

# MEMORANDUM

TO: ORONO CITY PLANNING COMMISSION  
FROM: RESIDENTS OF OLD BEACH ROAD, NAVARRE  
DATE: June 12, 2017  
RE: Opposition to Proposed Rezoning of, and Master Development Plan for, 2520 Shadywood Road

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## Summary

The Planning Commission should deny the rezoning request and master development plan for 2520 Shadywood Road in its current form. The proposed development conflicts with the vision and standards for growth contained in the Orono City 2010 to 2030 Community Management Plan. It would have a significant detrimental effect on the setting, the adjacent properties and residents due to its detrimental impact on:

- (i) Traffic and pedestrians,
- (ii) Established neighborhood character (e.g., extreme height),
- (iii) Wetland/Lake Minnetonka, and
- (iv) Dark skies.

## Overview

The residents of Old Beach Road listed on Exhibit A oppose the master development plan proposed for 2520 Shadywood Road. The proposal is inconsistent with the setting and community, and antithetical to the principles and vision expressed in the Orono City 2010 to 2030 Community Management Plan ("CMP"). We urge the Commission to reject the proposed plan and deny the request for rezoning until a revised plan compatible with the setting, community and CMP is presented.<sup>1</sup>

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<sup>1</sup> We acknowledge that property owners have full rights to develop their property within applicable zoning restrictions. We do not seek to stop all development of the subject property. We only ask that the development be done consistent with the setting, community and CMP.

In this memorandum, we:

- Review the CMP's guiding principles and vision as it relates to Navarre generally and the subject site specifically
- Describe how the proposed plan is inconsistent with the CMP's guiding principles and vision in the areas of
  - Traffic and pedestrians
  - Building height
  - Wetlands and Lake Minnetonka
  - Dark skies
- Propose other uses for the subject property that would be consistent with the CMP

### **CMP Guiding Principles and Vision**

The CMP was developed between 2008 and 2010, predating a period of growth in Orono and surrounding communities that has significantly increased the pressures on Navarre and its residents. However, even as Navarre was nearly a decade ago, the CMP expresses concern about managing that growth in a way that would preserve Orono and Navarre's unique natures and resources.

For example, even in identifying the subject property as potentially receiving a "mixed use" designation, the CMP recognizes the need for caution, calling upon public input:

The "Mixed Use" designation allows for the possibility of higher density multi-family residential development such as senior assisted living, townhomes, condominiums or apartment buildings. Actual development of such uses on any given property would not occur until a developer applies for and successfully completes a formal rezoning process during which there would be ample opportunities for public input.<sup>2</sup>

The CMP continues this cautious tone in outlining the general principles for development that should guide any zoning change for the subject property (all emphasis is added):

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<sup>2</sup> CMP page 4.

- The basic goal of [the CMP] is preservation: Preservation of our resources; preservation of our distinct urban and rural life-styles; *preservation of Lake Minnetonka and its sensitive watershed*; and preservation of individual initiative and responsibility.<sup>3</sup>
- The concern of the residents is to provide for continuing maintenance and preservation of those natural resources and social amenities which attracted people to Orono in the first place. *Near the lake, density of development has to be regulated in order to minimize the resultant stormwater runoff pollution which, if unrestricted, could permanently alter and destroy the ecology of this very unique resource.*<sup>4</sup>
- Orono's managed growth policy means that the *need to use and enjoy Lake Minnetonka will be balanced with protection of its water quality and accessibility for future generations*. This policy means that the acceptance of growth and development changes will be balanced with *conservation of our resources and natural amenities, and maintenance of our small town social character.*<sup>5</sup>
- Additional urban development will occur in the urbanized areas consistent with the *capacities of the existing urban services and at limited densities consistent with all environmental constraints.*<sup>6</sup>
- Urban Community Goal 3 – To *improve the quality of life and neighborhood aesthetics* while maintaining the existing diversity of housing and shopping opportunities.<sup>7</sup>
- Urban Community Goal 4 – To *prevent overly dense development or any excessive demand for services which would in any way adversely affect Lake Minnetonka or its associated wetlands or drainage areas.*<sup>8</sup>

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<sup>3</sup> CMP page 2-9.

