

ADDENDA
Minnetonka City Council
Meeting of June 28, 2010

***8.1- Executive Session for the purposes of discussing
Krummenacher v. City of Minnetonka***

Item is being added to the agenda.

***10D - Resolution approving a lot division, with variances, for
subdivision of the existing property at 5435 Woodland Road***

Attached is a change memo from the city planner recommending the item be pulled in light of the supreme court ruling on variances.

***10G - Agreement with LSA Design, Inc. to conduct a transit service
analysis and evaluation study***

Attached is the proposal by LSA for the transit study. The council report included the professional services agreement and cost proposal with work plan, however, the attached proposal provides more detail about the work plan itself.

***12A- Introduction of an ordinance amending city code 300.29,
Subd. 3 regarding expansion of non-conforming uses***

The city attorney has included a memorandum and proposed ordinance.



Memorandum

To: City Council
From: Loren Gordon, AICP, City Planner
Date: June 28, 2010
Subject: Change Memo for the June 28, 2010 City Council Agenda

8.1 - Executive Session for the purposes of discussing Krummenacher v. City of Minnetonka

Add to agenda.

10D - Lot Division with variances for 5435 Woodland Road

In light of the recent state supreme court ruling on variances, this item has been pulled pending further action.

10G - Transit Study

The transit study proposal exhibits are included for informational purposes. All other information remains unchanged.

12A - Introduction of an ordinance amending city code §300.29, Subd. 3 regarding expansion of non-conforming uses

See the attached memorandum and proposed ordinance from the city attorney.

Proposal City of Minnetonka

Minnetonka Transit Study

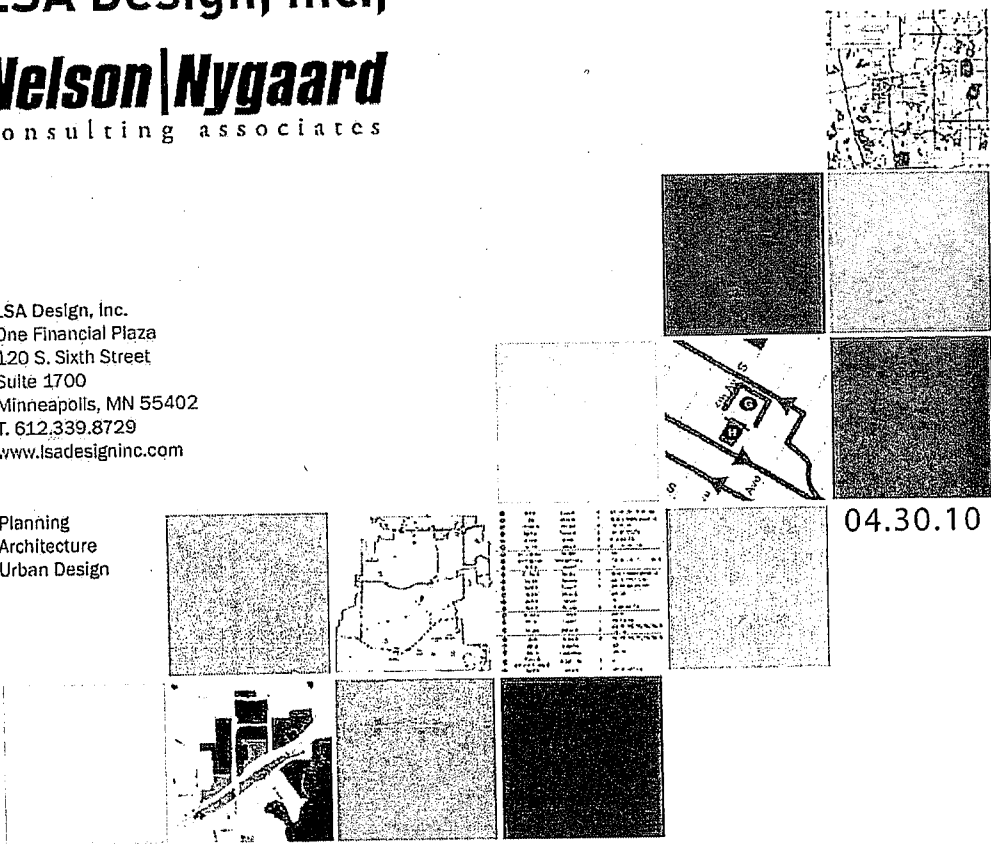


LSA Design, Inc.,

Nelson|Nygaard
consulting associates

LSA Design, Inc.
One Financial Plaza
120 S. Sixth Street
Suite 1700
Minneapolis, MN 55402
T. 612.339.8729
www.lsadesigninc.com

Planning
Architecture
Urban Design



04.30.10



LSA Design, Inc.
One Financial Plaza
120 S. Sixth Street
Suite 1700
Minneapolis, MN 55402
T. 612.339.8729
F. 612.339.7433
Tax I.D. 41-1660611
www.lsadesigninc.com

Planning
Architecture
Urban Design

April 29, 2010

Ms. Elise Durbin, AICP
Community Development Supervisor
City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: Minnetonka Transit Service Analysis and Evaluation

Dear Ms. Durbin,

I am pleased to submit our proposal for the Minnetonka Transit Service Analysis and Evaluation. We understand that the City of Minnetonka is an independent suburban transit authority and is currently under contract with the Metropolitan Council to operate transit services in the city. We understand that the City of Minnetonka has the right to elect in the future to directly contract for and operate these services if the City Council so chooses for any reason. The outcome of this study must provide the City with a thorough and objective analysis of existing conditions, and future options, in terms of type and provision of transit service. In order for the City Council to consider a service redesign, and best determine how service is provided, they must understand all of the potential opportunities and drawbacks. Our study will provide the City with this understanding and any decisions will be made based on a solid understanding of existing conditions tempered by the City's vision for the future.

LSA Design Inc. (LSA) is teaming with Nelson\Nygaard Consulting Associates, Inc. (Nelson\Nygaard) to provide the City of Minnetonka with the expertise necessary to evaluate existing conditions, needs, and potential for the most optimum provision of transit to its residents and businesses. Our team understands the complexities and sensitivities involved with this study in that multiple transit providers will be involved in the analysis and a change in the City's service provider is possible. We understand the absolute importance of providing a thorough and equal analysis of each potential transit provider, while clarifying and maintaining the city's objectives as the primary goal of the study.

LSA Design and Nelson\Nygaard have worked successfully together in the past, most recently on the Downtown Minneapolis Layover Study for Metropolitan Council/Metro Transit and on the Cedar Avenue BRT Station Siting (Lakeville) project for Dakota County. Our team's unique specialization in both transit operation analysis and facility assessment makes us singularly qualified to help the City of Minnetonka achieve their goals with this study. We have the ability to understand a community's transit needs today and into the future.

We are excited to submit this proposal for the Minnetonka Transit Service Analysis and Evaluation. Based on our experience, we understand the complexities and tasks necessary to effectively analyze the current and future transit needs, and recommend ways to improve the coverage and efficiency of transit service in Minnetonka.

Respectfully,

LSA Design, Inc.

