001 SubdivisionCd 26445 SubdivisionName VILLAGE COMMONS

Building Information

Building Style
Year Built 0

Bedrooms 0
Bathrooms 0.00
Garage Sq Ft 0

Miscellaneous Information

School District 710
Taxing District Code 2107
Homestead Status N
Green Acres
Ag Present

Assessor Information

Estimated Market Value	2016 Values (Payable 2017)	Date of Sale	Last Sale
Land	\$1,100,000.00		10000101
Building	\$1,865,000.00	Sale Value	
Total	\$2,965,000.00		

Disclaimer: This information is provided for informational purposes only. Scott County does not guarantee the accuracy of this information. The information is provided for informational purposes only and is not intended to be used for any other purpose. The information is provided for informational purposes only and is not intended to be used for any other purpose. The information is provided for informational purposes only and is not intended to be used for any other purpose.



No residential access.

*GA
8/17/17*

Property Card

Ron Clark "Carver Crossing"

Taxpayer Information

Taxpayer Name:
CARVER CROSSING LP

Mailing Address:
7500 W 78TH ST
EDINA, MN 55439-2517



Property Address

Address:
1593 HARTWELL DR
City:
CARVER, MN 55316

Parcel Information

Uses	Apt 4+ units	GIS Acres	2.1	Net Acres	
		Deeded Acres			
		Plat	CARVER CROSSING		
		Lot	.001		
		Block	.001		

Tax Description

Building Information

Building Style	Above Grade Finished Sq Ft	Bedrooms
Year Built	Garage	

Miscellaneous Information

School District	Watershed District	Homestead	Green Acres	Ag Preserve
0112	W5 067 CARVER CO WMO	N	N	N

Accessor Information

Estimated Market Value	2016 Values (Payable 2017)	2017 Values (Payable 2018)	Last Sale
Land	\$175,600.00	\$175,600.00	Date of Sale 7/9/2011
Building	\$646,700.00	\$3,746,700.00	Sale Value \$750,000.00
Total	\$822,300.00	\$3,922,300.00	

Information provided is based on the information submitted and is not intended to constitute an offer of insurance or any other financial product. The information is provided for informational purposes only. For more information, please contact your insurance agent or the provider of the information. The information is provided for informational purposes only. For more information, please contact your insurance agent or the provider of the information.

NO Residential Access or in area.

CA 6/14/17

Cliffs of Minnetonka

Google Maps The Cliffs Of Minnetonka Apartments



Images ©2017 DigitalGlobe, U.S. Geological Survey, Map data ©2017 Google, United States (100-R)

- No residential access.
- Large natural buffer between adjacent neighborhood.

CA
8/17/17

Music Barn Proposal



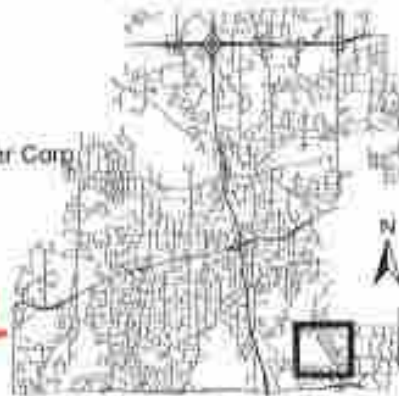
Minnetonka MN.

Location Map

Project: Music Barn Apartments
Applicant: Community Housing Corp of America, Shelter Corp
Address: 5740 & 5750 Shady Oak Rd
(09002.15a)

City of
minnetonka

*"Music Barn"
No residential
in area.*



This map is for reference purposes only.

Music Barn Apartments
5740/5750 Shady Oak Road
09002.15a

*Get
Shaded*

Ron Clark "Compass Pointe"

Google Maps Compass Pointe

New Hope MN.



Imagery ©2017 DigitalGlobe, LLC; Geological Survey; Map data ©2017 Google; (10/14/2017)

- No residential access
- Large fence between adjacent neighborhood.

★ See attached "Reviews" for Ron Clark - Compass Pointe.

①

Compass Pointe

Homes / Minnesota / New Hope / Compass Pointe

6113 W. Broadway Ave, New Hope, MN 55428,...

★★★★☆ (11)



There are no available units.

Alert Me When Units Are Available

Bed(s)	Bath(s)	# of Units	Average SF	Available
1 Br	1.00	6	714 SF	None of these are available.
2 Br	2.00	56	1,062 SF	None of these are available.
3 Br	2.00	27	1,500 SF	None of these are available.

Below are rent ranges for similar nearby apartments.

Bed(s)	Average Size	Lowest	Typical	Highest
1 Bed	654-668 Sq Ft	\$775	\$825	\$865
1 Bed	718-720 Sq Ft	\$895	\$1,100	\$1,200
2 Bed	1,142-1,147 Sq Ft	\$895	\$1,580	\$2,000
2 Bed	1,124-1,141 Ft	\$1,215	\$2,100	\$2,600
3 Bed	1,422 Sq Ft	\$2,400	—	—

844-586-5274 Apartments.com

© 2017 Apartment Group, Inc.

Equal Housing Opportunity

Reviews



VERIFIED RESIDENT
 Resident from 2015 - 2017
 Recommended Property
 Reviewed 05/08/2016



It is ok. It is some place I can afford. with out being nickle and dime to death. we need more tenets to take better not abuse there rights. Sorry but we do not always have that much to say.

Write a reply...



VERIFIED RESIDENT
 Resident from 2015 - 2016
 Recommended Property
 Reviewed 01/10/2016



So far it has been OK there are a few things that happen that staff has no control over its a few community members that don't parent there children I feel we need cars in the hall ways the trash room isn't being used properly .the children are out of control .



Reviews



VERIFIED RESIDENT
 Resident from 2016
 Recommended Property
 Reviewed 02/15/2016



There have been some incidents in the summer Police had to be called, There are children and of course they will be loud some a bit much. The custodians could keep it more cleaner, When you put something on the walls and you use those Commando and remove them the paint will also come off.

Write a reply...

NO COMMENTS



VERIFIED RESIDENT
 Resident from 2015 - 2016
 Recommended Property
 Reviewed 02/11/2016



Reviews



VERIFIED RESIDENT
Resident from 2015 - 2017
Not Recommended
Reviewed 02/09/2017



Good at first, then little by little I lost faith in the management. complaints are not heard. most residents are disrespectful and leave trash and dirt directly after I notice one of the caretakers cleaning. nothing is done to aid in this. and non residents walk in freely by either waiting for the door to open or a resident jamming it open.

Write a reply...

1 1



VERIFIED RESIDENT
Resident from 2016 - 2017
Recommended Property
Reviewed 10/03/2016



Sort By: Filter By:

WRITE A REVIEW

Ron Clark
"Compass Pointe"
Reviews

2.0
Scale of 5

VERIFIED RESIDENT
 Resident from 2015 - 2017
 Not Recommended
 Reviewed 05/20/2017

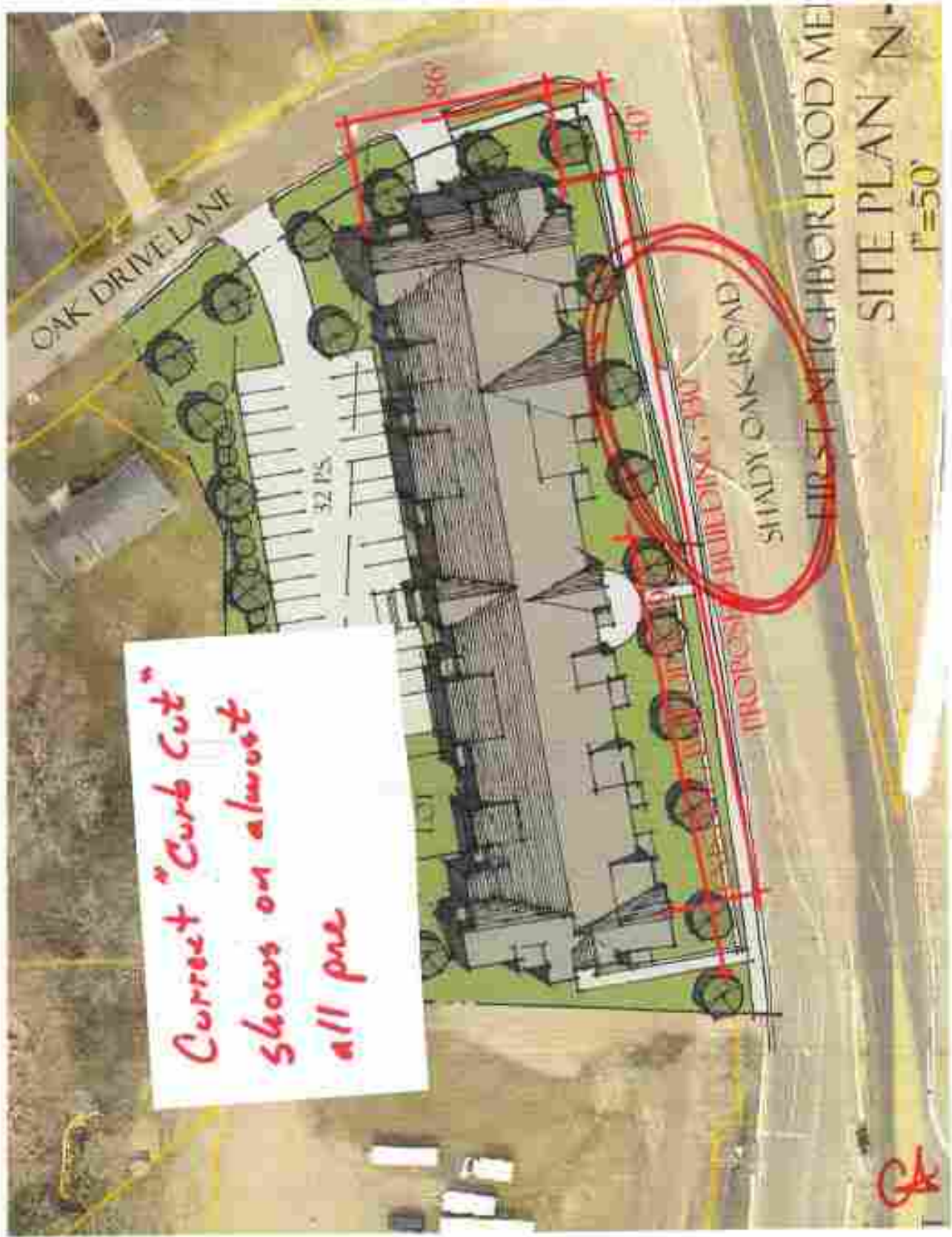
- Noise
- Safety
- Grounds
- Maintenance
- Neighborhood
- Office Staff

Some of the residents that live there are not clean, there are unsupervised children that's outside and roaming the hallways. The hallways, and elevator are sometimes filthy, there is trash in the parking lot and playground, and the garage is very dusty, and some residents storage in the in the garage needs to be cleaned and organized. I think it should be some rules enforced to residents about maintaining the building or there will be consequences.

Write a reply...

NO COMMENTS

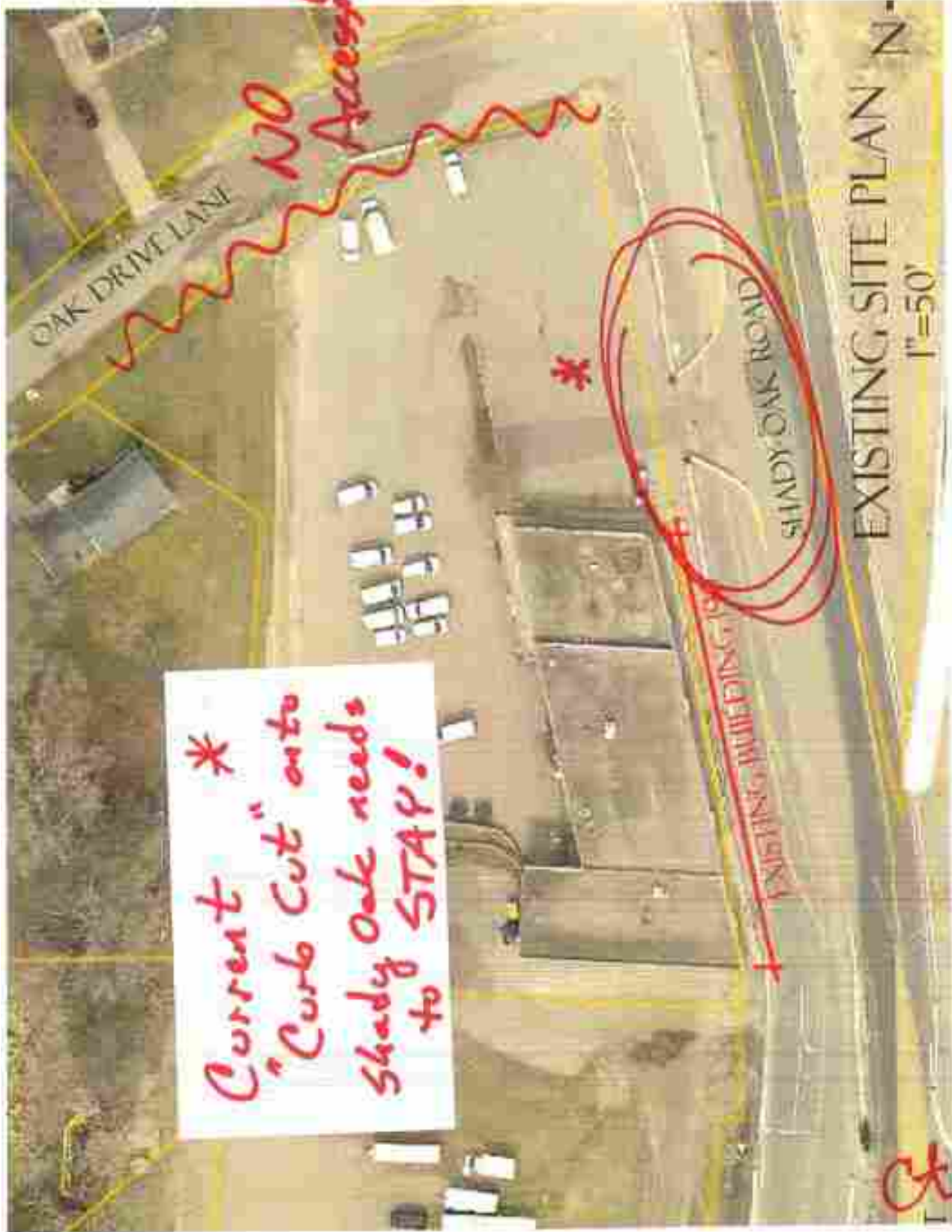
6



*Correct "Curb Cut"
shows on almost
all pnc*

FIRST NEIGHBORHOOD MET
SITE PLAN N-
1"=50'

GA



*
Current
"Curb Cut" onto
Shady Oak needs
to STAY!

OAK DRIVE LANE

NO
Access!

*

EXISTING, PAVING

SHADY OAK ROAD

EXISTING, SITE PLAN N

1"=50'

ct

From: Kathy Dols
Sent: Thursday, August 17, 2017 4:10 PM
To: Loren Gordon <lgordon@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>
Subject: Shady Oak Road Redevelopment, 4312 Shady Oak Rd.

Like the police, aren't your interests to serve and protect the residents if your City? Ask yourself if this is the best and highest purpose for this property The answer is no.

The density is too much for this tiny lot. The traffic concerns are great. I fear a tragic accident will happen with the addition of so many apartments on the site. Plus the congestion on residential streets Oak Drive Lane, James Road and Fairview Avenue and the added use of county road Shady Oak Road will change our somewhat quiet neighborhood into a traffic nightmare.

