

***Memorandum***

**To:** Planning Commission

**From:** Geoff Olson, Planning Director

**Date:** December 5, 2005

**Subject:** Change Memo for the December 8, 2005, Planning Commission Agenda

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**ITEM 8A – GLEN LAKE REDEVELOPMENT PROJECT (05091.05a)**

The attached letters were inadvertently not attached to the staff report sent out on December 2<sup>nd</sup>. However, each comment was counted in the neighborhood feedback count on page 43 of the staff report.

I AM STRONGLY OPPOSED TO THIS PROJECT FOR THESE REASONS:

- **Density and traffic:** Because of the high number of units on these properties, traffic in this small intersection will increase, creating safety problems for children using Glen Lake Park, especially after the development of the Renneke property in the future. The plans do not accommodate this increase.
- **Appearance:** The design of this development is very similar to developments in Edina, Wayzata, and many other suburban developments around the country. There is no sense of history, connection to the landscape, or relationship to any existing structures. Many of us chose this community because it did not resemble typical suburbs. Cutting down every tree on site C is also negative.

In addition, the height and width of the building on Site C are disproportionate to the size of the lake and surrounding buildings. The building as presently designed will have a negative impact on its neighbors and downgrade the views from the other side of the lake.

- **Environmental impact on the lake and parkland:** There has been no study of the environmental impact on Glen Lake. Higher density will mean more pressure on Kinsel Park. The trail shown on Site C is not an actual park easement, as recommended by the neighborhood committee, but merely a design element, with no guarantees for its permanent maintenance or public access.
- **Proximity to existing townhouse development.** The variances for setbacks being requested are unreasonable, and would not be considered in any other neighborhood in Minnetonka.
- **Poor public process:** There has been minimal opportunity for public comment and no opportunity for public input into the design and high density concept of this development. The proposal is counter to many of the recommendations of previous neighborhood committees. The compressed timing of the public informational meetings, the planning commission and the Council vote is extremely short, and clustered around the holidays. It appears to be specifically designed to avoid discussion and meaningful community participation.
- **Eminent Domain:** Condemning a private person's property for the benefit of a private developer is wrong. The poor public process of this project does not indicate that any great public good is being served here.

## NEIGHBORHOOD FEEDBACK SURVEY

As a local business owner, I am encouraged by the growth of Glen Lake. But at the same time, I have some serious issues with the city's plan. Although growth of the city is positive, I believe the plan calls for too much, too fast, which concerns me greatly for the following reasons.

- 1) Eminent domain: As a property owner in Glen Lake, I am deeply troubled by this issue. If the city of Minnetonka is using Eminent Domain in not one, but two properties on Site B, where will the city of Minnetonka use it next? Is my property at risk? The use of Eminent Domain in these cases could set a precedent which will be of great concern to all property owners in the area.
- 2) The height of all buildings in all three sites is too excessive. Site A should be limited to three stories. Site B should be limited to two stories, and site C should be limited to three stories. The size of the property areas are too small to house four and five story buildings, which will also inhibit views and stick out like the proverbial "sore thumb."
- 3) The increase in housing will greatly increase the traffic, especially along my property on Stewart Lane. The increased traffic volume will add to the already challenging problem of car noise, litter and dog waste on my lawn. What concerns me even more is the probability of more people using Stewart Lane to get to Eden Prairie Road and Crosstown. During rush hour times, people use my parking lot as a short cut to Eden Prairie Rd. With the increased traffic this will become much more of a problem, causing a safety risk for tenants and customers of the Glen Lake Professional offices.

## Donna Olson

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**From:** jschultc@aol.com  
**Sent:** Tuesday, November 29, 2005 4:41 PM  
**To:** Donna Olson  
**Subject:** Project 05091.05a, Glen Lake Redevelopment Project

November 29, 2005

Mayor and City Council  
City of Minnetonka  
14600 Minnetonka Boulevard  
Minnetonka, MN 55345

Re: Project 05091.05a. Glen Lake Redevelopment Project, neighborhood feedback survey.