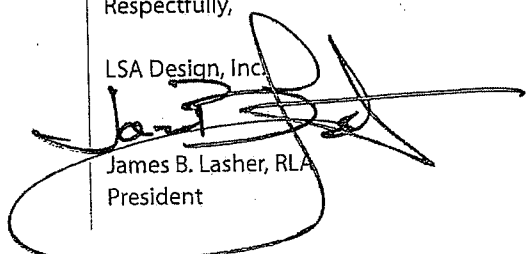

James B. Lasher, RLA
President

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1. PROJECT UNDERSTANDING

The City of Minnetonka is an independent Suburban Transit Authority Provider (STAP) and is currently under contract with the Metropolitan Council to operate transit services in the city. The initial contract term between the City and the Metropolitan Council was until July 2008. The Memorandum of Understanding allows the City or the Metropolitan Council the ability to terminate the agreement with 18 months notice. The City of Minnetonka reserves the right to evaluate transit services available to Minnetonka residents and businesses, and determine how best to provide transit service that meets Minnetonka's transit needs. The City of Minnetonka benefits from a location that has multiple transit providers servicing the area, along with the potential for Southwest LRT. This transit study will provide the data and understanding necessary for the City of Minnetonka to make an informative decision on how to improve the coverage and efficiency of transit service in Minnetonka.

LSA Design Inc. (LSA) is teaming with Nelson\Nygaard Consulting Associates, Inc. (Nelson\Nygaard) to provide the City of Minnetonka with the expertise necessary to evaluate existing conditions, needs, and potential for the most optimum provision of transit to its residents and businesses. Our team understands the complexities and sensitivities involved with this study in that multiple transit providers will be involved in the analysis, and a change in who provides the service is possible. We understand the absolute importance of providing a thorough and equal analysis of each potential transit provider, while clarifying and maintaining the City's objectives as the primary goal of the study.

Our overall approach is to provide clear and concise technical information that allows the City of Minnetonka to make informed decisions throughout the study. We also realize that a critical role of our team is to help facilitate discussions between the various transit providers in the region and the City of Minnetonka. It is important to keep in mind throughout this study that whichever provider operates transit service in Minnetonka, the ultimate goal should be maintaining and improving the passenger experience of using transit. As such, there are some key issues this study will need to consider:

- Political boundaries are often irrelevant to transit users. Often, and sometimes necessarily, political boundaries dictate transit route design. While some transit users only need to travel locally, most do not consider political boundaries when using transit and services located within and outside of Minnetonka. This is an important consideration since the existing local routes continue on to the neighboring communities like Hopkins, St. Louis Park, Golden Valley and Minneapolis. What would be the impact on local transit users if Metro Transit were not the provider in Minnetonka? Would a transfer be necessary, and if so, what is the impact this would have on ridership?
- Express passengers prefer speed and reliability. Most express passengers will choose transit based on speed and reliability of the service. This is important because whoever provides express service within Minnetonka must be able to continue meeting these needs (or better meet these needs). How would express transit users be impacted (positively or negatively) if service were provided by another provider? Would future park-and-ride facilities and/or express route structure still be largely focused on the I-394 corridor? Would express routes continue to serve stops in neighboring cities between Minnetonka and Minneapolis?

City of Minnetonka

- Southwest LRT could significantly impact local and express transit operations. Now that the Kenilworth-Opus-Golden Triangle (LRT 3A) alignment has been chosen as the Locally Preferred Alignment (LPA), it is clear that Southwest LRT will serve a portion of southeast Minnetonka. While the area of Minnetonka to be served is relatively small, this area is home to a number of large, regional employers. As such, the local and express route structure must respond to this planned transit corridor that will likely have a major impact on development and travel patterns in the western and southwestern suburbs.
- Vehicles and maintenance facilities are an important consideration. Whoever provides transit service in Minnetonka must consider the issues related to purchasing, maintaining and storing vehicles. What impact does the service provider have on costs associated with vehicle storage and maintenance?
- Demand responsive services are regional and unlikely to change. As with other STAP's, it is likely that demand responsive services in Minnetonka will continue to be provided by the Metropolitan Council. Still, it will be important to understand how Minnetonka residents who use TransitLink and/or Metro Mobility travel locally and within the region to determine if local fixed route services may be more appropriate and/or cost effective.

The result of our transit service analysis will provide the city of Minnetonka with a thorough understanding of the current transit system and its potential, along with the basis from which to make a decision on future provision of transit service. This study will document the means in which Minnetonka can advance the city's transportation policies as set forth in the 2030 *Minnetonka Comprehensive Guide Plan*, including:

- Transportation Policy No. 1: Provide a safe and integrated transportation system.
- Transportation Policy No. 6: Encourage, with other government agencies, the expansion of multi-modal transit services in the city to support resident and business transportation needs.

2. PROJECT TEAM EXPERIENCE

LSA Design and Nelson\Nygaard have worked successfully together in the past, most recently on the Downtown Minneapolis Layover Study for Metropolitan Council/Metro Transit and on the Cedar Avenue BRT Station Siting (Lakeville) project for Dakota County. Our team's unique specialization in both transit operation analysis and facility assessment makes us singularly qualified to help the City of Minnetonka achieve their goals with this study. We have the ability to understand a community's transit needs today and into the future.

With over 20 years of service in the Transit industry, LSA has gained specialized experience with transit operation, coordination of services, and facilities. LSA Design has consulted for regional transit operators, including Suburban Transit Authority Providers (STAPs); Metro Transit, SouthWest Transit, Plymouth Transit, Maple Grove Transit and Minnesota Valley Transit Authority. LSA Design has also consulted for opt-out communities. LSA Design performed the Three Cities Transit Restructuring Plan, which provided the platform from which Minnetonka requested opt-out authority, and Metro Transit made changes in transit service to Minnetonka. LSA Design also performed a study researching the coordination potential between the City of Hopkins transit service needs and the Hopkins School District.

Furthermore, LSA, with Nelson\Nygaard, recently completed the Downtown Minneapolis Layover Facility Study that identified multiple layover sites that can be added incrementally to the system as demand requires. And LSA is currently serving as the Owner Agent for the Duluth Transit Authority to develop the DTA Multimodal Transportation Facility on a site that was selected as a result of the Siting Study performed by LSA.

Each project brings unique opportunities and challenges, and our design team uses the knowledge they have gained to increase the performance and efficiency of project delivery, resulting in the best value and product for your organization.

Nelson\Nygaard is highly regarded for their work in transit system analysis. Locally, they worked closely with LSA on the Downtown Minneapolis Layover Facility Study and conducted most of the transit operations analysis. Nelson\Nygaard also performed a sector study for Metro Transit, developed the transit-related recommendations as part of the Access Minneapolis Ten Year Transportation Action Plan and led the Minneapolis Streetcar Feasibility Study as an add-on to Access Minneapolis. Transit operations in downtown Minneapolis are significantly improved as a result of the planning work led by Nelson\Nygaard.

