

September 28, 2020

City of Mendota Heights extension
Planning Commission
1101 Victoria Curve
Mendota Heights, MN 55118
Attn: Tim Benetti
timb@mendota-heights.com

Re: Culligan Property - Glenhill Road/Victoria Curve

Tim, as you recall, we presented initially to the Planning Commission on July 27th, tabling an action on our application to allow for the Parks & Recreation Committee to review it at the meeting on August 12th. Based on feedback we received from those meetings, as well as our meetings and discussions with you, Ryan Ruzek and Mark McNeill, we extended the time for presenting our application formally to allow us to conduct additional soils, hydrology, and stability testing, and to adjust the proposed plan accordingly. As such, the following changes were made to the plan as reflected in the submitted plans and restated narrative for our application:

- Replaced the single retaining wall design to a two and three-tiered wall design. Although this increased the construction limits, we still remain well within the 40-foot structure setback.
- Reduced the wall heights from a maximum height of 23 feet to a maximum height of 10 feet with an average height of just over 5 feet.
- Removed the variance for Road R-O-W width. We will have the required width of 60 feet.
- We continue to propose a street width of 28 feet, as a measure to reduce grading and hard surface. This reduction was supported by the city staff in the previous staff report.
- Requesting front yard setbacks to the R-O-W from 30 feet to 20 feet for Lots 1-4 along the new road. The variance request will allow the project to maintain similar construction limits as the previous plan thus preserving grades and trees, without creating a precedence or endangering the public.
- Providing a conservation easement to protect the bluff area on the western side of the site.
- Completed soil borings and had a geotechnical review prepared for soil stability.

Preliminary Plat Letter of Intent. The following is the Applicant's detailed narrative describing the properties to be platted, and what the expected outcome or benefits an approved plat will provide to the community.

Narrative of the Proposed Development

The Culligan family has owned this property for over 90 years. Originally, Larry Culligan had worked with a surveyor in connection with the platting of this property in 1981, prior to the construction of Victoria Curve, but elected to hold off developing the property until Victoria Curve

was constructed. The family has determined that now is the appropriate time to submit to the City for approval of the preliminary/final plat of the property.

The property is a mix of open grassy areas and woods, with an old barn located in the woods. The site consists of a rolling topography with gradual slopes on the east and steeper slopes on the west, detailed in the accompanying slope analysis. The property lies within the Mississippi Critical Overlay area, and as such we have incorporated into the site plan compliance with the Overlay requirements, as described more fully in the accompanying Critical Area Permit application. Throughout the woods, there are a variety of trees, with a dense underbrush of scrub trees, weed trees, and buckthorn that has become more and more overgrown over the years.

The total platted area is comprised of 6.75 acres, and includes the existing home of Larry and Mary Culligan at 1941 Glenhill Road (Lot 7, Block 2). The proposed lot sizes will range from .45 acres to 1.24 acres, with most of the home's sites around 1/2 acre in size. The expected outcome for the property will be:

8 new lots and 1 existing lot (Culligan home)

15,000 SF minimum lot area

100' minimum lot width

30' front setback along Glenhill Road and at the cul-de-sac, 20' setback for the internal lots 1-4

10' & 15' side setbacks

Typical house pads are shown at 75' wide x 40' deep (each pad will be custom graded for a site-specific designed home)

Access to the home sites will be from Glenhill Road for 2 lots, and then by a new public road off of Victoria Curve with a cul-de-sac at the north end serving 6 lots. The new road layout traverses the slope of the property and generally matching grade on the uphill side of the road, with terraced retaining walls built where needed on the downhill side of the road. As shown on the plans, this road will be 544.57 feet long, and 28 feet wide. The reduction in road width from the standard 32' will minimize disruption to the wooded area. The road will include the standard R-O-W of 60' as reflected on the updated plans.