For the quality of life and safety of all concerned, I ask for a highly reduced number of homes on the 4312 Shady Oak Road site. As always, if this site must be residential then a low number of townhomes would be my choice.

Thank you for your consideration,

Kathy Dols
Minnetonka

From: Ann Aanestad
Sent: Thursday, August 17, 2017 6:26 PM
To: Julie Wischnack <jwischnack@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>
Subject: Website Info on Minnetonka. Shady Oak Road

Dear City Council and Planning Committee,

The following is from the City of Minnetonka website. We have new neighbors that moved here because of statements like these. The residents in the community purchased their homes with a yard to raise their family in a quiet neighborhood. The Ron Clark Massive apartment proposal on Oak Drive Lane destroys the neighborhood feel and "the characteristics that make Minnetonka truly a special community." This is just not the right place for a huge apartment building. It does not serve the neighborhood, nor is it safe for residents. The traffic to the neighborhoods and to anyone that uses Shady Oak Road will be congested and dangerous.

From the City of Minnetonka website:

Welcome New Residents

- [Print](#)

Dear New Resident:

On behalf of the city council, it is my pleasure to welcome you to the city of Minnetonka. The citizens of Minnetonka have a great deal of pride in their city. Minnetonka has a thriving business community, high quality office developments, and beautiful residential areas. There are dozens of ponds and three major creek corridors in the city. In addition, careful planning has allowed the city to maintain a significant amount of open space, park land and wetland areas. These characteristics help make Minnetonka truly a special community.

The community center, a part of the civic center complex on Minnetonka Boulevard and Williston Road, houses an active senior citizens program, as well as a beautiful banquet room and meeting rooms for the public's use. The city has numerous recreation programs and more than 40 public parks available to residents. In addition, there are many opportunities for citizens to participate in community recreational and volunteer activities.

I believe the quality of life in Minnetonka ranks among the highest in the metropolitan area. We are pleased that you have chosen our city as a place to live. If you have any questions or would like more information about Minnetonka, our staff would be pleased to assist you. The city hall phone number is 952.939.8200.

Sincerely,

Terry Schneider

Mayor

Throughout the summer and fall of 2016, the City of Minnetonka asked residents to provide feedback for a community-wide visioning and strategic planning project, *Imagine Minnetonka*. Residents of all ages were asked to share their response to the question: "How do you want your city to look and feel in the next 20 years?"

Hundreds of ideas were submitted in a variety of ways -- in-person, online and via social media -- before the community engagement period concluded in November 2016.

Three strong themes emerged from the feedback that was received:

- **Character:** Participants stressed the importance of maintaining and preserving the features that give Minnetonka its unique character, including wetlands, parks and open spaces.
- **Connection:** Residents expressed an interest in the creation of more trails and sidewalks to safely connect the city, as well as more opportunities to connect with others and build relationships in the community.
- **Citizens:** The city received lots of feedback about the importance of protecting and preserving the outstanding quality of life currently enjoyed in Minnetonka, and the desire to ensure the same quality of life is available for all citizens in the years to come.

If the City of Minnetonka values "character" this proposal does not include access to parks and open spaces. No thought has been given to where children of all ages are going to play. The nearest park is over a mile away.

If the City of Minnetonka values a "safe connection" to the city, then this proposal should be build interior of Minnetonka where children have safer places to play and better opportunities for transportation.

If the City of Minnetonka values "feedback from citizens" and "quality of life" the city council has not listened to its taxpaying citizens in the surrounding neighborhoods.

Sincerely,

Ann Aanestad

August 17, 2017

On Aug 17, 2017, at 11:52 AM, Elizabeth A < > wrote:

Good Morning,

Thank you for considering seriously the many negative impacts of the proposed development at 4312 Shady Oak.

I wanted to reach out to you to make you aware of a particular inconsistency that has come up multiple times in regard to this development proposal, specifically relating to Julie W of Minnetonka communicating with Hopkins. We have an interest in Hopkins so we attended a planning event put on by representatives of Hopkins not too long ago. When the Shady Oak corridor came up I asked them how involved they were with Minnetonka and whether they were planning in tandem, the response was a no. They are not planning anything between hwy 7 and excelsior. They have other interests in other locations and have nothing for that area anywhere in their plans. I don't like being lead to believe that there is a relationship and support for a thing where there is not and that is what Julie does. We the residents are not happy having our concerns whitewashed by both her and Loren during this process. They have done a terrible job communicating with us, neither are clear or straightforward even with simple questions they seem to turn it into a weeks long process to get any responses as Ron Clark swiftly moves through a process where there is a very large movement of opposition for legitimate reasons. She seems to be playing PR for Ron Clark, she is not impartial, has no good answers to our traffic, safety and accessibility concerns with this over sized building.

I would really appreciate your advocacy regarding the legit concerns that piling affordable housing on the furthest out tiniest plot of land Minnetonka probably owns which lacks all of the resources most city residents get to enjoy is not fair to the current residents and not fair to future residents.

One traffic update : As you may be aware I use Bradford to exit the neighborhood and its sort of a nightmare we chose to deal with when we bought the place, before we knew the intention to plop 50ish more residential homes on the next block. Anyways- the print shop building has created a put through in their parking lot that we are using so that we have more reasonable access to Shady Oak Road. The best way for me to get out of my neighborhood is no longer a Minnetonka city street, its a private parking lot through Hopkins. Can we consider this a moment and reflect whether this is truly a good practice? And whether exacerbating an already difficult to navigate area with high density reflects good practices?

I again, thank you for your efforts to build and plan the city with the best intentions in mind-I have been very impressed with the level detail and interest I have seen from your group. You are the best of Minnetonka, please consider what building affordable housing in this fashion says about us.

Your neighbor,
Elizabeth Miller

August 18, 2017

On Friday, August 18, 2017, 7:20:32 AM CDT, John Powers
<jpowers@eminnetonka.com> wrote:

Mr. Braun,

With most or all the well detailed and thought through argumentation in your opposition to the current proposal, what precisely do you want done/built on this site and how are you seeking others to help you achieve your vision; and what's your considered timeframe for building your vision.

In order for me to consider what you want, I need to know what you want and not just what you don't want or don't like. I need to hear from a developer who wants to build what you want and presents a proposal that I can consider.

I can think about and consider your argumentation against many components of the current proposal by Ron Clark, but I can only vote on proposals brought before the planning commission and so far it is the only proposal I can consider.

Thanks,

John

Sent from my iPad

From: andy braun

Sent: Friday, August 18, 2017 11:31 AM

To: John Powers <jpowers@eminnetonka.com>

Cc: Julie Wischnack <jwischnack@eminnetonka.com>

Subject: Re: 4312 Shady Oak Road - Redevelopment

Hi John, thanks for the email,

Black Huffman has submitted a proposal and application to Julie. Did she not share that with you all? I understand it's positioned towards affordable housing for veterans, battered women, handicapped, less socially advantaged. And is at a lesser scale than the 49 unit RC application.

Blake Huffman
Journey Homes

Also, I had previously proposed Community Based - year round food production, where the 'developer' is a community partnership among various organizations and

institutions. All the city has to do is to align with the vision/framework/model I've described, support the initiative as a collaborative partner, then bask in the glory and accolades of a project that truly aligns with city's mission and goals, zoning and comp plan (and 100 year plan), which benefits the public first, and maximizes the sites potential. This is the WIN we've been looking for. We can start today, and be finished in 60 days. (see attached)

If we're so desperate that we're willing to sacrifice so much for the RC project, then I'd argue that out of this desperation we should find the courage to CHOOSE for ourselves, putting our interests and values first, and to NOT make this sacrifice.

Also, I had requested a 'community buy back, first right of refusal' at the RC sale price (or perhaps donated/granted/re-purposed' by the city) to turn the lot into a land trust. Where it could be used to build out native pollinator landscapes, permaculture, aquaculture, recreation, picnic shelter and playground, zen garden, 4 season community supported food production, solar and geothermal energy production garden, arboretum or combination. This part of town is seriously lacking in Minnetonka provided amenities. I understand this side/fringe of town may not be a priority, but we deserve to be recognized and represented.

Its important to understand that this is a public property, even if payed for by a 'non tax' levy, that levy was still initiated, supported and propped up by tax dollars, therefore the proceeds/profits from that levy is the public interest and discretion on how to best utilize, Its the same public cookie jar. Its a public property and therefore should be provided and positioned as a public asset for public benefit FIRST, before private alternatives are considered. and therefore should be up to the public's first right of refusal on how to develop the property, or sell it to a private party or consider other options.

I understand that the initial purchase by the city 'earmarked' an intent for 'some kind of future development' and that's wonderful, however narrowly focusing that development on housing (because that's what the private builders say was the only viable format, and we all know how developers are trustworthy and grounded in morality and judgement focused on the public's greater good and well being) is simply too narrow a vision. (cite the city's missions and goals) I understand we're asking you to do more work, and I understand its int he city's interest to 'wash their hands' of the situation, however this does not reflect the city's mission and goals.

We should be able to choose what we want based on the interests of the public, not be told by a private developer that we don't have choice. (again site the mission and goals)

This option should not have come this far in the process, it should have been squashed early on, just like the other proposals, as it simply does not pass the 'smell test' just like the others.

Just because this option is the only one to get this far in the process, does not provide any more justification for its merit/value/purpose/rational/favor. This does NOT provide a justification for lowering our standards or 'settling' just because its the easy way out. We have a responsibility to stand behind our mission and goals.

As the RC proposal calls for an amendment to the rezoning and comp plan, does it also call for an amendment to our mission and goals? or perhaps an amendment to our better judgment and gut instinct? or perhaps an amendment to our logical reasoning?

Nobody has been able to describe how this adds up to a win. Why are we so concerned with strong arming development of this lot? There are many other lots that could be more easily and more appropriately developed with out these restrictions and issues. Why not focus on them? Is it because the land lord business is too tough? That policing and enforcing your own health and safety codes in your own neglected building is becoming too risky or unprofitable? or because you're worried about a defamation or personal injury lawsuit? because your're desperate to make our money back (even at a loss as with the RC deal?) because nobody has been able to describe any other reasons for acting so desperately? are there perhaps other 'anterior motives' for this desperation? Perhaps a kickback, not surprising with all the wheeling and dealing RC has accomplished. (I apologize to have to ask these questions and stir this rhetoric, but nobody has provided answers to these basic and reasonable questions regarding 'why so desperate', and that tells me something is being hidden or is simply not understood well enough or some other reason, so I'm simply left to my speculation)

The objective and subjective pros and cons, merit and value, benefits and detriments, have been thoroughly described for all parties involved. I think we're all very clear on how this project stacks up. There's really nothing new to uncover or discuss in this regard. But what nobody has been able to describe is

- 1) What are the qualifications we've defined?
- 2) How do the attributes of the RC proposal satisfy these qualifications?

Basically we understand "what it is", but nobody has described "why it is" and we all deserve to understand this before making any decisions.

Thank you for your attention.
With kind regard

Andy Braun

From: andy braun
Sent: Friday, August 18, 2017 11:45 AM
To: John Powers <jpowers@eminnetonka.com>
Cc: Julie Wischnack <jwischnack@eminnetonka.com>
Subject: Re: 4312 Shady Oak Road - Redevelopment

Ultimately, the test is "is this something we're (the majority) all proud to support and welcome into the community"

unfortunately it is not.

Andy Braun

From: Julie Wischnack
Sent: Friday, August 18, 2017 12:04 PM
To: 'andy braun'; John Powers <jpowers@eminnetonka.com>
Cc: Loren Gordon <lgordon@eminnetonka.com>; Alisha Gray <agray@eminnetonka.com>
Subject: RE: 4312 Shady Oak Road - Redevelopment

Andy, your email implies that the council was unaware of Mr. Huffman's communication with the city (no proposal or application was received, contrary to your note below). Mr. Huffman's email was provided to the city on Sunday evening and it was provided in the change memorandum to the city council on Monday.

<http://eminnetonka.com/images/admin/City%20Council/Agendas%20and%20Minutes/2017/81417cp.pdf> page 378.

I also let Mr. Huffman know that we had to wait and see council direction regarding if they would like to review additional proposals.

I will place your additional communication in the change memorandum for the planning commission on Thursday.

Julie

August 20, 2017

On Aug 20, 2017, at 7:27 PM, Ann Aanestad < > wrote:

Dear City of Minnetonka Planning Committee,

We would really like the opportunity to speak with you before the August 24th meeting regarding the Shady Oak Rd/Oak Drive Lane Development project. There are many questions, issues and concerns that the neighborhoods have regarding this proposal. Please let me know if you are able to meet any afternoon/evening this week (Monday-Wednesday). If possible we could meet at Chalet Pizza anytime between 4-8PM. Or if it works better we would happy to meet you prior to the Thursday meeting at city hall. We

are able to meet at multiple times with whoever is available on any day. I look forward to meeting with you to discuss this proposal and all its many issues further. Thank you and we look forward to hearing from you.

Sincerely, Ann and Chris Aanestad, Oak Drive Lane Residents

August 21, 2017

On Aug 21, 2017, at 4:48 PM, wrote:

Hello Planning Commission,

The Shady Oak Proposal really seems to be having a lot of changes that are snowballing before the vote by City Council in September.

Our main questions are..

1. Access off Oak Drive Lane- I have included several examples in Minnetonka where access is completely separate from an apartment building. This is a very bad precedent to start in our city to allow this building to be built with access directly off a residential street.

(Look at several of the many ideas and would be plans. They clearly show access to the proposed building from OFF of SHADY OAK. All show the permanent "CURB CUT" that is there now and being used!)

It is not our neighborhoods fault that Hennepin County could not come to an agreement on accessing the this property from MAIN STREET where there is a STOP LIGHT! This really left us with the "PICKLE" there today and nobody wants to step up and try to figure it out?

ACCESS OFF OAK DRIVE LANE is UNACCEPTABLE!

2. Buffer to Oak Drive lane Neighborhood. None of the plans show any kind of fence or natural buffer between the areas.

3. Change to Plat Line, Where did this come from? All of a sudden the City is going to move the west boundary closer to the neighborhood. I realize the City owns both parcels but it seems like the project is moving closer to our neighborhood with no discussion.

4. Building Height - we have seen the lower "Flat Roof " design but have heard that the height is measured from the top of the grade? Sounds like after they build up the grade with fill and a berm is created- the building will be a lot taller from street level than proposed.

5. Building "fill" across the Easement. It looks like the proposal is adding too much fill

over the NEW Permanent Easement that includes a sanitary and a storm sewer. This sounds like Ron Clark is asking again for so many changes that are not being discussed publically.

6. CHANGE to COMP PLAN- This is a HUGE deal. Change our Comp Plan for one builder and it opens up so many issues with future developments!.

7. IMPACT on HOPKINS: According to Julie and Gordon, Hopkins is not interested in what is planned.

That is false. In several of their meetings they realize the impact on schools and cost of City Services.

Heck: most people I talk to think this is Hopkins anyway!

Please know that this type of project can happen in your back yard too. I would ask that you DO NOT recommend this project because it is too big and has too changes associated with it.

I do think Minnetonka can do better.

The City owns a lot of land better suited for this proposal where it will actually impact Minnetonka.

The Hwy. 7 and 101 area is one of them. Music Barn site is another.

LETS MEET and DISCUSS.

Thanks so much for the work you do.