Note: As part of the analysis of the current, and potential provision of transit service to the City of Minnetonka, it may be necessary to obtain legal opinions with respect to service operation and facilities such as:

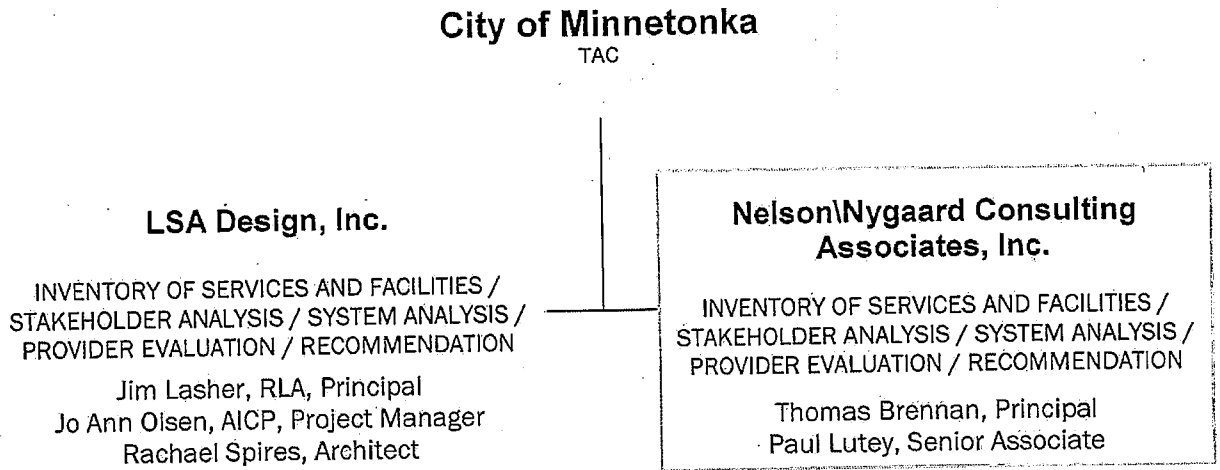
- City rights to MVST funds and capital funds,
- City rights to real property used by, and or, owned by Metropolitan Council used for transit purposes,
- City rights to access buses contained in the regional fleet, and
- Support in issuing an RFP for transit service.

The City of Minnetonka has significant in-house legal capacity that can address these and other legal items as they are identified. Should any of these topics go outside the areas of expertise of in-house legal staff, we can support the City Attorney and City Council in making recommendations for potential outside counsel. As part of this proposal, we are not including a

City of Minnetonka

legal firm as part of our team but have worked with local counsel that can provide these services should the City elect to go "out of house".

A primary role of LSA will be to ensure that this project is well managed within the allocated time constraints and budget as agreed to within a Contract. To accomplish this goal, LSA agrees to work closely with the City of Minnetonka's Project Manager and staff to document both progress as well as schedule and scope variables as they arise. Proper and timely communication with the City of Minnetonka will be provided by LSA. Jo Ann Olsen will be the Project Manager for the LSA team and will remain with the project throughout its duration. Ms. Olsen will attend every client meeting, as outlined in our scope, and will be the direct client contact responsible for all deliverables. Ms. Olsen will also be in constant and direct communication with the sub consultant, Nelson\Nygaard. Ms. Olsen has a long history of highly effective Project Management and has completed numerous projects of this type and size and clearly understands how to make this effort a complete success for the City of Minnetonka.



City of Minnetonka

Project References

Three City Transit Restructuring Plan (LSA Design)

Cities of St. Louis Park, Minnetonka, Hopkins and Metro Transit

Charlie Meyer

City Manager - City of St. Louis Park

952.924.2574

Ron Rankin

Community Development Director - City of Minnetonka

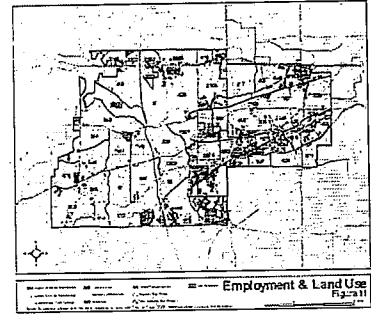
952.939.8282

Steve Mahowald

Transit Planner - Metro Transit

612.348.7775

Key Personnel: James Lasher, Jo Ann Olsen



LSA Design was commissioned by the Cities of St. Louis Park, Minnetonka and Hopkins in 1997 to complete a Phase I Study of all transit services within their communities. Phase I quantified and described existing transit services and desired connections within the three communities. Phase I compared the productivity of all routes in the service area with "Transit Redesign" peer group criteria and identified activity centers, significant employment concentrations, in place transit facilities, and summarized land use and capital improvement plans for the three cities. LSA Design was successful in securing extensive community involvement from business leaders, social service providers, and city staff and officials.

Phase II of the study was carried out in a joint partnership between Metro Transit, the three cities, and LSA Design. Additional data was analyzed, alternative services developed, and facility and infrastructure requirements for the corridor identified.

Downtown Minneapolis Layover Facility Study (LSA Design and Nelson Nygaard)

Charles Carlson

Metropolitan Council

(651) 602-1716 | charles.carlson@metc.state.mn.us

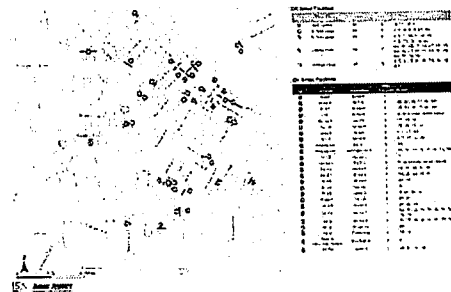
Key Personnel: James Lasher, Jo Ann Olsen,

Rachael Spires, Paul Lutey (N\N)



Photo: LSA Design, Inc.

The Metropolitan Council/Metro Transit had a similar situation to what MVTA is experiencing. Their transit system was experiencing dramatic changes and a primary layover facility (Gateway) has the potential for being removed as a layover facility. LSA Design (with Nelson\Nygaard as a sub) was hired by the Metropolitan Council to perform the Downtown Minneapolis Layover Facility Study. The study included documenting current and future conditions for layover and staging for all transit systems (including opt-outs), evaluating and selecting potential sites, and providing concept designs for the priority sites.



City of Kent Transportation Master Plan Update (Nelson\Nygaard)

City of Kent, WA
Cathy Mooney
Senior Transportation Planner
(253) 856-5564 | cmooney@ci.kent.wa.us
Key Personnel: Paul Lutey (N\N)

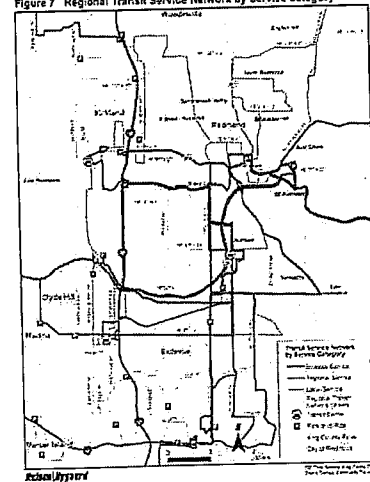


Nelson\Nygaard worked with Marai Associates to develop a Transportation Master Plan for the City of Kent, WA, the fourth largest city in King County located between the cities of Seattle and Tacoma on the Sounder Commuter Rail line connecting the two major cities. Specifically, Nelson\Nygaard created the transit component of the Transportation Master Plan and authored a standalone Transit Master Plan. The project identified gaps in local and intercity bus service in Kent. The final master plan recommended improvements to transit accessibility, service design and land use integration. Subsequently, the City of Kent retained Nelson\Nygaard to provide on-call assistance on transit and transportation demand management issues.

