



Memorandum

To: Planning Commission

From: Loren Gordon, AICP, City Planner

Date: November 30, 2017

Subject: Change Memo for the November 30th Planning Commission Agenda

ITEM 8C – Counter Point Recovery

The following attached letters have been received since the packet was distributed.

ITEM 9A – Ridgedale Executive Apartments

The following attached letters have been received since the packet was distributed.

Drew Ingvalson

From: Jeff Wehner <[REDACTED]>
Sent: Thursday, November 30, 2017 2:00 AM
To: Drew Ingvalson
Subject: Re: Mn State Statue

Hi Drew,

I talked to a few neighbors at 14526 Moonlight Hill and here are some of the privacy issues they have encountered.

Privacy and Safety:

- Due to the way the houses are arranged the men at the facility could view into homes. When asked to lower the shades in the evening out courtesy. The request was met with defiant opposition.
- Other neighbors were not able find out any scheduling of activities when asked which caused parents to be uneasy about children moving around the neighborhood as they had previously done
- It had also been conveyed other neighbor's had stopped using their outdoor facilities because of the loud arguing coming rom the deck when patients were smoking on the deck area of the facility
- Use of the deck area after the proposed lights out policy for smoking

The South property line has a direct line of sight between the two dwellings, and this has the potential to directly affect the use of our back yard. Since a privacy fence wouldn't affectively work for a privacy fence a hedge would. a suggestion would be -

Emerald Green Arborvitae

Thuja occidentalis 'Emerald Green'

Evergreens That Stop Growing at a Perfect 8-12 ft. Height

These **easy-to-grow hedge trees are perfect for tight areas**. Its shimmering emerald color and disease resistance make it an extremely popular evergreen hedge.

Your best choice for a medium-sized privacy screen... just plant every 3 ft. for a tidy, neat hedge that never needs trimming.

Sincerely,
Jeff Wehner

Email Address - [REDACTED]

Phone - [REDACTED]

Cell - [REDACTED]

On Wed, Nov 29, 2017 at 10:33 AM, Drew Ingvalson <dingvalson@eminnetonka.com> wrote:

Jeff,

Per your phone request, attached is a document that compiles state statutes and city code regarding residential care facilities. Additionally, below is a link to the Mn State Statutes. Look under

Subd. 7 for residential care facilities severing less than 6 persons.

<https://www.revisor.mn.gov/statutes/?id=462.357>

Feel free to contact me at the information listed below if you have any additional questions.

Best regards,

Drew

Drew Ingvalson | Planner | City of Minnetonka

14600 Minnetonka Blvd | Minnetonka, MN 55345 | [952-939-8293](tel:952-939-8293)

Drew Ingvolson

From: Jim Swigart [REDACTED]
Sent: Thursday, November 30, 2017 2:24 AM
To: Drew Ingvolson
Subject: Addendum for the Planning Meeting
Attachments: Contingency List.docx

Hi Drew,

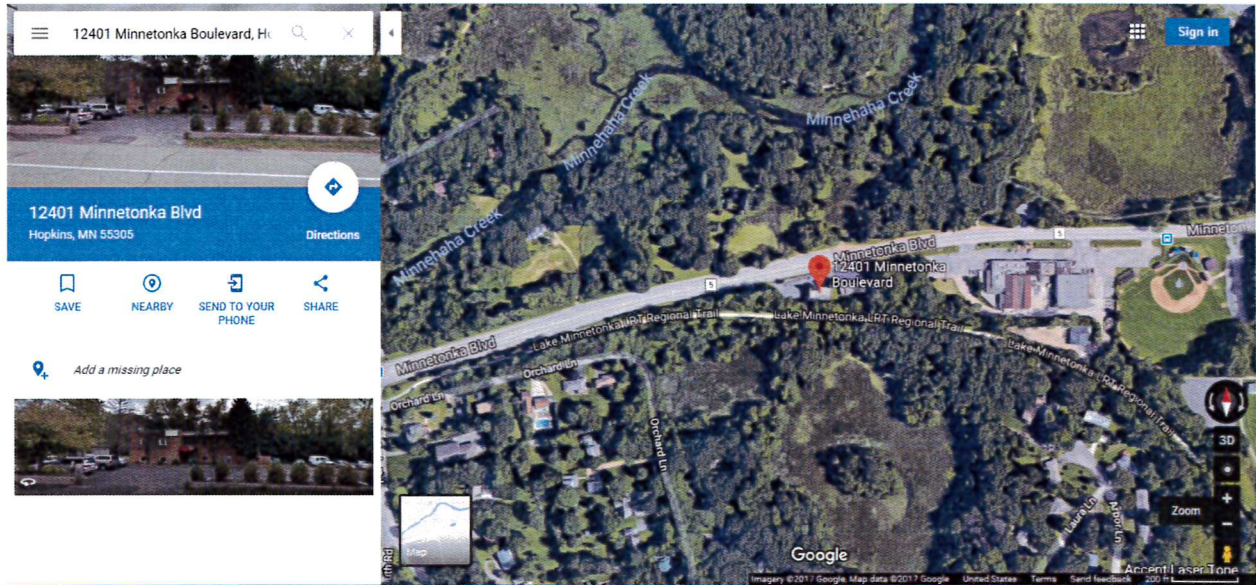
I created an addendum with the original list of conditions our neighborhood developed. On the first page is additional information regarding the only other 12-person substance rehab facility. The other pages have the conditions and reasoning behind them.

