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To: Planning Commission
From: Loren Gordon, AICP, City Planner
Date: April 26, 2018
Subject: Change Memo for the April 28 Planning Commission Agenda

ITEM 8A – Adler Graduate School

The Adler Graduate School has informed staff that it currently offers summer courses in addition to holding courses during the fall, winter, and spring. The table on page 3 of the report did not note the summer classes. It should appear as below.

	Fall		Winter		Spring		Summer	
	Day	Night	Day	Night	Day	Night	Day	Night
Monday	-	65	-	83	-	111	-	87
Tuesday	-	115	-	105	-	76	-	60
Wednesday	6	44	10	58	7	38	4	74
Thursday	-	116	-	82	7	69	-	65
Friday	-	-	-	4	-	19	-	-
Saturday	-		233*		176**		-	
Sunday	-		37		99***		-	

*Winter Saturday enrollment combined 1st half (130) and 2nd half (103) of semester courses

**Spring Saturday enrollment combined 1st half (103) 2nd half (73) of semester courses

***Spring Sunday enrollment combined 1st half (52) and 2nd half (47) of semester courses

In addition, staff was informed that the numbers provided were for the *total* number of students enrolled in courses during each quarter (fall, winter, spring, and fall). However, each quarter is split into two sessions, with several courses only lasting ½ semester. Based on this additional information, there would be significantly less cars visiting and parking on site. The chart below shows the maximum number of students that would visit the site for courses, based on last year’s enrollment.

	Fall		Winter		Spring		Summer	
	Day	Night	Day	Night	Day	Night	Day	Night
Monday	-	37	-	45	-	60	-	44
Tuesday	-	68	-	56	-	46	-	42
Wednesday	6	44*	10	58*	7	38*	4	74*

Thursday	-	68	-	58	7	52	-	54
Friday	-	-	-	4	-	13	-	-
Saturday	-		130		103		-	
Sunday	-		37		52		-	

*The majority of these courses are field experiences, internships, or practicums and would not require students to attend class on site each week.

ITEM 8B – Chabad Center for Jewish Life

The attached comments were received after publication of the staff report.

Susan Thomas

From:
Sent: Monday, April 23, 2018 3:38 PM
To: Susan Thomas; Tony Wagner
Subject: Chabad Center for Jewish Life

Dear Ms. Thomas and Mr. Wagner,

We live at 11128 Mill Run. We are the neighbors directly east of the proposed Chabad Center for Jewish Life. We heartily support this project.

We are aware of the concerns expressed by others, particularly relating to safety and traffic, which we believe are exaggerated and overblown.

For our part, we definitely believe that the benefits of the Chabad Center in our community will far outweigh any concerns that have been raised.

Very truly yours,

Elizabeth and Douglas Altman



Swing Traffic Solutions

April 24, 2018

**To: Susan Thomas, Assistant City Planner
City of Minnetonka**

**From: Vernon Swing, PE, Swing Traffic Solutions
Mill Run/Fetterly/Hillside Neighborhood**

Re: Chabad Center Traffic and Parking Study Review

Per the request of the Mill Run/ Fetterly/Hillside neighborhood, Swing Traffic Solutions, LLC has reviewed the City of Minnetonka's traffic and parking study which was conducted to determine the impacts to the area associated with development of the Chabad Center for Jewish Life in Minnetonka, MN. The proposed development is planned on the east side of Hopkins Crossroad, also known as Hennepin CSAH 73, just north of Mill Run Road, and approximately 200 feet south of Hillside Lane W. The development is proposed to have a single access point approximately 150 feet north of Mill Run Road. In general, the traffic and parking study has been conducted in accordance with industry standards but is too limited in scope to provide an accurate assessment of the impacts associated with this development. The following discusses our findings and highlights areas that need additional analysis.