<sup>4</sup> CMP page 2-10.

<sup>5</sup> CMP page 2-11.

<sup>6</sup> CMP page 2-15.

<sup>7</sup> CMP page 2-17.

<sup>8</sup> CMP page 2-17.

- Urban Planning Policy 1 – Future urban development will be *carefully integrated into the existing neighborhoods*. No new development will be permitted to *conflict with or adversely affect the established neighborhood character*.<sup>9</sup>
- Urban Planning Policy 4 – Urban developments will be *carefully screened for environmental sensitivity*. Most of Orono's urban neighborhoods are located very close to Lake Minnetonka; therefore, any urban development has the potential for direct adverse impact on the lake. Storm water runoff control, erosion and sedimentation are particular concerns requiring careful design attention in all new urban developments. In addition, *particular care will be taken to preserve open spaces, wooded areas and solar access*.<sup>10</sup>
- Urban Planning Policy 5 – Urban *developments will be limited to the extent that they can be adequately served by the existing or planned public facilities and services*. New development will not be permitted to exceed the existing or planned capacity of local roads, utilities, parks, police and fire protection.<sup>11</sup>

### **Application of Guiding Principles and Vision to Proposed Project**

Impact on Traffic/Pedestrians – The proposed building and its impact on an already difficult and dangerous traffic and pedestrian situation directly conflict with the CMP's principles and findings.

Attached as Exhibit B are the results of a petition circulated by foot and online among Navarre residents. Over 160 individuals signed the petition, objecting to the proposed building. Without prompting or encouragement, over 50 people responding to the online survey described key objections. They nearly all focused on the size of the proposed building. Thirty of these specifically named traffic as a concern with the project. For example:

- Way to big and too many units for such a small area. Congested area, brings more congestion. I strongly oppose this project.

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<sup>9</sup> CMP page 2-17.

<sup>10</sup> CMP page 2-18.

<sup>11</sup> CMP page 2-18.

- Strongly oppose due to negative impact on character of neighborhood and dangerously increased traffic on currently congested roads.
- It's quite challenging and often dangerous to take a left hand turn onto Shoreline Drive when driving south on CR-19 at rush hours, as it is (no left arrow going this direction). I can't imagine how it would be with additional traffic that would be added by this development. In addition, this structure would tower over existing homes and be detrimental to the preserved wetlands. I'm very much against this.
- This will have a major impact on traffic, wildlife and not fit the small footprint of Navarre. We already have major traffic problems on 19. This must not happen!
- This is a terrible idea and will permanently and negatively damage the neighborhoods. Traffic on 19 is already a huge problem during morning and evening rush hour. I don't know how it can accommodate 100 more cars. I worry about the wildlife in the marsh and we should seek to preserve our shrinking wild areas!

Navarre traffic already far exceeds capacity. The dense rush hour traffic makes it difficult and dangerous to turn onto County Road 19 or County Road 15 from any Navarre side streets. During evening rush hour, traffic on County Road 19 regularly backs up past the Narrows Bridge. And the intersection of County Road 19 and County Road 15 is already notorious among commuters for being unsafe, awkward, and even frightening.

As noted above, a guiding CMP principle regarding future urban development states:

Urban Planning Policy 5 – Urban developments will be limited to the extent that they can be adequately served by the existing or planned public facilities and services. *New development will not be permitted to exceed the existing or planned capacity of local roads, utilities, parks, police and fire protection.*<sup>12</sup> (Emphasis added.)

The CMP also addressed the County Road 15 traffic problem specifically:

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<sup>12</sup> CMP page 2-18.