The Culligan family was responsible for the platting and development of the current Glenhill Road/Culligan Road property (Valley View Oaks 2nd Addition), which has proven to be a stable, high-end, and desirable neighborhood in Mendota Heights. We believe the addition of eight comparable high-end homes to this neighborhood, while preserving the woods and consistent with the critical area standards, will complete the planned development for the Valley View Oaks neighborhood. The development is consistent with the city's zoning and comprehensive plan property as a low-density residential project. The site is specifically noted as an infill site within the Focus Area of the Comprehensive Plan. (attached)

As the site plan illustrates, the location of the home sites will have minimal impact on the existing homes, and they will be tucked into the wooded areas in a way that will enhance the aggregate property. A significant portion of the existing woods, particularly along Victoria Curve, are scrub brush and weed trees, such as buckthorn (see pictures attached). The development will aesthetically enhance and compliment the surrounding area by removing a portion of the dense, overgrown underbrush, and preserving healthy significant trees plus adding the landscaping reflected on the accompanying landscape plan. Furthermore, in response to the request of the

City, the portion of the Property that lies on the western portion of the property adjacent to the bluff, limits to be determined, will be subject to a conservation easement to preserve a significant portion of the existing wooded nature of the property.

Per the city's direction we have conducted a count of the number and types of trees impacted by the construction of the proposed road from Victoria Curve to the end of the cul de sac. The chart identifying the number and type of trees that exceed the 6" diameter "significant" standard is attached, together with some illustrative pictures of the location of the proposed R-O-W. This does not include the number of oaks and other trees that are currently dead or clearly dying, which will be removed from the R-O-W area and home sites during the construction activities. As the landscape plan indicates, we have planned for tree replacement and improved landscaping along Victoria Curve to ensure that the wooded nature of the property is maintained. Also, keep in mind that the portion of the property that will become subject to the conservation easement is thickly wooded and will not be disturbed during construction.

Critical Area Permit Letter of Intent

The property lies within the Mississippi River Critical Area, (MRCCA) as does all of the adjoining area, such as the Valley View Oaks 2nd Addition. It is in the CA-SR (Separated from River) District and like this area, most of the city areas inside the MRCCA boundary are predominantly developed with single-family housing. The city zoning requires development within the MRCCA obtain a Critical Area Permit.

As described in the Preliminary Plat Letter of Intent, the proposed site plan has been intentionally designed within the requirements of the Mississippi River Corridor to preserve the existing natural environment as much as feasible, in a manner consistent with its natural characteristics.

The site plan includes the required bluff analysis and respects the bluff line and meets all setbacks. We have shared the slope analysis and a draft of the proposed development with Daniel Petrik with DNR Critical Area, and received a positive response confirming that the plan appears to be consistent with the city standards. The city is the reviewing agency for the Critical Area.

We retained the services of Braun Intertec to perform soil borings and provide a stability analysis to provide additional due diligence to support the proposed development, including the terraced retaining walls. Braun performed three soil borings on the site where they could gain access without tree removal. Those borings are being used for their initial analysis of the global stability of the slopes (See below). The analysis is on-going and is tentatively planned to be completed before the Planning Commission meeting on 10/8/20.

The proposed plan meets the applicable Development Standards:

1. Setback from Bluff Line: No structure will be constructed less than forty feet (40') landward from the bluff line of the river. In fact, we are proposing to significantly exceed this setback requirement from the homes. In addition, we have agreed to provide the City with a conservation easement for property beyond the 40' setback from the bluff line.

2. Setback from Normal High-Water Mark: No structure or road shall be constructed less than one hundred feet (100') from the normal high-water mark of any water body - not applicable

3. Height of Structures will not exceed the 35' restriction.

4. Sewage Disposal System - the residences will tie into the City sewer system, including a proposed lift station east of the proposed street.

5. Suitability of the land for subdivision - the soil borings and preliminary stability analysis report provided by Braun, together with the hydrology report prepared by Loucks, indicate that the land is suitable for the proposed development, and in fact the grading and drainage systems proposed will improve the stormwater situation for the property. Furthermore, the existing Valley View Oaks, with homes built on similar soils and some of which are on greater than 18% slopes and closer to the bluff line, have not experienced concerns or issues over the past 30 years due to unsuitability, reinforcing that the land is suitable for the proposed development.