Respectfully Submitted,

Chris Aanestad

4255 Oak Drive Lane

August 22, 2017

From: andy braun

Sent: Tuesday, August 22, 2017 11:13 AM

To: Brian Kirk <bkirk@eminnetonka.com>

Cc: Julie Wischnack <jwischnack@eminnetonka.com>

Subject: Re: 4312 Shady Oak Road - Redevelopment

Hi Brian, in anticipation of Thursdays Planning Commission Meeting I'd like to request that a representative from RC or the city present the scoring and detailed explanation of the score for the attached MHFA_1041462.rtf titled 2019 Housing Tax Credit Self-Scoring Worksheet, 9% Housing Tax Credits.

Thanks for attention and support on this matter.

we look forward to Thursday.

Andy Braun

August 23, 2017

From: andy braun
Sent: Wednesday, August 23, 2017 10:33 AM
To: Loren Gordon <lgordon@eminnetonka.com>
Subject: 4312 Shady Oak Road - Shady Oak Crossing

Hi Loren, In the meeting tomorrow, I'd like to request that someone please describe how a 9% tax credit is covering a 40-60% subsidy?

that is:

The tax credit is for 9% (as previously described by RC)
The 'market rate' for this development is "\$2000" (as previously described by RC)
The expected rent is between \$800 and \$1200, (which is 40%-60% of 2000) (as previously described by RC)

So am I missing something? because this math doesn't add up.

thanks

Andy Braun

From: andy braun
Sent: Wednesday, August 23, 2017 10:51 AM
To: Loren Gordon <lgordon@eminnetonka.com>
Subject: 4312 Shady Oak Road - Shady Oak Crossing

Hi Loren,

You can do the right thing right, or you can do the right thing wrong

This is the right thing done the wrong way.

Remember we're paying RC to bring this up to par of market rate... or that is to build 'market rate', but charge less to the tenants for it, and tax payers make up the difference, but they're still unable to meet that threshold/qualification of market rate equivalent housing/common Minnetonka convention.

That's why it should not be approved.

Social engineering at its finest. Our "class system" aka capitalist system aka corporate welfare, actively hoards and consolidates as much money as possible (based in their assessment, aka tax plan and interest rate manipulation) at the top, depriving the lower and middle class of fair wages/benefits of their labor, then tells us it's on the common

taxpayer to make up the difference (thus dinging the common taxpayer again) so that common families can now afford housing. ("Here's how you will divvy up the scraps today pawns") The burden should be on the capitalist and "free" market engineers, aka political and financial elite class and federal reserve, not on us common folk as we didn't cause this socioeconomic inequality of this magnitude.

State and Federal credit to support affordable housing (MFHA, QAP and HTC and the like) is all just part of the game they play with us and our limited financial resources and we're their chess pieces. to pit us against each other to fight over the scraps under the guise of "supporting each other" when really it's their creed, perversion and corruption of the system that put us here.

"Affordable housing" is just a bandaid and a cover up for the real causal issue.

This is a 'double dip' corporate welfare because RC is unable or unwilling to build housing which is truly affordable based on the market, so now we have to pay to make up for where they and their "market" fall short.

Affordable housing is just a small short term remedy, that does nothing to actually resolve the engineered systemic causation.

If the met council, city, county or state was really on "our" side (though I'm sure they think they're doing their best with the only "tools" at their disposal) and really wanted to fix the problem they would somehow provide for a more fair redistribution of capital. However it is clear they are not as they too are simply pawns of the Financial, social and political elite class.

Just like this proposal, it's the fox watching the hen house, and we're all the hens.

I'd prefer if our tax dollars went directly into the pockets of the tenants which need assistance, so they could choose to take their money where they wanted, (this is what section 8 does) instead our dollars are being used to pad the profit margins of a for profit builder, for only one property which of course is the only "option" for the tenants.

Now, since we're forced to live within the confines/rules/laws set by our masters/owners and enforced by their thugs/police/IRS, by threat of violence and/or detainment, we have to play the game as best we know how and be happy little neo-slaves to the elite class.

"Ok poor people, were going to take more of your money by threat of force, to pay the rich people to build housing for those other poor people, aren't we virtuous and being so generous and helpful". Makes sense says our masters.

if the market worked "as designed, or as its promoted" builders would build to suite the market, that is, less expensive housing. But clearly they can't. (Again by design) Another indication of a rigged system.

Let's cast blame where blame is due. Not on each other (as they've led us). and let us not hold each other responsible for a system of which we have no control or authority over.

Aside from these obvious root causal problems, (that the affordable housing initiative fails to address, again, by design) the building just doesn't fit well enough/make sense, for all the reasons previously described, that's all. Nothing personal.

Let's all remember. Us common folk are all on the same side, all looking out for each other. The real enemy/problem is the states ruling class.

We're defending the interest of affordable tenants by making sure it gets done right and up to the same standards that market rate demands.

Andy Braun
- Sent from mobile

From: andy braun
Sent: Wednesday, August 23, 2017 11:31 AM
To: Loren Gordon <lgordon@eminnetonka.com>
Subject: 4312 Shady Oak Road - Shady Oak Crossings.

Hi Loren,
In review of the staff report, I have a few questions.

"The location affords residents the ability of easy and convenient roadway and bus route access"

this is blatantly false. this is not afforded to the current residence, how can it be afforded to the future residence?

"There are a number of high density residential housing units immediately adjacent to single family residential neighborhoods"

Where? the Oaks? thats high density? its two story townhomes with ample buffering.

"However, it's location on the Shady Oak Road provides screening, buffering and less impactful use characteristics to the residential neighborhood that otherwise would not be possible if the property remained as a commercial use"

a single line of trees is 'screening'? 10 to 15 feet of grass and a retaining wall is

"buffering? 3 stories and 290 foot wide wall of people with direct line of site into your private residence is less impactful than than the current commercial use where nobody can see into our private residence? Children playing catch, riding bikes, parents pushing stroller accross 4 lane county road, and shortcutting on their commute through the neighborhood because the county road is already over saturated, and poorly designed for on/off access, is less impactful than current use?

"is it reasonable. yes"

Only reasonable from a minority, and personal and subjective perspective of the staff member whom wrote the report. Not reasonable in the minds of the overwhelming majority of the constituents whom the council represents.

" and fits in the context of the Shady Oak Road commercial corridor "

As has been described since day one, this would significantly change the context of the commercial coordinator. existing is all 1 story commercial, or 2 story town homes. with ample buffering. This is 3 stories with minimal buffering.

thanks

Andy Braun

From: Elizabeth A

Sent: Wednesday, August 23, 2017 11:47 AM

To: John Powers <jpowers@eminnetonka.com>

Cc: Brian Kirk <bkirk@eminnetonka.com>; Deborah Calvert <dcalvert@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; David Knight <dknight@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>; Terry Schneider <tschneider@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>

Subject: Re: Pic shady oak

Good Morning John,

I have pictures available for you. Please let me know if you require a video.

The pictures depict exiting from bradford to get on to or cross shady oak road. you can see the end of bradford has cars lined up at the stop light, making it difficult to get to the left hand turn lane which many of us use to take a u-turn on the shady oak and excelsior intersection. The 4th picture shows the alleyway you enter from to get to the parking lot from which you can take a left hand turn on Shady Oak. The rest of the pictures show how much traffic there was this morning just after 8am, it takes awhile to cross here as well but at least you're not forcing others to let you into the left hand turn lane so that you can u-turn. So this really is the best option: alleyway to private parking lot (technically in city of Hopkins), to Shady Oak. This is just south of 4312, less than 1 block away.

Thanks again for your attention to the safety issues surrounding the high density proposal. Its just too catty wampus to safely navigate through as is, clearly 49 households being added to that block/next block will not be an improvement to for the flow of traffic.

A lower density project would have less of a negative effect. Even though what the constituents prefer is that the city do is leave this spot alone and build affordable housing in more appropriate areas that can safely house a high density building.

Thanks,
Elizabeth

From: andy braun
Sent: Wednesday, August 23, 2017 1:01 PM
To: Loren Gordon <lgordon@eminnetonka.com>
Subject: Re: 4312 Shady Oak Road - Shady Oak Crossings.

This is a classic example of The **tragedy of the commons**. Which is an economic theory of a situation within a shared-resource system where individual users acting independently according to their own self-interest behave contrary to the common good of all users by depleting or spoiling that resource through their collective action.

lets not be a tragedy of the commons.

Andy Braun

August 24, 2017

From: Peg Keenan
Sent: Thursday, August 24, 2017 9:08 AM
To: 'agray@eminnetonka.com' <agray@eminnetonka.com>
Cc: 'tschneider@eminnetonka.com' <tschneider@eminnetonka.com>; 'jwischnack@eminnetonka.com' <jwischnack@eminnetonka.com>
Subject: Shady Oak Road Redevelopment

Ms. Gray,

I am unable to come to the Planning Commission meeting tonight where the Shady Oak Road Redevelopment project will be discussed. However I do want to express my support of this project.

This community has a high need for affordable housing. While this can easily be confused with "low-income housing", affordable housing in a community where property values continue to increase rapidly will provide housing for households making up to \$54,240 per year. That means our high school and college graduates that grew up in this area have a place they can afford to live while staying connected to the community they love. It provides an opportunity for our seniors on fixed incomes that are ready to downsize from their homes an affordable place to live. It provides people who work in our community and provide valuable services to our community, a place to live near their work.

I have been impressed with Ron Clark's design and his redesigns based on community and Planning Commission comments. At ICA I hear our neighbors with families wanting 3-bedroom apartments so was excited to see 14 3-bedroom units included.

Overall this appears to be a much improved look for this property than what is currently on the site, enhancing the area while providing much needed apartments that many in our community are eager to rent.

Please pass these comments on to the Planning Commission and the City Council.

Thank you for all you do for our community,

Peg Keenan
Executive Director
ICA FOOD SHELF

August 25, 2017

From: Deborah Calvert
Date: August 25, 2017 at 1:53:04 PM CDT
To: " ", Loren Gordon <lgordon@eminnetonka.com>
Subject: Re: Meeting to discuss Shady Oak Rd. Proposal : QUESTIONS

Hi Chris-
I apologize for not responding sooner. Unbeknownst to me, I had a setting in my email that was only allowing certain emails to pop up until yesterday afternoon. Duh. I figured it out because I was expecting an email that wasn't showing up. I would be happy to meet with you to discuss your concerns. I have a crazy busy schedule, but can do morning coffees. Please be advised that I will be mostly listening - I cannot express anything that would be construed as a decision on this project outside of an official public meeting. But I can certainly listen to concerns, take questions with me, and viable suggestions and ideas are most welcome.

Best,

Deb
Sent from my iPad

From: Deborah Calvert <dcalvert@eminnetonka.com>
Date: August 25, 2017 at 1:58:46 PM CDT
To: Ann Aanestad
Cc: Loren Gordon <lgordon@eminnetonka.com>
Subject: Re: meeting to discuss Shady Oak Rd. Proposal

Hi Ann,

As I explained in an email to Chris, I apologize for not getting back to you sooner. I had a setting in my email that was filtering emails, and didn't see this until just before the meeting yesterday when I finally figured out why I wasn't getting certain emails I was expecting from staff. I have an extraordinarily busy schedule, and can pretty much only meet for early morning coffees during the week. But I am happy to meet. As I told Chris, I will primarily be listening as I am prohibited from expressing anything that could be construed as a decision on this project outside the confines of an official public meeting. I can, however, listen to your concerns, questions, suggestions and viable alternatives and address them to the best of my ability at the next meeting.

Best,

Deb

Sent from my iPad

From: Deborah Calvert <dcalvert@eminnetonka.com>

Date: August 25, 2017 at 2:13:48 PM CDT

To: Elizabeth A < >

Cc: Loren Gordon <lgordon@eminnetonka.com>

Subject: Re: 4312 Shady Oak

Hi Elizabeth-

I was embarrassed to find out just as I was leaving for yesterday's meeting that I had a filter on my email that was not allowing me to see some of the items in my inbox. Duh. I figured it out and saw this just as I was leaving to attend the meeting. Thank you for sharing your concerns with us. I have been taking all the comments under advisement and took copious notes at the last few meetings on this project.

I am sorry that you feel the communication has been less than transparent. For my part, I see that projects like this are very complex, and I'm not sure there are always easy answers to questions that you may believe to be simple, but are, in actuality, quite involved. It's why decision-making responsibilities for projects like this are divided between the EDAC, the Planning Commission and the City Council. I truly hope we can come to a positive resolution.

I have offered to meet with some of your neighbors, and am happy to meet with you as well, and any of the neighbors. I have been making the disclaimer that I would be listening primarily. I am prohibited from expressing opinions that may be construed to be decisions about projects before the Planning Commission outside of the confines of official public meetings. I have an insane schedule, and the only times I have available are early mornings before work for coffee, and I like coffee, so am happy to do it if it works for you.

Best,

Deb

Sent from my iPad

August 28, 2017

From: Beverly Montgomery

Sent: Monday, August 28, 2017 5:45 PM

To: Brad Wiersum; Tim Bergstedt; Dick Allendorf; Tony Wagner; Terry Schneider; Patty Acomb; Bob Ellingson
Cc: Deborah Calvert
Subject: Shady Oak Crossing

As members of our city council, I want you to know I fully support the plan for the building of the Shady Oak Crossing apartments.

I am please to see that there is at least a margin of green around the building and trust that parking is adequate. I am also interested to know that there are some affordable priced units and that there is an assurance rents will be competitively priced for many years.

Living in a condo building of a similar size, I can affirm that traffic is minimal, with cars going in and out at various time, and never a steady stream of traffic. I can imagine that traffic on Shady Oak might be similar.

Good luck on your endeavor to provide some much needed housing for Minnetonka.

Beverly Montgomery
14601 Atrium Way, #333
Minnetonka MN 55345

August 29, 2017

From: andy braun
Sent: Tuesday, August 29, 2017 9:05 AM
To: Loren Gordon <lgordon@eminnetonka.com>; Brian Kirk <bkirk@eminnetonka.com>
Subject: Shady Oak Crossing - Aug 24 meeting.

Hi Brian and Loren, we really appreciate your continued support in vetting out the RC proposal.

Please see the attached statement of which I read a few excerpts from last Thursday the 24th at the Planning Commission meeting, and please submit it to the study packet.

I'd like to remind you guys that similar to how RC has a "minimum viability" (though it seems to change with the wind...) The city and community too has a "minimum viability" or "minimum level of acceptance" or "minimum threshold of acceptance" . The City has a well defined code, ethics, comp plan and zoning, as well as a mission and goals statement, but its clearly willing to amend said plans, or otherwise overlook things such as its mission and goals. Whereas the local neighborhood and community as a whole it trying to uphold the city to its mission and goals. Also though we're not as well organized nor funded as the City or RC, we have held firm and unwavering of our

position in defense of our neighborhood and prospective affordable tenants, and the merits of affordable housing as a whole.

And though there are many good and favorable attributes to the proposal, and though RC is doing "everything they can" to make it work, they are simply unable or unwilling to meet our minimum threshold of acceptance. and thats OK! We're certainly not desperate enough to make those sacrifices and lower our standards.

as they say "when it doubt, its out"

To be clear, the minimum threshold for acceptability in various categories which this RC proposal misses are:

- 1) Sustainability.
- 2) Safety (traffic/pedestrian, neighborhood/residence).
- 3) Transportation access, buss pull offs/buss stops, safe/navigable roadways.
- 3) buffering/setbacks/scale/context to the neighborhood.
- 4) Neighborhood, local, benefit.

I don't see anybody that's actually happy with this proposal, shouldn't we be happy with it?

thanks

Andy Braun

To the Minnetonka Planning Commission, Council and Staff.