1. The scope of the traffic study should have included the intersection of Hillside Lane W and CSAH 73 as this is one of the primary access intersections for Hopkins High School, Hopkins North Junior High School and Tanglen Elementary School. This intersection experiences some congestion during the AM, PM and High School event times and the proposed development traffic may exacerbate conditions particularly during High School football and basketball seasons when the Sunset services will overlap the event traffic.
2. The traffic counts taken on Friday April 6th, 2018 occurred when there were no events at the High School, and on a day when all three schools were not in session as parent teacher conferences were scheduled at this time.
3. CSAH 73 is under the jurisdiction of Hennepin County and the traffic study must address Hennepin County's access spacing standards in order to obtain an access permit. CSAH 73 is an a-minor arterial, reliever category, and as such is guided for access limited to one quarter mile (1,320 feet) intervals for full access and one eighth of a mile (660 feet) for limited access (such as right in right out). The proposed access location for this development is shown as a full access and is approximately 150 feet north of Mill Run Road (measured curb to curb). This violates Hennepin County's Standards.



STS

Swing Traffic Solutions

4. CSAH 73 has wide shoulders intended to provide space for pedestrians and bicycle traffic. The traffic study suggests that an auxiliary turn lane may be needed to segregate turning vehicles from the through traffic. The study also indicated ten percent of the attendance during Friday Sunset and Saturday services will walk up to the Chabad Center. Yet there was no discussion related to the impact of the proposed access with a potential turn lane on the viability of the shoulders for alternative modes of travel.
5. The traffic study conducted for the proposed development considered sight distance along CSAH 73 at the proposed site driveway in terms of the distance required for a driver on CSAH 73 to stop upon identifying an issue on the road. While this discussion was accurate for the CSAH 73 traffic, it neglected to consider the “intersection sight distance”, or the sight distance required for a driver exiting the site to enter the traffic flow on CSAH 73 with out disrupting the flow in a hazardous manor. The Table below summarizes the engineering standards related to sight distance.

Exhibit 9-55. Design Intersection Sight Distance—Case B1—Left Turn Stop

US Customary			
Design Speed (mph)	Stopping sight distance (ft)	Intersection sight distance for passenger cars	
		Calculated (ft)	Design (ft)
15	80	165.4	170
20	115	220.5	225
25	155	275.6	280
30	200	330.8	335
35	250	385.9	390
40	305	441.0	445
45	360	496.1	500
50	425	551.3	555
55	495	606.4	610
60	570	661.5	665
65	645	716.6	720
70	730	771.8	775
75	820	826.9	830
80	910	882.0	885

Note: Intersection sight distance shown is for a stopped passenger car to turn left onto a two-lane highway with no median and grades 3 percent or less..

Source: *Geometric Design of Highways and Streets 2004*

CSAH 73 is a 40-mph roadway, thus the proposed driveway should be designed with at least 441 feet of intersection sight distance. The reported sight distance in the study is approximately 400 feet which suggest the access location does not provide the appropriate level of safety for drivers to safely egress the site. Further, the study needs



Swing Traffic Solutions

to address the proximity of the access location relative to the turning movements at the Mill Run/Fetterly intersection as it relates to the impact on driver's decisions regarding suitable gaps in traffic.

6. The parking study conducted for the proposed development includes two basic assumptions that are not substantiated. First, the study assumes the average vehicle visiting the site will have 2.25 occupants. This should be verified by observing conditions at similar facilities. Second, the parking study assumed only half of the sanctuary will be used during religious services or events, yet the building will be equipped with a moveable accordion style divider which suggest special events may have nearly twice the attendance. Under these potential conditions there will be insufficient parking on site. The parking analysis must review a worst case scenario and discuss options to mitigate potential shortcomings.

In summary, the traffic and parking study is too limited in scope to fully understand the traffic impacts associated with the proposed development. The traffic study must consider the impacts to the traffic operations at the CSAH 73 and Hillside Lane W intersection and must involve Hennepin County prior to approval. Further, the parking analysis needs to substantiate the assumptions regarding vehicle occupancy and site usage.

Thank you for considering our concerns. Please contact me at _____ or via email at _____ with any questions.

Susan Thomas

From: Matt Pacyna
Sent: Thursday, April 26, 2018 9:08 AM
To: Susan Thomas
Cc: Will Manchester; Tom Sachi
Subject: RE: Chabad Center traffic

Thanks Susan. Here are some responses to the items listed in the Swing Traffic Solution Memo. If you have any questions or comments, please let us know.

