Agenda

Minnetonka City Council

Regular Meeting, Monday, May 1, 2017

6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Ellingson-Allendorf-Acomb-Wiersum-Bergstedt-Wagner-Schneider
4. Approval of Agenda
5. Approval of Minutes: April 24, 2017 LBAE meeting minutes
6. Special Matters: None
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases: None
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution establishing new polling place locations for Ward 1 Precinct D, Ward 1 Precinct E, and Ward 2 Precinct D
    B. Approval of community solar garden subscription agreements
11. Consent Agenda - Items Requiring Five Votes: None
12. Introduction of Ordinances: None
13. Public Hearings:
    A. Off-sale liquor licenses for Minnesota Fine Wine & Spirits, LLC, (DBA Total Wine) 14200 Wayzata Blvd
       Recommendation: Continue the public hearing and grant the license (5 votes)
14. Other Business:
   A. Amendment to the existing Ridgedale Festival master development plan for façade changes
      Recommendation: Adopt the resolution denying the request (4 votes)

15. Appointments and Reappointments:
   A. Appointments to the 2040 Minnetonka Comprehensive Guide Plan Steering Committee
      Recommendation: Approve the appointments (5 votes)

16. Adjournment
Minutes
2017 Minnetonka Local Board of Appeal and Equalization
Monday, April 24, 2017

1. **Call to Order**

Mayor Terry Schneider called the meeting to order at 6:02 p.m.

2. **Roll Call:**

Council members Tony Wagner, Bob Ellingson, Patty Acomb, Brad Wiersum, Tim Bergstedt, and Mayor Schneider were present. Dick Allendorf was excused.

3. **Introductory Report**

City Assessor Colin Schmidt gave the staff report.

4. **Appeals to the board of review:**

A. **Valuation recommendations being brought by the City Assessor to the Local Board of Appeal and Equalization for action:**

   Schneider read the following into the record:

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1) VS Minnetonka LLC</td>
<td>$6,926,400</td>
<td>$6,952,000</td>
<td>$6,952,000</td>
</tr>
<tr>
<td>14505 Minnetonka Dr</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Minnetonka, MN 55345</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16-117-22-41-0008</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

| 2) Robert Hovelson          | $440,000                    | $449,600                    | $449,600                       |
| Marilyn Hovelson            |                             |                             |                                |
| 14800 Minnehaha Pl          |                             |                             |                                |
| Wayzata, MN 55391           |                             |                             |                                |
| 16-117-22-11-0068           |                             |                             |                                |

   Wiersum moved, Bergstedt seconded a motion to accept the assessors’ recommendation. All voted “yes.” Motion carried.

B. **Petitions to the Local Board of Appeal and Equalization requiring advisors’ recommendation:**

   Schneider read the following into the record:
<table>
<thead>
<tr>
<th>Petitioner</th>
<th>2016 Estimated Market Value</th>
<th>2017 Estimated Market Value</th>
<th>2017 Advisors’ Recommendation</th>
</tr>
</thead>
</table>
| 2) Michael Sandler  
Elena Sandler  
5985 Rowland Rd 211  
Minnetonka, MN 55343  
35-117-22-31-0040 | $157,500 | $179,300 | $175,000 |
| 3) Moved to Section A | | | |
| 4) James Fredkove  
Donna Falk Fredkove  
Minnetonka, MN 55305 | $437,000 | $446,500 | $425,000 |
| 5) Garrett Gardner  
Joanne Gardner  
2953 Fairchild Ave  
Wayzata, MN 55391  
17-117-22-12-0069 | $755,100 | $776,500 | $760,000 |
| 7) Karen Bakey  
14717 Minnetonka Dr  
Minnetonka, MN 55345  
16-117-22-44-0093 | $179,000 | $185,400 | $185,400 |
| 8) Scott Wendt  
5627 Green Cir Dr 202  
Minnetonka, MN 55343  
36-117-22-12-0644 | $101,300 | $122,900 | $125,000 |
| 9) Scott Wendt  
5627 Green Cir Dr 203  
Minnetonka, MN 55343  
36-117-22-12-0635 | $93,700 | $114,900 | $114,900 |
| 10) Mark Birnbaum  
Terri Birnbaum  
325 Townes Rd  
Wayzata, MN 55391  
04-117-22-22-0019 | $333,800 | $335,900 | $335,900 |