August 24th, 2017

From the August 24th Staff Report.

"The location affords residents the ability of easy and convenient roadway and bus route access"

This is blatantly false. This is not afforded to the current residence, further there is no mention in the plan of how it will be afforded to the future residence.

"There are a number of high density residential housing units immediately adjacent to single family residential neighborhoods"

Yes, and the difference is that they're done "well" as they provide considerably more buffering/setbacks, with adequate access to local amenities such as trails and parks. And do not negatively impact the local neighborhood such as access and traffic. They may share residential roads for access, but they also offer more options/throughways in/out of the neighborhood/development.

"It's location on the Shady Oak Road provides screening, buffering and less impactful use characteristics to the residential neighborhood that otherwise would not be possible if the property remained as a commercial use"

It may be screening and buffering, but notice how it does not say "adequate" screening or buffering, that's because it is inadequate.

A 3 story tall and 290 foot wide wall of people with direct line of site into your private residence is far more impactful than the current commercial single story 'normal working hours' type usage. Significant infringement on personal privacy, Children and parents 'spilling over' and out of the buffering into residential streets because they have nowhere else to go, parents pushing strollers across a 4 lane county road, and shortcutting on their commute through the neighborhood because the county road is already over saturated, and poorly designed for on/off access, is far more impactful than current use. The current use is very low impact, and the impact that is there is 'previously known' by the residence who choose to move into the area. What little impact there is, is also welcomed and acceptable as it supports local, small independent business, which we all strive to support.

"is it reasonable. yes"

Its only reasonable from the perspective of a small minority, and personal and subjective perspective of the staff member whom wrote this report. This statement is in direct contradiction to the overwhelming majority of the constituents whom the council represents. And due to a lack of representation from the council this majority has been representing itself and reiterating this position since the first stages of this process. This is unreasonable in that when evaluating the pros/cons, for all stakeholders, the cons far outweigh the pros. And the pros which do exist could be more easily and more adequately met by a different location. This is unreasonable in that the only reasons for its justification are rooted in servicing the needs of the city and developer first.

"and fits in the context of the Shady Oak Road commercial corridor "

Similar to the previous comment, It only "fits in the context" from the perspective of a small minority, and personal and subjective perspective of the staff member whom wrote this report. This statement is in direct contradiction to the overwhelming majority of the constituents whom the council represents. And due to a lack of representation from the council this majority has been representing itself and reiterating this position since the first stages of this process.

This would significantly change the context of the commercial coordinator. Existing is all 1 story commercial, and a few 2 story town homes. with ample buffering. Whereas his is 3 stories, a football field long, and with minimal buffering, sits right on the 4 lane county road, and would be unsafe for tenants, the neighborhood and commuters.

There was a pre-requisite for 'some kind of future development' earmarked by the city during the city's purchase of this property. Slated by the guidance of the city, to develop this public land in a traditional sense such as housing or light commercial or retail or possibly something else. However, that pre-requisite was later completely undermined by the restrictions resulting from the build-out of the county road and storm water easements negotiated between the city and county, rendering the property nearly if not completely unviable for 'traditional redevelopment.' Then the city entrusted private, for-profit developers to tell the city what type of development would be most viable, not for the public good, but instead for the developer to generate profit. This was done in favor of determining for ourselves, on our own behalf, or with the support of community outreach and advocacy organizations, how to best use this public land, in a way that would be most beneficial for the neighborhood, and of service to the community. This is clearly exemplified by this 'development vetting process' which we all continue to

painstakingly endure, and is then highlighted by this specific application from Ron Clark. These Highlights include but are not limited to:

- 1) Does not align with the city's Mission and Goals.
- 2) Requires significant amendments to the Comprehensive plan. As this application does not align with the "village center" model which was carefully designed in close partnership with the city of Hopkins. And is in stark contrast to the Hopkins comp plan.
- 3) Requires significant amendments to the Zoning ordinance, as this application forces "Spot Zoning" High Density directly adjacent to the surrounding low density.
- 4) Too massive, too invasive, too dense for the scale of the neighborhood.
- 5) No current nearby access to public transit, and no nearby room to add in a buss lane, nor on-street nor off-street transit stop. According to the MHFA Minnesota Housing and Finance Agency 2019 Housing Tax Credit Scoring Worksheet, Strategic Priority Threshold, Access to Fixed Transit, the site is outside the 'half mile limit' of planned or existing LRT, BRT or Community Rail Station.
- 6) Little to no buffering to the 4-lane county road nor surrounding neighborhood, which is inconsistent with Minnetonka's common convention of high density development.
- 7) Little to no outdoor recreational space for residence, guests, children, pets, or pedestrians,
- 8) Little to no 'cue' lane for access on/off shady oak road for residence, guests, delivery, school bus, taxi, nor emergency vehicles. Likely to cause 'shortcuts' through the low-density neighborhood street.
- 9) Relies 100% on one single low density residential neighborhood street for access. Snow management and spill over, especially for emergency situations is a major challenge.
- 10) There is no room to add amenities, and the amenities that do exist are provided primarily by Hopkins across a 4-lane county road.
- 11) Drives out existing local business while not promoting growth of new local business especially not minority nor non-profit based business.
- 12) Does not promote green building practice nor sustainability.
- 13) Does not align with the 100 year plan.
- 14) Does not provide any meaningful benefit to the neighborhood, nor represent its position.
- 15) There are many other alternative sites available which would not have any of these problems nor restrictions.
- 16) This is public land and should be used for the public good.
- 17) Does not meet the minimum threshold of acceptance in the overwhelming majority of the constituents which the City Council represents.

Andy Braun

4408 Crawford Rd.

From: Brad Wiersum
Sent: Tuesday, August 29, 2017 4:30 PM
To: Beverly Montgomery
Cc: Geralyn Barone <gbarone@eminnetonka.com>
Subject: RE: Shady Oak Crossing

Dear Ms. Montgomery:

Thank you for taking the time to write to me and to share your point of view. I appreciate knowing your thoughts.

Sincerely,

Brad J. Wiersum
Minnetonka Ward 3

August 30, 2017

From: Elizabeth A
Date: August 30, 2017 at 10:51:09 AM CDT
To: Julie Wischnack <jwischnack@eminnetonka.com>, Loren Gordon <lgordon@eminnetonka.com>, Bob Ellingson <bellingson@eminnetonka.com>, Deborah Calvert <dcalvert@eminnetonka.com>, John Powers <jpowers@eminnetonka.com>, David Knight <dknight@eminnetonka.com>, Brian Kirk <bkirk@eminnetonka.com>, Rebecca Schack <rschack@eminnetonka.com>, "Joshua Sewall" <jsewall@eminnetonka.com>, Sean O'Connell <soconnell@eminnetonka.com>, Terry Schneider <tschneider@eminnetonka.com>
Subject: down zoning 4312

Hello Julie and Loren,

Could you please let me know how moving the zoning from low intensity commercial to high density residential is a down zoning.

We are going to add 2 additional stories of people to that site 24 hours/day, rather than the business hours they currently keep.

How can you justify your use of the term 'down zoning' when effectively the traffic and usage of the tiny parcel will be dramatically increased?

The residents cannot make sense of your choice of words here.

Additionally, the plan that rc has effectively switched to has a 'shorter' building, but they are regrading and adding height to the front grading. Just wanted to point out to you that we, the local residents do not see that kind of of wording as being straight forward. The effective overall height of the building, rc still has no idea on (as they were flustered and could not give a response during the last planning commission meeting). We have a legitimate and invested interest in the effective change of height on the building (since day one) but rc still does not have an answer to that question.

Lastly, can you name another high density apartment building in Minnetonka that touches private residential lots with not buffer?

We would really like this plan to be omitted as an option for now in order to better explore opportunities that have not presented themselves in order to get the local residents' concerns met.

The county changed the usability of this land when they built out Shady Oak. No high density please, it just does not work here no matter how you try to sell it, its wrong for the local residents and Minnetonka, future and present.

Thanks for considering the directly adjacent residents' concerns with special recognition of the time, research, effort and experience they've amassed.

Looking forward to your response on the term 'down zoning', and how the overall effective height of the building has changed and whether the city has every forced high density living into private residents' back yards before? Much appreciated.

Elizabeth

August 31, 2017

From: andy braun []

Sent: Thursday, August 31, 2017 4:18 PM

To: Loren Gordon <lgordon@eminnetonka.com>; Brian Kirk <bkirk@eminnetonka.com>

Subject: Re: Shady Oak Crossing - Sept 7

Hi Loren and Brian, I understand the city and developer are promoting that rezoning from commercial to PUD would be considered a technicality of "downzoning" which is generally seen as 'favorable' however the current and historical use of the property is demonstrably less impactful than this apartment proposal. If you recall the photos/renderings presented by RC comparing the existing to proposed development (google maps/aerial shots and neighborhood provided photos etc) its very clear that the apartment would be a massive increase on the scale/scope/zoning. I don't know about you, but when RC flipped between the current and proposed I just about fell over, especially within the context of it being 'downzoned.' I mean, how can it be downzoned and so grossly overbuilt (compared to the existing) at the same time. Its again, because of a technicality. So lets be clear that just because its technically downzoned does not mean that its any less of an impact, and in this case is of great negative impact to the neighborhood and prospective tenants.

Though the traffic study shows that the apartment would be only a negligible uptick in traffic, the traffic study only looks at cars at one intersection, and not at the holistic impact of the intersection, nor other intersections (especially the SOR and Mainstreet intersection) nor 'cut through' traffic on Oak Drive Lane/James and their other intersections. Some of the fundamental factors which have been blatantly overlooked include but are not limited to pedestrians including children on foot or bicycle (or other modes of transportation) include commuter, commerce and recreational considerations like dog and stroller walks. and certainly doesn't look at emergency vehicles in any

way. Therefore the traffic study may be helpful but its only one indicator of a very complex puzzle, for that reason doesn't really hold much water. And if you recall the resident on Oak drive lane whom indicated that with one car parked at the curb, that only one car can get through, which is fine when its a low density quiet neighborhood, with little traffic, but if we approve this apartment then we're choosing to sacrifice the safety of the neighborhood and tenants.

Such blatant disregard for fundamental attributes such as sustainability and transpiration/access impact are clear indicators that RC lacks competence, and this proposal does not meet our minimum threshold for acceptability.

Why are we inviting them back to show us how they've reduced the fill/grading on the storm water easement/pipes when they've (or the project) completely fails in two fundamental and key attributes...not to mention does not comply with the cities mission and goals (something Ive been requesting an explanation on for months, that is, does the city have a legal obligation to comply or for this application to comply? or is it simply a moral responsibility? and if only moral then how can we be so quick to dismiss and waver on our morality?)

thanks for your attention.

Andy Braun

**PUBLIC COMMENTS SUBMITTED
AT THE AUGUST 24TH
PLANNING COMMISSION MEETING**

4312 Shady Oak Road Proposed Redevelopment

TOPIC : "BUILDABLE AREA"

Here are 4 different values for size of proposed building site.

All of these examples are from Public Documents

- | | |
|---|-------------------|
| 1. Request for Developer Interest Page 3 | 1.12 acres |
| 2. Community Engagement Process Page 6 11/16/2016 | 1.54 acres |
| 3. Planning Commission Packet 8/24/2017 | 1.63 acres |
| 4. RON CLARK Letter 7/24/2017 | 1.58 acres |

The buildable area is the area NOT including the large EASEMENT.

As a result the "Units per Acre" gets skewed.

+ .25 acre wetlands

RON CLARK's #s are 1.58 acres / 49 Units = 31 Units per Acre

ACTUAL UNITS per ACRE 1.12 acres / 49 Units = 43.75 Units per Acre

This error has been brought up to the City Council and to the City Planners.

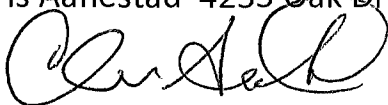
I have attached a COPY of the RDI that clearly shows these figures.

This is way too large of a building with very poor access into a neighborhood.

This project needs to be scrapped completely.

Respectfully Submitted,

Chris Aanestad 4255 Oak Drive Lane



Summary of Existing Conditions

Existing Conditions

The table below lists the existing conditions of the parcels including size, buildable area, zoning, and future land use.

	<u>4312 Shady Oak Road</u>	<u>4292 Oak Drive Lane</u>	<u>Combined</u>
Area	1.60 acres	0.68 acres	2.28 acres
Buildable Area	1.12 acres	0.31 acres	1.43 acres**
Building Footprint	25,680 sq. ft.	1,625 sq. ft.	N/A
Zoning	B-2, Limited Business	R-1, Low Density Residential	N/A
Future Land Use*	Commercial	Low Density Residential	N/A

*Guidance from City of Minnetonka 2030 Comprehensive Plan

**If parcels were combined, area would be 2.21 acres

Site Survey

A survey of the site was completed by the City and is shown in **Attachment B**. The two parcels are separated by multiple temporary and existing easements for drainage, utilities, and sanitary sewer. An approximately 0.25 acre wetland is also located on the southwest corner of the site.

Environmental

The City conducted environmental studies for the site. The following is an overview of the stormwater requirements, groundwater conditions, key findings from the Phase I and II reports, and soil borings. See the project website for complete reports. <http://eminnetonka.com/current-projects/planning-projects/1490-shady-oak-rd-redevelopment>.

Stormwater

- The project area is located in the Nine Mile Creek Watershed District. The stormwater requirements are Under Rule 4 – Stormwater Management for a redevelopment project. Source: <http://www.ninemilecreek.org/Regulatory/Rule04.pdf>.
- Stormwater requirements may be covered by the Shady Oak Road reconstruction project; however, the developer will be responsible for ensuring these requirements are met.

Groundwater

- Based on a Phase II ESA that was produced for the parcels, groundwater was encountered at approximately 10 feet below ground surface located on the west side of the building.
- Groundwater was also encountered at approximately 20 feet below grade on the south side of the building starting at a higher elevation.
- The general direction of regional groundwater flow in the area of the subject property is presumed to be to the east-southeast.

Phase I

A Phase I was conducted for the site in November 2014 and was recently updated. The Phase I revealed the following Recognized Environmental Conditions (RECs) relative to the property.

- The presence of historical machine shop and dry cleaner tenants at the property that handled various oils and solvents and operated at the same time as the former septic and cesspool system is considered an REC.
- Heavy oil staining from a leaking compressor located in the northwest corner of the building in a vacant tenant space is considered an REC.

Although not considered RECs, Conditions RECS (CRECs), or Historical RECs (HRECs); the ESA also revealed the following items that constitute environmental business risks:

[Handwritten signature]
8/24/17

**Resident Comments and Questions related to the proposed redevelopment of the City of Minnetonka owned parcel at Oak Drive Lane and Shady Oak Road
Prepared August 24, 2017 and submitted by Ann Aanestad and Jeri Massengill, residents of Oak Drive Lane**

Clarification regarding the development packet prepared for this meeting.

The first 16 pages of the Shady Oak Redevelopment, August 24, 2017 packet has what we believe to be inaccurate information that does not reflect the input from neighbors in the immediate area. We would like to clarify the following points:

- The residents in the immediate area have always been open to low-profile, light commercial redevelopment or low-density residential redevelopment on this property.
- We have been consistent in asking for a maximum 1 or 2 story development that blends in with the neighborhood character of low density residential and light commercial.
- We have been consistent in our concerns that the existing curb cut which provides access from Shady Oak Rd to the city owned property is slated for removal and the proposed plan allows access only from Oak Drive Lane.
- We have been consistent in our concerns about the scale of this project and do not agree with City Staff that our concerns have been met by revised proposals that provide only a small downsizing of the project.

