

**Addenda
Minnetonka City Council Meeting
Meeting of December 7, 2020**

**ITEM 14A – Resolution approving conditional use permit and site and building plans for a
21-resident nursing home at 16913 Highway 7**

The attached correspondence was received after distribution of the packet.



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | eminnetonka.com

TO: City Council
FROM: Julie Wischnack, AICP, Community Development Director
DATE: Dec. 7, 2020
SUBJECT: Change Memo for Dec. 7, 2020 City Council Meeting

ITEM 14A– Lake Minnetonka Care Center at 16913 Highway 7

The attached emails were received after publication of the council packet.

Ashley Cauley

From: Robin Hemmesch <[REDACTED]>
Sent: Sunday, December 6, 2020 1:00 PM
To: Brad Wiersum; Deborah Calvert; Susan Carter; Brian Kirk; Rebecca Schack; Bradley Schaeppi; Kcoakley@minnetonka.org; Ashley Cauley; Kissy Coakley
Cc: [REDACTED]
Subject: Lake Minnetonka Care Center - Concerned Neighbor Steve and Robin Hemmesch - 4914 Clear Spring Rd

To Mayor Wiersum and Minnetonka City Council Members,

We are Steve and Robin Hemmesch, and we own the property located at 4914 Clear Spring Rd with is southeast of the proposed building site for the Lake Minnetonka Care Center. We are reaching out to you to express our serious concerns regarding the size and scale of the proposed facility and staggeringly high number of high priority (25) and significant (39) trees that would need to be removed for this facility to be built, which account for more than 50% of the trees on the property. Our property is on the shared border with the proposed site, so the impact to our backyard is substantial.

We are brand new residents of Minnetonka, having purchased our home at the end of July 2020. We had been considering moving to Minnetonka for several years, and finally found the house and property that we currently own. What drew us to Minnetonka, and this property in particular, is the serene, natural setting in the middle of a city that has so much to offer in the way of parks, trails and natural resources, including the treasure of so many significant trees and wildlife.

We fear that the introduction of a facility of this size will negatively impact the historic integrity and natural resources of the neighborhood as well as a significant increase of traffic noise in the neighborhood.

We are also greatly concerned with the negative impact that this facility is going to have on both our and our neighbors' property values. The scale and design of the proposed commercial facility will be an eyesore in a neighborhood that is zoned residential and should remain as such.

We will be attending and speaking at the Council meeting on Monday evening, and we ask you to please seriously consider not issuing the conditional use permit that would allow the proposed Lake Minnetonka Care Center to be built.

Thank you for your consideration.

Steve and Robin Hemmesch

From: [Fiona Golden](#)
To: [Fiona Golden](#)
Subject: FW: Lake Minnetonka Care Center Proposal-Concerned Neighbor-Brady Johnson 16901 Highway 7
Date: Monday, December 7, 2020 9:59:33 AM
Attachments: [City Council Meeting Concerns with notes-Final notes.docx](#)
[Site Impacts from 11-19-20 Planning Commission meeting-Staff Report.docx](#)
[SECTION 300.16. Conditional Use Permit Standards for Residential Districts.docx](#)
[Lake Street Extension-Care Center Proposal-Denial of Conditional Use Permit justification with code.docx](#)

From: Brady Johnson
Date: December 4, 2020 at 9:53:15 PM CST
To: Brad Wiersum <bwiersum@minnetonkamn.gov>, Deborah Calvert <dcalvert@minnetonkamn.gov>, Susan Carter <scarter@minnetonkamn.gov>, Brian Kirk <bkirk@minnetonkamn.gov>, Rebecca Schack <rschack@minnetonkamn.gov>, Bradley Schaeppi <bschaeppi@minnetonkamn.gov>, Kcoakley@minnetonka.org
Subject: **Lake Minnetonka Care Center Proposal-Concerned Neighbor-Brady Johnson 16901 Highway 7**

To Mayor Wiersum and Minnetonka City Council Members,

My name is Brady Johnson and my wife Catherine and I own the property immediately East of the proposed building site of the Lake Minnetonka Care Center. I am writing to you this evening to express some serious concerns regarding the proposal. I spoke to my Ward 4 Council representative Kissy Coakley earlier today and she suggested I share the following information with the full Council, please see attached. I will be attending and speaking at the upcoming Council meeting Monday and I look forward to the opportunity.