Additionally, County Road 15, which is the key roadway serving Orono's suburban areas and particularly the Navarre area, *is far over capacity*. It is not practical from an economic or environmental standpoint to expand County Road 15 to increase its capacity. *Therefore, additional housing options will be primarily developed along Orono's Highway 12 corridor* in specifically identified areas that are or will be served by urban services.<sup>13</sup> (Emphasis added.)

The CMP also lists "a number of challenges to be addressed as Navarre redevelops in the years to come."<sup>14</sup> The first of these relates to keeping/making Navarre a pedestrian-friendly location:

High traffic volumes and the existing traffic management infrastructure result in poor pedestrian accessibility. Pedestrians have limited options for crossing CR 15 or CR 19.<sup>15</sup>

In the seven years since the CMP was updated, the traffic and pedestrian situations have significantly worsened not only due to Orono's growth, but also due to the growth in surrounding communities, increasing through traffic. Adding 200 to 300 car trips per day for the proposed project would exacerbate in a meaningful way the current bad and dangerous traffic and pedestrian situations in Navarre.

Established Neighborhood Character – The height of the proposed building far exceeds that of adjacent structures and is entirely inconsistent with the established neighborhood character.

Northwest of the proposed building is the Freshwater Office Building ("FOB"). As shown by the pictures on the following page, the FOB is one story when viewed from the front and two stories when viewed from the back.<sup>16</sup>

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<sup>13</sup> CMP page 3C-25.

<sup>14</sup> CMP page 3B-38.

<sup>15</sup> CMP page 3B-38.

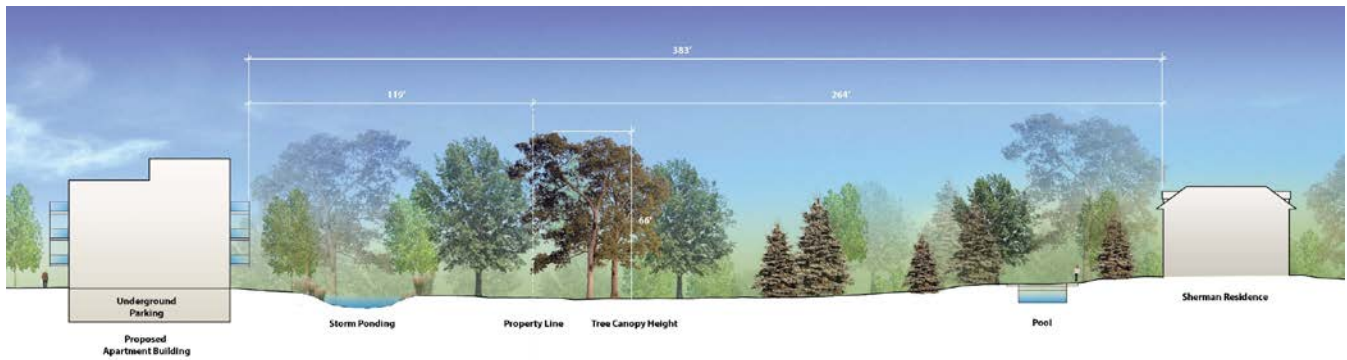
<sup>16</sup> Small architectural details of the FOB extend above the rest of the structure, but they do not change the one-story front/two-story back of the FOB.