Soil Stability

Based on Braun's borings, the existing soils are generally glacial clayey sand to sandy lean clay, underlain by poorly-graded sand to silty sand derived from sandstone. The Braun borings did not encounter groundwater, but their analysis will account for seasonal and temporary perched groundwater as an additional precaution. The global slope stability analysis will be based on an industry standard factor of safety of 1.5. When the Braun report is complete, we will use it to verify our current plan or make slight modifications as needed, which could include lowering street/pad grades and revising the shape of the house pads, but it would not affect the overall layout of the 8 lot subdivision. We are working with Hardscapes Construction on the retaining walls, as they have an extremely strong reputation and can provide insights from over 25 years of building retaining walls in numerous challenging sites throughout Minnesota and Wisconsin.

Stormwater

The design of the proposed development will capture, slow down and pond the stormwater in a way that minimizes slope erosion and excessive downhill flows. Currently, any rain water falling on the site property runs westerly down the slope, except for the existing home where it is graded to flow toward Glenhill Road and into the city storm system. The proposed development will capture all of the rain water that falls east of the new road, on the new road, and the front of the homes west of the street. The only water running down hill will be the areas west of the proposed homes. The house design will be typical, with half the roof and all of the driveway and front yard draining to the street. For the houses on the proposed street, the back half of the house and the back yard will drain west down the existing slope. For the two houses on Glenhill, the rear yards will be picked up by the street and flow to the pond. Thus, water landing on the new hard surface areas will be directed to the new street and channeled to the south where it is collected in a pond that holds and infiltrates the water to prevent it from washing down the slope. Per this design, less overall water will be flowing down the slope than what occurs today as the acreage of drainage is reduced from 7 acres to 3.4 acres of land.. The concentration of flow will also be controlled by the construction and grading of the home sites to prevent the channeling of water down the slope. Additionally, subgrade drainage will be intercepted with draitile and drainage rock running behind the curb and parallel to the storm sewer and routed to stormwater pond. Subgrade drainage behind the retaining walls will be intercepted with drain-tile and drainage rock and routed around the walls.

6. Protection of natural features - as the attached picture reflects, the existing property is not entirely wooded, and approximately half of the R-O-W will be built on an existing open grass area. Other than for the construction of the road and the specific home sites, the wooded nature of the property will be preserved. In particular, a significant portion of the wooded land, including all of the wooded area that lies west of the Bluff Line will not be disturbed and will be preserved pursuant to the conservation easement.

7. Retaining walls or terraces not to exceed 5' and minimum horizontal spacing between terraces and retaining walls is 20' - the attached retaining wall plan indicates the various proposed heights and distances of the terraces and retaining walls, as well as the materials proposed for such walls, which will meet the materials requirement to be natural color and texture, and terrace landscaping. The plan now incorporates a tiered wall system utilizing two walls behind the southerly lots while using three walls behind the northerly lots. The tiered system significantly reduces the height of the single wall system from the previous plan. Although the average height of the proposed walls is at around 5 feet there are minor segments of the walls that rise to 10 feet. The taller segments are generally located behind Lot 5 and Lot 2 and the upper wall behind Lots 1 & 2 on Glenhill Road. We are using 12-foot horizontal spacings in lieu of the city standard 20-foot, due to the steep topography. The 12-foot spacing will provide the space needed for wall stabilization, mature plantings and maintenance access.

Conditional Use Permit Letter of Intent

The proposed preliminary plat includes building on slopes that exceed 18%, as shown in the accompanying plans, and detailed slope analysis. Accordingly, we will be requesting a conditional use permit to the extent there are any buildings or portions of the road on slopes in excess of 18%. In support of our CUP request, please consider the following:

Within the July 28, 2020 staff report it is stated that, *“For all intent and purposes, and due to the fact the critical area standards do not expressly prohibit the development or creation of a new subdivision in this overlay district, and despite the site being heavily wooded and in a very natural vegetative state, this new subdivision development plan appears to meet the four findings required above to issue a conditional use permit in this case.”*

a) The proposed use will not be detrimental to the health, safety or general welfare of the community -The road and home sites will be built to city development standards. Ensuring slope stability is addressed in our geological analysis and engineering design. The development of the site is no different than the development of similar neighborhoods adjacent and near the site and throughout the metropolitan area.

