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The meeting convened at 7:00 p.m.

Councilmembers present: Mayor Jeff Jacobs, Steve Hallfin, Anne Mavity (arrived at 7:28 p.m.), Julia Ross, Susan Sanger, Sue Santa, and Jake Spano.

Councilmembers absent: None.

Staff present: City Manager (Mr. Harmening), City Engineer (Mr. Brink), Director of Public Works (Mr. Rardin), Director of Community Development (Mr. Locke), Planning/Zoning Supervisor (Ms. McMonigal), Communications Coordinator (Mr. Zwilling), and Recording Secretary (Ms. Hughes).

Guests: Dan Hunt (Hunt Associates).

### **1. Highway 100 Reconstruction Update**

Mr. Brink presented the staff report and policy questions for Council consideration.

Councilmember Spano stated he would prefer a 5' width for the bike path but the proposed 4' width is acceptable. He stated he would be okay with someone relocating the rocks out of the Rock Garden. He stated his agreement with how the City will cast its vote regarding the noise wall. He stated he would defer to the rest of Council regarding any special mailing to residents regarding Municipal Consent.

Councilmember Hallfin requested clarification regarding the cost to install the bike lane and whether the cost to install a 5' wide bike lane would add an additional \$125,000.

Mr. Harmening explained that the cost is \$125,000 for each additional foot added to each side and if the City installed a 6' wide bike lane the cost would be \$250,000 total.

Councilmember Hallfin stated he would have no objection to adding \$125,000 to the cost of the project in order to make sure bikes are safe and was agreeable to a 5' wide bike lane. He stated the Rock Garden is very old and the Historical Society has indicated it has no interest in it but if there was a group that wanted to do something with it, he would be fine with that adding if it is the will of the Council to do nothing with the Rock Garden, he was fine with that as well.

Councilmember Santa stated she could not comment on the bike lane width and preferred to defer to others based on the input previously received by Council. She stated she did not feel the Rock Garden was worth saving adding she did not want to see any City money put into preserving it. She stated her agreement with how the City will cast its vote regarding the noise wall and stated she had no concerns regarding the process for Municipal Consent.

Councilmember Ross stated she would prefer a 5' wide bike lane and asked if a 5' wide bike lane would provide enough clearance for recumbent bikes.

A resident in the audience nodded his head indicating a 5' wide bike lane would provide enough clearance for recumbent bikes.

Councilmember Ross stated she would be okay with a group of residents preserving the Rock Garden but did not want to put any City dollars into preserving it. She stated her agreement with how the City will cast its vote regarding the noise wall and had no concerns regarding the process for Municipal Consent.

Councilmember Ross noted that the proposed width of the bike lane is 4' and asked if 4' is sufficient for recumbent bikes.

Mr. George Hagemann approached the City Council and indicated the proposed 4' width is acceptable adding that State guidelines indicate 5' is acceptable.

Councilmember Sanger stated that a 5' wide bike lane was preferable and was okay with the City spending an additional \$125,000 to that width. She asked if there was any way to reduce the current 10' trail on each side by one foot and using that extra foot to widen the bike lane to 5'.

Mr. Rardin advised he spoke with Mr. Jim Grube at Mn/DOT regarding this who indicated that the County will not support narrowing the trail from a 10' width.

Councilmember Sanger felt the City should install a 5' wide bike lane on each side. She agreed the Rock Garden cannot be reconstructed in its current location and some effort could be made to save the rocks and reconstruct the Rock Garden to the extent possible. She stated there are five affected properties on Toledo Avenue south of Minnetonka Boulevard who will get to vote on the noise walls; one property owner has said they want the noise walls but she did not know how the other property owners would vote. She indicated she understood from Ms. Crockett that the City's votes on the bike trail are due at the same time as the votes of those five property owners and was not sure how the City would determine whether these property owners want the noise wall in time to cast its vote.