Thanks!
Brady Johnson-16901 Hwy. 7

Major Concerns:

- Increased traffic and flow on an already dangerous traffic situation on Highway 7. Especially during the 5-day work week when COVID-19 is under control and regular flow of traffic returns. As well as during construction and special events. Commissioner Powers expressed the current traffic situation best by saying "You just have to get out there"
- Size, scale, height of the For-profit Commercial building and parking lot in the middle of a neighborhood zoned Residential. Other Commercially zoned space available in the surrounding area.
- Almost complete alteration of the land and the character of the neighborhood, area and lot. Loss of over 50% of all trees increases noise from Highway 7 for some neighboring properties, Conditional use Standard 2 d not met, see Section 300.16. Conditional Use Permit Doc. Trading grass and trees for a 12-car blacktop parking lot and a building that is many times larger than any home it shares a boundary with.
- Habitat loss and environmental effect on wildlife and land. Has there been an Environmental study?
- Commercial buildings backing up to a Residential area will strip value of homes located next to or adjacent to the Care Center and impede on the ability for residents to sell. Already have Highway 7 working against home values and market desirability. See letter from Realtor Sally.
- A For-profit organization is dropping this commercial property into the middle of our neighborhood where the city has already expressed concerns to us about traffic. This came to light when we asked city representatives where we could have our future children picked up by the school bus before purchase of the property. They indicated that Highway 7 would not be an option due to the hazardous traffic.

-Possibility for LMCC to purchase and alter the property for sale to the West of the suggested building site to provide an additional For-Profit, Commercial property.

-COVID 19 is restricting communication and ability for everyone in the neighborhood to speak out and talk to each other about concerns.

-Not all of the neighbors directly affected were aware of this project.

-The Care Center proposal on the Lake Street Extension was denied a Conditional Use Permit by the City Council in November 2020 and this project shares many of the same attributes. See Findings Document provided... There are similarities in several areas including they are not able to provide viable landscape buffering, current plan to remove over 50% of both High priority and Significant trees, the structure and footprint will be significantly larger than surrounding residential properties and the proposal does not protect adjacent and neighboring properties.

Additional notes, quotes and concerns from Planning Commission meeting on 11/19/20:

-Planning Commission expressed some of the concerns above as well. Commissioner Powers even went so far as to state he is troubled by this proposal. He went on to explain he is troubled that the plan, and I quote, "completely alters the site so dramatically". He further states he is bothered by, and I quote, "I guess I am just bothered by the fact in an R1 setting a For-profit organization is coming in to build a Commercial property..." Additionally he states that, and I quote, "It just completely alters the character of the area or at least of the lot" He also indicated that if this project was being proposed somewhere else we would be digging deeper into a lot of these questions, environmental concerns specifically. Commissioner Powers did also state, and I quote, "I'm just

troubled by it, but not troubled in a way that I deny it, but I am troubled by it."

-The Care Center on Lake Street Extension was a similar proposal. It was approved by the Commission but voted down by the City Council. Commissioner Henry states at the Planning Commission meeting that he was relieved this was voted down. He used the term buyer's remorse and stated specifically that in regards to the Lake Street Extension proposal, and I quote, "Really did alter the Fabric of the community and neighborhood." He later stated he was frankly relieved that it was voted down by the City Council. We are a tight knit neighborhood here and this will be devastating.

-Additionally, Commissioner Henry went on to state in regards to our current neighborhood and I quote, "It is a different feel to it in my opinion than a tight knit neighborhood." Although it may appear that way due to the proximity of houses. This is far from true and we value spending time together at campfires and social gatherings, when they were permitted.