Acomb moved, Wiersum seconded a motion to accept the advisors’ recommendations. All voted "yes." Motion carried.
Schneider read the following into the record:

<table>
<thead>
<tr>
<th></th>
<th>2016 Estimated Market Value</th>
<th>2017 Estimated Market Value</th>
<th>2017 Advisors’ Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>Frank Spartz</td>
<td>$96,700</td>
<td>$108,100</td>
</tr>
<tr>
<td></td>
<td>Kathleen Spartz</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10211 Cedar Lake Rd 118</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minnetonka, MN 55305</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>12-117-22-42-0171</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6)</td>
<td>David Doherty</td>
<td>$397,300</td>
<td>$419,000</td>
</tr>
<tr>
<td></td>
<td>Lindi Doherty</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>14924 Glen Oak St</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Minnetonka, MN 55345</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>33-117-22-12-0019</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Kathleen Spartz said when she received her 2018 notice she noticed her market value had increased $11,400. She has owned the property for a year and a half and is renting it out. She was a longtime resident and owned three homes in the city before the big downturn in the economy. She lost two of the homes and moved out of the city. She thought the Cedar Lake Road property might allow her to move back to the city. She said residents are moving out of the building because they can’t afford the increasing taxes. When the advisors came out to look at the property, she was told they used guidelines to determine the recommendation. She questioned if the guidelines were for new construction.

Schneider said unfortunately the state’s property tax system has nothing to do with trying to maintain affordable housing. There are separate programs for that. By statute the city is obligated to set a value that’s compared to the market. Initially this is done as a mass appraisal. When a property owner requests a walk through, the value is adjusted accordingly. In this case the assessor’s recommendation was the same as the advisors’. He said the city cannot artificially lower a property value to keep it affordable.

Schmidt said what staff has seen, especially in the condominium market for those around $100,000, were they were the ones whose values were going up the most. The percentage change was exaggerated by the smaller value. Condos saw the biggest drop overall in the market so they would see the most coming back. The only guidelines being used was to follow the market value of the property.

Wiersum noted he was part of the aging baby boomer generation and people his age were downsizing their homes. They want one level living and want to simplify their lives. As a result places like that sold quickly due to the demand. When demand is high and the supply is low, it results in prices going up. In 2008 when the economy crashed it resulted in condominium prices to drop dramatically. Now that the economy has picked up, the values are going back up.

Wagner said the comparable sales that were used were similar to the estimated value of the Spartz’s property. This was what the valuation was based on.
Wagner moved, Wiersum seconded a motion to accept the advisors’ recommendation. All voted “yes.” Motion carried.

David Doherty, 14924 Glen Oak Street, said information provided by the city indicated the average estimated market value in the city was increasing 2.3 percent. His home’s estimated market value was increasing 10.5 percent. He questioned what has changed to cause such a large increase. The last improvement was in 2007 when an addition was put onto the house. Since 2008 he has had multiple visits from assessors and the advisors so he thought he had been tracking the market. He said the comparable sales data that was used all involved homes that were bigger with more bedrooms, had three car garages as opposed to his two car garage, and had things like granite countertops as opposed to his Formica countertops. The price per square foot of his home was $184 per square foot. The average price per square foot for the comparable homes was $134 per square foot. He provided a list of things the advisors noted about his property including: the dead end street, it was walkable to Glen Lake, the wrap around porch, and the Hardiplank siding. He said only 25 percent of the house has Hardiplank siding. Another thing the advisors’ listed was the maintenance free deck. Doherty said the manufacturer issued a recall on the materials used for the deck and that he found out about the recall too late. The deck was warped and cracked. The advisors also noted the home had a newer blacktop driveway. He showed pictures of the cracks in the driveway that was resurfaced 13 years ago. He said the 10.5 percent increase on a home that hadn’t seen any improvements for years was too much.