Mr. Brink indicated the City intends to reach out to this neighborhood and meet with them to gauge their sentiment on the noise wall.

Councilmember Sanger stated that unless the City hears that these property owners do not want the noise wall she would prefer to leave them in. She stated her agreement with the process for Municipal Consent and requested clarification regarding a special mailing to area residents.

Mr. Rardin stated that past practice for Council meetings is not to send a special notice but given the high profile and significant public input on this project Council may wish to send a special mailing to those residents who have been notified in the past.

Councilmember Ross noted that the City's website will contain information regarding Council's action on Municipal Consent.

Mayor Jacobs stated he preferred a 5' wide bike lane and was okay with spending the additional money to get a 6' wide bike lane. He stated the Rock Garden is in tough shape and did not agree with spending any City money to preserve it. He stated he preferred to defer to the residents regarding the noise wall and saw no reason not to go forward on December 3<sup>rd</sup> with action regarding Municipal Consent.

Mr. Harmening expressed frustration that the City will have to pay for any additional width on the bike lane since this is a County road and the County has been very inflexible on this issue.

He stated the City will move forward with a 5' wide bike lane with the understanding that the City might have to pay for it but the City will continue to ask the County to pay for it. He stated he appreciated that some residents want to preserve the Rock Garden **but the Historical Society has made it clear they have no interest in it** and there does not appear to be an organization that wants to find a home for the Rock Garden and the City's assessment is that it is not worth saving.

Councilmember Sanger asked **Ms. Diane Steen-Hinderlie** if she was aware of any group that might be able to put the time or effort into preserving the Rock Garden.

Ms. Steen-Hinderlie approached the City Council and stated the **Rock Garden has been neglected for a couple of decades** and they would have to educate the community about the Rock Garden. She indicated the Historical Society has agreed to let them write an article for the *Re-Echo* regarding the Rock Garden to see what ideas people might have for preserving it.

Mayor Jacobs felt it should be left to **residents to come up with a plan for preserving and relocating the Rock Garden.**

It was the consensus of the City Council to install a minimum 5' striped shoulder on the Minnetonka Boulevard bridge and to seek payment from the County for the additional bike lane width. **It was also the consensus of the City Council that the City should not expend staff resources or money to preserve the Rock Garden.** It was also the consensus of the City Council to cast the City's votes for the noise wall south of Minnetonka Boulevard as proposed in the staff report. It was also the consensus of the City Council to schedule consideration of Municipal Consent for the Council meeting on December 3, 2012.

An audience member approached the City Council and stated his house is the only one that will lose value because of the reconstruction. He stated the project will take away his parking and the on-ramp will be right in front of his house.

Mr. Rardin indicated the project will not change any of the street widths or sidewalks and trails in the vicinity of this audience member's home and the only change will be access to the highway. He stated the City engaged in an extensive public process for this project.

Mayor Jacobs recessed the Special Study Session at 7:29 p.m. in order to convene the City Council meeting.

Mayor Jacobs reconvened the Special Study Session at 8:53 p.m.

#### **Update Regarding Metropolitan Airports Commission (MAC) Vote on FAA Plan**

Mayor Jacobs introduced Commissioner Lisa Peilen from the Metropolitan Airports Commission.

Commissioner Peilen updated Council on the MAC decision earlier today with respect to the FAA's proposal to change flight paths that would impact areas of St. Louis Park. She explained the actual number of flights over Edina would have decreased from 440 to 308 under the FAA's proposal but those flights would have been concentrated in a much narrower band. She stated there was an unprecedented outpouring from residents on this issue and Commissioner Foster made a motion to support the FAA's proposal with the exception of what happens on runways 30R and 30L. She advised the motion was adopted with one abstaining and one "no" vote

adding that she abstained because she represents Edina and part of Minneapolis that are opposed to the proposal and she also represents parts of Richfield that support the proposal; the vote on the proposal was acceptable to Edina and Minneapolis. She advised it is unclear whether the FAA will roll out the proposal in the spring without the letter of support from the MAC and the proposal could be delayed to 2014. She added she would be happy to give a presentation to the City to help residents understand the impact of the FAA's proposal.