Thank you and I appreciate you allowing us to include this for the meeting today.

Jim

Additional information and request pertaining to the application for CUP for the address at 5022 Baker Road by CPR.

Aerial and street views of the only existing 12 resident substance abuse rehab facility at 12401 Minnetonka Blvd.



Dear Planning Commission and City Council members,

While we believe there are serious enough concerns and evidence to deny the approval of the permit, in the event the evidence is not persuasive enough we request that the following conditions be a part of the permit. These are based on neighborhood concerns and include brief points on why these conditions are important to the neighborhood and necessary regardless of whether there is a six or twelve resident facility.

There are around 100 individuals we are speaking for and in a single day, 30 of them replied approving the general conditions stated below. Part of the logic behind the recommendations is based on a phone conversation I had with one of the owners, Fartun Ahmed.

- The existing 12-person van or other vehicles accommodating > 7 people must be parked in garage at all times
 - o This is more of a commercial vehicle which you would not normally see in our neighborhood
- No visitation hours at the facility and family education also held offsite
 - o Fartun already stated visitation will be done outside the facility, so council should have no issues with this condition
 - o Minimizes traffic in and out of residence during re-occurring, consolidated hours
- Submission of list of employee vehicles on site regularly
 - o Help to eliminate false calls to city from residents when there are occasions where there are more than 4 cars parked on the driveway
 - o For example, if there are 5 cars parked outside and we know 4 of them are regular staff, we will understand that there may be a single, short-term visitor versus 5 cars that are not regular staff
- Staff is not allowed to carpool within 5 miles of the facility unless picking-up directly from employee residence and staff/visitors are not allowed to park on neighborhood streets then walk to facility
 - o There are many lots and city streets within walking distance of the facility and want to ensure that CPR staff and visitors are not using those on a regular basis in order to comply with the four cars on the driveway condition.
 - o Still allows employees to carpool, but doesn't put parking burden on another part of the city or neighborhood
- Outdoor activity schedule be posted online where/when residents will be in open, public spaces and must adhere to that schedule
 - o Allows residents notice when to expect large groups on public trails, parks, etc
 - o This was also a large concern of the neighbors of the existing CPR facility and limited their use of common areas

- Nature walks, park visits, “therapeutic walks”, etc must be accompanied by a security personnel (i.e. off-duty police officers) that has the right to intervene or contain residents if necessary, to be paid for by CPR
 - Many local trails and parks are difficult for police to respond to in a timely fashion if an incident occurs or a CPR resident leaves the group and this allows for immediate response and if necessary containment
 - CPR does not have the right to intervene or contain residents, but relies on the local police if an incident occurs or a resident leaves unsupervised
 - Helps eliminate a major neighborhood concern regarding safety when out of the facility
 - Plain-clothed, off duty officers can blend in and is more respectful of the residents when in public trails, walkways, etc.
 - Based on my discussion with Fartun (and the schedule she provided) the walks are less frequent and limited to 45 minutes, which should not put a significant financial burden on the owners

- CPR will have one employee supervising for every 4 residents during off-facility excursions
 - Especially in public places, it allows continuous surveillance of residents, which CPR stated is necessary at all times in their permit application