Schneider asked the advisors’ to provide information about the recommendation. Larry Kriedberg, an advisor, said there was no question in his mind when he walked through the home that the property value could have easily been in the neighborhood of $489,000. If the house was put on the market he was positive it would sell for somewhere close to that amount. Beth Frost, an advisor, said she agreed with Kriedberg given the shortage of homes on the market right now. She said she and Kriedberg did not factor in the percentage of increase but looked at the market value of the house. Kriedberg said the recommendation was not based on things like the kitchen countertops since most people end up changing the kitchen after buying a house. He said they were having a problem keeping the recommended value as low as $439,000 but he felt it was a fair and reasonable value.

Acomb said she had coffee with the Doherty’s and one of their concerns was the transparency about the comparables that were used. She asked for information about the process and guidelines used to determine what comparables to use. Schmidt said the assessing staff go out and visit the area to try and determine what house is most like the house being looked at. They are looking for the closest house in proximity and construction. The farther away a comparable house is located, the more subjectivity is involved. He said if someone thinks there are better comparables, staff will look at them and use them if they agree they are better. If staff do not agree they are better, they will explain why.
Kriedberg said when you drive buy this house, it looks great. When you walk in it shows beautifully well. He said the advisors use MLS data to help determine the estimated values.

Schneider said he was a little concerned with speculating about what a house might sell for if there were no comparable sales. Schmidt clarified that the advisor spoke about what the house might sell for based on comparable recent sales. Acomb noted that several of the comparables used for the second valuation were ramblers and not two story houses.

Doherty said he had been through the process before. He provided comparable sales to staff that included ramblers and was told those could not be used for comparison purposes. The realtors used five comparable sales that included three one story homes.

Wagner said one thing that he usually looks at was the grid showing the side-by-side comparison with the comparable sales. This had not been provided for the Doherty’s home. Because of this lack of information he was leaning toward going with the assessors’ recommendation and not the advisors’. Acomb agreed.

Wiersum said the percentage increase was not relevant for this process. The issue was determining the appropriate value compared to the market.

Acomb moved, Wagner seconded a motion to accept the recommendation of the $419,000 estimated market value. All voted “yes.” Motion carried.

5. Adjourn

Wagner moved, Acomb seconded a motion to adjourn the meeting at 6:42 p.m. All voted “yes.” Motion carried.

Respectfully submitted,

David Maeda
City Clerk
City Council Agenda Item #10A
Meeting of May 1, 2017

Brief Description: Resolution establishing new polling place locations for Ward 1 Precinct D, Ward 1 Precinct E, and Ward 2 Precinct D

Recommended Action: Adopt the resolution

Background

Polling place changes
Staff is recommending changes to three of the city’s polling locations for this fall’s Municipal Primary (if needed) and Municipal General Election. Last spring, Faith Presbyterian Church, 12007 Excelsior Boulevard, notified staff that they no longer wanted to be used as a polling place. The council approved the staff recommendation of moving the polling location to Grace Apostolic Church, 4215 Fairview Avenue. Election judges who served in that location, and a couple of voters who voted there, indicated there were issues with the building, including wheelchair access.

Staff is recommending voters in Ward 1 Precinct D now vote at Mzizi International Church, 13207 Lake Street Extension. Mzizi is the former St. Paul’s Lutheran Church, which has served as a polling site for many years for voters in Ward 1 Precinct E.

The new location for voters in Ward 1 Precinct E will be Bet Shalom Congregation, 13613 Orchard Road. The reason staff is recommending this change is Minnesota Statute 204B.16 subd 1 requires that a polling place be located within the precinct boundaries or within one mile of one of the boundaries and thus Bet Shalom is not a possibility for voters in Ward 1 Precinct D.

The final polling place change is for voters in Ward 2 Precinct D who have voted at the Ridgedale Hennepin County Library, 12601 Ridgedale Drive. The county has indicated a major remodel of the library will occur this year. Staff is recommending a change to the Ridgedale YMCA, 12301 Ridgedale Drive.

Staff has visited the two new locations (Bet Shalom and the YMCA) and believes both will make good polling places. Notices will be sent to all the registered voters in the three precincts.