Traffic & Access – Summary of Concerns

- Cut through traffic on Oak Drive Lane (ODL) due to backups on Shady Oak Rd (SOR) will increase. We will see more traffic that will enter the north leg of ODL and follow it around to the south leg in order to access the apartment building driveway located on ODL.
- There will be a significant increase in vehicles that can only use Oak Drive Lane (ODL) to get home. This leads to quality of life concerns for the current neighborhood residents including an increase in:
 - Traffic
 - Traffic related air pollution
 - Noise from more traffic
 - Safety concerns for neighborhood children and the elderly due to the increase in traffic on ODL and SOR.

Quality of Life – Summary of Concerns

- Current residents will see a marked increase in light pollution and expect at least some increase in noise from the apartment building and its parking lot. Please note, most neighbors currently do not experience light pollution from the current commercial building on the property, and very little noise or traffic comes through our neighbor related to the current commercial occupants of the property.
- Future Residents of a High Density Housing Development at this location will experience:
 - A very long walk to a possible future light rail station. We do not agree that this is truly within walking or biking distance for most future apartment residents considering some or many will be young, elderly, not physically able, etc. Also please know that the sidewalks in our area of Minnetonka and Hopkins are not well maintained in the winter (rarely are all sidewalk routes to the bus lines shoveled).
 - Bus routes (those within walkable distance of the apartment building) that are very limited in where they run and how frequently they run. We do not believe this meets the needs of residents that rely solely on public transportation.
 - Health and safety concerns for apartment building children who will play in the surrounding parking lots and streets due to the absence of green space on or adjacent to the apartment building. Background: The proposed tot lot will only be of interest to the youngest residents

and most kids will cross SOR to access the parks in Hopkins. The current proposal is calling for 12 one bedroom, 23 two bedroom and 14 three bedroom apartments. Typical rental means 1 bedroom=3 people, 2 bedroom=5people, 3 bedroom=7people. That may change if a family has more children. That is **249** people with no access to outdoor space except a parking lot and small tot lot.

- A very real potential for exposure to air pollution that enters the due to vehicles passing on SOR and vehicles queued/backed-up at the intersection of Mainstreet and SOR. Background: Information from the MN Dept. of Health states in part; *“On average, census tracts where more than 20 percent of residents live at or below the federal poverty level have the highest traffic exposure across Minnesota communities. Across high-poverty census tracts, about 50 percent of residents live within 300 meters of busy roads, where air pollution from vehicle traffic is highest. Traffic-related air pollution includes serious pollutants like fine particles, which are linked to lung and heart diseases. Children, older adults, and individuals with chronic health conditions like asthma, COPD or heart disease, are more vulnerable to harmful effects of air pollution.”* Full version at (<https://www.beairawaremn.org/news/mapping-traffic-differences-between-minnesota-communities>).

We are aware that people who need affordable housing often have very limited choices on where they live. We believe this proposed apartment building perpetuates this past trend of locating housing for low income people in unhealthy/unsafe locations due to its proximity to busy SOR and lack of green space green for the children to play.

Questions for City Staff and Planning Commission:

- In the staff report, what is meant by “soften the edges at Main Street and Oak Drive Lane intersections with Shady Oak Road?”
- Why has the zoning recommendation been changed to Planned Unit Development (PUD)? Is the City considering adding parcels to this PUD in the future, for example add in the adjacent city owned single family residence or other single family properties nearby? If so, what is the plan for these other parcels?
- Information was previously requested on any other similar housing developments of this size that use a small residential road for its only access/driveway. We were told of examples but once we visited the locations, we determined these developments were in fact not using only a small residential road for access and were also buffered from surrounding homes by large natural vegetation buffers. So we will ask again, are they any high-density housing developments in Minnetonka or nearby communities that use only a small residential road for its only access? If there are, we would like to see what was done to mitigate the safety concerns and traffic issues that resulted from the addition of many additional vehicles in those neighborhoods.
- Residents in the surrounding neighborhoods and even those further away have been part of all the city meetings and open house gatherings giving input and ideas. We keep attending only be told what will be built instead. So in order for us the learn how to better engage with City Staff, we ask:
 - What input from the neighborhood meetings did the staff find helpful?
 - Do you weigh the comments and concerns of residents and businesses not located near this proposed development the same as those of the neighbors in the immediate area?
 - Were you at any point given direction by City officials to focus on high-density housing for this location? If so, when was that direction given to you?

- It is our understanding that the City decided to limit its RFI for redevelopment of this property to just a few housing developers. We are aware there have been inquiries directed to city staff in the past few months from other developers that are experienced in building low density housing or commercial properties. We also know these developers learned of the redevelopment only after we contacted them. Why has the City not been willing to look at other possibilities, such as low density housing, for this property?
- Does the City have an Affordable Housing Plan that lays out the steps the City is taking to meet its affordable housing goals? If not, we strongly urge the City to start working on one with input from the community to ensure all future affordable housing residents have access to good public transit options, parks and/or trails, good quality, affordable food, and stores and services such as grocery stores, libraries and health care clinics that are within walking distance or easily accessible by public transit.

SAY NO TO HIGH DENSITY RESIDENTIAL APARTMENT AT SHADY OAK RD and OAK DRIVE LANE

About this petition

SAY NO TO HIGH DENSITY RESIDENTIAL APARTMENT AT
SHADY OAK RD and OAK DRIVE LANE

***Minnetonka Residence, for tracking purposes, please identify yourself as a "Resident of Minnetonka." For privacy purposes please don't include your personal contact information. Please contact your representative directly! *** We encourage all members of the community to sign and contact your local representatives

BACKGROUND:

The City of Minnetonka is considering a 54 Unit, 3+ story apartment building, on the site of 4312-4342 Shady Oak Road. We oppose this and any other redevelopment on this site that has height, high-density and major safety and traffic issues.

This proposed apartment building would blight the skyline and impact the local character and living conditions of the existing neighborhoods throughout this area.

This site is currently zoned commercial with no change to its status in the Minnetonka Comprehensive plan.

New and existing buildings (commercial & residential) along Shady Oak Road are all one story/low profile. We do not want to start a precedent of allowing oversized, multi-story buildings.

With the construction of Shady Oak Rd complete, we see the negative impact it has already had on local traffic. Further study and options need to be evaluated for this site. Rushing to develop this, based on old data and former traffic patterns, will have irreversible consequences.

PLEASE SIGN THIS PETITION!

We, the undersigned, say NO to large, high-density housing on this parcel. We demand the city re-evaluate the use of this site in regards to the Minnetonka Comprehensive Plan and forbid the construction of tall buildings on this site.

Link to the City's project webpage.

<https://eminnetonka.com/current-projects/planning-...>

Signatures

1. Name: elizabeth miller on 2017-03-09 20:08:53
Comments: Residents should have a say in community development!

2. Name: Andy Braun on 2017-03-09 20:35:53
Comments: We can do better!

3. Name: Holly Ricke on 2017-03-09 20:45:29
Comments:

4. Name: Michael Kern on 2017-03-09 20:57:17
Comments:

5. Name: Allison Bittner on 2017-03-09 21:00:44
Comments:

6. Name: Justin Grumbir on 2017-03-09 21:02:24
Comments:

7. Name: Ed Hassler on 2017-03-09 21:08:48
Comments:

8. Name: REBECCA CASHIN on 2017-03-09 21:21:10
Comments: Will ruin Hopkins/Minnetonka small town look and bring more trashy buildings into Hopkins. I'm off work today because of drugs being done in a building that is already in Hopkins of that sort and I left work because I didn't want to be exposed. This isn't the first time either!

9. Name: Jenny Osberg on 2017-03-09 21:29:06
Comments:

10. Name: Jenny on 2017-03-09 21:34:51
Comments:

11. Name: Rachelle Brost on 2017-03-09 21:42:39
Comments:

12. Name: Heather rider on 2017-03-09 21:45:02
Comments:

13. Name: Dani on 2017-03-09 21:49:10
Comments:

-
14. Name: Sarah Gunderson on 2017-03-09 21:53:34
Comments:
-
15. Name: Erin Niedermaier on 2017-03-09 21:53:53
Comments:
-
16. Name: Marie Robinson on 2017-03-09 21:59:12
Comments: No
-
17. Name: Tracy L Downing on 2017-03-09 22:10:20
Comments:
-
18. Name: Peter McDermott on 2017-03-09 22:11:54
Comments:
-
19. Name: Angela Shaw on 2017-03-09 22:20:50
Comments:
-
20. Name: Katy Yannitelli on 2017-03-09 22:31:59
Comments:
-
21. Name: Sonya Tangen on 2017-03-09 22:37:27
Comments:
-
22. Name: Christopher Goede on 2017-03-09 22:56:52
Comments:
-
23. Name: Nancy Mattoon on 2017-03-09 23:03:47
Comments: I don't believe that this is the right thing for our neighborhood. Traffic and safety issues are enormous as well as the building itself. It's too large for that space.
-
24. Name: Denise Jorgensen on 2017-03-09 23:35:00
Comments: Please no multi level, high density development. This is a small quaint community and high density developments are changing the reason people like it here.
-
25. Name: Roxanne Kiely on 2017-03-10 00:09:50
Comments: Just leave the neighborhood alone. It's not fair to the people already living there!
-
26. Name: Diane Braun on 2017-03-10 01:00:45
Comments:

-
27. Name: Michael Jorgensen on 2017-03-10 01:02:57
Comments: Drive this stretch of road and decide for yourself if a 3story structure belongs here. Drive anywhere in downtown Hopkins/Minnetonka border and put yourself in the shoes of a homeowner that would be affected by this proposed project. You'll lose a lot of the DNA that contributes to this beautiful neighborhood.
-
28. Name: Jenny G on 2017-03-10 01:03:21
Comments:
-
29. Name: Victoria F on 2017-03-10 01:46:57
Comments:
-
30. Name: Cinda Mowers on 2017-03-10 02:46:56
Comments: I am opposed.
-
31. Name: Evan Gray on 2017-03-10 02:57:26
Comments: I hereby sign this petition.
-
32. Name: Nick knutson on 2017-03-10 03:42:01
Comments: I strongly am against this! Hopkins is a nice low key area and to "upgrade" this area will drive the mom and pop stores it for good. It will give the feel of it being rich and will increase traffic to an area that is not meant. For that kind of traffic. It is a. If safety issue.
-
33. Name: Kimberly Morvig on 2017-03-10 04:39:06
Comments:
-
34. Name: Angela Otto on 2017-03-10 04:40:57
Comments:
-
35. Name: Rebecca Sago on 2017-03-10 07:13:18
Comments: We did not buy our properties with an apartment in our view for a reason!!! Why would we want it now! Are you willing to relocate the residents who are against this???
-
36. Name: Sarah on 2017-03-10 09:52:59
Comments: This will negatively impact the single family homes in the surrounding area. Traffic, noise and light pollution as well as a lack of a play space for kids are my main concerns. The building of high density housing is unnecessary as there is so much already within a few blocks of the Hopkins border.
-
37. Name: Adam Ketcher on 2017-03-10 12:51:33
Comments: I am strongly against a high density living structure being built due to the

negative impacts it will have on the neighborhood.

-
38. Name: Benjamin Niedermaier on 2017-03-10 14:58:41
Comments:
-
39. Name: Kim Crouch on 2017-03-10 15:00:42
Comments: No! We choose to live here because of the lower density and the quiet natural areas. Shady Oak is already heavily populated with masses of quadplexes and other businesses. Please do not ruin the area by oversaturating it.
-
40. Name: Susie Jose on 2017-03-10 16:00:47
Comments: Shady Oak Rd is too busy a road to have an apartment building with a children's play area.
-
41. Name: Jessica Brandt on 2017-03-10 18:07:34
Comments: I do not want this many people at the edge of my quiet and safe neighborhood. It would also create additional traffic issues on Shady Oak and would be an eye sore as it doesn't match the area.
-
42. Name: Christopher Connery on 2017-03-10 18:08:14
Comments:
-
43. Name: Joan Larkin on 2017-03-10 19:56:31
Comments:
-
44. Name: carissa wallin on 2017-03-10 19:57:33
Comments:
-
45. Name: Cheryl Niska on 2017-03-10 20:15:55
Comments: No - traffic is already an issue between Oak Drive Lane and Shady Oak and that will only make it worse.
-
46. Name: GREG SMITH on 2017-03-10 20:16:06
Comments: PLEASE DO NOT DO THIS!!! WE DO NOT WANT TO HAVE ANOTHER BLAKE ROAD AND ALL THE PEOPLE PROBLEMS THAT'S HAPPENING DOWN THERE. SHADY OAK ROAD IS FINALLY GETTING NICE & FULL OF GOOD BUSINESS'S THIS WOULD RUIN IT!!!
GREG
-
47. Name: Jaymes Cardwell on 2017-03-10 20:19:26
Comments:
-
48. Name: Liz Olson on 2017-03-10 20:23:52
Comments:

-
49. Name: Steven Koshiol on 2017-03-10 20:25:50
Comments:
-
50. Name: Anna Latzer on 2017-03-10 20:26:32
Comments: Please do not build this - the negative affects are not worth it - please keep this area clean. Why would you want to create this sort of disruption in the community.
-
51. Name: Tomas on 2017-03-10 20:36:24
Comments:
-
52. Name: Deb Jance on 2017-03-10 20:36:28
Comments:
-
53. Name: Jesse Donat on 2017-03-10 20:42:08
Comments:
-
54. Name: Kristi Ryan on 2017-03-10 20:46:55
Comments: No
-
55. Name: Diana Sweeney on 2017-03-10 20:50:22
Comments:
-
56. Name: Wendy Dorn on 2017-03-10 20:58:37
Comments: Please do not build this in our area. We want to preserve Hopkins and keep its citizens safe.
-
57. Name: Sherry Flannagan on 2017-03-10 21:03:22
Comments:
-
58. Name: Anna Eskola on 2017-03-10 21:03:59
Comments:
-
59. Name: Patricia Gustafson on 2017-03-10 21:18:07
Comments: Definitely does not fit in the area of single family homes. Our elected representatives need to listen to us.
-
60. Name: CHRISTINA WINTER on 2017-03-10 21:27:13
Comments:
-
61. Name: Kristy Egan on 2017-03-10 21:34:44
Comments:

-
62. Name: Bev Gillen on 2017-03-10 21:50:59
Comments:
-
63. Name: Tim Greeley on 2017-03-10 21:55:56
Comments: Do not change the character of shady oak road with high density housing.
-
64. Name: Jessica may on 2017-03-10 21:59:15
Comments:
-
65. Name: Beth Grashorn on 2017-03-10 22:00:09
Comments:
-
66. Name: Mary jensen on 2017-03-10 22:04:51
Comments: Agree with no zoning change for this building.
-
67. Name: Julie Marie Muskat on 2017-03-10 22:23:42
Comments:
-
68. Name: Gregory C Pope on 2017-03-10 22:27:05
Comments: I know we have a dearth of low income housing available, and i don't oppose it. I do oppose any kind of high density housing.
We moved out here from Lake Harriet to get away from the traffic and density.
The monstrosities along Minnetonka Blvd are anathema to why we moved here in the first place.
They ruin the whole patina of the Minnetonka, Hopkins experience.
Please stop it.
-
69. Name: Heather Vargo on 2017-03-10 22:27:54
Comments:
-
70. Name: Jeff Crouch on 2017-03-10 22:30:04
Comments:
-
71. Name: Gavin Clemmons on 2017-03-10 22:48:47
Comments:
-
72. Name: Timothy Gustafson on 2017-03-10 23:28:22
Comments:
-
73. Name: William Eelkema on 2017-03-10 23:35:12
Comments:
-