Dear Mayor and Council Members:

I am opposed to the Glen Lake Redevelopment Project currently being considered for the south side of Excelsior Boulevard (Site B) between the substation and 14317 Excelsior Boulevard. The displacement of businesses like the Alano and the Golden Nugget is unnecessary and would be detrimental to the current diversity and historical character of the community. The Golden Nugget is a landmark that has identified Glen Lake for many years. To think that these businesses could survive a relocation is speculation without warrant. Please consider a more effective and creative way to revitalize these businesses in their current location. I am also opposed to the 50-unit multi-story luxury condominium building (Site C) being proposed for the south side of Stewart Avenue. Rezoning this area R-1, low density residential, to R-5, high density residential, is in stark contrast to the current character of the existing neighborhood. The proposed development of site C is not consistent with the city of Minnetonka ordinance standards (reference excerpts below) and would displace a current single family residence. Developing site C in the proposed manner would also have a detrimental impact on the adjacent mature forested woodlands of Kinsel Park and is in direct conflict with the Glen Lake water quality improvements plan. Developing site C would have a negative effect on the adjoining wetlands and Glen Lake and would additionally affect the newly created ponds within Kinsel Park that are already stressed beyond their intended functional capacity.

Sincerely,

Jeff Schultenover, 13424 Maywood Curve, Minnetonka, MN 55345

Reference the Minnetonka Code of Ordinances, Chapter 3 Zoning Regulations (excerpts):

### **Section 300.01.**

#### **2. Purpose:**

g) conserving the natural beauty and environmental assets of the city including areas of steep slopes, mature trees, and wetlands; '

h) protecting water resources and water quality in accordance with the provisions of this ordinance and the city's water resources management plan;

**4. Interpretation and Application:** a) The provisions of this ordinance shall be minimum requirements. Where the conditions imposed by any provision of this ordinance differ from those required by any statute or other ordinance of the city, the regulations which are more restrictive or which impose the higher standard shall prevail except provisions of the subdivision ordinance as codified in the 1982 code of ordinances shall not supersede provisions of this ordinance.

### **Section 300.02. Definitions:**

145. "Wetlands" - poorly drained environmentally sensitive lands classified by type in section 300.23 of this ordinance and designated on official city floodplain and wetland maps.

### **Section 300.23. Wetlands Protection:**

11/30/2005

## 1. Purpose and Intent.

a) The purpose of this section is to recognize, preserve and protect the environmental, aesthetic and hydrologic functions of the city's wetlands by regulating the use of wetlands and their adjacent properties. These functions include, but are not limited to, sediment control, pollution control, filtration, fish and wildlife habitat and aquifer recharge.

b) The intent of this section is to protect wetlands to the maximum extent possible while allowing a reasonable use of the property. This section adopts the regulations and standards of the Wetland Conservation Act of 1991 (WCA), Laws of Minnesota 1991, chapter 354, as amended, and the rules adopted pursuant to the WCA. It also establishes a wetland overlay district. This overlay district further regulates the underlying land use as allowed by other districts or the WCA.

**8. Standards for Wetlands Districts, Buffer Areas and Neighboring Lands.** The following standards apply to all land within the wetland overlay districts, wetland buffer areas, and to neighboring lands:

a) Protection of wetlands and wetland buffer areas.

1) Except as modified or regulated by the standards of this subsection, all requirements of the underlying zoning district apply.

2) No structures are allowed in the wetland overlay districts, or wetland buffer area except those allowed as of right or by conditional use permit by subsections 6 or 7 of this section.

3) Activities including, but not limited to, building, paving, mowing, cutting, filling, dumping, yard waste disposal or fertilizer application are prohibited. Mowing may be permitted when approved by city staff as a buffer management strategy. However, invasive non-native vegetation, such as European buckthorn and noxious weeds, may be removed.

4) Before grading or construction near a wetland overlay district or buffer area, the owner or contractor must place erosion control fencing on the upland side of the perimeter of the wetland overlay district or wetland buffer area, whichever is more restrictive, or as required by the city. This fencing must remain in place until all development activities that may affect the wetland and the wetland buffer area have been finished and adequate vegetative cover has been established.

5) All structures must have a minimum basement floor elevation not less than two feet above the 100-year flood elevation.