Recommendation

Staff recommends that the city council approve the resolution changing the polling place for Ward 1 Precinct D from Grace Apostolic Church to Mzizi International Church; the polling place for Ward 1 Precinct E from Mzizi International Church to Bet Shalom Congregation; and the polling place for Ward 2 Precinct D from the Ridgedale Hennepin County Library to the Ridgedale YMCA.
Submitted through:
  Geralyn Barone, City Manager
  Perry Vetter, Assistant City Manager

Originated by:
  David Maeda City Clerk
BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Feedback from election judges and voters in Ward 1 Precinct D indicated that Grace Apostolic Church, 4215 Fairview Avenue, has accessibility issues. Mzizi International Church (formerly St. Paul Lutheran Church), 13207 Lake Street Extension, has been used as a polling place for voters in Ward 1 Precinct E. Due to statutory requirements, staff recommends that Mzizi now be the polling place for voters in Ward 1 Precinct D.

1.02. The recommended new polling place for voters in Ward 1 Precinct E is Bet Shalom Congregation at 13613 Orchard Road.

1.03. The Ridgedale Hennepin County Library, 12601 Ridgedale Drive, which has served as the polling location for voters in Ward 2 Precinct D will likely be unavailable in the fall due to construction. The new polling place will be the Ridgedale YMCA at 12301 Ridgedale Drive.

1.04 The suggested changes meet the legal requirements for polling places.

Section 2. Council Action.

2.01. The Minnetonka City Council hereby designates the Mzizi International Church as the polling location for Ward 1 Precinct D.

2.02 The Minnetonka City Council hereby designates Bet Shalom Congregation as the polling location for Ward 1 Precinct E.

2.03 The Minnetonka City Council hereby designates the Ridgedale YMCA as the polling location for Ward 2 Precinct E

Adopted by the City Council of the City of Minnetonka, Minnesota, on May 1, 2017.

Terry Schneider, Mayor

Attest:
David Maeda, City Clerk

Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Resolution adopted.

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the City Council of the City of Minnetonka, Minnesota, at a duly authorized meeting held on May 1, 2017.

________________________________________
David Maeda, City Clerk
Community solar garden subscription agreements

Approve the contracts, subject to approval of the final language by the city manager and city attorney

Two of the city’s major goals include protecting and enhancing the natural environment and being responsible stewards of the city’s financial resources. In keeping with those goals, the city has launched an effort to maximize its participation in Xcel Energy’s Solar* Rewards Community® program. Participation in the program supports renewable energy use and provides energy cost savings to the city.

Since 2015, the city has entered into four subscription agreements with community solar garden operators: two with Innovative Power Systems, one with SolarStone Partners LLC, and one with an affiliated entity of MN Community Solar, LLC. A brief overview of the Solar* Rewards Community® Program is attached.

The city of Minnetonka consumes over 15.7 million kilowatt-hours of electrical energy per year. From the beginning, the city’s goal has been to secure subscription agreements that would account for all of the city’s energy consumption. With the assistance of the city’s energy consultant, Energy Management Solutions (EMS), the city staff has secured two contracts that move the city closer to its goal.

The contracts have been negotiated through representatives of Innovative Power Systems. Separate corporate entities will be established for each solar garden, and the name of the contracting entity has not been finally determined. The subscription agreements contain trade secret information and have been provided to the council separately. For simplicity, the agreements are referred to as “Subscription A” and “Subscription B.”

<table>
<thead>
<tr>
<th>Subscription</th>
<th>kWh</th>
<th>Est. OnLine</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subscription A</td>
<td>≈1,020,000</td>
<td>October 2017</td>
</tr>
<tr>
<td>Subscription B</td>
<td>≈2,000,000</td>
<td>December 2017</td>
</tr>
</tbody>
</table>

In addition, EMS and city staff are still vetting a subscription agreement with MN Community Solar for approximately 1,800,000 kWh. Once finalized, that agreement will be brought to the council for approval, which would achieve the city’s goal of accounting for all 15.7 million kilowatt-hours of energy consumption. The cumulative impact of all seven solar garden contracts is projected to result in energy savings of nearly $21.4 million over 25 years.
Recommendation

Staff recommends that the city council authorize the mayor and city manager to execute solar garden subscription agreements for Subscription A and Subscription B, subject to approval of the final language by the city manager and city attorney.