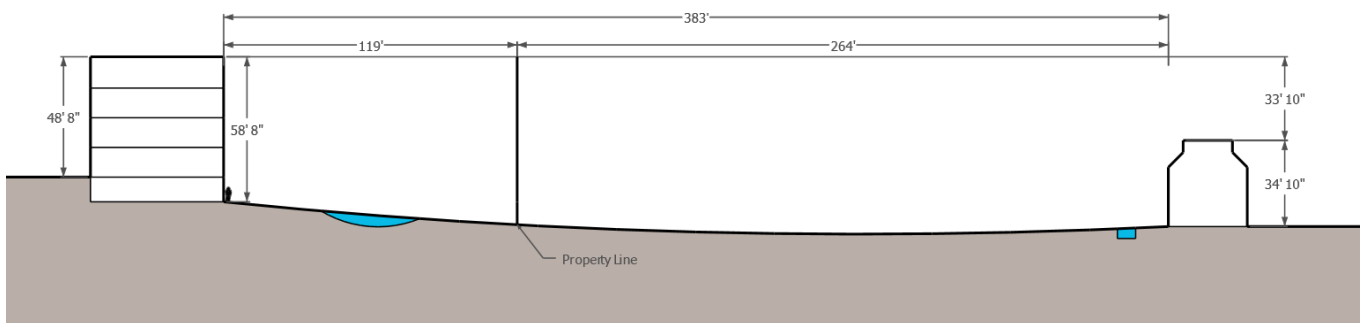
By comparison, the proposed structure is four stories when viewed from the front and five from the back, more than twice the height of the FOB and significantly taller than most of the surrounding tree canopy.

To the east of the proposed building are the single-family homes of Old Beach Road. The closest is 2505 Old Beach Road. The developer's material states the proposed building is 384 feet from the home and 119 feet from the dividing property line. This means significant portions of the 2505 property and adjacent properties would be well within 200 feet of the building.

Exhibit D to the developer's submission to the Commission illustrates the relationship of 2505 Old Beach Road to the project. The illustration shows the distance between the two structures and a few trees in-between:



What the illustration misses is the relative height and elevations of the two structures. The illustration below maintains the distance between the two structures and then, *on the same scale*, shows the heights and elevations of the two buildings. Considering (i) the proposed building's "underground" parking is actually above ground in the rear, (ii) the actual relative heights of the structures, and (iii) the lower starting ground level of the home, the proposed building would tower over the home, being nearly twice as tall:



(Exhibits E and F to the developer's submission illustrating the relationship of the proposed building to the Lundquist and Codute residences require similar adjustments to accurately represent the relative heights of the structures.)

The trees between the building and the Old Beach Road homes provide little screening:



- For seven months of the year, the trees are bare, providing no screening.<sup>17</sup> The residents will have their westward views consumed by the building, and will have dozens of balconies and windows peering down on their properties and into their homes.
- During the five months with leaves, significant portions of the building will still be visible given the building's height and breadth.
- Many of the existing tall trees would have to be removed to make way for the building.
- Trees that remain show signs of age and ill-health and would likely not survive long enough for new tall trees to take their place. Some of these are ash that are expected soon to be taken out by emerald ash borers.

Therefore, tree screening is not a realistic or reliable response to the Old Beach Road residents' objections to the building's extraordinary size.

To the north of the proposed building is a magnificent wetland, then County Road 15, and then the homes of the "Ridge" in Minnetonka Beach. The five-story view of the proposed building will have even less tree screening, if any, when viewed from the North given the building's proposed location so close to the wetland. It would impose on all passers-by and Ridge residents a stark and unpleasant contrast to the green vegetation and blue water that otherwise grace the area.

Impact on Wetland and Lake Minnetonka – The proposed site is part of a land parcel IDS donated to the Freshwater Biological Research Foundation in the early 1970's. After a series of five tornados wreaked havoc with Lake Minnetonka in 1965, Dick Gray began researching and recording the health of Lake Minnetonka. In February 1968, drilling through 20 inches of ice to take his weekly water samples, he was shocked to see red water pouring out of the hole, "a sure sign of bad pollution."

A few months later Gray teamed with the University of Minnesota to establish the Foundation, and in 1974 they moved into the new Freshwater

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<sup>17</sup> Nearly all evergreen trees illustrated in the developer's material are not actually in the sight lines between the proposed building and the homes.

Biological Institute of Navarre. Teamed with doctoral students from the University, they began their research in earnest.<sup>18</sup>

Renamed the Freshwater Society, the headquarters have now moved to St. Paul, resulting in the sale of the property to the current owner.