Councilmember Sanger asked if the FAA could go ahead with its proposal without MAC consent.

Commissioner Peilen stated it was her understanding the FAA has the power to move forward but did not believe that would happen and indicated the FAA representative told her the FAA wanted the letter of support from MAC.

Mayor Jacobs thanked Commissioner Peilen for the update and requested that she schedule a time to present information to the City regarding the FAA's proposal and its impact on the City.

## **2. Reconsideration of Comprehensive Plan Amendment from Civic to High Density and Low Density Residential for Former Eliot School Site**

Mr. Locke presented the staff report and advised that Council needs to put this item on its agenda in a timely fashion for action following the vote to reconsider the action taken on October 15<sup>th</sup>. He also stated it was important to understand that the Comprehensive Plan Amendment will be followed by a zoning amendment and PUD approvals; and all of these actions need to take place in order for a project to be developed on this site.

Mr. Dan Hunt, Hunt Associates, appeared before the City Council and stated they felt they met most of the design guidelines by proposing a building that fit into the neighborhood and advised that they have modified the plan by adding six three-bedroom units and reducing the total housing units from 147 to 141 which still leaves them higher than 30 units per acre. He stated if Council requires 30 units per acre or a total of 129 dwelling units on the site then they will be unable to add the three single-family lots because it uses up too much land. They would only have room for 129 units of apartments. He explained the original plan had 147 total housing units with an overall density of 34.5 units per acre; the apartment portion has 38 units per acre and the three single lots are six units per acre. He stated the current proposal has a total of 141 housing units with a density of 33 units per acre; the apartment portion has 36.6 units per acre and the three single lots remain at six. He indicated that they are asking for the High Density Residential designation on the Comprehensive Plan to accommodate both 3 single-family lots and 138 units of apartments in two buildings for a total of 141 units on the site and an average density of 33 units per acre.

Mr. Locke explained the calculation for the site is 4.3 acres times 30 units per acre, which results in 129 units. He stated if the developer takes the north portion of the site and turns it into three single family lots, the apartment site is the remainder of the parcel. If you put 126 apartments on that portion of the site, the density is higher than 30 units per acre because it is technically sitting on a smaller parcel. He advised that if Council wanted single family homes on the north end of the site, the land use designation in the Comprehensive Plan would have to be High Density even though the site would be zoned something much less than high density. He explained that before anything can be built on the site, Council must approve one of the land use designations for the

Comprehensive Plan Amendment and later also approve a zoning designation for the site. An appropriate zone for the site is R4, which allows 30 units per acre.

Mayor Jacobs asked if the land use designation could be changed back to Civic if for some reason the developer does not follow through with his proposal after the Comprehensive Plan Amendment is approved.

Mr. Locke replied in the affirmative and stated the City would not rezone the site until it had a full development proposal and Planned Unit Development (PUD).

Councilmember Ross indicated a similar issue came up in another area where the zoning was changed then the owner sold the business and plans for the site changed. She asked if the City could get something written in a contract that if the developer goes away the site would automatically revert back to its original use.

Mr. Harmening replied that it would have to go through the normal process.

Councilmember Santa requested confirmation that changing the Comprehensive Plan does not commit the City to any particular zoning district and if the City approved an R4 zoning, that would be 30 units per acre without a PUD to go above that amount, or the equivalent of Medium Density and to go above that amount the developer would need to obtain PUD approval.

Mr. Locke stated that this was correct and added the rezoning and PUD would be done simultaneously through the public process.

Councilmember Sanger asked if the revised proposal would still have the same building footprint design and size and include the same amount of green space.

