

ADDENDA
Minnetonka City Council
Meeting of February 14, 2011

14A. Resolution adding a council policy prohibiting tobacco use in city parks

The city attorney has recommended minor language changes to the draft recommendations.

In the staff recommended policy, "Tobacco use in any form is prohibited in and within 100 feet of these designated areas."

In the park board recommended policy, "Accordingly, the city has ~~adopted~~ establishes a tobacco-free policy that does not allow use of tobacco products on park property maintained by the city."

14B. Items concerning a 6-lot subdivision of the existing property at 4625 Highland Road

Attached is a change memo from the community development director with a revised resolution. Also included are neighborhood comments that were inadvertently left out of the staff report but were shared with the planning commission.

PARK BOARD DRAFT (5/5/10) / STAFF RECOMMENDATION

City of Minnetonka

City Council Policy _____

Policy Number ____
Use of tobacco products in city parks

Purpose of Policy: This policy establishes guidelines for the use of tobacco products on city park properties.

Introduction

The city of Minnetonka manages approximately 1,100 acres of public park property throughout the city. The park board and city council recognize the desirability of having park properties available for all residents to utilize and value.

Park properties are routinely used by families with children. The city believes that children are influenced by the actions of adults and older children. This is especially true regarding the use of tobacco products, which are hazardous to health. Accordingly, the city wishes to establish tobacco-free zones in the park areas that are frequented by children.

Park spaces designated as Tobacco-Free

Under this policy, all city-maintained swimming beaches, playgrounds and athletic facilities are designated as Tobacco-Free. Tobacco use in any form is prohibited in and within 100 feet of these designated areas. Signs will be placed to notify the public.

Athletic facilities include the following park amenities:

1. Youth oriented athletic fields including the youth baseball and soccer fields at Big Willow Park; and all athletic fields at Guilliams, Glen Lake, Lone Lake, Oberlin, Gro-Tonka and Civic Center Parks.
2. All Informal play areas as defined in the city's Comprehensive Athletic Field Use Policy
3. All areas designated as skating rinks, both hockey and general
4. All tennis courts
5. All basketball courts
6. All multi-purpose hard courts

Violation of Policy

Violators of the policy may be asked to leave the designated tobacco-free area or program. A refusal to leave at the request of a police officer may result in a charge of trespassing.

DRAFT – PARK BOARD RECOMMENDATION 6/2/10

City of Minnetonka

City Council Policy _____

Policy Number _____
Use of tobacco products in city parks

Purpose of Policy: This policy establishes guidelines for the use of tobacco products on city park properties.

Introduction

The city of Minnetonka manages approximately 1,100 acres of public park property throughout the city. The park board and city council recognize the desirability of having park properties available for all residents to utilize and value.

Park properties are routinely used by families with children. The city believes that children are influenced by the actions of adults and older children. This is especially true regarding the use of tobacco products, which are hazardous to health. Accordingly, the city establishes ~~has adopted~~ a tobacco-free policy that does not allow use of tobacco products on park property maintained by the city.

City maintained parks include:

1. All designated city parks, both maintained and natural.
2. All trails that are physically located within city park property
3. All facilities and shelters associated with designated city parks
4. Any programs, contracted or otherwise, that operate on city park property

Violation of Policy

City of Minnetonka staff will make periodic observations of activity sites to monitor compliance. Violators of the policy may be asked to leave park property. A refusal to leave at the request of a police officer may result in a charge of trespassing.

Memorandum

To: City Council

From: Julie Wischnack, AICP, Community Development Director

Date: February 14, 2011

Subject: Change Memo for the February 14, 2011 City Council Agenda

14B. OTHER BUSINESS:

B. Items concerning a 6-lot subdivision of the existing property at 4625 Highland Road

Attached is a revised resolution with the following changes:

- After the report was distributed the applicant's survey has confirmed that the lot width for Lot 5 would be 111 feet, which meets the minimum lot width requirement. Consequently the lot width variance is no longer required for the subdivision.
- After further discussions with the applicant, city staff has determined that directional boring of the water main connection to the south would be difficult. City staff is recommending that the water main be open cut as proposed by the applicant. This would not remove any additional high priority trees and would only impact one additional significant tree.