b) the proposed use will not cause serious traffic congestion nor hazards - with only be six homes served by a new public road, there will not be any traffic congestion or hazards in connection with the road due to the requested CUP. This condition was supported by the city staff within the July 28, 2020 staff report;

c) the proposed use will not seriously depreciate surrounding property value - the proposed development will offer eight new homes which will be high end custom homes that will be situated at elevations below the existing adjacent homes (not directly behind them at the same elevations), increasing property values and the respective property taxes payable to the City;

d) the few locations that include slopes in excess of 18% include a manmade sloped area at the location of the old barn, and otherwise in very minimal locations, and will involve less sloped area than some of the neighboring homes on Culligan Lane, which are part of the Valley View Oaks development that has been a stable development for over 30 years without incidents to the bluff or critical area.

e) the proposed use is in harmony with the general purpose and intent of the City Code and the comprehensive plan - the proposed use meets the R1 zoning standards for the property and low density designation of the comprehensive plan. Staff findings in the July 28th report note that the development appears to be in general conformance with the spirit and intent of the critical area district and comprehensive plan.

Variiances

Based on the comments we have received at and since the July 28, 2020 Planning Commission hearing we have modified the site plan and minimized our variance requests. Our variance application is amended to reflect the following variances with supporting language provided throughout the narrative:

- Front yard setback from 30 feet to 20 feet for Lots 1-4 Block 2
- Retaining wall height over 5 feet in the critical area, to a height not to exceed 10 feet
- Retaining wall horizontal spacing in the critical area from 20 feet to 12 feet
- Cul-de-sac length exceeding 500 feet to 545 feet

The front yard setback variance is requested to allow the project to maintain similar construction limits as the previous plan thus preserving grades and trees, without creating a precedence or endangering the public. As previously stated, a primary objective for this development is to provide new housing in an environmentally sensitive design that meets the purpose and intent of the city zoning codes and critical area. The 20-foot setback prevents the removal of more trees, additional grading and does not create a public hazard. Twenty-foot setbacks, are common with many single-family developments, especially ones that consist of few homes and a dead-end street as the residents are well aware of their surroundings.

The initial preliminary plat request included a variance request to reduce the R-O-W from 60' to 50' but upon further discussion with the City development team, we have modified our request to include the 60' R-O-W. The plans still include the 28-foot street width from the typical city policy of 32 feet.

In addition to the request to minimize the width of the road by 4 feet, the length of the road is proposed to be 544.57 feet. Chapter 11 of the city code states cul-de-sacs shall normally not be longer than 500 feet. As part of the variance request related to the road, we are also requesting confirmation that the additional 44.57 feet of roadway length to a public cul-de-sac will be approved.

The subject site has a rolling topography. The road was designed to work with the existing topography unique to this property, which required some curvature in the road that extended the road length. The minimal extension of 44.57 feet, and the road being within a wooded area, the

minor extension will be unnoticeable to the neighborhood and does not create a safety concern for emergency services.

The proposed retaining walls are built into the downslope of the site and thus will not be visible from an easterly view with little visibility from the west due to the extensive tree and foliage coverage. The walls will be in the rear yards of the proposed homes creating a flat and safe yard area, with landscaped terraces, and will help in reducing the flow of runoff.

Parks & Recreation Meeting

Per City requirements, on August 18th we presented our proposed project to the Parks & Recreation Board, and discussed various questions raised during the meeting, such as: tree preservation, disease management, conservation easement, wall heights, plantings around pond, trees on proposed lots. They asked about adding a trail up to Glenhill Road, but grades are too steep. The Park Board did not require any new conditions beyond what was noted in the Planning Report.