The subject property has long been a significant and respected landmark in Navarre, bringing with its name and work a high standard of stewardship over Lake Minnetonka and its surrounding wetlands, the same high standards reflected in the CMP when it comes to protecting these valuable resources.

While we are not scientists, we cannot imagine how putting 100 or more cars and people and their pets and trash bins on the very edge of a wetland that feeds directly into Lake Minnetonka could be anything but harmful. That harm could come during construction (reports are that silt flow has already been a problem at the development across County Road 19) or over the years of additional foot and car and pet traffic.

Impact on Dark Skies – The CMP states the following regarding the desire to allow all Orono residents to enjoy dark skies:

Dark skies are one of the treasured elements of life in Orono. The CMP now includes a section devoted to maintaining our night skies free from light pollution, and is expected to lead to an update of the City's lighting ordinance.<sup>19</sup>

Number 5 on Orono's list of 8 planning goals is:

To preserve open space, light, air and solar access for all citizens while *maintaining our 'dark sky' at night*.<sup>20</sup> (Emphasis added.)

The CMP then devotes an entire section to "Preservation of Dark Skies." The section begins:

A key element that adds to the quality of life in Orono is its dark night sky. The ability to view a naturally dark, star-filled sky is a

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<sup>18</sup> See <https://freshwater.org/2010/01/20/looking-back-tornadoes-ugly-algae-spurred-community>.

<sup>19</sup> CMP Page 2.

<sup>20</sup> CMP Page 2-14.

precious resource as valuable as our forested landscapes and our fresh air and clean water.<sup>21</sup>

Forty balconies and hundreds of lit windows, exterior lighting and headlights of cars entering and exiting the parking garage would be a significant trespass of light on adjacent properties and a material reduction in the dark sky vision expressed in the OMP. It would deprive all surrounding properties of this “key element that adds to the quality of life.”

### **Compliant Uses**

As we began, we recognize that the property owner has the right to build something on the site. We encourage consideration of a project that is consistent with the setting and respectful of the wetland and neighbors. This could be garden homes (like the project across County Road 19 from the site) or a few upscale townhomes or condominiums.

### **Planning Commission Meeting/Questions**

We look forward to discussing this material with the Commission at the June 19th meeting. However, if you have any questions in advance, please feel free to contact Kirk Sherman (612-670-0991) or Tim Olson (952-471-8685).

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<sup>21</sup> CMP page 3A-37.

**Exhibit A**  
**Residents of Old Beach Road**  
**Submitting this Memorandum**

**Kirk & Jacqueline Sherman**  
**2505 Old Beach Road**

**Alicia & Tom Codute**  
**2535 Old Beach Road**

**Linda & John Freivalds**  
**2585 Old Beach Road**

**Curt & Vicki Holt**  
**2313 Old Beach Road**

**Larry & Donna Lundquist**  
**2455 Old Beach Road**

**Tracy & Jeff Baumer**  
**2314 Old Beach Road**

**Tim & Stephanie Olson**  
**2510 Old Beach Road**

**Shawn & Jackie McIntee**  
**2490 Old Beach Road**

**Larry & JoAnn Barbetta**  
**2440 Old Beach Road**

**Jerry & Diane Carlson**  
**2496 Old Beach Road**

**Kirk Johnson & Jim Frey**  
**2560 Old Beach Road**

**Joe Sanguinetti & Amy Abouelenein**  
**2420 Old Beach Road**




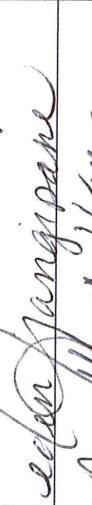

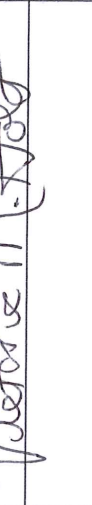
**Dave Schneider**  
**2540 Old Beach Road**