1) Study Scope (Hillside Intersection) and Events

- a. Given the scale of the development, the primary study area from a capacity perspective was related to the proposed access on Hopkins Crossroad (CR 73). The Mill Run/Fetterly Road intersection was the closest intersection to the proposed access and thus was reviewed. The study notes minimal change (0 to 3 seconds in side-street delay change) in operations at the adjacent Mill Run/Fetterly Road intersection if the proposed development were to be constructed. Although not reviewed, the change in operations at the Hillside intersection would also be expected to be minimal, similar to the Mill Run/Fetterly Road intersection.
- b. The study focused on the weekday a.m. (Tuesday 7:15 to 8:15), Friday evening (5:00 to 6:00), and Saturday midday (12:30 to 1:30) peak hours, which correspond to the expected peak activity of the proposed development. During evening High School Football or Basketball events (typically start around 7 p.m.), traffic volumes along Hopkins Crossroad are generally 50 percent less than during the typical weekday p.m. peak hour (4:30 to 5:30). Other considerations to note include 1) traffic volumes are generally lower on Fridays, compared to Tuesdays, Wednesdays, and Thursdays, due to more flexible work schedules and vacations; 2) Event traffic coming from the north generally uses Hillside, while event traffic coming from the south or west generally use Cedar Lake Road.

2) Traffic Counts

- a. The weekday a.m. count occurred on Tuesday, April 10th with school in session. The Friday, April 6th count focused on the evening peak hour (5:00 to 6:00), which is outside the typical hours of operation of the area schools and thus school operations have minimal impact during this time. Note that the timeframes evaluated for this study correspond to the peak activity for the proposed development.

3) Access Spacing

- a. Hopkins Crossroad is a County facility (CR 73) and thus an access permit will be needed to modify to the current access. However, the existing property does have access rights that the County does need to considered.

4) Pedestrian Access

- a. Given the current bypass lanes along Hopkins Crossroad (CR 73) within the immediate area, there are limited shoulders to accommodate pedestrians. Furthermore, there are no other pedestrian facilities along Hopkins Crossroad (CR 73) that currently existing within the study area. Provisions could be made to include pedestrian connections, if desired, although that may encourage parking in the adjacent neighborhood.

5) Sight Distance

- a. The proposed access is a private facility and this is a gray area with respect to current guidance (private versus public intersection). Although it is good practice to maximize sight distance when possible. That said, the study notes to maintain landscaping to allow for adequate site distance.

6) Parking Study Assumptions

- a. During the Friday evening and Saturday services, the average vehicle occupancy was assumed to be 2.25 occupants per vehicle (it was assumed to be a 1 to 1 ratio for the weekday a.m. service). This was based on feedback from the proposed development staff that understand their current operations. Furthermore, the City's parking code is based on 1 parking space per 2.5 seats, which would result in less trips than what was assumed as part of the trip generation. As a rule of thumb, event vehicle occupancy averages 2.5 to 3 people per vehicle depending on the event.
- b. Typically parking is designed to accommodate the majority of situations that occur. However, there could be certain events that may necessitate other strategies to reduce potential parking impacts. These types of strategies could include encouraging car pools, off-site parking options (shuttle), and or valet. Coordination with the proposed development staff should occur to minimize any potential parking concerns.

Matt Pacyna, PE (MN, ND, WI)

Principal at SRF Consulting Group, Inc.

Direct: 763.249.6726 | email:

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From: Susan Thomas [mailto:stthomas@eminnetonka.com]

Sent: Wednesday, April 25, 2018 4:40 PM

To: Matt Pacyna <mpacyna@srfconsulting.com>

Cc: Will Manchester <wmanchester@eminnetonka.com>

Subject: FW: Chabad Center traffic

FYI.