Neighbor Comments/Communications

On behalf of my parents and family, I want to take the opportunity to respond briefly to the various emails and communications submitted to the City, and dispel various misstatements and inaccuracies set forth in such communications:

a) there is no “implied privacy and value” that the neighbors have in property they do not own, and to suggest otherwise is overreaching.

b) as stated at the July Planning Commission meeting, we elected not to gather the neighbors for a meeting prior to our July submittal due to concerns of Covid-19, particularly to protect the health of my parents and other elderly neighbors. This does not mean we've been unavailable for discussions with neighbors. I spoke personally with Norb Krebsbach, and with Jane Lowell, but have not been contacted by any of the other neighbors. Apparently, they chose to have a meeting among themselves, but did not ask whether I would be available to attend so we could discuss their questions and dispel some of the misinformation. If their true concern had been to understand the project, ensure that we have been working with the necessary civil engineers and geologists, and ask questions to ensure we are fully considering the critical overly requirements, they could have contacted me. Notwithstanding, we have continued to perform our planned soil borings and stability analysis with Braun Intertec, and the in depth analysis of the impact of the proposed development of the property by the Loucks engineering team, and we look forward to communicating this at the Planning Commission meeting to ensure that concerns and questions raised are addressed.

c) in my conversations with Norb (who said he was speaking for himself and Mark Hunt) we discussed whether they could purchase a portion of the property adjacent to their lots, and I told him we would certainly entertain any offers that are based on the market value. We have not heard anything further to explore the potential.

d) there have not been landslides or mudslides or any similar issues related to this particular property, including from the construction and maintenance of the neighbors' homes along the steeper portions of the bluff built 30 years ago with Valley View Oaks 2nd Addition. That's not to say that we take any potential of this lightly. Throughout the process we have worked with the Loucks engineering team, specifically because of their experience working on slopes and

the critical area, and we have retained the services of Braun Intertec to perform the necessary soil borings and slope stability analysis to assist us in developing the optimal design for stability of the land, including the retaining walls and terraces. Although retained by us, these are highly regarded professional firms that are not going to prepare biased reports and analyses, nor design a project that is not based on the facts and analysis performed, specific to this property. Referencing Hennepin County properties, or the Lilydale bluffs, while interesting are not indicative of how this specific property can be developed. There are many examples of solidly constructed retaining walls in the area and single family homes in the critical area. For example, although not technically in the critical area, there are significant retaining walls constructed at the Orchard Hill development, and we are all familiar with Central Park Commons, which is designed around a number of significant walls, and is certainly not seen as a danger to pedestrians and customers. (Pictures attached).

e) the retaining walls were never proposed as a constant height of 23', despite what the neighbors have attempted to portray, and they will not be visible from the neighborhood. But again, based on feedback from our meetings with you, and the noted concerns of neighbors, and incorporating the geological study and soils report from Braun, the proposed retaining walls have been modified as reflected with the current set of plans provided to you. The terrace/wall layout reduces the height of the walls and will be built to meet the 1.5 safety factor required.

f) we are not removing 4 acres of trees, nor did we ever suggest that we were removing this many tree. As noted above and reflected in the attached pictures, the R-O-W has been designed to utilize the existing open area, and as the rendering of the proposed development clearly reflects, the trees on the hillside, from the Bluff line west, will not be disturbed.

Conclusion

In conclusion, the attached proposed Preliminary Plat Application, together with accompanying applications for Critical Area Permit, Variance, and Conditional Use Permit are hereby submitted. We look forward to working with the Planning Commission and the City Council of Mendota Heights to discuss any questions or concerns regarding the proposed platting of the property.

Best Regards,
Michelle Culligan, Esq

cc Mike St. Martin
Tom Goodrum

RETAINING WALL EXAMPLES Orchard Hill



Central Park Commons

9/25/2020

Central Pkwy - Google Maps

Central Pkwy

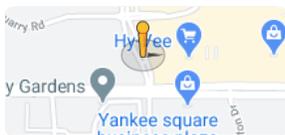


Image capture: Jun 2019 © 2020 Google

Eagan, Minnesota



Street View



<https://www.google.com/maps/@44.8344606,-93.1725408,3a,30y,84.71h,87.3t/data=!3m6!1e1!3m4!1sN9pj3pM2aYy4uokpfPwLRQ!2e0!7!16384!8!8192>

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Existing Wooded Area (near retaining wall for lots 5-6)



Existing Open Area Located in Proposed R-O-W



Existing Woods in proposed R-O-W