**Exhibit B**  
**Survey Results**

## To: City of Orono

### Petition to Halt Construction of Navarre Freshwater Condominiums

<p><b>Petition summary and background</b></p>	<p>A developer proposes building a multi-tenant condominium/apartment building adjacent to the Freshwater Institute in Navarre (2520 Shadywood Road) (the "Project"). The Project involves 40 to 50 units, 4 stories high (5 stories—58' 8"—on the wetland side), with 84 to 100 parking spots. The Project would require rezoning the property and multiple variances from the City of Orono and other governmental agencies.</p> <p>Citizens of Orono oppose this Project due to, among other things, the high density, height, increased traffic and congestion, increased noise, increased light, negative impact on animal habitats and wetlands, negative impact on adjoining neighborhoods and the precedent this Project would set for Navarre and the City of Orono.</p>
<p><b>Action petitioned for</b></p>	<p>We, the undersigned concerned citizens, urge our Orono leaders to deny the rezoning and boundary line adjustment of, and variances and any other special accommodations for, the Project due to the adverse impact the Project will have on the purpose and value of Orono's zoning regulations and the health and welfare of the citizens of Orono and its neighbors.</p>

	Printed Name	Signature	Address	Email (optional but helpful)
•	Denise Frangipane		2312 Old Beach Rd	
•	Francis Frangipane		2312 Old Beach Rd	
•	Daniel Shepherd		217 Raymond St. TW	
•	Eden Shepherd		2312 Old Beach Rd	
•	Matthew Holt		2313 Old Beach Rd	
•	Victoria M. Holt		2313 Old Beach Rd	
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To: City of Orono

## Petition to Halt Construction of Navarre Freshwater Condominiums

### Petition summary and background

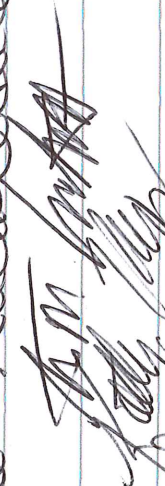



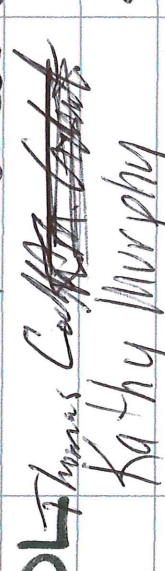
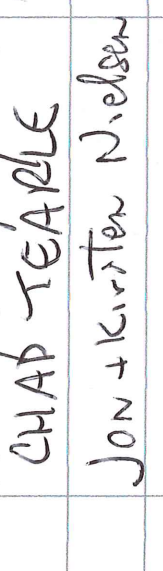
A developer proposes building a multi-tenant condominium/apartment building adjacent to the Freshwater Institute in Navarre (2520 Shadywood Road) (the "Project"). The Project involves 40 to 50 units, 4 stories high (5 stories—58' 8"—on the wetland side), with 84 to 100 parking spots. The Project would require rezoning the property and multiple variances from the City of Orono and other governmental agencies.

Citizens of Orono oppose this Project due to, among other things, the high density, height, increased traffic and congestion, increased noise, increased light, negative impact on animal habitats and wetlands, negative impact on adjoining neighborhoods and the precedent this Project would set for Navarre and the City of Orono.

### Action petitioned for

We, the undersigned concerned citizens, urge our Orono leaders to deny the rezoning and boundary line adjustment of, and variances and any other special accommodations for, the Project due to the adverse impact the Project will have on the purpose and value of Orono's zoning regulations and the health and welfare of the citizens of Orono and its neighbors.