City of Redmond, Washington - Local Transit Study (Nelson\Nygaard)

City of Redmond, WA
Chester Knapp
Program Coordinator
425-556-2476 | cknapp@redmond.gov
Key Personnel: Paul Lutey (N\N)

Figure 7 Regional Transit Service Network by Service Category



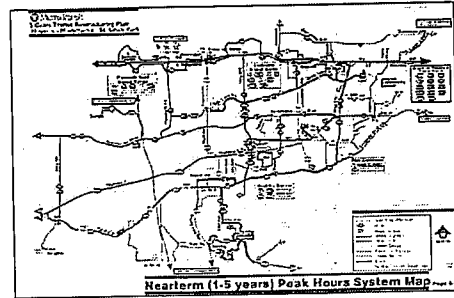
Nelson\Nygaard is currently under contract with the City of Redmond, Washington to develop a Local Transit Master Plan. Nelson\Nygaard conducted detailed market analyses including origin-destination travel patterns, and demographic and socioeconomic characteristics at the neighborhood level to better understand the travel needs and land use dynamics in the community that affect both internal and external travel. Study recommendations are being developed to strengthen and guide existing transit service to build a community transit network that will better reflect both the multi-modal corridors network and mobility goals established in the City's Transportation Master Plan, and the transit utilization potential within the community and between the community and adjacent jurisdictions. A performance evaluation framework is being developed to prioritize transit service recommendations for implementation and ongoing performance monitoring. Transit service in Redmond is operated by King County Metro and Sound Transit providing direct connections with Seattle, Bellevue, and other major activity centers in the Puget Sound Region. Light rail is planned to Redmond in the next 10 years.

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Hopkins Transit Study (LSA Design)

City of Hopkins and Hopkins School District (#270)
Steve Mielke (now with the City of Lakeville)
(952) 985-4401 | smielke@ci.lakeville.mn.us
Key Personnel: James Lasher, Jo Ann Olsen

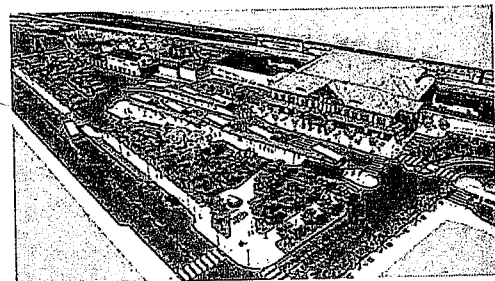
LSA Design was commissioned to evaluate transit services and needs within the City of Hopkins and the Hopkins School District. Once LSA Design identified transit providers /recipients and transit needs, improved transit service was proposed, support of expanded transit system was secured and potential funding sources identified.



The Hopkins Transportation Study successfully determined where gaps in transit service existed within the study area. LSA Design developed a realistic implementation strategy for providing improved access to transit by using existing systems (integrating the public school transportation system with public transit). The Hopkins School District is currently applying Phase I of the implementation schedule.

Spokane Transit Comprehensive Transit Plan (Nelson\Nygaard)

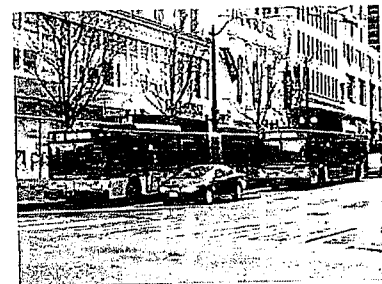
Spokane Transit Authority
1230 West Boone Avenue
Spokane, WA 99201
Susan Meyer, General Manager
(509) 325-6095 | SMEYER@spokanetransit.com
Key Personnel: Paul Lutey (N\N)



Nelson\Nygaard is leading a comprehensive assessment of transit service and other modes in Spokane, Washington. The project is intended to prioritize and synthesize prior studies of light rail transit, streetcar, downtown circulator and potential transit and transportation improvements, including the possibility of relocating a major transit hub within downtown Spokane. The project has conducted a comprehensive review of downtown transit operations, layover facilities, parking policy, pedestrian environment and other aspects required to make transit succeed and keep Spokane vital.

Transit Service Efficiency Evaluation - Performance Audit (Nelson\Nygaard)

King County
Chinook Building
Seattle, WA 98104
Roy L. Dodman, Contract Specialist III
206-263-9293 | Roy.Dodman@kingcounty.gov
Key Personnel: Paul Lutey (N\N)



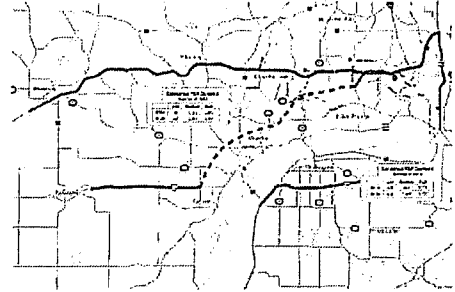
The King County Auditor's Office has been directed by the Metropolitan King County Council to conduct a performance audit of the efficiency and effectiveness of Metro Transit. Fuel costs have significantly exceeded projections and large increases in ridership have surpassed bus capacity on many routes. Metro Transit utilizes HASTUS software, AVL, APC, and other tools to assist in planning. An ideal outcome of this audit would be to allow Metro Transit to provide more/improved service at less cost. Cost savings should be ongoing rather than one-time and should not necessarily result in

City of Minnetonka

secondary costs. The scope of work for this project is to assist in a performance audit of King County Metro Transit's current and planned service efficiency. The audit will determine if Transit is providing bus/trolley service in an optimal manner and will make recommendations to improve efficiency, effectiveness, and/or obtain cost savings.

SouthWest Transit Park & Ride Studies (LSA Design)

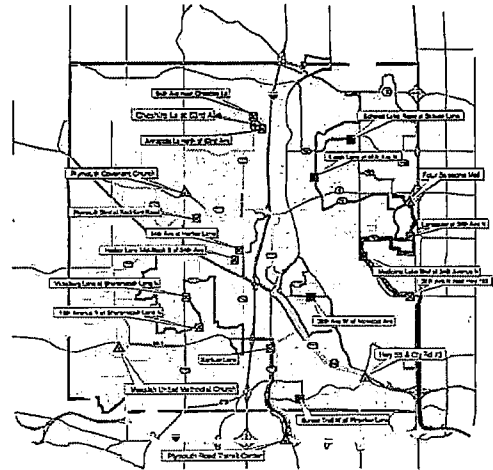
Chanhassen, Chaska, Eden Prairie, MN
Southwest Metro Transit Commission
Len Simich
Executive Director
(952) 949-2287 | lsimich@swtransit.org
Key Personnel: James Lasher, Jo Ann Olsen



In 2002, LSA Design was called to update a Park and Ride Study, which LSA originally performed in 1990. In addition to a thorough review of existing conditions, LSA Design performed a demand analysis that would estimate the number of park and ride stalls that would be required to keep up with growing demand in the service area. LSA Design also evaluated and ranked existing and potential park and ride facilities to prioritize future facility improvements.