I never could have imagined when we were building our dream house with our bare hands with every penny we have in the middle of this beautiful neighborhood I would be facing such a problem. In closing I would like to ask you to please consider if you were being asked to have this Commercial, For-profit building being constructed in the middle of your neighborhood, how you would feel? And how would you vote when a Commercial building that has the potential to make an already dangerous situation worse is being proposed?

Thank you for the opportunity to share these concerns and I hope they will be carefully considered.

Brady Johnson

Brady Johnson
-16901 Hwy. 7

12/6/2020

John R. Dehman 4906 Clear Spring Rd
John 4830 CLEAR SPRING RD

Steve Hemmesch
4914 Clear Spring Rd

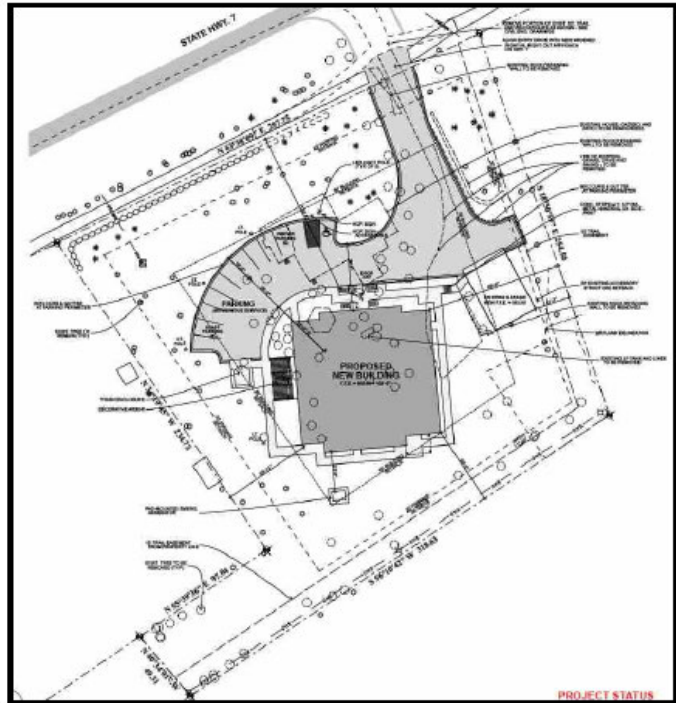
- **Site Impacts.**

Access. Access to the site would be via a newly reconstructed driveway. A right-turn lane would be constructed on Hwy 7 to allow for improved access in and out of the site.

Grading. Re-grading of the swale north of the property is proposed to accommodate the new turn lane on Hwy 7.

Additional grading is needed to accommodate the new building and parking lot. The floor elevation of the detached garage would be raised roughly two feet.

Utilities. Sewer and water utilities would be extended along the south property line from Sandy Lane. Utilities would be extended through the site to the eastern property line to allow for future extension to the east.



Stormwater. Stormwater would be managed in an underground stormwater facility generally under the driveway and the parking lot.

Trees. The following is intended to summarize the proposed tree removal on site:

	Number on property	Removed	Percent removed
High priority trees	44 trees	25 trees	57 percent
Significant trees	73 trees	39 trees	53 percent

² City Code §300.28, Subd 12: convalescent or nursing home: one parking space for each four beds for which accommodations are offered, plus three spaces for each four employees on the major shift. If the city determines that the building is convertible to market rate housing, two stalls may be required or each potential dwelling unit under a proof-of-parking plan. Each facility must provide a parking plan or agreement for special event parking, if there is not adequate on-site parking for these events.

Meeting of Nov. 19, 2020 Page 5
 Subject: Lake Minnetonka Care Center, 19613 Hwy 7

Three additional high priority trees would be removed from the right-of-way north of the property to accommodate the turn lane. Additionally, three significant trees would be removed southwest of the property resulting from the utility connection.

SECTION 300.16. CONDITIONAL USE PERMIT STANDARDS FOR RESIDENTIAL DISTRICTS

1. Purpose.

It is the intent of the city in establishing general and specific criteria for conditional uses that such uses be subject to careful evaluation to ensure that their location, size and design are consistent with the standards, purposes and procedures of this ordinance and the comprehensive plan. The planning commission may recommend and the city council may impose conditions on such uses in order to effect the purpose of this ordinance.