Susan Thomas | Assistant City Planner

City of Minnetonka | eminnetonka.com

Office: 952-939-8292

From: Vernon Swing <vswingtraffic@gmail.com>

Sent: Wednesday, April 25, 2018 4:37 PM

To: Susan Thomas <stthomas@eminnetonka.com>

Cc: Robert H. Byers <Robert.Byers@hennepin.us>

Subject: Chabad Center traffic

Hi Susan,

Susan Wiens
2346 Vernon Circle
Minnetonka, MN 55305

April 25, 2018

City of Minnetonka
Planning Commission Members
14600 Minnetonka Blvd.
Minnetonka, MN 55354

Re: Chabad Proposed Development on Hopkins Crossroads and Mill Run

Dear City of Minnetonka Planning Commissioners:

I am a Minnetonka resident residing in the Tanglen Woods cul-du-sac that abuts the Chabad development proposed to be built on property located on Hopkins Crossroads and Mill Run. I am also an environmental attorney and am expressing my legal concerns regarding the City of Minnetonka's staff report recommending approval of the Chabad proposal. I am not representing any of my neighbors in these comments but offer them solely on my own behalf.

A relatively recent decision from the Minnesota Supreme Court has made it clear to Minnesota municipalities that when approving a Conditional Use Permit (CUP), municipalities must appropriately consider their own zoning ordinances. Failure to do so will invalidate their decisions. As you know, the Minnetonka Zoning Ordinance, Chp. 3, sec. 300.16.2, requires that when the City reviews a request for a CUP, it must determine that the proposed project will not have an undue adverse impact on the public health, safety or welfare. If the proposed project will adversely impact the public health, safety or welfare, the City may not approve the CUP. Traffic studies, expert testimony and neighborhood testimony must be considered by the City.

In *RNDT v City of Bloomington*, 861 N.W.2d 71 (Minn. 2015), the Minnesota Supreme Court held a Bloomington City conditional use permit ordinance, with almost the exact same language as Minnetonka's, was lawfully applied by the City of Bloomington when it denied a CUP based solely on evidence (1) estimating an increase in traffic (should the facility be expanded) that would have negatively impacted the public health, safety and welfare; and (2) indicating the size, density and design of the proposed building was disproportionately large for the neighborhood. The court found the proposed nursing home facility adversely impacted the health, safety and welfare of the public because of increased traffic and the proposal was "incompatible with the scale and character of the surrounding low density, single family neighborhood." 861 N.W.2d at 74.

In support of a finding of adverse impact to public health, safety and welfare, the City of Bloomington lawfully considered expert traffic consultant's review of the proposal as well as the "credible" traffic concerns submitted by the public. The supreme court upheld the City of Bloomington's CUP ordinance as lawful and found the City had a reasonable factual basis to determine the proposed use would harm

the public health, safety and welfare. As I'm sure you are aware, a court will reverse a city's approval of a CUP if the approval was unreasonable, arbitrary or capricious. The City of Bloomington's decision to deny the CUP was based upon a traffic study demonstrating increased traffic in the area by 26%. It also based its denial of the CUP on neighbors' testimony on the effects the traffic had on noise, safety and the general character of the neighborhood. The City of Bloomington found that the increase in square footage of the nursing facility campus was incompatible with the scale and character of the surrounding residences and found that the increase in traffic from the proposed development would have been over three and one-half times the average daily trips than if the site were instead developed into low density units. The Minnesota Supreme Court found consideration of these factors was sufficient to support the City of Bloomington's denial of a CUP.

The City of Minnetonka has far more evidence before it of the proposed development's adverse impact on public health, safety and welfare than what was deemed necessary in the *RNDT* case. The following evidence not only supports the Commission's recommendation of denial of the CUP but requires that it do so.

1. The City unreasonably relies upon the proposed application that only 125 individuals will be using the Chabad facility and thus requiring only 51 parking spaces. To reach this conclusion, the City unreasonably relies upon an artificial separation between a proposed sanctuary space and meeting space. A 3,800 square foot facility that can and will be used as sanctuary space is artificially reduced to 2100 square feet by the suggestion that a folding wall can be used to separate the room into a social hall and a sanctuary. The project proposer recognizes that both rooms will be used for numerous events – without specifying or limiting how often these events will occur. When all of the available sanctuary space is taken into consideration, the need for parking spaces doubles and if the removable tables and chairs are replaced with just chairs, the potential occupancy of the sanctuary increases dramatically as does the need for parking. Below is an illustration of the real and obvious need for significantly more parking spaces than is currently proposed.