Plymouth Metrolink Public Facilities Studies (LSA Design)

City of Plymouth
Pat Qvale (now with SouthWest Transit)
(952) 949-2287 | pqvale@swtransit.org
Key Personnel: James Lasher, Jo Ann Olsen



In 1997, LSA Design performed a community-based study and analysis of the Plymouth Metrolink system with an implementation strategy and capital program. In addition to facilities and route recommendations, LSA Design recommended revisions to the land use and zoning. LSA Design prepared a concept model for changes in local planning strategies to take advantage of mass transit services via design, roadway improvements and the establishment of "transit corridors" within the community.

In 2002, LSA Design was hired again to provide an update to the 1997 study. The update was a system-wide Public Facility Study that analyzed all existing transit facilities, signage, park and ride facilities and information systems, completed a system-wide passenger survey and mapped all routes using GIS. The results of the study provides a cohesive approach to transit service and facilities over the entire system, bus station and bus shelter prototypes, neighborhood bus stops, ADA compliance, new prototype signage and information systems and lighting standards.

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Ramsey Town Center General Transit Demand and Parking Feasibility Studies, Ramsey, MN

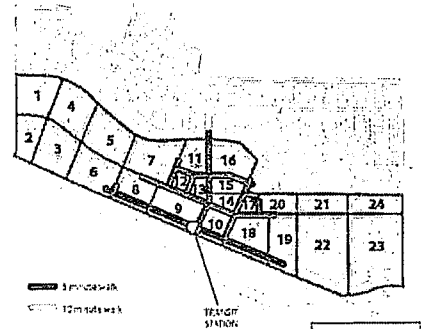
City of Ramsey

Brian Olson, Public Works Director

(763) 427-1410 | bolson@ci.ramsey.mn.us

Key Personnel: James Lasher, Jo Ann Olsen

LSA Design performed transit demand and parking feasibility studies and provided development assistance in the Ramsey Town Center core area. LSA also authored a successful federal grant application for facility expansion and commuter buses.



MnDOT Facility Guidebook

Gary Weiss

Office of Transit

(651) 366-4183 | GA.Weiss@dot.state.mn.us

Produce a Greater Minnesota Transit Facility Guidebook which establishes a uniform process for the Mn/DOT Office of Transit to use when evaluating funding requests for transit facilities from Greater Minnesota Transit Providers. Developed clear and consistent quantitative factors for documenting the need for a new or renovated transit facility and provided all of the necessary forms, procedures and supporting documentation required by Mn/DOT in electronic form.

Key Personnel: Jo Ann Olsen

A table titled 'Facility Guidebook Checklist' with multiple columns and rows. The columns include 'Component', 'Description', 'Quantity', 'Unit', 'Cost', 'Notes', and 'Remarks'. The rows list various transit facility components such as 'Station', 'Platform', 'Seating', 'Signage', etc., with corresponding data entries.

3. KEY PERSONNEL

Jo Ann Olsen, AICP, Minneapolis, MN (LSA)

Position: Principal
Responsibility: Transit Planning
Years Experience: 28
Years with Firm: 11

Ms. Olsen will be principally in charge of this project. She will devote over 40% of her time to this project. Ms. Olsen has extensive experience in project management, transit facility planning, and project approvals. She is experienced with transit studies to determine demand and site location, site design for current and future need and joint development projects. Ms. Olsen holds a Masters in Urban Planning from the University of Michigan.

Jim Lasher, RLA, Minneapolis, MN (LSA)

Position: President
Responsibility: Principal-in-Charge, Landscape Architect
Years Experience: 25
Years with Firm: 19

Mr. Lasher is the founding principal of LSA Design, Inc. Mr. Lasher holds a Bachelors of Landscape Architecture from the University of Minnesota. Focusing on "Community Mobility", Mr. Lasher has developed a regional and national reputation in Transit Oriented Development / Mixed-Use Transit Facility Development through his writings and project specific experiences.

Rachael Spires, AIA, Minneapolis, MN (LSA)

Position: Professional Architect
Responsibility: Project Architect
Years Experience: 6
Years with Firm: 1

Mrs. Spires is a proficient and organized Architect with six years of experience managing projects and producing construction documents. She offers outstanding talents in project organization, efficiency, team coordination, and the production of design documents from as-builts to construction documents. Mrs. Spires holds a Masters of Architecture and a Bachelor of Arts from the University of Minnesota.

Thomas Brennan, Principal (NIN)

Mr. Brennan manages Nelson\Nygaard's Northwest Practice but has led transit service design and policy projects for communities around the nation. Among these efforts are the Seattle Transit Plan and Urban Village Transit Network service monitoring program for King County Metro (Washington). This effort led to an innovated agreement between the City of Seattle and King County Metro to coordinate transit service growth, land use planning and on-street operations. In short, the agreement ensures high quality transit service where the City plans for supportive-land use and minimum levels of service reliability. He has also led similar plans in a number of suburban communities in the Puget Sound region, including Kent, Redmond and Olympia.

Thomas is currently the Project Manager for City of Rochester (MN) Downtown Mobility Plan. In this role, Thomas has assisted the city in developing a range of mobility options and transit solutions to help guide the growth of the downtown area over the next 20-30 years. Thomas is also the Project Manager for the City of Davenport's transportation plan - Davenport in Motion -

an integrated effort to develop a transportation system that is multi-modal, interconnected and supportive of a pedestrian-friendly urban community where residents can access daily needs and activities by foot, bike or transit. Thomas' work in Rochester and Davenport means he will be traveling frequently to the mid-west and can be available in Minnetonka on a regular basis.

Paul Lutey, Senior Associate, (NIN)

Mr. Lutey has over 12 years of professional planning experience and has been with Nelson\Nygaard for over nine years. He is one of the firm's lead transit service planners and has worked on or led many rural, small city and intercity transit studies. Over the past several years, Paul has been intimately involved in several projects in Minnesota. Working closely with LSA, he was one of the lead planners responsible for the technical analysis on the Downtown Minneapolis Layover Study. Through this study, he became very familiar with the express operation of numerous routes serving downtown Minneapolis, including those serving Minnetonka. Paul was also intimately involved in Access Minneapolis, the City's Ten Year Transportation Action Plan. Through Nelson\Nygaard's work on this study, the City has recently opened the 2nd And Marquette double-width transit lanes (MARQ2), which significantly improves transit operating speed for express routes in downtown and allows for higher bus volumes to traverse the downtown. As an add-on to Access Minneapolis, Paul was also one of the lead planners on the Minneapolis Streetcar Feasibility Study, which the City continues to use to help guide development of a city-wide streetcar network. Paul is also working with Thomas Brennan on the Rochester Downtown Mobility Plan.

Paul has worked on dozens of other service evaluations for transit providers across the country. Other recent projects include the Kitsap County Bus Rapid Transit Feasibility Study (WA), US 50 Intercity Bus Study (CO), Victor Valley Commuter Needs Study (CA), Western Michigan Transit Feasibility Study (MI), Prescott/Prescott Valley Transit Feasibility Study (AZ), Humboldt County Coordinated Plan (CA), and Greeley Transit Strategic Plan (CO).