2. General Standards.

No conditional use permit shall be granted unless the city council determines that all of the following standards will be met:

- a) the use is consistent with the intent of this ordinance;
- b) the use is consistent with the goals, policies and objectives of the comprehensive plan;
- c) the use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements; and
- d) the use does not have an undue adverse impact on the public health, safety or welfare.

Section 3. Findings.

3.01 The proposal would not meet specific standard City Code §300.16 Subd.3(g)(8).

The proposal does not include adequate and viable landscape buffering from surrounding residential uses. In particular:

1. The proposed structure would be located just 15 feet from the east property line. Although the applicant proposed planting arbor vitae to provide screening from the property to the east, the available area is not adequate to ensure viability of the trees.
2. The staff's proposal to plant medium to short shrubs would not provide an adequate visual buffer, given the height of the proposed structure and its proximity to the neighboring single family dwelling.

3.02 The proposal would not meet site and building plan standard §300.27 Subd.5(3).

Specifically, the location of the proposed structure and the grading necessary to accommodate the structure would result in removal or significant damage to three, code-defined high priority trees, including a 20-inch Ohio buckeye, a 29-inch white oak, and 33-inch white oak.

3.03 The proposal would not meet site and building plan standard §300.27 Subd.5(5)(c). The details of construction and design concept would not be compatible with the adjacent and neighboring structures. Specifically, the structure would have a footprint and total square footage significantly larger than surrounding residential properties.

3.04 The proposal would not meet site and building plan standard §300.27 Subd.5(7).

Specifically, the proposal does not adequately protect adjacent and neighboring properties:

1. The proposed structure would have a substantial visual impact on neighboring lands uses, as it would have a footprint nearly three times the size of area single family dwellings. The proposed structure would have a footprint of 5,965 square feet in area. Based on available information, the

footprint of the neighboring dwellings are 2,160 square feet (immediately to the east), 2,020 square feet (immediately to the west), and 1,560 square feet (immediate immediately to the north). .

2. The proposed use would result in more average daily vehicle trips and overall “site activity” than the surrounding residential properties, affecting neighboring land uses.

Section 4. City Council Action.

4.01 The above-described conditional use permit is hereby denied. Denial is based on the findings outlined in section 3 of this resolution.

Adopted by the City Council of the City of Minnetonka, Minnesota, on Nov. 23, 2020



Hennepin County
Medical Center

Ashley Cauley

From: Snyder, Sally <[REDACTED]>
Sent: Sunday, December 6, 2020 6:03 PM
To: Brady Johnson
Cc: Catherine Breuer Johnson
Subject: Monday night's City Council Agenda item

Hi Brady,

Regarding the City Council's upcoming vote on the resolution to approve a 21-resident nursing home next to your property, I'd like to share my observations as a real estate agent with almost 17 years' experience. I have worked with countless buyers so I am well versed with what they want and experienced as to the value a buyer puts on property based on its condition and location. We all know the 3 most important things in real estate are location, location, location, so every buyer focuses on a home's location and its surrounding area as a top priority. You and Catherine were no different. When you found your current home, the location within a wooded residential neighborhood was very appealing. You never expected a commercial building would be built right next door and that's because commercial buildings don't belong in residential neighborhoods. It is my experienced opinion that having a nursing home next door will have a severe negative effect on your property's value when you go to sell. I see it time and again with my buyers and they simply won't buy a house next to commercial. Should a buyer even consider making an offer on your home if the nursing home is built, the value they give to your property will be far less than if your house remains surrounded by other houses. The vast majority of buyers won't even see your listing, though, as they will simply move on to better locations. What a shame that would be, yet it is avoidable with a "No" vote on the resolution.