- Neighborhood within 1 mile of the facility must be reasonably notified 2 months in advance of any permit requests, can be done via email
 - Gives neighborhood opportunity to partner and co-develop recommendations with CPR
 - Allows ample time for community to research permit impact on the neighborhood

- All windows/doors facing adjacent neighbors will have shades drawn after 5:00
 - This was an issue for neighbors next to the existing location

- 7’ wooden privacy fence be created and maintained around the south, west and north sides of the building to enclose the back and side yard area. Additional, matching fences be created along the entire south and north property line if requested from the adjacent neighbor
 - Creates privacy fence for residents and neighbors and reduces noise from larger gatherings outside (even with 6 residents plus staff can have 12+ people congregating on a regular basis)
 - Minimizes use of more visible front yard space
 - Allows neighbors on each side of property to make decision whether they want a fence through the entire property line
 - Makes access to overpass pedestrian bridge over 494 less easily accessible

- Evergreen plants/trees be planted on the East-facing property line to ensure coverage during all seasons

- Current deciduous trees offer little to no coverage during late Fall to Spring seasons and you can clearly see the house from the street at this time
- Any resident who leaves the property line without supervision or notice will be removed from the program
 - Speaking with Fartun, the previous resident who left was removed from the program “immediately” as a result and we want to ensure the policy continues at the new residence
 - Ensures that residents who have a history of leaving the facility unsupervised are no longer permitted in the program
- Proactively disclose 911 calls within 24 hours of report
 - Ensures community is aware of facility and resident issues in a timely manner
- Inform local community immediately if any resident is outside the property unsupervised through a community alert
 - After calling police, ensures local residents are aware of potential issues
 - Local neighborhood can be on the lookout and assist in locating the resident
- Facility will have window and door sensors, cameras at exits and motion/cameras on the exterior that is directly linked to a security system that can immediately alert police
 - Assists night/overnight CPR employee to monitor and survey residents when minimal staff present in a multi-story facility
 - Helps ensure CPR staff and police are immediately notified if/when a resident leaves the facility unsupervised
- Exterior doors will be locked, without resident access to unlock, after 5:00 daily. Exception will be a single emergency door located in the closest proximity/visibility of night staff
 - This was discussed in the application and want to ensure it does not get removed as a policy
 - Helps minimize residents exiting property when minimal supervision is on-site
- The City of Minnetonka will not allow permit for any other similar facility within a one mile radius of the 5022 Baker Road address while the facility exists
 - Our neighborhood will already have one facility with double the capacity of most others and this will ensure that one area of the community does not have a disproportionate number of these residences



Hennepin County Human Services and Public Health Department

Initial Contact and Assessment/Chemical Health
1800 Chicago Avenue
Minneapolis, MN 55404

612-879-3158, Phone
612-466-9559, Fax
www.hennepin.us

October 20, 2017

Division of Licensing
PO Box 64242
Minnesota Department of Human Services
St Paul, MN 55164

RE: Letter of Need for Counter Point Recovery

Fartun Ahmed
14528 Moonlight Hill Road
Minnetonka, MN, 55345
<http://counterpointrecovery.org>

To Whom It May Concern:

I am writing in response to a request from Counter Point Recovery for a letter of need to be incorporated with their application to relocate and expand the capacity from 6 to 12 beds for their Rule 31 licensed program in Hennepin County re-locating to:

5022 Baker Road, Minnetonka MN, 55305

Counter Point has been successfully operating a high intensity 6 bed residential program in Minnetonka and has helped to fill a growing need in our community.

Please consider this Hennepin County's letter of support of Counter Point Recovery's request to modify their Rule 31 license.

Sincerely,

A handwritten signature in black ink that reads 'Tom Turner'.

Tom Turner
CH Unit Supervisor



October 27, 2017

Ms. Fartun Ahmed
Counter Point Recovery
14528 Moonlight Hill Road
Minnetonka, MN 55345

Dear Ms. Ahmed,

The Commissioner is in receipt of a statement from the Hennepin County Human Services & Public Health Department dated October 18, 2017 regarding approval pursuant of 9530.6810 for a chemical dependency (Rule 31) residential program capacity increase in Hennepin County. I have confirmed that Hennepin County Human Services & Public Health Department does not object to the capacity increase from six to twelve beds.