74. Name: Adam Amato on 2017-03-11 00:07:15
Comments: No
-
75. Name: Tim Grant on 2017-03-11 00:35:54
Comments: Local residents first
-
76. Name: Diane palmersheim on 2017-03-11 00:47:58
Comments:
-
77. Name: Mary jo Brouillard on 2017-03-11 00:58:30
Comments:
-
78. Name: Deb Kirkeeide on 2017-03-11 01:03:23
Comments:
-
79. Name: Jessica Mutunga on 2017-03-11 01:25:29
Comments: Please consider other options that can make Hopkins better for existing residents. Thanks.
-
80. Name: Linda Stageberg on 2017-03-11 01:25:33
Comments: Stay with plan. Don't approve new buildings.
-
81. Name: Scot Rider on 2017-03-11 01:29:32
Comments:
-
82. Name: Michael Sullivan on 2017-03-11 02:00:20
Comments:
-
83. Name: Mary Pat Noonan on 2017-03-11 02:37:48
Comments:
-
84. Name: Cindy Schaefer on 2017-03-11 03:27:24
Comments:
-
85. Name: Heidi Huseh on 2017-03-11 03:49:55
Comments:
-
86. Name: Kelly Lazauskas on 2017-03-11 04:08:07
Comments:
-
87. Name: Meagan Millage on 2017-03-11 09:37:20
Comments:

-
88. Name: Cody Espeseth on 2017-03-11 13:27:48
Comments:
-
89. Name: Craig Schaefer on 2017-03-11 14:43:44
Comments:
-
90. Name: Laurie Trow on 2017-03-11 15:09:26
Comments:
-
91. Name: Scott Wales on 2017-03-11 15:11:00
Comments:
-
92. Name: Alex Lewer on 2017-03-11 16:30:21
Comments:
-
93. Name: Mark Bauer on 2017-03-11 16:38:49
Comments: To high density.
-
94. Name: Jennifer Bauer on 2017-03-11 16:43:25
Comments: To large. Does not fit the area.
Mixed use would be better.
-
95. Name: Michelle Carter Seurer on 2017-03-11 18:28:40
Comments:
-
96. Name: Nathan T on 2017-03-11 18:31:56
Comments: This proposal is too large for the area.
And the traffic for any new development on this site needs to go through the stop light,
not directly onto Oak Drive Lane to avoid traffic congestion.
-
97. Name: Mary Schoen on 2017-03-11 19:41:54
Comments:
-
98. Name: David on 2017-03-11 19:59:07
Comments: No on the low income residential multi story!
-
99. Name: Larry Fyten on 2017-03-11 20:01:59
Comments:
-
100. Name: Mitchell aspelund on 2017-03-11 20:02:33
Comments:

-
101. Name: Anni Dahlgren-Fyten on 2017-03-11 20:03:36
Comments:
-
102. Name: Rebecca Aspelund on 2017-03-11 20:04:42
Comments:
-
103. Name: Douglas Bjork on 2017-03-11 20:10:54
Comments:
-
104. Name: Steve Olson on 2017-03-11 20:27:51
Comments:
-
105. Name: Kyle Ricke on 2017-03-11 20:31:18
Comments:
-
106. Name: Ben Raley on 2017-03-11 20:31:48
Comments:
-
107. Name: Janet Labrecque on 2017-03-11 20:32:43
Comments:
-
108. Name: Kyle H on 2017-03-11 20:34:43
Comments:
-
109. Name: Mike Nordquist on 2017-03-11 20:34:56
Comments: I live across the pond. I, like most, endured the never ending Shady Oak project. I was also upset at the loss of all of the oak trees, which kept me from looking at the road and area of the proposed housing project. Though I agree something needs to be done, this is definitely not the answer for our neighborhood or community.
-
110. Name: Erin Herdina on 2017-03-11 20:50:42
Comments: This project is not appropriate for area.
-
111. Name: Jennie Doyle on 2017-03-11 20:58:06
Comments:
-
112. Name: Joanne Strate on 2017-03-11 21:00:16
Comments: Need a bigger area!
-
113. Name: Joanne Strate on 2017-03-11 21:02:55
Comments:

-
114. Name: Jennifer Indermaur on 2017-03-11 21:12:21
Comments:
-
115. Name: Thomas Knutson on 2017-03-11 21:20:26
Comments: I agree that this Building proposal looks out of place for our region and that using the existing entrance and exit from Oak Drive Lane to Shady Oak with the quoted density is not exceptable. Then this Shady Oak 4 lane project first was proposed was not the planners objective to limit access to this thoroughfare.
-
116. Name: Chris Kalogerson on 2017-03-11 21:20:50
Comments:
-
117. Name: Pat and Dave Hamilton on 2017-03-11 21:35:28
Comments:
-
118. Name: Roy E Wirth on 2017-03-11 21:58:51
Comments:
-
119. Name: Prabal on 2017-03-11 22:03:38
Comments:
-
120. Name: Karen Spaeth on 2017-03-11 23:31:16
Comments:
-
121. Name: Layla Gibson on 2017-03-11 23:54:42
Comments:
-
122. Name: Courtney Algeo on 2017-03-11 23:59:08
Comments: We just bought our house last year. It's our first. We bought in an up and coming neighborhood with good prospects because those are the considerations of homebuying. I am concerned about the property value dropping, as one commissioner admitted it might in an article I read. We are paying tons of special taxes for this Shady Oak project already, I hope our voices are heard.
-
123. Name: Matt McEathron on 2017-03-12 00:03:46
Comments:
-
124. Name: Claudia Pennella on 2017-03-12 00:46:01
Comments: My husband Mike Pennella also says NO WAY!
-
125. Name: Katie Roeber on 2017-03-12 00:54:12
Comments:

-
126. Name: Brad Janzen on 2017-03-12 01:21:32
Comments: Minnetonka, please stop developing every last square inch of real estate into its alleged highest and best use. Keep your fingers off of mature communities. Residents know best what their community requires. People's interest must always trump monied interests.
-
127. Name: Abbey Holm on 2017-03-12 02:32:57
Comments: I hate the proposed plan. It would be devastating to the neighborhood.
-
128. Name: Robin McDougal on 2017-03-12 02:39:39
Comments:
-
129. Name: Marty Finke on 2017-03-12 02:43:05
Comments:
-
130. Name: Zoi Hills on 2017-03-12 02:43:34
Comments:
-
131. Name: Frank Sago on 2017-03-12 02:53:35
Comments: This is not the answer for low income housing. How about buy out the lot on the corner of Hopkins crossroads and excelcior and put them there. The restaurants dint seem to be working there. Or build up over the restaurants???
-
132. Name: Meleah Beddor on 2017-03-12 02:58:13
Comments:
-
133. Name: Alexander Browning on 2017-03-12 04:25:25
Comments:
-
134. Name: Leigh Jensen on 2017-03-12 04:36:43
Comments: This community does not need more apartments or low income housing. With all of the appartments going up Hopkins is over saturating the rental market. These buildings are eye sores. If you want to build something there build something that will get people with money to come spend it in Hopkins.
-
135. Name: Laura Elliott on 2017-03-12 04:45:50
Comments:
-
136. Name: Sara Beers on 2017-03-12 04:50:42
Comments:
-
137. Name: Camille Christopherson on 2017-03-12 05:16:56

Comments:

138. Name: Kelly Barta on 2017-03-12 12:08:10
Comments:

139. Name: Ben elliott on 2017-03-12 13:03:46
Comments:

140. Name: Lucy Lyons on 2017-03-12 14:46:14
Comments:

141. Name: Dayna Kaplan on 2017-03-12 15:32:04
Comments:

142. Name: Dan Meyers on 2017-03-12 15:55:31
Comments:

143. Name: Crystal Johnson on 2017-03-12 16:42:42
Comments:

144. Name: Malcolm Vinger on 2017-03-12 17:07:57
Comments:

145. Name: Brent Westbrook on 2017-03-12 17:08:58
Comments:

146. Name: Brandi Westbrook on 2017-03-12 17:09:12
Comments:

147. Name: Dave Horner on 2017-03-12 17:10:47
Comments:

148. Name: Jeri Massengill on 2017-03-12 17:25:03
Comments: I am strongly opposed to this proposed development. I have lived on Oak Drive Lane with my family for almost 15 years. This proposed high density apartment building will have too many residents with too many cars. The tall, large footprint building is too high and so looks down on and blocks the view from nearby properties. This development will also result in increased traffic problems for our neighborhood. No, no, no.

149. Name: Megan Bergman on 2017-03-12 18:15:15
Comments:

150. Name: Norman Irgens on 2017-03-12 18:28:41
Comments: We do not need an apartment complex at this location. The rise in traffic will be terrible,
-
151. Name: G Terrell on 2017-03-12 19:10:50
Comments: This space needs to a Park...for generations to enjoy! The city of Hopkins should buy this land and then designate a Park space. Keep some of the old,open space as you turn down main street in Hopkins from Shady Oak Road.
-
152. Name: Kim Toldt on 2017-03-12 19:49:26
Comments:
-
153. Name: Jean Hedlund on 2017-03-12 20:18:41
Comments:
-
154. Name: Kelly Kempf on 2017-03-12 21:00:31
Comments:
-
155. Name: S Selseth on 2017-03-12 22:21:06
Comments: The market value of my house dropped \$22,000 (approx 10%) in the two years the Shady Oak Rd project was completed. Thanks Minnetonka council members. The aesthetic and peaceful appeal of the neighborhood dropped significantly. Thanks Minnetonka council members. Loss of trees, widened roads, poor design have all contributed to noise, unsafe conditions and excess speed & traffic in the area & neighborhoods. Thanks Minnetonka council members. We are now surrounded by new business that don't care about residents, much unlike the previous family-owned business that did care. Thanks Minnetonka council members. Daily, I see semis, delivery trucks & Domino's drivers cut through Bradford Rd because they want to save 10 seconds. Thanks Minnetonka council members. I watch Hopkins put up privacy fences to help residents while Mtkka puts up split rail fences. I watch Hopkins listen to residents while Mtkka takes notes but does nothing different. Thanks Minnetonka council members. A year later we still wait for promised trees to be planted and damaged yards from semi drivers to be fixed. Thanks Minnetonka council members. Please don't approve another giant building that doesn't fit into the area or is needed. Stop targeting the Hopkins School District with your affordable housing - it's needed in the Minnetonka School District and you know it. It's time to actively listen to neighborhood input even though we are working middle class. Follow the current single-story building design & zoning plan, enlighten yourselves with Myron Orfield & Met Council's research and do the right thing. Pushing the working middle class backwards is not the answer. This is exactly why people voted for Trump. No one wants more of that. Last thought - Dump Minnetonka Domino's.
-
156. Name: Frank sago on 2017-03-12 23:36:09
Comments:
-
157. Name: Chris Bergman on 2017-03-12 23:47:17

Comments:

-
158. Name: Joan on 2017-03-12 23:50:14
Comments:
-
159. Name: Jeff Poplawski on 2017-03-13 00:46:53
Comments: No more appts needed in this area.
-
160. Name: Tammy Poplawski on 2017-03-13 00:47:41
Comments: Not needed in this area.
-
161. Name: Abbie Seba on 2017-03-13 00:57:52
Comments:
-
162. Name: Drew Cohen on 2017-03-13 01:15:01
Comments: The last thing Hopkins needs is more generic apartment complexes. The placement of this complex will also take away the views as well as the "neighborhood feel" many of the residents in this part of town live here for. Unacceptable.
-
163. Name: Pamela Lundequam on 2017-03-13 02:00:04
Comments:
-
164. Name: Chris on 2017-03-13 02:52:20
Comments: I do not personally want more pedestrian and car traffic near my home. This end of town is NOT designed for high density housing. Don't forget that the developers of this property, no matter how kind they may seem, are in this to make a buck and not to create housing for lower income families. Follow the money...
-
165. Name: Scott Roeber on 2017-03-13 13:43:13
Comments:
-
166. Name: Steve Smith on 2017-03-13 14:02:49
Comments: Please keep the history of Mtka planning as is.
-
167. Name: Daniel Browning on 2017-03-13 16:21:13
Comments: I am concerned about excessive congestion and traffic issues.
-
168. Name: John Hawkins on 2017-03-13 18:15:09
Comments: We do not want this apartment for all the reasons stated.
-
169. Name: Ellen Cousins on 2017-03-13 18:44:20
Comments:
-

170. Name: James Cook on 2017-03-13 23:14:36
Comments:

171. Name: Bill Ellerbrock on 2017-03-13 23:19:37
Comments: We have already seen a significant increase in traffic to the side streets over the years and especially since the redesign of Shady Oak. Since 1st Street was closed as an available exit from Shady Oak, that traffic now attempts to jump the waiting line on Shady Oak to Hwy 7 East by exiting on 2nd Street. Depending on Shady Oak congestion 2nd street is frequently a raceway during rush hour. An increase in population density (with an increase in vehicle traffic) in the immediate area along Shady Oak is going to further increase traffic and noise to (previously quiet) side streets. I oppose the proposed high density residential apartment at 4312-4342 Shady Oak. Higher population density in the area is not going to be good for the neighborhood.

172. Name: G burdick on 2017-03-14 00:36:09
Comments: This is just another push by the UNELECTED met Council to increase the urban density for a LRT that likely won't be built!

173. Name: Jennifer Hawkins on 2017-03-14 15:04:29
Comments:

174. Name: Erin Vassar on 2017-03-14 16:18:55
Comments:

175. Name: Tara Buettner on 2017-03-14 18:38:04
Comments: NO TO HIGH DENSITY RESIDENTIAL APARTMENT AT SHADY OAK RD and OAK DRIVE LANE

176. Name: Vincent Buettner on 2017-03-14 18:50:17
Comments:

177. Name: Bridget Albani on 2017-03-14 19:10:20
Comments:

178. Name: Ryan on 2017-03-15 01:40:04
Comments:

179. Name: Mary Hall on 2017-03-16 13:43:09
Comments:

180. Name: Jill Wanous on 2017-03-16 15:28:58
Comments: I am a Minnetonka resident.

**PLANNING COMMISSION MEETING MINUTES
AUGUST 24, 2017**

**Unapproved
Minnetonka Planning Commission
Minutes**

August 24, 2017

D. Items concerning Shady Oak Crossing at 4312 Shady Oak Road.

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

Gordon reported. He recommended that the planning commission hear the staff report, conduct a public hearing, discuss the proposal, and table the item to allow the applicant time to provide a revised site plan.

Gordon explained that the planning commission deals with land use issues. Its purview does not include financial aspects of projects. The EDAC and city council review and make decisions regarding financial aspects as well as affordable housing. Wischnack added that the EDAC and city council meetings are linked to the project's page at *eminnetonka.com*.

Powers noted that there is only one access to the property. He assumed the easement located on the back of the property prevents the building from being adjusted to the west. He asked if there are any similar sites in the city. Gordon noted that Zvago has one access drive from Stewart Lane. It serves both above and underground parking. The Overlook on Minnetonka Boulevard has one access drive for the underground and surface parking.

Sewall asked if the trees that would be planted would be as large as they appear on the landscape plan. Gordon explained that the city's minimum standard is six feet in height for evergreen trees and two and a half inches in trunk diameter for deciduous trees. The developer has indicated that they would like to plant taller trees along Shady Oak Road.

Schack asked for the benefits of a PUD in this situation. Gordon stated that this site is located in a commercial corridor. An R-5 district is geared for suburban areas. The setbacks of an R-5 district would be larger and would not fit with a commercial corridor.