Paul also spent several years in the Twin Cities and is very familiar with the operating environment. During this time, he worked at LSA Design and has a strong working relationship with proposed staff for this project.

4. PROPOSED WORK PLAN

The LSA Design Team proposes the following work plan that will result in a clear understanding of the City of Minnetonka's current transit system, where there are gaps in the provision of service, and use this knowledge as a basis from which to evaluate current, and potential, transit providers for the most effective transit coverage in Minnetonka.

PROJECT MANAGEMENT, OUTREACH, AND SCHEDULE

A primary role of LSA will be to ensure that this project is well managed within the allocated time constraints and budget as agreed to within a Contract. To accomplish this goal, LSA agrees to work closely with Minnetonka's Project Manager and staff to document both progress as well as schedule and scope variables as they arise. Proper and timely communication with Minnetonka will be provided by LSA. Jo Ann Olsen will be the Project Manager for the LSA team and will remain with the project throughout its duration. Ms. Olsen will attend every client meeting, as outlined in our scope, and will be the direct client contact responsible for all deliverables. Ms. Olsen will also be in constant and direct communication with Nelson\Nygaard. Ms. Olsen has a long history of highly effective Project Management and has completed numerous projects of this type and size and clearly understands how to make this effort a complete success for the City of Minnetonka.

Our team understands that we will meet with the Minnetonka staff as needed to review deliverables and update staff on the progress of the project. To keep the project moving in a timely manner, we propose to that the City of Minnetonka create a Technical Advisory Committee (TAC) that will meet throughout the study. We suggest that the TAC consist of city department heads. Our schedule is based on initiating within one week of a signed contract with completion by December, 2010.

Deliverable

Work schedule, Meetings with City Project Manager, Minnetonka TAC, Presentations to Economic Development Advisory Committee and City Council.

TASK 1 BASELINE INVENTORY OF TRANSIT SERVICES AND FACILITIES

- 1.1 Kick Off Meeting - In order to facilitate the documentation of materials and interviews we recommend that this task initiate with a kick off meeting with the Technical Advisory Committee. Having a kick off meeting at the initiation establishes the foundation of the study. This first task allows the consultant and the TAC to review the current situation and to openly review the goals and potential of the study.

- 1.2 Literature Review
This task will focus on a thorough review previous planning documents that are relevant to this transit service analysis. This review will consist of the agreement between the Metropolitan Council and the City of Minnetonka to provide transit service, the complete 2002 Transit Opt-out Study, the City of Minnetonka's 2030 Comprehensive Plan Guide, the 2030 Regional Development Framework, the Transportation Policy Plan (TPP), the 2009 Twin Cities Transit System Performance

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Evaluation, the Park-and-Ride Facility Site Location Plan, any community surveys on performance of current transit service and any other relevant plans or documents that will help the team better understand the operating environment in Minnetonka.

1.3

Community Profile

Understanding demographics, land use and travel patterns in Minnetonka are an essential part of the foundation needed for this transit service analysis. We know that the City has done a significant amount of work in this area in the 2030 Comprehensive Plan Guide and, as such, we will take advantage of the demographic information already available. We are also very familiar with the data available from the Metropolitan Council, including both population and employment estimates and forecasts. Utilizing population and employment data by TAZ, we will create a single map that combines both population and employment into a single index. This map will also include the existing fixed-route network to determine where there are areas within the city where population and employment density are higher than others.

While population and employment density are the two greatest indicators of transit demand, other demographic groups also help us understand where potential transit markets are located. Working with data from the Metropolitan Council, and supplemented by 2000 Census data as needed, we will develop a series of maps that illustrate where "high transit propensity" user groups are located throughout the city, including:

- Older adults
- Youth (or students)
- Low-income households
- Zero-auto households
- Persons with disabilities

Each of our maps will also include other indicators of where transit demand might be high within the city, including:

- Major employment destinations. This includes commercial activity centers, medical facilities, institutional and recreational facilities that are or could become significant transit trip generators.
- Known planned developments. While this information will be less known beyond the short term, any new or planned development helps us understand where and how the community is growing and areas that may warrant future transit service. We understand from the City's website that this information is tracked closely in Minnetonka.

Each of the maps produced in this task will be framed by concise narrative discussion that directly addresses the relevance of the data to existing transportation services. Our cost proposal assumes that City staff will supply us with GIS base map layers that we are unable to obtain from the Metropolitan Council (e.g., current zoning, street centerlines, etc.).

1.4

Evaluation of Regional Travel Patterns

This task will rely exclusively on existing data from the Metropolitan Council or the Census Transportation Planning Package (CTPP) to identify where people in Minnetonka travel and for what purpose. Although there are other trip types, such as

shopping or medical services, work trips are by far the most prevalent and most readily tracked. This is because work trips generally occur during peak travel periods when there is the greatest strain on the transportation network. If data is in an accessible format, we will also summarize information from the regional travel demand model. The Travel Behavior Inventory (TBI) conducted every 10 years by the Metropolitan Council, may also be referenced.

1.5 Overview of Existing Transit Services and Facilities

This task will form the foundation for study recommendations by evaluating current performance on both the local fixed route and demand response services operated within the City of Minnetonka.

Although brief, this assessment will be comprehensive and include the following elements:

- General overview of transit services, including a summary table and map of all local and express fixed route services as well as a summary of paratransit services offered in the city (Metro Mobility) and TransitLink (general public dial-a-ride).
- Total annual ridership and operating data (service hours, service miles, etc.) for the local and express fixed routes operating just within Minnetonka will be evaluated. This data will be presented over a five to ten year period, depending on availability. Based on this data, we will track key performance indicators over the 5-10 year period, such as passenger per revenue hour, operating cost per passenger, and subsidy per passenger.
- Fixed route analysis of passenger boardings and alightings by stop, service day and time period (depending on existing data availability). This information will be presented in a series of tables and maps. The goal of this analysis is to understand when and where people are currently using the fixed-route services in Minnetonka.
- Analysis of Metro Mobility and TransitLink passenger trips originating in the City of Minnetonka for one sample week from the past year. This evaluation will allow us to separately understand how people are using paratransit services in the city, where they are traveling, and for what purpose.
- Park and ride analysis, including location of all park and ride locations within and close to the city, capacity and utilization (based on a 2007/2008 survey conducted throughout the metro area). If it is determined that this information should be updated we will perform a license plate survey as an additional service.
- Inventory of all Park and Ride facilities, bus stops and bus shelters within the city and their condition.
- Summarize ownership, leasing, O&M responsibilities of transit facilities within the city.
- Other transportation services provided within the city, such as taxis, shuttles, or other services.
- Review of regional commute travel patterns to determine where people who live in the city are traveling for work.

- Review of future transit plans, especially the proposed Southwest LRT line and any other planned transit improvements in the city.

1.6 Peer Review

A brief review of up to four other communities that compare to Minnetonka will be provided. Key elements to compare include overall system performance within those communities, service levels per capita, operating costs per capita, subsidy per passenger and other key performance indicators. This analysis will focus on comparing both the fixed route, dial-a-ride and paratransit services in these communities. Possible peer cities in the metro area include Plymouth, Maple Grove, Woodbury and Blaine.