The following neighborhood comments were inadvertently not included in the staff report, but were shared with planning commission:

To the Planning Commission

We have concerns with the realignment that has been proposed for Highland Road and Highland Lane:

- We do not feel that the changes are adequate, nor do they add to the safety of the area which is the main concern.
- We would like to see a drawing of the "T" intersection which was the original proposal and intention.
- The school bus stop remains an issue; removing the stop sign creates a more dangerous situation.
- We definitely want to see the stop sign on Highland Road remain; all of the concerns expressed in 1980 when the stop sign was approved still exist today in even greater numbers; Highland Road has seen the addition of at least 30 homes since the petition for a safer road was circulated then. Perhaps the reason that the traffic study showed only 1 accident since 2000 is the result of the stop sign.
- We would object to the approval of the proposed development until further study of the intersection is complete—if the development is approved, the city loses some of its options for the intersection.

Thoughts about the proposed development:

- We would like more discussion about the access to Rabbit Hill. The previous development by Vine Hill Partners gained access through an existing cul-de-sac rather than Hidden Valley Road, which some local residents felt was busy enough. Looking at the discussions that occurred over that development, many residents and council people stated: "...it makes no sense to have two cul-de-sacs with a strip of land between." And...Adams (a city councilman)"was adverse to any plan that would create an additional cul-de-sac".
- In 1987 when the council added the possibility of an extension of the road through Highland Bluffs, "a notice of the City's intent to extend the road (from Highland Bluffs) be placed in the chain of title of each lot created by the Plat." Owners on Highland Bluff should be well aware of the possibility of this extension.
- Some of our concerns and questions might possibly have been addressed if neighborhood meetings had been instigated by the developer. Again, in the development of Braeburn Woods, Mr. Lepper (developer) stated that he "met with neighbors numerous times and conducted a neighborhood meeting." The meeting we attended last spring was very vague and did not include specifics about the access to the development nor the problems of the intersection.

In conclusion, we are disappointed in the process the city has taken with this subdivision application. The realignment of Highland Road and Highland Lane are directly related to the development at Rabbit Hill and yet, we were not provided with specific plans for the intersection until the 23rd of Dec. We feel more time and consideration are needed with these projects.

Paul and Eileen Sullivan, 15111 Highland Lane

Date: January 4, 2011

To: Minnetonka Planning Commission, City Council Members.etc.

Re: Highland Road/Highland Lane Intersection Proposal to be acted upon
1/6/11

From: Janice Gauger
15108 Highland Lane

As a Highland Lane resident for the past 35 years, I was a participant in the 1980 request for the stop sign on Highland Road. In anticipation of the Commission's evaluation of the traffic study and staff recommendations to be presented on January 6th, I would like to make the following observations that result from a long experience with the intersection in question.

Primarily, the recommendation to remove the stop sign on Highland Road is a matter of great concern to many residents of Highland Lane. Points made in the study about confused drivers who neglect to stop for a legally placed sign are interesting to say the least. If, indeed, the stop sign is removed, let's not use that as the reason. A well placed police officer could impact that problem in a matter of days. Although I would be the first to admit that some drivers do not always come to a full stop, most do - or slow down to a rolling stop. It is the slow down that will disappear completely when the sign is removed. Drivers traveling north on Highland Road will encounter left hand turns onto Highland Lane and a rather significant curve in the road which the new intersection design does not minimize. The traffic study indicates that there has been only one crash since 2000. This could be the strongest indication that the stop sign has been effective overall.

The traffic study describes the current intersection as a "skew" and recommends a T-intersection. I submit that the proposed plan is not a T-intersection. It was aptly described by someone as a "wishbone". Basically, it does not seem to make enough difference to eliminate safety concerns. It is possible that a significant consideration for this project was the preservation of lot size for the proposed development. If a change to the intersection is necessary at this time, more time and consideration needs to be given to this project.

We, in the Highland Lane neighborhood, are looking at a future 796 daily trips through our intersection. That is not an insignificant number. The traffic study indicates minimum development that would impact the intersection in the future. A parcel of land is currently posted for sale on the corner opposite our intersection. If developed, it would necessitate an access onto Highland Road increasing traffic yet again.

Lastly, the traffic study could not address the overall use and nature of Highland Road. It is still regarded as a neighborhood street by those of us who live here. We do not see it primarily as a through street but as a place for walking (people

and pets) and biking. The intersection also serves as a school bus stop. There is a point at which the desire for "operational efficiency" is not the primary concern. Safety is a primary concern. Removing the stop sign will not increase safety. It will result in a new set of circumstances that could, and quite likely will, lead to more accidents.

Please refer to our original 1980 application. The issues are basically the same. The need is greater. Thank you for your consideration of this letter.

RESOLUTION NO. 2011-

**RESOLUTION APPROVING THE PRELIMINARY PLAT OF
RABBIT HILL AT 4625 HIGHLAND ROAD**

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. BACKGROUND.

1.01 RH Ventures LLC, represented by Cory Lepper is requesting approval of the RABBIT HILL preliminary plat. (Project 10034.10a).