O'Connell asked what could be built with the current zoning. Gordon stated that the B-2 Commercial Zoning District would allow uses that would have more impact than the current proposal including a gas station, a use with a drive-through, and other high-traffic businesses with outdoor circulation and storage.

Chair Kirk confirmed with Gordon that the PUD would not include the residential parcel. The proposed project would provide water retention for future

opportunities for the residential lot. The sanitary sewer easement and environmental conditions do not allow the pond to be located on the residential parcel.

Powers asked if the cost for cleanup of the site has been a deterrent for developers. Wischnack stated that a contaminated site makes redevelopment difficult. It is hard to estimate cleanup costs until digging has begun. The city has experience cleaning up contaminated sites.

Tim Whitten, of Whitten and Associates, applicant, stated that:

- It is a difficult site. Access is limited to Oak Drive Lane, there is a stormwater easement, and the grade is higher on the south end.
- The first design was a straight-lined building with two access points from Oak Drive Lane. Some of the neighbors were concerned with traffic and stacking. That building was 56 units and 3 stories. Some neighbors were concerned with the size of the building, so every effort has been made to reduce the mass of the building.
- In order to address the access points, the building has been pulled back to allow a drive to the structured parking. This also reduced the length of the building along Shady Oak Road.
- The current site plan dropped the height of the building on the ends and the corner. He pointed out the guest parking, structured parking, access, and common areas.
- The proposal would provide pedestrian connections for residents to access Shady Oak Road, Main Street, and transit.
- He reviewed the first sketch given to the city council. The concept is on the edge of urban with residential. It would fit like a library or school would fit into an existing neighborhood.
- He provided an illustration of how the building would look from Main Street. The mass of the building was considerably reduced. The all-flat roof received a positive response.
- He went over the landscape plan that includes a retaining wall and evergreen trees.
- The exterior would utilize brick and metal. It would be very attractive.
- He provided a variety of views of the building.
- The grades would be kept as close to the first level as possible.
- As much privacy would be created along the adjacent property as possible. There would be a strong focus of evergreen trees to soften the edge.

- He described the main entrance off of Oak Drive Lane and traffic pattern.
- He provided an aerial view of the area.
- He pointed out an area of trees that would remain.
- There would be 66 underground parking stalls. He pointed out the entrances and described the building's floor plans.
- He explained the grading plan and the addition of a fence.

Mike Waldo, of Ron Clark Construction and Design, stated that:

- Bike racks would be available on site and each resident would have storage above their vehicle in the garage. A couple extra indoor stalls would be used for bike storage based on the need.
- The northwest corner and another corner would have trees planted by spading to provide an instant impact.
- Trees would be planted along the adjacent single-family lot.
- There is a pipe that has prompted a revision.
- The site today has no cleaning of its runoff. The proposal would include the pond that would allow for treatment of water runoff prior to entering the wetland.
- The building would not be able to access Shady Oak Road even if it could be pushed back 40 feet. The county denied the request.
- He provided images of projects done in Savage and Prior Lake.
- He reviewed images of the units' floor plans, common spaces, playgrounds, and patio areas.
- He provided the affordable housing income limits.
- He was available for questions.

Knight asked if there would be windows on the third floor overlooking the flat roof. He questioned what would be seen from the third-floor windows. Mr. Waldo stated that the view would be of a dark or lite colored roof. There would be no mechanical equipment located on the roof.

Knight asked if a child could access the roof. Waldo said that there would be a four-inch lock on windows, so a window would not be able to be opened more than four inches. The front side above the second story would be designed to prevent anyone from getting on the roof.

Chair Kirk appreciated the view from Crawford Road. He asked if there would be tree loss on that side. Mr. Waldo said that one or two trees would be removed for the ponding area. The shape of the pond would limit the amount of tree loss.

Gordon pointed out the trees that would be removed. Mr. Waldo described the landscaping for that area.

Chair Kirk asked what the practice would be to remove snow. Mr. Waldo stated that residents would be required to park in the indoor structure during plowing.

Powers asked for the size of the tot lots. Mr. Waldo estimated 2,000 to 3,000 square feet in size.

The public hearing was opened.

Betty Wentworth, 5516 Bimini Drive, stated that:

- She supports the project.
- It would provide a good transition to the area. She is not concerned with the traffic since there are 300 units where she lives and there are two ways to get in and out. Traffic is not a major issue.
- The proposal would be affordable housing, not low-income housing. She probably could not afford to live there.
- It seems like a good proposal.
- The developer has a proven track record.
- The proposal is the right thing to do. She tries to live by the golden rule. People who work full time should be able to have good housing. Children who have stable housing do better in school and life and parents have enough stress in their lives. She supports the looks of the project and supports the project from a moral stand point.

Ann Annestad, 4255 Oak Drive Lane, stated that she represents some neighbors. She stated that:

- She appreciated staff meeting with individuals and providing the packet of comments to commissioners.
- Residents in the area have always been open to "low profile," like commercial redevelopment or low-density residential, redevelopment on the property. They have been consistently asking for a maximum of a one or two-story building that would blend in with the neighborhood character which is low density and light commercial throughout the Shady Oak corridor.
- The existing curb cut should remain.
- The scale of the building would be too massive.

- The traffic and access are big issues.
- The proposal would cause more cut-through traffic. It happens now.
- The traffic study was flawed because the north leg of Oak Drive Lane was not included.

Jeri Massengill, 4272 Oak Drive Lane, stated that:

- She handed staff a map. Sixteen of 21 Oak Drive Lane property owners contacted oppose the project.
- She provided petitions created over the last few months.
- She provided a written list of the “quality of life” issues.
- The current site plan has a lower elevation. Traffic is not visible and there is no light pollution. The existing commercial building creates very little noise. The proposal would be a big change.
- She did not agree that people would walk a half mile to a train station. The existing bus lines are limited in where they go and run infrequently. The proposal would not meet the needs of a population that would utilize affordable housing at this location.
- The sidewalks are poorly maintained and the area lacks sidewalks.
- She was glad that there would be bike racks.
- She was concerned with families living near the busy intersection.
- There are no adjacent green spaces or parks. Most of the children would cross Shady Oak Road to access parks and trails in Hopkins.
- She is not opposed to affordable housing.
- She would love to see the building pulled back from the road.
- Air pollution is created along traffic corridors. There would be windows 16 feet from the road.
- The location is unhealthy and unsafe due to its proximity to busy Shady Oak Road and the lack of green space for kids to play.
- She asked what is meant by “softening the edges.”
- She asked why the recommendation is to change the zoning from residential to a PUD.
- She asked what information is helpful to staff.
- She asked if the input from people who live closer to the site is weighted more than people who live further from the site.
- She asked at what point the redevelopment focused on high-density residential.
- She asked if the city has an affordable housing plan.

Andy Braun, 4408 Crawford Road, stated that:

- The land is owned by the city. The public should be asked how it should be used instead of developers.
- There is no mention of sustainability.
- There is no bus access to the site.
- He did not see a similar use in the immediate area, nearby, but not the immediate area.
- The proposal is not reasonable.
- The cons outweigh the pros.
- It does not fit in the context of the Shady Oak Road corridor.
- There would not be enough buffering.

Sarah Biese, 640 Oakridge Road, Hopkins, stated that:

- Affordable housing is an important need in the area.
- She is excited about the proposal.
- The area has access to the ICMA Food Shelf and Community Action Partnership of Suburban Hennepin County that would help and support people that would reside in the proposal. There are many faith-based communities in the area as well.
- The proposal is very much needed.

Elizabeth Miller, 4408 Crawford, stated that:

- She agreed with the comments regarding safety and the need for affordable housing in Minnetonka.
- The safest way for her to drive to work is through an alley and a parking lot. It is difficult to turn left on Shady Oak Road.
- There are no bike trails.
- When construction occurs on the interstates traffic increases on Shady Oak Road.
- She is tired of listening to the developer. She is not interested in high density. It would be unsafe.
- She thanked commissioners for their time.

Chris Aanestad, 4255 Oak Drive Lane, stated that:

- The parcel has 1.128 buildable acres which does not include the stormwater easement and wetland areas of the property.
- He calculated the site to be 43.7 units per acre. There are too many flaws in the proposal.

Steve Philbrook, 4222 Oak Drive Lane, stated that:

- The road is narrower than other residential roads. If vehicles are parked on both sides of the street, it is difficult to drive a vehicle through the parked vehicles.
- He is terrified when his son rides his bike. Safety is the big issue. The place is not safe for kids. The bus stop is at the intersection of Oak Drive Lane and James Road. There is no stop sign at the intersection. Vehicles travel fast on Shady Oak Road.

Henry Yoon, 4240 Oak Drive Lane, stated that:

- He just moved into the ideal neighborhood.
- Adding more people would increase traffic.
- He is not opposed to affordable housing, but the proposal would be detrimental to his neighborhood.

Abbey Holm, 4234 Oak Drive Lane, stated that:

- There would be no buffer or transition. The proposal would be high density located near single-family residences.

Andy Braun, 4408 Crawford Road, asked that the proposal be compared to the city's mission and goals.

Betty Wentworth, 5516 Bimini Drive, stated that:

- She asked if Oak Drive Lane could be "chopped off" so that the residents living in the proposal would travel a different direction to eliminate an increase in traffic on Oak Drive Lane.

Eric Johnson, 2 Shady Oak Road, Hopkins, stated that:

- He met with the developer. He was interested in talking. No deal has been offered to him.

No additional testimony was submitted and the hearing was continued until the next planning commission meeting.

Chair Kirk explained that review, discussion, and action for the item will be tabled until the September 7, 2017 planning commission meeting. The city council is tentatively scheduled to review the item at its meeting on September 25, 2017.

Wischnack explained the roles of staff and the planning commission. The city council will make the final decision.

Gordon answered some of the questions from the public hearing:

- He explained that “softening the edges” in the staff report refers to reducing the height of part of the building, increasing the setback from the sidewalk, and providing landscaping.
- Staff determined that R-5 zoning would not be the best fit for the site. A PUD would allow more flexibility with setbacks to accommodate the easement area and protection of the wetland.
- Staff appreciates comments specific to the project being proposed. Specific suggestions on ways to improve the proposal are helpful.
- The city has an affordable housing plan included in the Minnetonka Comprehensive Guide Plan. An excerpt from the affordable housing plan is included in the staff report. It identifies ways for the city to reach its affordable housing goals.

Wischnack added that the city participates in the Livable Communities Act which operates on a regional level. The SWLRT study identified housing gaps along the SWLRT line. The city adopted a resolution that requires developers when receiving assistance or asking for a land use change to make a portion of the proposal meet affordable housing standards. Many of the projects over the years have been required to have a percentage of its units meet affordable housing regulations.

Gordon stated that 68,626 square feet is 1.575 acres which is the size of the property including the stormwater easement and wetland areas.

Chair Kirk suggested that the community benefits of the proposal, in addition to affordable housing, be clearly outlined at the next meeting.

O’Connell asked for clarification on how commissioners should consider safety issues related to traffic, pedestrians, and bicyclists.

Calvert requested that the project’s sustainability be elaborated on at the next meeting.

Schack asked if Shady Oak Road is a designated detour for state highways and, if it is, if that should be taken into consideration. She noted the legal issues associated with limiting locations for affordable housing. She asked if a city would

be able to establish a regulation that would require a proposal to have an affordable housing component. Wischnack stated that the city council has adopted a resolution that requires affordable housing to be part of a project when conditions such as a change in zoning or an increase in density are included in the project.

Sewall moved, second by Calvert, to recommend that the planning commission table the item until the planning commission meeting on September 7, 2017 to allow the applicant time to provide a revised site plan.

Calvert, Knight, O'Connell, Powers, Schack, Sewell, and Kirk voted yes. Motion carried.

Resolution No. 2017-

A Resolution approving a comprehensive guide plan amendment from commercial to high density residential for the property located at 4312 Shady Oak Road

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

Section 1. BACKGROUND.

- 1.01 Ron Clark Construction and Design is requesting a comprehensive guide plan amendment from commercial to high density residential to construct a 49-unit apartment building.
- 1.02 The property is located at 4312 Shady Oak Road.
- 1.03 On August 24, 2017 and September 7, 2017, the Planning Commission held a hearing on the application. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments and the staff report, which are incorporated by reference into this resolution.

Section 2. GENERAL STANDARDS.

- 2.01 The comprehensive guide plan sets forth the standards used to review a request for an amendment:
 - 1) The change would be consistent with the policies, strategies, or other elements of the 2030 Comprehensive Guide Plan and the city's Strategic Framework, including those for certain long term planning areas noted in this chapter.
 - 2) The change would not create an adverse impact on public facilities and services that could not be mitigated with proposed improvements. Public facilities and services include roads, sewers, water supply, drainage, schools and parks.

- 3) Development resulting from the change would not create an undue impact to surrounding properties.
 - a) Such development would be consistent with the physical character of the surrounding neighborhood or would upgrade and improve its viability.
 - b) Physical character includes land use type, building height and size, relationship to the street, roof lines, and landscaping.
 - c) Viability includes stabilization or enhancement of property values or removing blighting influences.
- 4) The change would allow a more viable transition to the planned uses on adjacent properties than the current land use.
- 5) The change would not have an adverse impact on the natural environment, including trees, slopes and wetlands, or the impact could be mitigated by improvements on the site or in the same vicinity.
- 6) There has been a change in city policies or neighborhood characteristics since the city adopted the original plan that would justify a change.
- 7) The change would correct an error made in the original plan.
- 8) There is a community or regional need identified in the comprehensive plan for the proposed use or service.
- 9) The change would help the city meet its housing goals.
- 10) The change would not adversely impact any landmarks or other historically significant structures or properties unless mitigated through relocation, commemoration, or dedication.
- 11) In the event a land use change includes numerous properties, such as a neighborhood area, the following factors should be considered:
 - a) Determination of changed conditions on the properties or within the area surrounding the properties.
 - b) The condition of the buildings on the property.
 - c) If residential, the need to preserve the housing stock to meet city housing goals, or if non-residential, the ability of the proposed new land use(s) to meet city housing goals.

Section 3. FINDINGS.

3.01 The city council finds that the proposed guide plan change is justified for the following reasons:

1. The change would be consistent with the policies, strategies, or other elements of the 2030 Comprehensive Guide Plan and the city's Strategic Framework, including those for certain long term planning areas noted in this chapter.
 - *The requested change is consistent with the long term planning goals for the Shady Oak Road corridor identified in the 2005 and 2016 studies.*
2. The change would not create an adverse impact on public facilities and services that could not be mitigated with proposed improvements. Public facilities and services include roads, sewers, water supply, drainage, schools and parks.
 - *The proposed guide plan change would not adversely impact public services and facilities. The adjacent roadway improvements to Shady Oak Road can accommodate the development without impacting traffic flow or function. The stormwater management system would benefit water quality. The project would contribute cash to the city's park dedication fund for park related improvements. Taxes generated from the project would benefit schools.*
3. Development resulting from the change would not create an undue impact to surrounding properties.
 - a. Such development would be consistent with the physical character of surrounding neighborhood or would upgrade and improve its viability.
 - *The request to rezone the property from commercial to high density residential would be considered a down zoning of the property. Residential uses are generally more compatible with one another than residential uses that are adjacent commercial. The high density residential use would provide a better transition and buffer to the single family residential neighborhood from the Shady Oak Road commercial businesses and roadway.*

- b. Physical character includes land use type, building height and size, relationship to the street, roof lines, and landscaping.
 - *The design of the apartment building minimizes mass and height and is in character with the flat roof style of buildings along Shady Oak Road.*
- c. Viability includes stabilization or enhancement of property values or removing blighting influences.
 - *The existing building is a blighting influence on the commercial corridor and surrounding residential area. The removal of the building and site contamination will allow the site to be improved with an apartment building that has market demand which will provide stability to surrounding properties.*
4. There is a community or regional need identified in the comprehensive plan for the proposed use or service.
 - *Over the past 5 years approximately 1800 affordable housing units have been lost. Regionally the same housing phenomenon is occurring with the loss of affordable housing units.*
5. The change would not have an adverse impact on the natural environment, including trees, slopes and wetlands, or the impact could be mitigated by improvements on the site or in the same vicinity.
 - *The proposed use of the property would include stormwater management which would improve water quality. Additional landscaping would be provided which is an improvement over existing site conditions. The existing site contamination would be removed.*

Section 4. APPROVAL

- 4.01 The guide plan amendment from Commercial to High Density Residential for 4312 Shady Oak Road is approved conditioned on review and approval by the Metropolitan Council.