1.7 Metropolitan Council STAP Review

Our team will meet with Metropolitan Council staff to inquire about the following issues in the event that the City does elect to exercise its rights under the STAP Statute and either bid or deliver its own transit services:

1. Access to Regional Fleet
2. Motor Vehicle Sales Tax (MVST) Allocation and Schedule of Payments
3. Access to Regional Transit & Maintenance Facilities
4. Access to Transit Facilities within the City and role and responsibility for Operations and Maintenance of facilities
5. Transit service schedule integration into Regional System

Deliverable

Technical Memorandum #1 - Existing Conditions Report. The Existing Conditions Report will provide a comprehensive description of the transportation services and facilities in Minnetonka, including detailed maps, tables and the peer review. A final chapter in this report will provide an initial assessment of the system that will be expanded upon in Task 3 – System Assessment.

TASK 2 STAKEHOLDER ANALYSIS

Our team proposes to perform this task at the same time as Task 2 in order to gather insight on data that should be reviewed as part of the baseline inventory. It is our understanding that the city has not performed a similar analysis in the past and that this Task will be critical in establishing the public's (both residents and business) perspective of transit in Minnetonka.

2.1 Stakeholder Interview

We will work with the City of Minnetonka to review potential stakeholders and determine if up to 10 individual stakeholders will be adequate in representing how the current transit service is meeting the community's needs. It may be determined that small focus groups should be interviewed. Either way, our team will provide up to 10 interviews with individuals or focus groups. Our team will schedule and conduct the interviews and provide written summary of findings. We will provide the city with a

draft of the interview questions for review and approval prior to performing the interview.

2.2 Internet Survey (Additional Service)

In addition to the stakeholder interview, we suggest the city consider performing an Internet Survey. Internet based surveys are quickly replacing telephone surveys as the more effective method for assessing transit needs in a community. While not everyone has access to the Internet or is willing to respond to a survey on-line, they provide better results for several reasons. First, market research shows that Americans increasingly utilize the Internet for on-line banking, shopping and other transactions and are often more apt to find the few minutes it takes to complete then survey on-line than over the telephone. Second, many people now screen their calls (with caller ID) or will simply refuse a survey even if they believe it is for a good cause. Additionally, many younger people and others now rely exclusively on their cell phones and cell phone numbers are not available to telephone survey companies.

We will design an Internet survey consisting of approximately 10 to 20 questions requiring simple yes/no and multiple choices when possible, plus a selected number of open-ended responses that enable respondents to provide the full picture of their opinions, interests and preferences. The survey would be posted on the city website by a commercial web survey service such as Hosted Survey or Survey Monkey. The proposed fee includes the consultant time required for this task, but does not include the web survey service. The fee for the web survey service is not included.

Deliverable

Technical Memorandum #2 - Summary reports of the findings from the interviews and internet survey, if performed.

TASK 3 SYSTEM ASSESSMENT

Once a solid understanding of the issues have been determined from the review of existing conditions and stakeholder interviews, a comprehensive assessment of existing transit services will be prepared. This assessment will include the following:

3.1 Fixed Route Assessment

This subtask will focus on the local and fixed express route network to evaluate redundant segments, asymmetrical service levels (higher or lower service frequency than necessary), route terminals, branch operations, and poorly performing route segments. We will also evaluate transfer patterns at the key transit hubs in the city, as well as through travel – especially on the local routes, which provide single-seat rides to Hopkins, Golden Valley, St. Louis Park and Minneapolis. Finally, we will evaluate other operating issues, such as operator shift reliefs, runcutting and rostering parameters, bus assignments, or other practical concerns unique to the services provided in Minnetonka.

3.2 TransitLink Assessment

As with the fixed route network, we will evaluate the demand responsive services to identify areas where these services can be more productive and cost effective. In

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some cases, demand responsive services may be more cost effective at meeting community needs than a more traditional fixed route. This assessment will also evaluate if there are areas of the city that could benefit from flexible transit services that combine the regularity of a fixed route with the flexibility of demand responsive services.

3.3 High Capacity Transit Assessment

Through the Transportation Policy Plan (TPP) and 2030 Regional Development Framework, the metro area continues to explore high-capacity transit as a way of meeting the 2030 goal of doubling transit ridership. As such, we will conduct a detailed assessment of how these services can meet the future transit needs in the city. The highest profile planned transit investment in Minnetonka is the planned Southwest Transitway project. Now that a Locally Preferred Alternative (LPA) has been approved, and light rail has been identified as the preferred mode, it is clear that this new transitway will serve a portion of Minnetonka and have a significant impact on the transit services provided to and from the city. This assessment will evaluate the local and express route structure to determine how services should be re-routed to serve stations within (or outside) of Minnetonka. A detailed travel time analysis will be conducted to ensure that regional mobility is improved through connections to the light rail line compared to rubber-tired service.

3.4 Recommended Service Improvements

Based on the assessment of the fixed route, demand responsive and future high-capacity transit services, our team will prepare recommended service improvements that respond to current and future transit needs in the city. The recommendations will be organized into several phases: near-term, mid-term and long-term.

Because funding is one of the most critical components of service planning, recommendations will also include detailed capital and operating cost assumptions. Each phased recommendation will be documented to the following level of detail:

- System map color-coded by service frequency
- Service level table by route and service period
- Estimated ridership and revenue changes
- Projected incremental effect on productivity and other performance indicators (such as cost per passenger)
- Operating cost estimates
- Incremental rolling stock requirements
- Facility requirements to support recommendations
- Additional staffing needs and costs
- Other implementation considerations

Deliverable

Technical Memorandum #3 - Summary report of system performance and efficiency, and preliminary recommendations for improvement.

TASK 4 EVALUATION OF TRANSIT SERVICE PROVIDERS

Upon completion of the baseline inventory of current transit service, stakeholder input and the system assessment, our team will begin an evaluation of Transit Service Providers. It is entirely possible that the result of this study will include the selection of multiple providers based on their ability to deliver various transit services and meet various transit and mobility objectives throughout the City

4.1 Transit Service Objectives

Working with the Minnetonka TAC, our team will prepare a series of Transit Service Objectives with which to begin an assessment of transit service providers. A sampling of possible Objectives includes:

- Maintain or enhance Intra and Inter city transit connections
- Increased reverse commute options to better serve businesses and employees
- Advance the Positive Image of Transit through the City with high quality information systems, facilities, and signage
- Increase Express Bus service options to Downtown Minneapolis and other Activity Centers
- Reduce per passenger subsidy costs

4.2 Transit Provider Interviews

Once the team has prepared a full set of Transit Service Objectives, we will initiate interviews with various providers (SW Transit, Plymouth MetroLink, Metro Transit) to begin assessment of their abilities and interest in helping the City achieve these stated objectives. The list of transit providers to be interviewed will be created with Minnetonka's staff input.