1.02 The property is located at 4625 Highland Road. It is legally described as follows:

The East 396.68 Feet of that part of the East ½ of the Northeast ¼ of the Northwest ¼ of Section 28, Township 117, Range 22, lying North of the South 475.62 feet thereof and lying Southerly of the center line of Highland Road, Hennepin County, Minnesota

1.03 On January 6, 2011, the Planning Commission held a hearing on the application. The applicant was provided the opportunity to present information to the Planning Commission. The Planning Commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The Commission recommended that the City Council approve the preliminary plat.

Section 2. GENERAL STANDARDS.

2.01 City Code Section 400.025 outlines standards for residential subdivisions. These standards are incorporated here by reference.

2.02 City Code Section 300.10 Subdivisions 5 & 6 outline zoning standards for residential lots within the R-1 zoning district. These standards are incorporated here by reference.

2.03 City Code Section 300.28 outlines performance standards for grading,

erosion control, and tree protection. These standards are incorporated here by reference.

Section 3. FINDINGS.

3.01 The proposal meets the required standards and ordinances for a preliminary plat.

Section 4. CITY COUNCIL ACTION.

4.01 The above-described preliminary plat is hereby approved, subject to the following conditions:

- 1) The subdivision must be developed in substantial conformance with the following plans, unless modified by the conditions below:
 - Preliminary Plat and Site Plan date stamped February 2, 2011.
 - Tree Inventory and Preservation Plan date stamped February 2, 2011.
 - Grading, Drainage and Erosion Control Plan date stamped February 2, 2011.
 - Utility Plan date stamped February 2, 2011.
- 2) Prior to final plat approval, complete the following:
 - a. Show the following on the final plat:
 - (1) A minimum 15-foot wide drainage, utility and snow storage easement outside the public right-of-way(s) on the cul-de-sac, a 10-foot wide drainage and utility easement adjacent to public right-of-way(s) and minimum 7-foot wide drainage and utility easements along all other lot lines.
 - (2) Utility easements over existing or proposed public utilities, as determined by the city engineer. Additionally, a drainage and utility easement must be provided over a water main connection to the existing stub in the Highland Bluff subdivision.
 - (3) Drainage and utility easements over wetlands, floodplains, and stormwater ponds, as determined by the city engineer.
 - (4) Right-of-way dedication on the north east corner of the lot for the Highland Road and Highland Lane

intersection as outlined in the traffic study.

- (5) Show the new right-of-way width of Highland Road on the plat.
 - b. If the developer is petitioning the city to construct the public improvements, the city council must order the improvements.
- 3) The following items must be submitted to the city before the city releases the final plat:
- a. An electronic CAD file of the final plat in microstation or DXF.
 - b. The following documents must be prepared by an attorney knowledgeable in the area of real estate and must be submitted for the city attorney's approval:
 - (1) Title evidence that current within thirty days before release of the final plat.
 - (2) Stormwater pond maintenance agreement establishing the responsibility for maintaining required drainage ponding and any other required drainage improvements approved by the City. Maintenance will include, but not be limited to, the periodic removal of sedimentation at the base of the pond and any adjacent drainage ditches, keeping a vegetative cover within the basins, ditches and pond, and removing any blockage of the swale or culvert that may impede the drainage of the site, as approved with the grading and building permits.
 - (3) Restrictive covenants to be recorded against the individual lots with the plat. The covenants must include the conditions that have not been met as of the release of the plat.
- These documents must be recorded with the final plat, and a drawing of any easement must be attached to the easement deed.
- c. Pay a park dedication fee of \$30,000.
 - d. Any other requirements included with final plat approval.
- 4) A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit applicant

has been submitted, reviewed by staff, and approved.

- a. The following must be submitted for the grading permit to be considered complete.
 - (1) Final grading, stormwater, utility, drainage and erosion control plans must be submitted for staff approval.
 - The new street must meet minimum city engineering standards.
 - Maximum grade of the new street at the intersection with Highland Road must not exceed 3% for 30 feet.
 - The infiltration basin area should be final graded after the tributary drainage area has been established. A note prohibiting heavy construction traffic and compaction within the area should also be included.
 - The new drainage system must be connected to the existing culvert at Highland Road. The casting on the connecting culvert must be a ditch grate type, which meets city standards. During construction of this connection, the city will evaluate the condition of the culvert. If it is deemed the culvert needs to be replaced, the developer will be responsible for the work and costs associated with the culvert replacement. Culvert replacement work shall be completed to city standards.
 - The water main pipe must be extended to connect to the existing stub in the Highland Bluff subdivision to the south.
 - A fire hydrant is required at the connection to the existing water main in the Highland Bluff subdivision.
 - (2) Individual letters of credit or cash escrow for 125% of a bid cost or 150% of an estimated cost to comply with grading permit, landscaping requirements, and to restore the site. The developer may submit one

itemized letter of credit, if approved by staff. The city will not release or reduce the letters of credit or cash escrow until work has been completed according to the plans approved by the city.