Submitted through:
  Geralyn Barone, City Manager
  Brain Wagstrom, Director of Public Works
  Joel Merry, Assistant City Finance Director

Originated by:
  Corrine Heine, City Attorney
Solar*Rewards® Community®
Minnesota Subscriber FAQs

How can I subscribe to a community solar garden?
In order to be a subscriber to the Minnesota Solar*Rewards Community (S*RC) program, you must be an Xcel Energy electric retail customer in Minnesota. The location of the customer premise associated with the account receiving the bill credit must be in the county where the solar garden is located, or in an adjacent county. You can decide which garden you are interested in and contact one of the many Garden Operators developing solar gardens in Minnesota.

Requirements are largely defined in Minn. Statute §216B.1641.

Subscriber Requirements
The following rules apply to all Solar*Rewards Community subscribers:
- A subscriber must be an electric retail customer of Xcel Energy
- Subscriptions must not exceed 120% of your average annual electric energy usage
- Subscriptions must not exceed 40% of a single garden
- Subscribers will be provided a monthly credit on their bill. The credit will be determined on a dollars per kilowatt-hours produced ($/kWh) basis by Xcel Energy.

Am I eligible to receive a bill credit? What type of credit is available?
Xcel Energy customers subscribing to a solar garden are eligible for a solar energy bill credit.

Bill credit rates can be found in our Section 9 Tariff.

The “Standard Bill Credit” is the applicable retail rate in effect at the time of energy generation. The “Enhanced Bill Credit” is the sum of the applicable Standard Bill Credit and the Commission-approved Renewable Energy Credit (REC) pricing. A Solar*Rewards Community garden electing to sell its RECs (via the Enhanced Bill Credit) to the Company for subscribed energy, shall be at the Commission-approved REC price in place on the date the garden’s application is considered by the Company to be complete.

How is the credit amount determined?
Each month, the solar production from a community solar garden is recorded in kilowatt-hours (kWh). The production amount is then allocated, based on each customer’s subscription size. The customer’s bill credit is calculated by multiplying the number of kWh by the bill credit rate ($/kWh). Detailed information on the calculation of the bill credit can be found in the published Tariff on our website.

Bill credits are applied to the final billed amount, after all electric charges, adjustments, riders, taxes and fees are added in. Therefore the credits will have no impact on the taxable amount owed by the subscriber.

When are credits posted?

Updated 03/18/2015
On the ninth of every month, each subscriber’s share of energy production from the community solar garden is posted to his/her account as a bill credit. Because customers are on different billing cycles, the timing for when each subscriber will see their credit depends on the day their meter is read.

If a subscriber’s billing cycle (three-day, meter-reading window):

- **Is before the ninth of the month:** the bill will reflect Solar*Rewards Community credits with a one-month lag time/delay. (For example, a September bill will show credits from July.)
- **Is after the ninth of the month:** the bill will reflect Solar*Rewards Community credits for the previous month. (For example, the September bill will show credits from August.)
- **Contains the ninth of the month:** the Solar*Rewards Community bill credit reflected may be from the previous month, or may have a one-month lag. For this small subset of subscribers, bill credits will not be reflected on their bills each and every month; some bills may include two months’ worth of bill credits, while some bills may not show any credits.

Xcel Energy is not able change customers' billing cycles. However, if a customer is on a meter-reading cycle that results in a bill generating on or near the ninth of the month, we have the ability to delay the creation of that bill, in order to ensure that the customer will only see one credit applied to each bill cycle. If you would like to discuss this option, please send us an email at srcmn@xcelenergy.com. While the credits are reflected differently based on the timing for each customer’s bill, please remember that the Solar*Rewards Community bill credits will be posted regularly to customer accounts on the ninth of each month.

**How does the 120% rule apply to customers?**

Subscriptions must not exceed 120% of your average annual electric energy usage. If there is less than four months of consumption history, the new home calculator can be used to generate an estimate.

