

ADDENDA
Minnetonka City Council
Meeting of October 24, 2011

12B. Ordinances amending various environmental sections of city code regarding floodplain, grading and erosion control, wetland protection, shoreland district, landscaping maintenance, and public nuisance

Attached is a change memo from the city planner with attached amendments to the proposed floodplain district ordinance.

14E. Concept plan for Ecostation generally located at the corner of Shady Oak Road and Excelsior Blvd.

Attached is a letter from the adjacent property owners that was provided after the council packet was distributed.



Memorandum

To: City Council
From: Loren Gordon, AICP, City Planner
Date: October 24, 2011
Subject: Change Memo for the October 24, 2011 City Council Agenda

11B. Ordinances Amending Environmental related sections of City Code:

An amendment to the proposed ordinance section regarding floodplain district is attached. (see attachment A).

14E. Concept Plan for Ecostation:

The attached letter from the adjacent property owners was provided after the packet was prepared. (see attachment B).

Attachment A

Floodplain

sq) all recreational vehicles that are not travel-ready must meet the same standards as any other single family dwelling unit. For purposes of this section "travel-ready" means that the unit must be ready to travel on a roadway, including that it:

- 1) have a current, valid license to operate on public roads;
- 2) rest on inflated tires or an internal jacking system that can quickly return the unit to its inflated tires;
- 3) be attached to the site by no more than the quick-disconnect type of utilities commonly used in transitory campgrounds; and
- 4) have no permanent structures attached to it;

tf) all manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse, lateral movement, and they must meet the same standards as any other single family dwelling unit. Methods of anchoring may include use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces;

u) land within the floodplain overlay district may be included in a subdivision of land if:

1) the applicant for a subdivision provides the information required in section 300.24, subdivision 7 to determine the 100-year flood elevation and the floodplain district boundaries for the subdivision site;

2) the land to be subdivided has water and sewage treatment facilities that comply with city standards and has road access that complies with the requirements of this code. All access roads must be clearly labeled on all subdivision drawings and platting documents;

3) the subdivision is not unsuitable because of flooding or inadequate drainage, water supply or sewage treatment facilities; and

4) each proposed lot contains the minimum buildable area required by the city code, ~~without floodplain fill or alteration~~ and Delete

5) there has been no floodplain alteration creating buildable area on the land to be subdivided within three years before the subdivision application.

Delete

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

Floodplain

5) The alteration will meet the intent of the city's water resources management plan and the subdivision and zoning ordinances;

6) The alteration will not adversely impact governmental facilities, utilities, services or existing or proposed public improvements; and

7) The alteration will not have an undue adverse impact on the public health, safety or welfare.

d) Notwithstanding the general standards, no alteration permit will be granted unless the following specific standards are met.

1) On properties zoned R-1 and R-2, that are improved with a principal structure that is not a conditionally permitted use, the proposed alteration would not result in buildable area in excess of the minimum buildable area requirements outlined in the subdivision and zoning ordinances.

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2) On properties that are improved with a principal structure that is not covered by subparagraph 1 immediately above, the proposed alteration would:

a. Increase the buildable area of the property by no more than 10 percent and in no case more than 7500 square-feet; and

b. Would not create parking or drive access drives, except where required by the city engineer to meet minimum evacuation requirements.

~~1~~ On all properties within the city:

a. Water storage must be maintained and provided in an amount at least equal to that filled unless acceptable hydrologic engineering data has been presented and approved by the city engineer indicating that conditions have changed such that the floodplain characteristics will be maintained even with proposed floodplain fill.

b. Floodplain fill area must be located no more than 20 feet from any existing or proposed structure, except where required by the city engineer to achieve a required evacuation route.

c. Where floodplain alteration is required for construction of a driveway, the driveway must be no wider than 12 feet and must be located to minimize impact to the floodplain.

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

Floodplain

d. Floodplain alteration, including the creation of compensatory water storage, must not result in removal of regulated trees, adversely impact wetlands or existing wetland buffers, or be located within public easements. The city council may waive this condition if the proposed alteration would improve existing site conditions.

e) No floodplain alteration is permitted to create buildable area on unimproved legal lots of record that do not meet the minimum building area requirement unless approved by the city council and in conformance with the standards of this subdivision.

Delete

f) If the alteration will change the boundary of the floodplain district, a zoning map amendment is also required under subdivision 10 below.

1044. Removal of Lands from the Floodplain District.

This subsection applies to new principal structures or additions to existing principal structures constructed in accordance with section 300.24, subdivisions 5 and ~~8(6)~~ and ~~(9)~~. It does not apply to accessory structures or other uses.

a) Land may not be removed from the floodplain district if:

1) removal from the floodplain district would create buildable area on a lot that is unimproved with a principal structure and does not contain minimum buildable area required by the city code; or

2) removal from the floodplain district is requested in conjunction with a subdivision application that creates buildable area on a created lot that would not otherwise contain the minimum buildable area required by the city code.

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~~ab)~~ The following applies to only the FEMA floodplain areas:

~~a) Land may be removed from the floodplain district only by a zoning map amendment pursuant to the provisions of section 300.09 of this ordinance. The floodplain designation on the official floodplain district map will not be removed from a floodplain area unless it can be shown that the designation is in error or that the area has been filled to one foot above the elevation of the 100-year flood and stage increase, and is contiguous to land outside of the floodplain per state standards.~~

1b) Changes in the official floodplain district map must meet FEMA technical conditions and criteria and must receive prior FEMA approval before adoption by the city. The applicant must obtain a conditional letter of map revision from FEMA before the city council considers the request, and a subsequent letter of map revision from FEMA within 90 days after issuance of the certificate of occupancy. The FEMA

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

Wetlands

5e) An existing structure, driveway or parking area meeting the required setback from a city-designated wetland boundary or buffer area is considered a legal nonconforming development if a later wetland delineation or implementation of a wetland buffer shows that the wetland or its buffer is closer than the required setback.