The Department of Human Services Alcohol and Drug Abuse Division functions as the Single State Authority for chemical dependency under Minnesota Statutes, section 254A.03. DHS has reviewed the previous letter of support issued to you on January 11, 2016 in accordance with Minnesota Rules, part 9530.6800. The decision to support the need for a capacity increase was determined, in part, based on the communication with Hennepin County Human Services & Public Health Department pursuant to Minnesota Rules, part 9530.6800. Based on our review of compliance with Minnesota Rules, part 9530.6800, the Commissioner supports the need for the capacity increase.

Thank you for your interest in providing chemical dependency treatment services in Minnesota. Please contact Julie Jacobson in the Alcohol and Drug Abuse Division at 651-431-3461 or julie.a.jacobson@state.mn.us with any questions and/or concerns.

Sincerely,

Claire Wilson
Assistant Commissioner
Community Supports Administration

From: [REDACTED]
To: [Loren Gordon](#)
Cc: [Julie Wischnack](#); [Geraldyn Barone](#); [Jo Colleran](#); [Corrine Heine](#); [Susan Thomas](#)
Subject: Re: RE: Conservation Easement Request
Date: Monday, November 27, 2017 3:09:16 PM

Loren,

Thank you for the map. It would be extremely helpful to have a conservation easement map of the entire wooded area along the southern strip of the Rotenberg property and to the west which includes the land adjacent to and around the retention pond that is apparently owned by General Growth Properties.

An emailed version of this would suffice. Thank you

Heather Stesin

HEATHER STESIN

DIRECT 612-619-9301
[REDACTED]

MARK P STESIN MD PA
763-582-1800 OFFICE
WWW.STESINENDO.COM

In a message dated 11/27/2017 11:25:25 AM Central Standard Time, lgordon@eminnetonka.com writes:

Heather,

The good news is a portion of the property is already in conservation easement. The image below shows the Rotenberg property outlined in light blue. Along the southern portion of the property is an area, shaded in brown, that represents the extents of a conservation easement. This easement would essentially keep the area natural to serve the purposes you noted and prevent development.

It is not realistic to request the remainder of the property, which is developed, and without an intrinsic natural resource base, be placed into similar protection.

Let me know if you have any questions.



Loren Gordon, AICP | City Planner | City of Minnetonka

14600 Minnetonka Boulevard | Minnetonka, MN 55345

(952)939-8296 | lgordon@eminnetonka.com

From: Heather Stesin [REDACTED]

Sent: Sunday, November 26, 2017 11:50 PM

To: Jo Colleran <jcolleran@eminnetonka.com>; Julie Wischnack <jwischnack@eminnetonka.com>; Loren Gordon <lgordon@eminnetonka.com>; Corrine Heine <cheine@eminnetonka.com>

Cc: Susan Thomas <sthas@eminnetonka.com>; Brad Wiersum

<bwiersum@eminnetonka.com>; Tony Wagner <twagner@eminnetonka.com>; Terry Schneider <tschneider@eminnetonka.com>; GERALYN BARONE <gbarone@eminnetonka.com>

Subject: Conservation Easement Request

Dear Ms Wischnack, Mr Gordon & Ms Colleran,

Please consider this a formal request to place the entire proposed property development by Rotenberg Companies ; Ridgedale Executive Apartments at 12501 Ridgedale Drive into **Conservation Easement**.

We are requesting this to be done immediately for the purpose of protecting water quality,

conserving the wildlife habitat, preserving and protecting the open space and maintaining the beauty and character of the natural surroundings. In addition, the scenic beauty gives us "breathing room" in what otherwise would be an invasion of our privacy.

Sincerely,

Heather Stesin

2000 Norway Pine Circle

Minnetonka, MN 55305

HEATHER STESIN

DIRECT 612-619-9301



MARK P STESIN MD PA

763-582-1800 OFFICE

WWW.STESINENDO.COM

Lakes

Sotheby's

INTERNATIONAL REALTY

202 Superior Boulevard
Wayzata, Minnesota 55391
t 952.230.3101
www.lakessothebysrealty.com

Richard,

I just read about your proposed luxury apartment project in Minnetonka.

I am writing to confirm something I'm sure you already know - that the luxury rental product you are looking to create is in extremely high demand. I get an average of 2-3 phone calls a week from people looking for luxury rentals from \$3,000 to \$10,000+ a month in the West Metro area.