While this will not be a formal RFP process, it will allow the City to clearly articulate their transit service objectives to potential providers and learn first-hand of each groups interest and abilities to meet these objectives. Discussions will also include current management and operations capacity with respect to available vehicles, maintenance facilities, current seat capacity, ability to add vehicles (or obtain regional fleet vehicles), and a general hourly pricing structure for each type of service. Our team will use this information to provide the City with an "Order of Magnitude" analysis on the cost of potential service options.

Deliverable

Technical Memorandum #4- describing the methodology of creating and listing of Transit Service Objectives, detailed results of interviews with potential providers and a summary of current operations and their likelihood of expansion to meet the City's needs, and a pricing summary of the various hourly rates for service types.

TASK 5 FINAL PLAN AND PRESENTATION

We will prepare a final plan document that compiles the deliverables from Tasks 1-4. We will also provide an Executive Summary of findings and recommendations. Once written approval by the Minnetonka Community Development Director is received, a final document will be provided to the city in digital format.

As part of this task, we will present the findings of the study to both the Economic Development Advisory Committee and the City Council.

Deliverables

5 color hard copies of the complete final plan document.

1 CD containing the Microsoft Word and PDF files of the final plan document. All map files will be ESRI compatible.

Electronic copy of the City Council meeting presentation and hard copies for distribution at the meeting.

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5. SCHEDULE

Task #	Task Name	Month 1				Month 2				Month 3				Month 3				Month 3				Month 3			
		W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4	W1	W2	W3	W4
	Project Management, Outreach, And Schedule	KO			1					2						3		4					5		
1.0	Baseline Inventory of Transit Services and Facilities									D1															
2.0	Stakeholder Analysis				SI					D2															
3.0	System Analysis														D3										
4.0	Evaluation of Transit Service Providers																		D4						
5.0	Final Plan and Presentation																					D5	D6	D7	

Deliverables	
D1	Tech Memo #1 Inventory of Transit Services and Facilities
D2	Tech Memo #2 Stakeholder Analysis
D3	Tech Memo #3 System Analysis
D4	Tech Memo #4 Evaluation of Transit Service Providers
D6	Final Draft
D6/7	Presentation to EDAC and City Council

Meetings	
KO	Kick off Meeting
	Minnetonka TAC/Design Team Meetings
1	Review Stakeholder Interview Questions
2	Present Tech Memo #1 and #2
3	Present Tech Memo #3 and formulate transit service objectives
4	Present Tech Memo #4
5	Present Final Draft
SI	Stakeholder Interviews

**City Council Agenda Item #12A
Meeting of June 28, 2010**

Brief Description: Ordinance regarding expansion of non-conforming uses

Recommended Action: Introduce the ordinance and refer to the planning commission

Background

In 2008, the Minnesota legislature adopted a law allowing non-conforming uses to be replaced but not expanded unless the city provided a process by ordinance to allow an expansion. The city council adopted an ordinance allowing expansion of non-conforming uses by variance. Staff recommended this approach because it gave the city the most control over these expansions. It also gave the city considerable flexibility, under the variance standard then in effect.

Last Thursday, the Minnesota Supreme Court changed the 21-year old standard governing the granting of variances. It overturned long-standing interpretations by the Minnesota Court of Appeals. The standard now in effect is very restrictive.

State law does not outline the process by which expansions of non-conforming uses be done. Accordingly, staff recommends that an ordinance be adopted to allow expansions by either a variance or by a new mechanism called an expansion permit. A variance would still be required if the non-conforming expansion would intrude further into setback areas, like any other variance. An expansion permit would be used when the expansion doesn't intrude further into setbacks, as long as the expansion otherwise meets code requirements. For example, if the building currently has a front setback of 25 feet when 30 feet is required, and the expansion would reduce the setback to 24 feet, then a variance is required. In contrast, if only a portion of the building has a front setback of 25 feet when 30 is required, and the expansion brings the rest of the building to the same setback of 25 feet, then an expansion permit is required rather than a variance.

The ordinance would also establish a standard for granting the expansion permits. This standard is the one that previously existed for granting variances and was what the city intended when the ordinance was adopted. Except for this different standard, expansion permits would be subject to the other provisions applicable to variances.

Recommendation

Staff recommends that the city council introduce the ordinance and refer for a public hearing at the planning commission.

Submitted through:

John Gunyou, City Manager

Originated by:

Desyl Peterson, City Attorney

Julie Wischnack, Community Development Director

Loren Gordon, City Planner

ORDINANCE NO. 2010-xx

AN ORDINANCE AMENDING CITY CODE §300.29, SUBD. 3
REGARDING EXPANSION OF NON-CONFORMING USES

The City of Minnetonka Ordains:

Section 1. City code section 300.29, subd. 3, paragraphs (a) and (g) are amended as follows:

a) There may be no expansion, enlargement, or intensification, of any use or any site element of any non-conforming use except to make it a permitted use or except as otherwise provided in this subdivision. Normal building maintenance and repair are allowed. Expansion, enlargement or intensification of conforming aspects of a non-conforming development are excepted from this requirement. For example, if a structure has a non-conforming front setback, it may be expanded on the sides that do meet setback requirements as long as the expansion itself meets ordinance requirements.

* * * * *

g) Work that constitutes an expansion of any non-conforming use may not be done without first obtaining a variance or an expansion permit. ~~Expansion of a non-conforming land use may be approved only by the city council after receiving the advice of the planning commission. Expansion of a non-conforming development may be approved by the planning commission.~~

1) A variance is required if the expansion will intrude into prohibited area beyond the distance or height of the existing use. Otherwise, an expansion permit is required. For example, if the building currently has a front setback of 25 feet when 30 feet is required, and the expansion would reduce the setback to 24 feet, then a variance is required. In contrast, if only a portion of the building has a front setback of 25 feet when 30 is required, and the expansion brings the rest of the building to the same setback of 25 feet, then an expansion permit is required rather than a variance.

2) ~~A variance~~An expansion permit is also required if:

1)a. the use occupies any space within a non-conforming area that was previously not occupied both vertically and horizontally. For example, a ~~variance~~an expansion permit would be required if a second floor area is expanded into the non-conforming setback over a non-conforming first floor even though the non-conformity of the first floor setback dimension stays the same or is reduced; or

2)b. the non-conforming aspect of a use is reduced but still does not

The stricken language is deleted; the underlined language is inserted.

comply with current ordinance standards.

3) An expansion permit for a non-conforming use may be granted, but is not mandated, when the applicant meets the burden of proving that:

a. the proposed expansion is a reasonable use of the property, considering such things as functional and aesthetic concerns;

b. the circumstances justifying the expansion are unique to the property, are not caused by the landowner, are not solely for the landowner's convenience, and are not solely because of economic considerations; and

c. the expansion would not alter the essential character of the neighborhood.

4) An application for an expansion permit will be subject to the provisions applicable to variances in section 300.07, subdivisions 2 through 9.

Section 2. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 3. This ordinance is effective upon adoption.

Adopted by the city council of the City of Minnetonka, Minnesota, on *.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

The ~~stricken~~ language is deleted; the underlined language is inserted.

Date of introduction:

Date of adoption: *

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 correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota, at a meeting held on *.

David E. Maeda, City Clerk

The ~~stricken~~ language is deleted; the underlined language is inserted.