Currently Designated Sanctuary Space – 2,000 SF (2100 – 100 SF unused space)				Additional Sanctuary Space (social space separated with folding wall): 1700 SF				Total Sanctuary Space Available: 3,700 SF			
Room Config	NET SF	Capacity of Room	# Parking Stalls needed	Room Config	NET SF	Capacity of Room	# Parking Stalls needed	Room Config	NET SF	# Parking Stalls Needed	Capacity of Room
Table and chairs	15	133	54	Table and chairs	15	113	46	Table and Chairs	15	100	246
Chairs only	7	295	118	Chairs only	7	242	97	Chairs Only	7	215	333
Standing room only	5	400	160	Standing room only	5	340	136	Standing Room Only	5	296	456

The table above demonstrates that when the entire sanctuary space of 3700 SF is used, the facility will need a minimum of 100 parking spaces. And, if the tables are removed for an

arrangement of just chairs, the capacity of the room dramatically increases to a minimum of 118 parking spaces and the potential for 215 needed parking spaces. The project proposer has not demonstrated that it will not use all of this meeting space and has specifically designed movable walls and movable chairs and tables to accommodate the larger assemblies it reasonably expects. Additionally, it does not seem plausible that a 15,000 square foot facility would be built to accommodate an average size meeting group of just 125 individuals.

2. If nothing else, this table demonstrates the significant need for off-site street parking to accommodate the numerous large events that are recognized to take place. The SRF traffic study indicates that Fetterly Road is inadequate to provide for street parking. It suggests that Mill Run may be sufficient to satisfy the additional parking needs. Mill Run is a very small cul-du-sac road that has very little room for parking as the road is very narrow and at least 30 feet cannot be used because of the placement of a fire hydrant. Moreover, Mill Run could never serve to provide an additional 46 or more parking spaces. Since Mill Run and Fetterly Road cannot provide for overflow parking, where will these additional 46 to 136 cars park? The only remaining options are neighborhoods quite far away that would require walking on Hopkins Crossroads and/or crossing at uncontrolled intersections or along Hopkins Crossroads at unpredictable places. Adding pedestrian traffic to Hopkins Crossroad is unsafe for the pedestrians and for all who drive on Hopkins Crossroads.
3. The CUP ordinance requires that religious institutions or facilities must create one parking space for each 2.5 seats based on the **design capacity** of the main sanctuary or the main assembly space. The design capacity of the proposed facility is to hold anywhere from 246 people sitting at table and chairs to 456 individuals for standing room only. Minnetonka Ordinance, Section 300.28(c)(2)(g). The design capacity of the sanctuary or main assembly space would require parking stalls for 100 – 246 cars!
4. Increased pedestrian traffic on Hopkins Crossroads is inevitable if parking capacity at the proposed site is not dramatically increased. There is no safe way for pedestrians to walk along or cross Hopkins Crossroads and it is an unreasonable public safety risk to cause drivers of vehicles on Hopkins Crossroads to mix with pedestrians. Moreover, the project proposer indicates that services will be held at sundown, requiring those who cannot park at the Chabad Center to walk in the dark. This fact alone significantly increases the risk to pedestrians and those who must drive this stretch of Hopkins Crossroads. Certainly, to permit this known risk is unreasonable and untenable.
5. The SRF Traffic study does not support the staff's recommendations. The neighborhood residents have hired an independent traffic consultant to provide a review and analysis of the SRF study. Neighbors' concerns regarding this study began to emerge when we discovered that one of the two days SRF conducted the study, school was not in session at the Hopkins High School, Middle School or Tanglen Elementary School, all part of the same school complex just east of the proposed development. The traffic from these three schools causes significant traffic delays, as evidenced by the traffic study undertaken by the Hopkins School District more than 12 years ago and previously provided to City staff. That study already demonstrated that the Hillside Lane/Hopkins Crossroads intersection operated at a Loss of Service (LOS) level of "F." There have been no improvements to this area of Hopkins Crossroads that would have improved the LOS at this intersection. We are suspect of a traffic study that fails to consider the impact of the proposed development on this very important intersection. Those vehicles that

are traveling south on Hopkins Crossroads and turning left into the proposed development will stack up cars that will reach into the Hillside Lane intersection and significantly interfere with traffic flow; will cause cars to try to unsafely pass on the right-hand shoulder; and cause unsafe conditions for cars and pedestrians. We have been given no explanation about why the City staff chose not to study this intersection. Such a failure to do so is arbitrary, unreasonable and capricious.