I have been involved in luxury condominium sales for the past 5 years - during that time, I sold all 58 units at the Regatta project and 20 more units at the Landing - both in Wayzata. All in all it was over \$90 million in sales of just condos. I have done another \$10-15 Million in other condo sales in the West Metro. Through my experience, I've learned a lot about my buyers and also have learned a lot from the many others that inquired about rentals.

Basically, there is a large group of people in the Lake Minnetonka area that own 2-3 homes and are looking to downsize - some decide to purchase a condo - while many others are looking to rent. In trying to find solutions for both my buyers and my renters, it's become obvious to me that there simply aren't enough luxury rentals in the West Metro market to meet this demand. These clients do not want to go downtown. They want to stay in the area they know. These clients want easy walkability and a sense of community. From what I can tell this building will give them all of that and more!

I am very excited about the options your project could create within the market and if you can make it happen, I believe it will be a great success. Please let me know if there is anything I can do to help.

Sincerely,



Beth Ulrich | REALTOR®

Lakes Sotheby's International Realty

o 952.230.3162 | m 612.964.7184

beth.ulrich@lakesmn.com

From: [Loren Gordon](#)
To: [REDACTED]
Cc: [Susan Thomas](#); [Terry Schneider](#); [Geraldyn Barone](#); [Julie Wischnack](#)
Subject: RE: What is the definition of CONCEPTUAL PLAN?
Date: Wednesday, November 22, 2017 5:24:33 PM

Hi Heather,

I want to put you at ease about your question of “who is in charge.” The city has very high expectations of development. The city also has the regulatory authority over development with zoning and building controls. So to the question of “who is calling the shots,” it is the city. Yes, developers can be excited about their projects and yes, the media does watch our website and interview developers before project are approved and built. That in no way means the city has bought into the project or that it is go. That may not always come across so clearly in the newspapers but I can assure you that the city’s review process is engaged, ethical and transparent.

As far as process, the city highly encourages developers with large projects to first pursue the concept plan review process prior to initiating the formal review process. The concept plan review is simply a discussion with the developer about the generalities of the project. It provides a means to inform, facilitate discussion and identify issues that could inform future reviews. Unlike the next stage, formal review, the concept plan review does not grant land use or zoning “entitlements.” The staff report for Thursday’s meeting is now published on line. In it is more detail about the review process. The report can be found in the staff report section of Upcoming Meetings on the web page link– <https://eminnetonka.com/current-projects/planning-projects/1873-ridgedale-executive-apartments-12501-ridgedale-drive> . I would encourage you to remain engaged by following the project on our website if you haven’t already. You can also sign up for email/text notifications when the project page information is updated.

As a neighbor, the development review process is important to understand where to engage and how to effectively communicate your concerns. Since development doesn’t happen in people’s neighborhoods regularly, it can be hard to know what to anticipate and expect. We are always open to meeting with neighbors to better help you understand how it works. We would be happy to meet with you/others if you wish. Let me know if you would like to meet before Thursday’s meeting or some other time. I did attend the neighborhood meeting and understand some of the concerns stated.

In regards to Thursday’s meeting, it will begin at 6:30 in the council chambers. However, given the number and length of items on the agenda, I would anticipate this item would not be up for discussion until at least 7:30.

Hope this helps with your questions and concerns. Let me know if you would like to discuss or meet.

Regards,

-Loren

Loren Gordon, AICP | City Planner | City of Minnetonka
14600 Minnetonka Boulevard | Minnetonka, MN 55345
(952)939-8296 | lgordon@eminnetonka.com

From: Heather Stesin [REDACTED]
Sent: Wednesday, November 22, 2017 9:42 AM
To: Loren Gordon <lgordon@eminnetonka.com>
Cc: Susan Thomas <sthomas@eminnetonka.com>; Terry Schneider <tschneider@eminnetonka.com>; Geralyn Barone <gbarone@eminnetonka.com>
Subject: What is the definition of CONCEPTUAL PLAN?

Loren,
Are the single family dwelling residents of the Ridgedale area being deceived that the meeting on Nov 30th is for conceptual plans for the Rotenberg Apartment Project? The developer is obviously hyping the project and is under the impression that it is a go. It appears as though he is calling the shots and has determined that there is no push back . I would hate to think that developers have that much influence over our city representatives. This does not feel right !