Section 6. City code section 300.23, Subdivision 9, is amended as follows:

a) Removal of wetlands from a wetland overlay district requires a zoning amendment. An amendment must be made pursuant to the provisions of section 300.09 of this ordinance and WCA replacement rules. This amendment must be consistent with the purpose of this ordinance, the city's water resources management plan and the goals and policies of the comprehensive plan. In determining the appropriateness of a rezoning request, the city council will consider the size of the wetland overlay district, the magnitude of the area proposed for removal, the overall impact on the function and value of the wetland, the hydrological and ecological effects and the type and function of wetlands involved in order to provide the maximum feasible protection.

b) Land may not be removed from the wetland overlay district if:

1) removal from the wetland overlay district would create buildable area on a lot that is unimproved with a principal structure and does not contain minimum buildable area required by the city code; or

2) removal from the wetland overlay district is requested in conjunction with a subdivision application that creates buildable area on a created lot that would not otherwise contain the minimum buildable area required by the city code.

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c) Wetlands within an overlay district may only be removed according to WCA rules and if at least an equal area of new wetland is created to compensate for the wetland being filled. Unless otherwise approved by the city council, compensatory wetland area must be provided within the same subwatershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees. The city may require cash escrow or letter of credit equal to 150 percent of the cost to mitigate for the wetland.

d) In addition to application requirements, the city may require submission and approval of the following information:

- 1) a concept plan showing ultimate use of the property;
- 2) a grading plan with appropriate drainage calculations and erosion controls prepared by a registered engineer;
- 3) a landscaping or revegetation plan;

Wetlands

4) such other information as may be necessary or convenient to evaluate the proposed rezoning; and

5) a determination of the function and value of the wetland using the most recent version of Minnesota routine assessment method for evaluating wetland functions (MN~~i~~nRAM) or other approved assessment methodology.

Section 7. City code section 300.23, Subdivision 10, is amended as follows:

c) Alteration of land within a wetland overlay district will only be allowed if the wetland and its buffer are provided in an amount compensatory to that removed. Unless otherwise approved by the city council, compensatory wetland area and its buffer must be provided within the same subwatershed district as the wetland being altered, it must be located outside of any public easement and it must not result in the loss of regulated trees. ~~Wetlands may not be altered in the wetland overlay district if:~~

1) the alteration would create buildable area on a lot that is unimproved with a principal structure and does not contain minimum buildable area required by the city code; or

2) the alteration is requested in conjunction with a subdivision application that creates buildable area on a created lot that would not otherwise contain the minimum buildable area required by the city code.

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d) In determining the appropriateness of an alteration request, the city council will consider the size of the total wetland district, the magnitude of the area proposed for alteration, the impact on the overall function and value of the wetland, the aesthetic, hydrological and ecological effect, the type and function of wetlands involved, and such other factors as may be appropriate in order to provide the maximum feasible protection to the wetlands. Application for a wetlands alteration permit must be accompanied by such information as required by the city, including:

- 1) a concept plan showing the ultimate use of the property;
- 2) a grading plan, with appropriate drainage calculations and erosion controls prepared by a registered engineer;
- 3) a landscaping or revegetation plan;
- 4) such other information as may be necessary or convenient to evaluate the proposed permit; and

5) a determination of the function and value of the wetland using the most recent version of Minnesota Routine Assessment Method for evaluation wetland functions (MN~~i~~nRAM) or other approved assessment methodology.

Attachment B

From: Rob.Lind@emerson.com
To: [Loren Gordon](#)
Subject: ECO Station
Date: Monday, October 24, 2011 1:52:12 PM

Hi Loren,

My name is Robert Lind and I live at 11812 Karen Lane in Minnetonka. I am writing to give you my opinions regarding the future development of the land near Shady Oak Road and Excelsior Boulevard, the development being called ECO Station. One of my neighbors is outspoken and is voicing opposition to much of the development, including light rail. I do not agree with that opposition.

I believe that the Southwest corridor light rail line will be very beneficial to the Hopkins/Minnetonka area. It has been proven that light rail increases property values. I look forward to the light rail construction and to the benefits it will bring to the community. The prospect for light rail is of course causing developers to look at adjacent property. The development of the land near Shady Oak Road and Excelsior Boulevard is inevitable.

As the city of Minnetonka reviews proposals, I would like them to keep a few things in mind.

- The development should not overwhelm the site, A 70,000 square foot grocery store is probably too big. Would Cub Foods be willing to construct something about 50,000 square feet? I think that would be a better size store for this location. The Southwest corridor said that the transit station area would shy away from big box stores, so the site would not be overwhelmed.
- The city of Hopkins has a fair amount of low income housing within its' limited borders already. I would personally not like the percentage of low income units to exceed 25 % of the total housing units at the ECO Station. This way, we would actually get a diverse population while giving low income residents an option to live near the light rail line. Remember that Hopkins will already have a decent amount of low income housing in close proximity to the light rail. Some owner occupied condos would be a great addition to the site.
- Please try to keep in mind the traffic issues when determining the size of the project. One of the benefits of light rail is reduced traffic. We need to keep the number of housing units and the size of the retail stores to a reasonable level so the area is not overwhelmed with traffic issues. The Southwest corridor will eventually be developed along the entire route, the Southwest station should not be overdeveloped.

Thanks for your consideration.

Rob Lind
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