Mr. Hunt stated the revised proposal uses the same footprint and includes three single-family lots and 138 apartment units in two buildings as well as the addition of six three-bedroom units in the two buildings. He indicated the original proposal had a number of large two-bedroom units and six of those units were converted to three-bedroom units.

Councilmember Spano stated one of the key pieces of information presented at the October 15<sup>th</sup> Council meeting had to do with whether any developers had expressed an interest in developing single-family units on the site. He had asked at the October 15<sup>th</sup> meeting if there had been any offers presented and the response from Mr. Clark was that there were a few. He stated Mr. Clark's response was important in his decision-making process and added that a School Board member has since indicated to him that there have not been any offers presented for the site.

Mr. Locke stated there were inquiries but he was not aware of any offers being made for the site.

Mr. Garfield Clark approached the City Council on behalf of the School District and stated the question he responded to at the October 15<sup>th</sup> Council meeting was whether there was any interest and there were a "couple." He stated his response to the question of whether there was interest would be "yes" and his response to the question of whether a Purchase Agreement was entered into would be "no."

Councilmember Spano stated that given the fact that there were no offers for a single family development and given the fact that Mr. Hunt has decreased the density, he would be okay with

approving the High Density Residential land use designation in the Comprehensive Plan with the understanding that the City has mechanisms in place to limit the total number of units on the site.

Councilmember Mavity stated she liked the revised proposal and felt it fits with the guidelines. She indicated her concern that the guidelines say medium density housing and the City and Council needs to be clear with this developer that the guidelines say medium density. She stated the City has a lot of land coming under development and she did not want to go through this again and did not want to see a situation where the City amends the Comprehensive Plan to expand the site's potential and raise expectations in the community that that is what this land will be used for only to have the developer go away and someone else comes in asking for 50 units per acre. She indicated the proposed design has followed the spirit of the design guidelines and she was comfortable with 33 units per acre.

Councilmember Hallfin asked if two single-family homes could be constructed on the site instead of three to make the land equation work for medium density.

Mr. Hunt replied they would pick up some land but not enough because the density is so low on the single-family lots.

Mr. Locke agreed to further explore reducing the number or size of the single-family lots and its impact on the Medium Density land use designation.

Councilmember Santa stated she was still uncertain but cautiously optimistic about the proposal and it was important to her that Council honors the wishes of the neighborhood. She stated the neighborhood said they wanted medium density and they want to see home ownership. She indicated she was interested in seeing three-bedroom apartments that are larger and she wants to see a project that is conducive to families.

Councilmember Sanger stated she appreciated that the developer has made changes and did not want to see less than three single-family homes on this site. She indicated if Council wants more single-family housing it may need to have a discussion about whether it is willing to put TIF financing into building more single family housing in the City. She stated she would like to see some analysis done by staff on what it would take to do TIF financing on this site in order to have more single-family houses. She felt that the School District and developer had decided the highest and best use of this land but this is the City's decision to make and felt the negotiated sale price was too high and wondered if a project could be built on the site that was more within the design guidelines in terms of medium density with single family homes if the sale price were renegotiated. She expressed concerns about the developer's likely TIF financing request and did not know if she could support TIF financing for the site.

Councilmember Ross agreed with Councilmember Sanger's concerns regarding TIF financing but felt it was premature to make a judgment regarding this until Council knows what will be built on the site. She stated the developer has presented a proposal that meets the majority of the design guidelines and she was okay with the High Density land use designation in the Comprehensive Plan knowing that Council has the ability to stop this later if necessary and has the power to say the site will not go over 33 units per acre.

Mayor Jacobs expressed support for amending the Comprehensive Plan with the understanding that Council retains control of the future zoning on the site.

It was the consensus of the City Council to reconsider the Comprehensive Plan Amendment on December 17, 2012.

The meeting adjourned at 10:04 p.m.

  
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~~Nancy Stroth, City Clerk~~  
Kay Midura, Acting City Clerk

  
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Jeff Jacobs, Mayor