"OL" = signed on-line petition as well; counted only once

Printed Name	Signature	Address	Email (optional but helpful)
OL <del>Alicia Codeste</del>	<del>Alicia Codeste</del>	2535 Old Beach Rd Orono	
OL Thomas <del>Codeste</del>	<del>Thomas Codeste</del>	" " "	
Kathy Murphy		2765 Kelly Ave	Kamurp3@gmail.com
CHAD TEARLE		2749 KELLY AVE	TEAR0001@UMM.EDU
JON + KRISTEN NIELSEN		3245 Carman Rd	JSN0575@aol.com
Bonnie + Mark Hester		3265 Carman Rd	BBOHN@CBURNET.CO
OL Amy Aboueleen		2420 Old Beach Rd	OMARK.HECKTOR@GMAIL.COM
OL Joe Sanguinetti		2420 Old Beach Rd	yakz1@mac.com
			JOE.SANGUINETT@MAC.COM



	Printed Name	Signature	Address	Email (optional but helpful)
OL	JOHN FRIEDLIPS	J.F.	2585 Old Beach	john.friedl@comcast.net
OL	DONNA LUNDQUIST	Donna Lundquist	2455 Old Beach	Larry.Lundquist@yahoo.com
OL	LARRY LUNDQUIST	Larry Lundquist	" "	"
OL	DAVID SCHWEIDER	David M. Schreiber	2540 Old Beach Rd	DAVE.Schweider@comcast.com
	Diane Carlson	Diane Carlson	2496 Old Beach Rd	dcarlson@aol.com
	JEFF BANNER	Jeff Banner	2314 Old Beach Rd	@OUTLOOK.COM
	Curtis Holt	Curtis Holt	2313 Old Beach Rd.	canhot@aol.com
	Jackie McIntire	Jackie McIntire	2490 Old Beach Rd	jackie@kenconline.com
OL	Tom Olson	Tom Olson	2570 Old Beach Rd	olsontm@comcast.net
OL	LINDA FRIEDLIPS	Linda Friedl	2585 Old Beach Rd	LINDA.FRIEDL@comcast.net
OL	Jacque Sherman	Jacque Sherman	2505 Old Beach Rd	jacque@jksheer.com
OL	Kirk Sherman	Kirk Sherman	2505 Old Beach Rd	ksherman@pluim.net
	patrick white	patrick white	2939 Old Beach Rd	patrick@k6.com



## Jeremy Barnhart

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**From:** Linda Kelley Freivalds <lindafor kelley@gmail.com>  
**Sent:** Friday, June 09, 2017 3:04 PM  
**To:** Jeremy Barnhart  
**Cc:** Kirk Sherman  
**Subject:** 2520 Shadywood Road Project - Clarification

Jeremy,

My husband, John, and I sent a letter to you on March 14, 2017 stating that we had met with Alex Ugorets and reviewed the preliminary plans for the proposed apartments/condos. At that time, based on the information available, we expressed concern that the project be condos, not apartments, but otherwise had no strong objections.

Subsequent to that date, we attended a meeting for the neighborhood at the Freshwater Business Center and reviewed the drawings provided by Westwood regarding the height of the building and the landscaping. Since that time we have walked our land and that of our neighbors (Codutes and Shermans) and are very concerned about the project and the detrimental effects it will have on the neighborhood.

Three items concern us greatly:

- **Building height:** The height of the building will dominate the view for all homes on Old Beach Road and forever alter the character of the neighborhood.
- **Tree buffer:** The treed areas on the drawings do not appear to be realistic. Much of the land behind the Freshwater is wetlands. We have planted trees in our marsh area and are aware that there limited types of trees that will flourish in that environment and to expect a tall buffer of trees, as suggested by the exhibits, is something that would be achieved only with many years of growth.
- **Traffic:** The traffic on CR 19 is already heavy and backs up past our home daily. With a speed limit of 40 mph, the addition of up to 100 additional cars attempting to enter and exit the Freshwater parking area will only increase the backup and the occurrence of accidents.

Based on the above, at a minimum, we withdraw all support for the project and request that the City of Orono not approve the required variances to enable this to proceed.

John and Linda Freivalds

2585 Old Beach Road

612-339-1261

cc: Kirk Sherman