6) All hard surface runoff must be treated in accordance with the requirements of the city and the appropriate watershed district. Treatment may include site retention, skimmers, weirs, bioretention or infiltration basins, or sedimentation ponds of appropriate scale. Structures and ponds serving this purpose must be properly maintained and serviced by the property owner.

7) Discharge into the wetlands must occur at a rate no greater than allowed by the city engineer in accordance with the city's water resources management plan and the appropriate watershed district requirements.

b) Setbacks.

1) All structures, except those permitted within the wetland overlay districts, must be setback at least 35 feet from a wetland overlay district and at least 10 feet from a required wetland buffer, whichever is greater. However, uncovered porches, decks, patios, sport courts, tennis courts, pool aprons, stairways, walkways, cantilevered building areas, porticos, and similar features may extend up to 10 feet into the required setbacks but not into buffer areas.

2) Pools must be setback 35 feet from the wetland overlay district. This distance will be measured from the water's edge of the pool.

3) Parking or driveway areas must not be located within 20 feet of a wetland overlay district and must be outside of any required buffer area.

4) A setback is not required from the wetland overlay district for overhead utility poles and lines that are less than two feet in diameter, underground utility lines and distribution equipment, light poles, traffic signals, traffic regulatory signs, mailboxes, and other equipment that provides an essential public service.

5) A setback is not required from the wetland overlay district for fences or retaining walls, except that retaining walls may not be within 25 feet of a wetland unless needed to control existing conditions of erosion.

6) 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.

November 22, 2005

The City Council, Minnetonka, MN.

We are deeply concerned with the developer Wartman's plans for the Glen Lake area for a number of reasons.

First, the necessity for such expansive development is certainly questionable. There are a great many condos and town houses in the Glen Lake area at present.

Second, certainly the increased traffic with the added congestion, pollution and safety concerns are definite negatives. Traffic is of most ample concern at present.

Third, tax increment financing may be of benefit to the developer but certainly has not been proved to be of benefit to the citizenry.

Fourth, the threat of eminent domain to take property from the present owners to enhance the fortunes of developer, Thomas Wartman is simply dead wrong in our view

Yes, Mr. Wartman is exerting considerable pressure on the city officials and residents of Glen Lake via meetings, presentations, etc. Yet we feel it is imperative the city officials very carefully consider the negative impacts before granting approval of the proposed development.

Mr. and Mrs Alfred E. Lounsbury  
14501 Atrium Way, #239  
Minnetonka, MN 55345

*Alfred E. Lounsbury*  
*Mary E. Lounsbury*

Glen Lake Redevelopment Project (Reference Project 05091.05a)  
Planning Commission Meeting  
Thursday, December 8, 2005 6:30 pm in Council Chambers at Community Center

John Gunyou – city manager 952/939-8209  
Robert Ellingson Ward 1 Precinct 1 Councilman

I'm Randall Neal. I am a property owner (14203 Glen Lake Dr.) living immediately next door to site "C" of Mr. Wartman's proposed condominium project. I'm one of the new Town Home owners. I'm here to request you, the planning commission to make a modification to the site "C" proposal.

I want to prefix my request by saying I am for the most part in favor of the overall plan Mr. Wartman has brought before you. The artist's rendition of the project looks quite attractive.

As an interested community member I attended the November 17<sup>th</sup> community meeting held at Immaculate Heart Church to listen to Mr. Wartman share some of the details of the project.

Among other things Mr. Wartman indicated the proposal was a "package" deal. That in order to accomplish the mixed use portion, which he indicated was the heart of the project; all three sites had to be developed. He indicated, at least indirectly that the other two sites would be to some extent used to subsidize the mixed use portion. This subsidizing aspect is apparently especially true of site "C" the luxury condominium site since these units are slotted to sell for between \$350,000 to \$850,000 each, which if my math is correct totals between \$16,100,000 up to a possible \$42,500,000.

Mr. Wartman shared at the community meeting that the site "C" condominium unit will be a very large building. He indicated it is designed to have 4, 11 feet tall floors plus the roof plus a lower level parking garage. Four times eleven plus about 6 feet of roof means the building will be over 50 feet tall above ground.