6. The SRF study indicates that mitigation may become necessary if southbound vehicular queues along Hopkins Crossroads impact traffic operations and safety. After identifying this problem, SRF does not study the problem or even indicate when it would find there to be a "safety" problem or why it didn't study the queuing problem and the potential impact upon Hillside Lane. The City's failure to require further analysis is indicative of its inadequate oversight and review of the public health and safety needs of Minnetonka residents and the public in general.
7. Additional issues identified by the neighbor's traffic consultant provide the Planning Commission with sufficient basis to recommend denial of the CUP for the proposed Chabad development. Those issues are best explained in our consultant's separate report.
8. Anecdotal evidence provided by the neighbors along with pictures and videos are supported by our traffic consultant's analysis and the prior traffic study conducted by the Hopkins School District. The Minnesota Supreme Court has indicated a municipality cannot disregard this type of evidence especially where it is independently corroborated by credible evidence.

The only recommendation to the City Council by the Planning Commission that takes into consideration the requirements of the City's zoning ordinance, is that the current application submitted by Chabad Center for Jewish Life is incompatible with the zoning ordinance and the request for a CUP must be denied.

Thank you for your consideration,



Susan K. Wiens

C: Mr. Brad Wiersum, Mayor (via email)
Mr. Tony Wagner, Ward 2 Council Member (via email)
Ms. Susan Thomas, Project Planner (via email)
Ms. Ashley Cauley, Project Planner (via email)
Ms. Julie Wischnack, Community Development Director (via email)

Susan Thomas

From: Chad Ellos <Chad.Ellos@hennepin.us>
Sent: Wednesday, April 25, 2018 12:08 PM
To: Susan Thomas; Jeremy Koenen; Loren Gordon; Will Manchester; Julie Wischnack; Philip Olson
Cc: Jason D Gottfried; Robert H. Byers
Subject: County staff comments on Chabad development

Minnetonka City Staff:

After reviewing the proposed site plan and associated traffic study, we recommend that the city delay any approvals until the full ramifications of the impacts to County Road 73 (Hopkins Crossroad) can be examined and discussed.

We believe that the safety aspects have not been fully investigated relating to vehicular conflicts that the development will add to the county roadway if direct driveway access is allowed. In addition, we believe that sight distance and the existing geometric configuration at the Mill Run / Fetterly Road intersection also deserve further study as these characteristics complicate the accommodation of the higher volume driveway access proposed as part of this new development. For comparison, the proposed development access on the east side of County Road 73 produces and attracts more peak hour trips than Mill Run which is already an established intersection where vehicular conflicts are expected by road users. Creating a busier access point in such close proximity to an established intersection creates conflicts and safety concerns.

In earlier discussions with the developer and city staff, we suggested options to improve the safety and operations in this area while also improving the situation for the existing residents accessing the county road. We recommended access from the proposed development be focused to Mill Run, which already intersects County Road 73. Focusing these new trips to an existing intersection on the county road will provide a safer facility for the general public traveling to and through this area while minimally impacting resident travel times. In addition, intersection geometric revisions are recommended as part of the development to mitigate the increase in turning traffic including dedicated turn lanes on the county road.

Chad Ellos, P.E.

Transportation Planning Division Manager
Hennepin County Public Works
1600 Prairie Drive | Medina, MN 55340
612-596-0395 | Chad.Ellos@hennepin.us | www.hennepin.us

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Susan Thomas

From: David Segal
Sent: Thursday, April 26, 2018 11:02 AM
To: Susan Thomas; Tony Wagner
Subject: Chabad Learning Center- Conditional Use Permit

Tony & Susan,

I am writing to voice my support for Chabad Learning Center being proposed on the east side of County Road 73. As a resident and business owner in the area for over thirty years, I feel the new faculty will be a nice addition to the neighborhood and will have minimal impact on traffic.

David Segal

2220 Cape Cod Place

Sent from my iPhone, please excuse any typos.