[This was published 11/21/2017 \(9 days before conceptual meeting\)](https://www.bizjournals.com/twincities/news/2017/11/21/luxury-apartments-planned-near-ridgedale-center.html)
<https://www.bizjournals.com/twincities/news/2017/11/21/luxury-apartments-planned-near-ridgedale-center.html>

I and our neighbors request an explanation.

HEATHER STESIN

DIRECT 612-619-9301
[REDACTED]

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November 30, 2017

The Honorable Mayor Terry Schneider
and City Council Members
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Planning Commission Members
City of Minnetonka
14600 Minnetonka Blvd.
Minnetonka, MN 55345

Re: Proposed Ridgedale Executive Apartments, 12501 Ridgedale Drive

Dear Mayor Schneider, Council and Planning Commission Members:

This firm represents a coalition of neighbors affected by and opposed to the Ridgedale Executive Apartments project ("Project") that is proposed by Rotenberg Companies ("Applicant") at 12501 Ridgedale Drive ("Property") in the City of Minnetonka. The project is in concept plan review stage, with a Planning Commission meeting scheduled for this evening, November 30. We respectfully request that this letter be made part of the administrative record for the Project.

We have considerable concerns and objections about the size, scale, and intensity of the proposed six-story Project, which is located immediately to the north of the existing low-density single-family neighborhood.

Based on the preliminary concept drawings, the Project is inconsistent with the City's Comprehensive Plan and zoning code and inconsistent with the surrounding community. The building exceeds the allowed size and scale and is more appropriate in the core of the Ridgedale area or along Interstate 394, as opposed to the Project's location on the periphery of the area which abuts a longstanding residential neighborhood. The following letter summarizes several of our clients' objections.

Conflicting Comprehensive Plan Provisions

State law and the City Code require all zoning regulations to be consistent with the City's adopted 2030 Comprehensive Guide Plan (the "Comp Plan"). Minn. Stat. § 473.858, subd. 1. The Comp Plan includes a Future Land Use map that designates the Property for Mixed Use. In addition, the Property is designated as the southernmost edge of the I-394 Corridor/Ridgedale Area. Comp Plan IV-32.

The Project is inconsistent with several guiding Comp Plan principles for the I-394 Corridor/Ridgedale Area and conflicts with the intent of the designation. The guiding strategies of the I-394 Corridor/Ridgedale area include "Inclusion of transitions to surrounding residential uses to provide buffers (as maintained in the past) between the more intense uses to the north

(i.e., Ridgedale Mall) and the low density residential uses to the south.” Comp Plan IV-31 (emphasis added). This guiding principle demonstrates the City’s intent for the district, which is to concentrate the density along I-394 and in the Ridgedale core. The Project would grossly conflict with this intent and result in the development of some of the highest-density residential development on one of the southernmost properties in the designated area, immediately adjacent to a single-family neighborhood.

The Project further conflicts with several of the development criteria established by the Comp Plan for the I-394 Corridor/Ridgedale Area, including the following policies:

1. Policy 4.A.1. Adherence to the development criteria including the policies of the I-394 Plan and the I-394 zoning district standards. (Comp Plan IV-46.)

The Project conflicts with this policy as it does not comply with the Planned I-394 (PID I-394) District standards and therefore requires a Comp Plan amendment and a zoning code amendment. The Project is proposed as mixed use. The Comp Plan designates the Property as both Mixed Use and within the I-394 Corridor/Ridgedale Area, which pursuant to this Comp Plan policy must be consistent with the PID I-394 District.

The PID I-394 District does not permit mixed use development. Accordingly, the Project is not permitted unless it is rezoned to the PUD District. The Property cannot, however, be rezoned pursuant to City Code Section 300.31, subd. 11.b, which prohibits rezoning to any other zoning classification. “A contrary rezoning will be permitted only if it is demonstrated that the planned I-394 district incorrectly applies to a specific property.” City Code § 300.31, subd. 11.b (emphasis added). Accordingly, the Project cannot be rezoned to another zoning district without violating this provision. If the City determines that the I-394 District “incorrectly” applies to the Property under this exception, it would mean that a conflict exists between the Comp Plan’s designation of the Property within the I-394 Corridor/Ridgedale Area and the PID I-394 District. Minnesota law further requires that if the Comp Plan “is in conflict with the zoning ordinance, the zoning ordinance shall be brought into conformance with the plan . . . and, if necessary, amendment of its comprehensive plan.” Minn. Stat. § 473.858. Thus, in order to approve the Project the Property must be rezoned, and to rezone the Property, the City must first amend the Comp Plan designation of the Property or amend this conflicting policy.