I have three questions regarding this proposal:

1. Several years ago I understand this same planning commission and essentially the same city council determined that the Zachman proposed three story condominium unit on the same north side of Glen Lake was too large and not appropriate to the surrounding neighborhood. A major modification was required of Mr. Zachman which resulted in an acceptable compromise. My question is what changed? How is a many times larger condo unit now acceptable when just a short time ago a much smaller unit was determined to be too large and not acceptable?

2. How many other large 50 feet plus tall condo units in Minnetonka are currently located on lake property? If this proposal is approved will this become the precedent for all the

other lakes located in our city of Minnetonka? Will other developers seek to construct huge condo units on these other lake shores?

3. Is the threat of eminent domain seizure of private property which apparently is part of the proposal really a direction we as a community want to go?

My request and hope is that you as a planning commission as well as the city council later will use the same criteria for determining acceptability for this project as you did for the Zachman project. Specifically I am requesting that a modification be made so that whatever is finally built will be proportional to the current neighborhood. By that I mean the proposed condo footprint be reduced so that its total size (square feet & height) be approximately the same size and height as the Glen Lake Shores condo units. In the spirit of community good and compromise I feel this is a reasonable request. Mr. Wartman will still be able to generate millions of dollars and Glen Lake will be able to maintain the best of the community flavor.

Yours is a difficult job as a commission. You must weigh the many and varied interests of all the citizens of our community. I hope you will see the merits of this request for a modification to the condo portion of the project. I thank you for allowing me to speak and wish you the best as you seek to serve the overall good of our community.

## Donna Olson

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**From:** Thurlow, MaryAnn B [MTHURLOW@amfam.com]  
**Sent:** Monday, November 28, 2005 2:48 PM  
**To:** Donna Olson  
**Cc:** mthurlow@mn.rr.com  
**Subject:** Project 05091.05a

Thank you for the information you provided by mail regarding the above project. I **strongly object** to the plans for development in our neighborhood. I reside at 5333 Mayview Road which is just a few blocks east of Kinsel Rd.

I would like to express the following and would appreciate these factors being taken into consideration during the planning of the proposed development:

1. I do not wish to pay increased taxes to support this development, nor do I wish to pay increased taxes due to the rumored predicted increase in the value of my home, as a result of this development. On the contrary, I would predict a decrease in the value of homes, since I can't imagine anyone wanting to move to a high density area such as the one that is being created. We sought this neighborhood for the sheer fact that it was not a high density, over-populated area, and one that did not have much retail. We are still amazed at the volume and speed of traffic flow past our home due to people using Mayview as a shortcut between Excelsior and Baker, to avoid the traffic light. With the proposal, the volume of traffic will only increase. Since law enforcement is unable to enforce speeds on our road, there will be more likelihood of accidents, especially on the corner of North Street and Mayview Road. There is already difficulty at peak times of the day to navigate traffic turning left onto Excelsior from Woodhill.
2. Adequate traffic modifications are not being included in the plans to accommodate the increased volume of vehicles, nor are appropriate modifications being made to accommodate the increased volume of pedestrians. I also believe that with the increase in population density, crime incidents will increase. Based on the diagrams enclosed, there are not enough parking spaces to accommodate the number of residents. If the pricing for the housing is high, you can be sure there are multiple vehicles per household. This means that spill over parking will take place at the New Market store or in the surrounding neighborhood which is undesirable. Snow removal and poor traffic flow will be a foreseeable problem.
3. I do not understand how this area will support the pricing of the housing that is proposed. Also, with the number of vacancies in the neighborhood for retail shops already, how will the community expect to draw the necessary number of retailers into the area to support this development?

Questions I have regarding your notice are as follows:

1. Regarding Phase 3 (Site A), what do they mean when they say 20% of the overall units would be affordable?
2. Regarding Site B, where is the electric transmission line being relocated to? What variances are being applied for in relation to this?
3. Why is there consideration of a 'vacation of excess right-of-way along the south side of Excelsior?'
4. Regarding the overall project requests, why is there a need for eminent domain and tax increment financing? How will this affect our community?
5. What modification for the plan is being considered?

I will appreciate any information you can provide and will appreciate your passing on my comments to whom it may concern, in time for the public hearing of December 8, 2005.

Thank you for your consideration.

Sincerely,

*Mary Ann B. Thurlow*

11/29/2005