- (3) If the developer is constructing any public improvements, the following must be submitted for staff review and approval:
 - (a) Final street and utility plans.
 - (b) A signed agreement with the city. This agreement must guarantee that the developer will complete all public improvements and meet all city requirements.
 - (c) A letter of credit or cash escrow in the amount of 125% of a bid cost or 150% of an estimated cost of the improvements.
 - (d) The city will only reduce or release the letter of credit or cash escrow upon receipt of as-built drawings and a letter certifying that the streets and utilities have been completed according to the plans approved by the city.
- (4) An engineering/utility inspection fee.
- (5) Payment for traffic signs and installation, as required by the city engineer.
- (6) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

b. Prior to issuance of a grading permit:

- (1) Install a temporary rock driveway, erosion control, tree and wetland protection fencing for staff inspection. These items must be maintained throughout the course of construction.
- (2) The final plat must be released by the city and filed with Hennepin County for recording.

5) Prior to issuance of a building permit for any of the lots within the

development:

- a. Submit the following for items staff review and approval:
 - (1) A construction management plan. This plan must be in a city approved format and outline minimum site management practices and penalties for non-compliance.
 - (2) Final grading and tree preservation plan for the lot. The grading for each lot must be located within the grading limit indicated on the preliminary grading plan. City staff may approve adjustments to the grading limits only if the revised grading does not have any additional impact to the critical root zone of adjacent trees and does not remove any high priority trees indicated for preservation. The plan must also:
 - (a) comply with the preliminary grading plan as depicted on the preliminary plat;
 - (b) must preserve trees designated for preservation at the time of preliminary plat approval;
 - (c) show sewer and water services to minimize impact to any significant trees. No trees may be removed for installation of services. One set of new services must be installed.
 - (3) A tree mitigation plan. The plan must meet minimum mitigation requirements as outlined in the ordinance.
 - (4) Submit cash escrow in the amount to be determined by city staff. This escrow must be accompanied by a document prepared by the city attorney and signed by the builder and property owner. Through this document the builder and property owner will acknowledge: (1) the property will be brought into compliance within 48 hours of notification of a violation of the construction management plan, other conditions of approval, or city code standards; and (2) if compliance is not achieved, the city will use any or all of the escrow dollars to correct any erosion and/or grading problems.
- b. Submit the following documents:

- (1) A recorded copy of the preliminary plat, all required easements, stormwater maintenance agreement, and restrictive covenants.
 - (2) A letter from the surveyor stating that boundary and lot stakes have been installed as required by ordinance.
 - (3) A letter of credit or cash escrow in the amount of 150% of an estimated cost or 125% of a bid cost to complete required tree mitigation. Individual letters of credit are required for each lot.
- c. Schedule and hold a preconstruction meeting with engineering, planning, and natural resources staff.
 - d. Install a temporary rock driveway, erosion control, tree protection and wetland protection fencing for each lot. These items must be maintained throughout the course of construction.
 - e. Pay a hookup fee for sanitary sewer and water.
 - f. Driveway grades must not exceed 10%.
 - g. Water services must be 1-1/2" and sanitary sewer services must be 6".
- 6) Notwithstanding the requirements outlined above, all lots and structures within the development are subject to the all R-1 zoning standards. In addition:
- a. Lowest floor elevation must be a minimum of 2 feet above the designated floodplain elevation.
 - b. Houses within the development must be protected with 13D automatic fire sprinkler systems if:
 - (1) Access to the property on which the house is being constructed is via a private roadway;
 - (2) Any portion of the first-story walls, as measured by an approved route around the exterior of the house, is more than 150 feet from a public street; or
 - (3) The property on which the house is being constructed

· is located more than 499 feet from a public, looped water line.

- 7) During construction, the streets must be kept free of debris and sediment.
- 8) The city must approve the final plat within one year of preliminary approval or receive a written application for a time extension or the preliminary approval will be void.

Adopted by the City Council of the City of Minnetonka, Minnesota, on _____.

Terry Schneider, Mayor

ATTEST:

David E. Maeda, City Clerk

ACTION ON THIS RESOLUTION:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on _____, 2011.

David E. Maeda, City Clerk