Adopted by the Minnetonka City Council on September 25, 2017.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on September 25, 2017.

David E. Maeda, City Clerk

SEAL

Ordinance No. 2017-

An ordinance rezoning the property located at 4312 Shady Oak Road

The City of Minnetonka Ordains:

Section 1.

- 1.01 This ordinance hereby rezones the properties at 4312 Shady Oak Road, and legally described on Exhibit A, from B-2 Commercial to PUD/Planned Unit Development.
- 1.02 City Code Section 300.22 Subd. 1 allows for planned unit development zoning "...to provide flexibility from certain zoning and subdivision regulations in order to realize public benefits that may not otherwise be achieved through non-PUD development."
- 1.03 City Code Section 300.22 Subd. 2 states that, "...PUD zoning may be considered by the city when it would result in one of the following public benefits:
- 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.

Section 2.

2.01 This action is based on the following findings:

- a. The rezoning to PUD would provide the following public benefits:
 - (1) A greater protection of natural resources.
 - a. The project would remove existing site contamination.
 - b. The project would incorporate stormwater management to treat surface water run-off.
 - c. The project would increase green space and landscaping in site.
 - (2) It would result in the provision of affordable housing and a housing type and price that is desirable to the city.
 - (3) As a transition property, the proposed development is compatible with the surrounding development type south along the Shady Oak Road corridor which is represented by a mix of commercial and multi-family residential uses.
- b. The rezoning is consistent with the comprehensive guide plan, the Shady Oak Road Study, and intent of the zoning ordinance.
- c. The rezoning is consistent with the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:

- a. The property must be developed and maintained in substantial conformance with the following plans:
- Preliminary Plat, dated August 24, 2017
 - Site Plan, dated August 24, 2017
 - Grading Plan, dated August 24, 2017
 - Utility Plan, dated August 24, 2017
 - Landscape Plan, dated August 24, 2017
 - SWPPP- Proposed Conditions, dated August 24, 2017
 - SWPPP- Details, dated August 24, 2017
 - Architectural Plans, dated July 24, 2017

The plans outlined above constitute the master development plan for the subject properties.

2. Development must further comply with all conditions outlined in City Council Resolution No. 2017-, approving the final site and building plans, adopted by the Minnetonka City Council on September 25, 2017.

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 September 25, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this Ordinance:

Date of introduction: August 14, 2017
Date of adoption: September 25, 2017
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

Certified Copy:

I certify that the foregoing is a true and correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on September 25, 2017.

David E. Maeda, City Clerk

EXHIBIT A

Parcel 1:

That part of Lot 1, Block 1, Ridgedale State Bank First Addition, lying Southerly of a line drawn parallel with and 90.00 feet South of the North Line of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117 North, Range 22 West, Hennepin County, Minnesota.

Parcel 2:

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117 North, Range 22 West, Hennepin County, Minnesota, described as follows: Beginning at the intersection of the Easterly line of Ridgedale Drive, as now laid out and utilized, according to the duly recorded plat of Ridge Square Second Addition on file in the office of the Hennepin County Recorder, and a line parallel with and 285 feet South from the North line of said Southeast Quarter of the Southeast Quarter; thence East along said parallel line to a point 704 feet East from the West line of said Southeast Quarter; thence South at right angles a distance of 50 feet; thence West at right angles to said Easterly right-of-way line of Ridgedale Drive.

Abstract Property.

and

Lot 1, Block 1, Ridgedale State Bank First Addition, Hennepin County, Minnesota, according to the recorded plat thereof. Together with:

That part of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, North Range 22, West of the Fifth Principal Meridian, described as follows: Beginning at the intersection of the West line of County Road No. 72 and the North line of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, North Range 22, West of the 5th Principal Meridian; thence West on the North line a distance of 180 feet; thence South at right angles 85 feet; thence East and parallel to the North line 186 feet to the West line of County Road No. 72; thence North on West line 87.5 feet to the point of beginning, EXCEPT that part thereof lying Westerly of the following described line: Beginning at a point on the North line of the Southeast Quarter of the Southeast Quarter of Section 3, Township 117, Range 22, a distance of 180 feet West of the West line of County Road No. 72, also known as Plymouth Road; thence along a line running Southeasterly at an angle of 78 degrees and 2 minutes from said North line a distance of 86.89 feet. Which lie Northerly of a line drawn parallel with and 90.00 feet South of said North line of the Southeast Quarter of the Southeast Quarter of Section 3.

Resolution No. 2017-

Resolution approving preliminary and final plats and final site and building plans, with variances, for Shady Oak Crossings at 4312 Shady Oak Road

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

Section 1. Background.

- 1.01 Ron Clark Construction and Design has requested approval of preliminary and final plats and final site and building plans for a rental apartment building.
- 1.02 The properties are located at 4312 Shady Oak Road and 4292 Oak Drive Lane. They are legally described on EXHIBIT A of this resolution.
- 1.03 On August 24, 2017 and September 7, 2017, 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 preliminary and final plat and final site and building plans, with variances.

Section 2. Preliminary and Final Plat Standards and Findings.

- 2.01 City Code §400.030 outlines design standards for residential subdivisions. These requirements are incorporated by reference into this resolution.
- 2.02 The proposed preliminary and final plats meet the design requirements as outlined in City Code §400.030.

Section 3. Site Plan Standards and Findings.

- 3.01 City Code §300.27, Subd. 5, outlines several items that must be considered in the evaluation of site and building plans. Those items are incorporated by

reference into this resolution.

3.02 The proposal would meet site and building plan standards outlined in the City Code §300.27, Subd.5.

1. The proposal would result in a high-density residential development consistent with the site's rezoning and comprehensive guide plan. Further, the proposal has been reviewed by city planning, public works, engineering, and natural resources staff and found to be generally consistent with the city's development guides, including the water resources management plan.
2. The proposed building and parking lot would be appropriately located with reference to both existing constructed and natural features. As proposed a three-story building, with underground parking that is an architecturally attractive and fits in the context of the Shady Oak Road commercial corridor. The building would be faced with brick and composite materials.
3. The proposal would visually and physically alter the site and corridor by removing the current one-story commercial building for a 3-story residential building. However, redevelopment of the subject property would clean up a blighted and contaminated property, improve surface water management and treatment, increase green space and landscaping and reduce the potential for other nuisance issues such as lighting, noise and odor that may be generated by a commercial property.

Section 4. City Council Action.

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

1. Subject to staff approval, Shady Oak Crossings must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:
 - Preliminary Plat, dated August 24, 2017
 - Site Plan, dated August 24, 2017
 - Grading Plan, dated August 24, 2017
 - Utility Plan, dated August 24, 2017
 - Landscape Plan, dated August 24, 2017
 - SWPPP- Proposed Conditions, dated August 24, 2017
 - SWPPP- Details, dated August 24, 2017
 - Architectural Plans, dated July 24, 2017

2. Prior to the release of the final plat for recording purposes:
 - a) Submit the following:
 - 1) Final plat drawing with easement legend and easement dedication clause.
 - 2) Two sets of mylars for city signatures.
 - 3) An electronic CAD file of the plat in microstation or DXF.
 - 4) Title evidence that is current within thirty days before release of the final plat for the city attorney's review and approval.
 - 5) A trail easement document that provides a trail easement over the proposed sidewalk along Old Excelsior Boulevard.
 - b) This resolution must be recorded with Hennepin County.
3. Prior to issuance of a building permit:
 - a) Submit the following for staff review and approval:
 - 1) An electronic PDF copy of all required plans and specifications.
 - 2) One full size set of construction drawings and project specifications.
 - 3) Items associated with site work:
 - a. Final site, grading, stormwater management, utility, landscape, tree mitigation, and natural resource protection plans, and a stormwater pollution prevention plan (SWPPP) for staff approval.
 1. Final site plan:

- Confirm sidewalk connection on north side of the building to Shady Oak Road meets ADA.
 - Submit retaining wall plans from structural engineer.
2. Final stormwater management plan must meet the requirements of the city's Water Resources Management Plan, Appendix A. Design. The plan must include a narrative, impervious surface information, soil boring data, and modeling demonstrating rate control and water quality treatment.
 3. Final utility plan must include:
 - Water Service.
 - Address the tie card issue that shows water is stubbed to the site differently than shown on the plans. Relocation of the hydrant will require rework of the existing stub.
 - Recommend relocating water service into the building. Currently shown crossing under a catch basin and a retaining wall. Service as shown will require significant fittings and be difficult for the property owner to maintain in the future due to the extra depth for cover as well as the feed being located in close proximity to the retaining wall and within the garage access.
 - Sanitary Sewer.
 - Keep trees out of easement. Smaller shrubs permissible.

- Show sanitary sewer service to 4292 Oak Drive Lane to avoid potential conflict with storm sewer installation. Tie card attached.
- Developer to provide maintenance agreement that states property owner is responsible for replacing parking lot section if the city or county needs to perform maintenance on the underlying utilities.
- Stormwater.
 - Stormwater maintenance agreement will be required.
 - Relocate access road to tie into the radius of the 4 stall parking area so that the access is a straight show down. PW vehicles will not be able to make the turn as currently depicted.
 - Add note to access road: 12' wide infiltration basin access (compacted to 95% density constructed with structural material, finished with 4" topsoil and seeded)
 - Label EOF on grading plan.
 - Relocate CBMH 3 to mid-point or northwest corner of 4 stall parking area so that the structure is not atop the county storm sewer line. Confirm clearance over 27" storm pipe. Adjust D&U easement as needed to accommodate.
 - Note that unused sewer services will be removed back to the main

and the wye will be cut out and sleeved.

- Stormwater plan has been submitted detailing conformance with the volume and water quality provisions of the city's stormwater rules. The project will meet the rate control requirements through reduction of impervious surface (approx. 30%), however, must still submit documentation that rates for the 2-, 10-, and 100-year do not exceed the existing condition at all points where stormwater leaves the site.
- A Nine Mile Creek permit will be required for this project.

- Streets.

- Confirm with Hennepin County if ROW permits will be required.

4. Final landscaping and tree mitigation plans must:

- Overstory and evergreen trees cannot be planted within the utility or sanitary easement line.
- Final landscape plan to be reviewed and approved by staff.
- Provide the final project and landscape value.
- Stormwater pond be planted with a native seed mix.
- Thirteen maples are specified, substitute 5 of the maples with a different genus. Code is satisfied but a little more diversity is desirable.

- The proposed grading will still result in the loss of tree 4822. They need to adjust the grading and the outlet pipe.
- The grading associated with the pond construction can be no closer than 15' to the tree; they are currently at 14-feet which equates to about 35% impact to the critical root zone. The grading associated with the storm pipe outlet cannot be located within the critical root zone of the tree (CRZ is a 46' radius).

5. Wetlands.

- Provide a 16.5-foot buffer with conservation easement.
 - They will also need to meet the watershed district's rules.
- b. A sequencing plan for review and approval of the city engineer. The plan must notate the series of construction events that will occur involving driveway construction and sanitary sewer and water main connections and disconnections. The number of events in which disturbances to the street and utilities occur must be minimized. For example, multiple crews may be required to disconnect water services simultaneously.
- c. The following documents for the review and approval of the city attorney:
1. Development agreement.
 2. Stormwater maintenance agreements over all stormwater facilities. This agreement must state that the city will not maintain private structures within public easements.

3. A private fire hydrant maintenance agreement.
- d. Proof of subdivision registration and transfer of NPDES permit.
 - e. Evidence of closure/capping of any existing wells, septic systems, and removal of any existing fuel oil tanks.
 - f. A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.
 - g. Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to construct parking lot and utility improvements, comply with grading permit, tree mitigation requirements, landscaping requirements, and to restore the site. One itemized letter of credit is permissible, if approved by staff. The city will not fully release the letters of credit or cash escrow until:
 1. A final as-built survey has been submitted;
 2. An electronic CAD file or certified as-built drawings for public infrastructure in microstation or DXF and PDF format have been submitted;
 3. Vegetated ground cover has been established; and
 4. Required landscaping or vegetation has survived one full growing season.
 - h. Cash escrow in an amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge:

1. The property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and
2. If compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion or grading problems.
 - i. Any required administration and engineering fees.
 - j. Park dedication fees in the amount of \$245,000. City staff is authorized to reduce this amount commensurate with the cost of qualified public improvements.
- 4) Items associated with building work:
 - a. A final material and color palate board for staff review and approval.
 - b. All required hook-up fees.
- b) Obtain and submit a permit from the Minnesota Department of Health.
- c) Obtain and submit a sanitary sewer extension permit from the Minnesota Pollution Control Agency.
- d) Install a temporary rock driveway, erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.
- e) Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff as determined by city staff.
4. The applicant may choose to submit a separate grading permit application to facilitate site work prior to issuance of a building permit. In such case, prior to issuance of a grading permit, the items outlined in preceding condition 3(a)(3) – “Items associated with site work” –

must be submitted for staff review and approval and required erosion control must be installed for inspection.

5. Retaining walls over four feet in height must be engineered.
6. During construction the street must be kept free of debris and sediment.
7. The property owner is responsible for replacing any required landscaping that dies.
8. The applicant must work with the city for identification of acceptable street light fixtures.
9. Snow removed from the parking lot and drive aisles must be hauled off site.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 25, 2017.

Terry Schneider, Mayor

Attest:

David E. Maeda, City Clerk

Action on this resolution:

Motion for adoption:

Seconded by:

Voted in favor of:

Voted against:

Abstained:

Absent:

Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on September 25, 2017.

David E. Maeda, City Clerk

EXHIBIT A

*Lot 19 Block 2, Ginkels Oakridge Addition
AND*

Certificate of Title 1400997

Par 1:

All that portion of the tract or parcel of land described at paragraph "A" below, which lies Northerly of a line shown parallel to and 200 feet Southerly of the North line thereof and the same extended, to-wit:

Paragraph "A": That portion of the West Half of the Southeast Quarter of Section 23, Township 117, Range 22, described as follows: Starting at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section; thence South along the East line of the West Half of the Southeast Quarter of said Section, a distance of 300 feet; thence Westerly at right angles to said East line for a distance of 284 feet; thence Northerly along a line parallel to said East line a distance of 600 feet; thence Easterly along a line at right angles to said East line 200 feet to the center line of McGinty Road; thence Southeasterly along the center line of McGinty Road to the East line of the West Half of the Southeast Quarter of said Section 23; thence Southerly along said East line 33.5 feet to the point of beginning.

Par 2:

Lot 20, Block 2, Ginkels Oakridge Addition