Should this resolution be adopted, not only you, but all homeowners surrounding the proposed nursing home are sure to see a drop in their property's value, to say nothing of the negative effect of increased traffic in the area, the unsightliness of a commercial building in view, and the accompanying noise that comes with a busy building. I would ask each Council member if they had bought a home within the last several years as you and Catherine did, if they would be okay with a commercial building going up next door. I feel confident the answer from each Council member would be a resounding, "No. " No homeowner wants their peaceful residential neighborhood disrupted by all a commercial building brings.

In summary, it's simple; commercial buildings don't belong in residential neighborhoods. I would implore the members of the City Council to vote down this resolution.

Best regards,
Sally Snyder, Realtor
Coldwell Banker Realty
7550 France Ave. S.
Edina, MN 55435
612-816-4962 cell
SMSnyder@CBBurnet.com
www.SallySnyderRealEstate.com

***Wire Fraud is Real*. Before wiring any money, call the intended recipient at a number you know is valid to confirm the instructions.** Additionally, please note that the sender does not have authority to bind a party to a real estate contract via written or verbal communication.

From: [Julie Wischnack](#)
To: [Loren Gordon](#)
Subject: FW:
Date: Monday, December 7, 2020 3:58:59 PM
Attachments: [image001.png](#)
[image002.png](#)

Julie Wischnack, AICP | Community Development Director
City of Minnetonka | minnetonkamn.gov

14600 Minnetonka Blvd. | Minnetonka, MN 55345
Office: 952-939-8282 | Cell: 612-221-9530

From: Ashley Cauley <acauley@minnetonkamn.gov>
Sent: Thursday, December 3, 2020 11:32 AM
To: 'CAROL ISHAM' <csisham@msn.com>; Kissy Coakley <kcoakley@minnetonkamn.gov>
Cc: Julie Wischnack <jwischnack@minnetonkamn.gov>
Subject: RE:

Steven –

I've forwarded your comment to be included in the staff report for Monday's council meeting. I want to better understand your utility question so I can hopefully answer that for you. Are you asking if the city has made considerations for how to extend the utilities further east through the wetland or are you asking why the utilities stop at the wetland?

Regards,
Ashley

Ashley Cauley | Senior Planner
City of Minnetonka | minnetonkamn.gov
Direct: 952-939-8298 | General: 952-939-8200

From: CAROL ISHAM <[REDACTED]>
Sent: Thursday, December 3, 2020 10:19 AM
To: Kissy Coakley <kcoakley@minnetonkamn.gov>
Cc: Ashley Cauley <acauley@minnetonkamn.gov>
Subject: Fw:

Sent: Friday, November 20, 2020 10:28 AM
Subject:

Council Member : Kissy Coakley

My name is Steven Isham and I reside at 4900 Clear Spring Rd.

I was unable to present my concerns at the planning commission meeting November 19th about the Lake Minnetonka Care Center proposal located at 16913 Highway 7 because of family issues. My concerns about the project are the size, height and location. The proposed building is extremely larger than all the neighboring residences. If there is a way of lessening the visual effect to the neighborhood, I think it would also lesson the apprehension of the neighboring families. I believe some options may be to shrink the building to less than 21 private rooms and ad some double occupancy rooms. Also, to move the building and parking lot closer to Highway 7. Away from the south property line and Clear Spring neighborhood. Maybe there is a way of lowering the profile by changing the roof pitch or lowering the building itself such as lower ceilings.

Another concern is the sewer and water extension running on the southern property line and ending at the southeast corner into the low wetland / creek area. Has there been consideration on how to extend the utilities to the properties east of the site, through the wetland?

I understand that the use of this property, over the years, has been difficult for the city. I am not opposed to this proposed use of the property if some of these items can be addressed.

Thank you for understanding my concerns.

Steven Isham

Kyle Salage

To: Kyle Salage
Subject: FW: Participating in the 12/7 Virtual Council Meeting

From: dave rettman
Sent: Monday, December 7, 2020 6:26 PM
To: Kyle Salage
Subject: Re: Participating in the 12/7 Virtual Council Meeting

Please tell the city Council this is the biggest bunch of BS I've ever seen in my whole life

Dave Rettman
DRC, Inc
[REDACTED]
asbestodemolition.net