2. Policy 4.A.2. Definition of appropriate building heights and massing relative to the existing ridgelines and topography as part of project review to manage impacts on nearby low density residential neighborhoods. (Comp Plan IV-46.)

The Project conflicts with this policy as the height and massing are grossly out of scale and character from existing structures, and will directly and adversely impact the low-density residential neighborhoods. This provision was explicitly written to protect the neighborhood immediately to the south of the Property from development that is too tall and out of scale with the single family residences to the south. This policy further demonstrates that the intent of the I-394 Corridor/Ridgedale Area was to concentrate density away from the neighborhoods to the south.

3. Policy 4.A.33. Provision of adequate buffering between differing land uses, as appropriate. (Comp Plan IV-46.)

The Project conflicts with this policy as the Property is not adequately buffered from the residences to the south. The Project will substantially increase the noise, traffic, and intensity of the use of the Property that will detrimentally impact the neighboring residences. As proposed, the Project includes balconies for the units facing the neighborhood and a large outdoor recreation area oriented towards the neighborhood to the south. These features will result in increased noise and disturbance to the adjacent residential neighborhood. Very-high density residential and single-family homes are not compatible and such very-high density uses should be located away from the single-family residential neighborhood and towards the Ridgedale core.

Excessive Floor Area Ratio

The Project grossly exceeds the allowed scale and massing of the surrounding community and the City's zoning code and Comp Plan. The proposed Project will retain a small office building, along with the six-story residential building. The effective Floor Area Ratio (FAR) of the Project purports to be a combined Floor Area Ratio (FAR) of 1.06. Under the PID I-394 District, office and high-density uses are both limited to a maximum FAR of 0.75. City Code § 300.31, subd. 5.d. This increase of massing could be appropriate in the Ridgedale core or along the interstate, but is not appropriate immediately adjacent to the single-family neighborhood to the south.

Even if the Comp Plan was amended to rezone the Property to the PUD District (a necessary prerequisite for allowing a mixed use Project), it would exceed the allowed FAR. In the PUD District, high-density residential is governed by the R-5 High Density District. City Code § 300.22, subd. 6. The R-5 District permits a maximum FAR of 1.0, which the Project exceeds. Accordingly, the Project is too large under any zoning designation.

Adverse Traffic Impacts

The Project will dramatically increase the noise, pollution, and traffic as a result of the proposed 111 dwellings and 250 parking spaces. The proposed 111 additional dwelling units is the equivalent of a large neighborhood located on approximately 2 acres. The resulting increases in trip generation will be excessive, causing substantial impacts on traffic in the surrounding community.

Proposed Trail

We further object to the proposed placement of a public trail in the woods immediately adjacent to the neighborhood to the south. Such a path would require the removal of a number of trees that would destabilize the bluff and reduce the screening of the Project. This would conflict with the Comp Plan provisions that call for appropriate screening and buffering, and result in the Project having an even greater impact on the adjacent neighborhood. Furthermore, attracting

The Honorable Mayor Terry Schneider

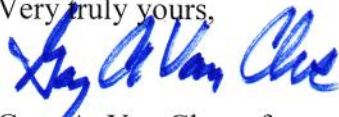
November 30, 2017

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members of the public to an unlit wooded area with no security or supervision would inevitably attract crime, illicit activity, or other transient visitors.

For these reasons and others that will be stated at the Planning Commission meeting, we strongly object to the Project as currently proposed and urge the Planning Commission and City Council to direct the Applicant to work with staff to develop a project that is consistent with the City's policies and the law, and will not adversely impact the immediately adjacent single-family neighborhood to the south.

Very truly yours,



Gary A. Van Cleve, for
Larkin Hoffman Daly & Lindgren Ltd.

Direct Dial: 952-896-3277
Direct Fax: 952-842-1720
Email: gvanclave@larkinhoffman.com

cc: Corrine Heine, City Attorney
Dr. Mark and Heather Stesin
Felix and Donna Ricco
Andy and Zhanna Schectman