<table>
<thead>
<tr>
<th>Square Feet Range (sq. ft.)</th>
<th>120% Rule Equivalent (kWh)</th>
<th>Allow PV System Size (kW)</th>
</tr>
</thead>
<tbody>
<tr>
<td>500 – 1,000</td>
<td>5,311</td>
<td>4.13</td>
</tr>
<tr>
<td>1,001 – 1,500</td>
<td>7,318</td>
<td>5.69</td>
</tr>
<tr>
<td>1,501 – 2,000</td>
<td>10,215</td>
<td>7.94</td>
</tr>
<tr>
<td>2,001 – 2,500</td>
<td>11,018</td>
<td>8.57</td>
</tr>
<tr>
<td>2,501 – 3,000</td>
<td>12,978</td>
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<tr>
<td>3,001 – 3,500</td>
<td>15,618</td>
<td>12.14</td>
</tr>
<tr>
<td>3,501 – 4,000</td>
<td>14,830</td>
<td>11.53</td>
</tr>
<tr>
<td>4,001 – 4,500</td>
<td>17,887</td>
<td>13.91</td>
</tr>
</tbody>
</table>

For properties that are over 4,500 square feet, without consumption history, please submit an energy audit (HERS Rating or similar) or load calculations for the property. Please submit all system sizing paperwork to srcmn@xcelenergy.com.

We use the National Renewable Energy Laboratory’s (NREL) PVWatts® calculator to convert a subscriber’s allocation in kW to annual output in kWh. That number is then checked against the customer’s historic usage or the home usage estimator for compliance with the 120% rule. NREL’s PVWatts calculator can be found on their website.

Updated 03/18/2015
**How does the 40% allocation requirement work?**

*Minn. Statute §216B.1641* defines a subscriber as “a retail customer of a utility who owns one or more subscriptions of a solar garden facility interconnected with that utility.” A retail customer is a separate person or corporation and is the **legal name of the party** as defined by state law and existing Xcel Energy tariffs.

Further, **affiliates of a legal entity** will be treated as the same person or entity for the purposes of subscription with the exception of government entities. Political subdivisions of a government entity or public agency can be considered separate retail customers of the utility as defined by Minn. Stat. §216B.02, Subd. 2. If a governmental agency composed of sufficient political subdivisions or agencies has a different account, each political subdivision or agency may have a 40% interest in a single garden.

To provide some context as to whether or not you may be at risk for allocating more than the legislated 40% threshold, we’ve provided the below questions to help identify possible cases. If you answer “yes” to one or more of the below questions and intend to subscribe to 40% or more of any solar garden, we suggest you contact the S*RC team at srcmn@xcelenergy.com. We’ll contact you within seven calendar days to help resolve your questions.

- Do you have more than one physical location to which subscriptions can be attributed?
- Do you have more than one account?
- Does the premise address on your bill differ from the billing address?
- Are you one of many accounts for the same type of business?
- Do you have political subdivisions and do you have separate financials per subdivision?

For further clarity, we’ve put together the following questions and answers about this topic:

- **How do I know whether or not I have multiple accounts under one legal entity?**
  
  There are a couple of ways you can determine whether or not you have multiple accounts that would be combined for the purposes of the 40% requirement. First, if your bill is sent to an alternative address (versus your location) and you receive multiple bills, it is likely that you have several accounts associated with one legal entity.

- **What is meant by “affiliates are considered the same entity”?**
  
  State statute provides guidance with the definitions of “person” and “corporation”, which are as follows:

  “Person” means a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined. (As noted in Minn. Stat. §216B.02, Subd.3)

  “Corporation” means a private corporation, a public corporation, a municipality, an association, a cooperative whether incorporated or not, a joint stock association, a business trust, or any political subdivision or agency. (As noted in Minn. Stat. §216B.02, Subd. 2.)

  Therefore, as defined by statute for our S*RC Community Program, a “person” includes corporations associations or partnerships having a “joint or common interest”. Xcel Energy does not have insight into specific customer legal structures, but if your company and another company are affiliated businesses, then together these two businesses can only own up to a 40% interest in one garden.

Updated 03/18/2015
• **As a government agency, I have different political subdivisions. Can I have a 40% interest in one garden per political subdivision?**
  The likely answer is yes. Government entities have specific statutes that define them differently than regular “corporations”. Some cities have different political subdivisions and have legal entities such as City X Fire Department and City X Libraries. Each subdivision can have a 40% interest. **In order to determine if you are a political subdivision or agency, we provide guidance in the linked document.**

• **How can I determine if there is a “joint or common” interest between two legal entities?**
  - If you can accurately state “yes” to all of the following, then there is no “joint or common” interest and each legal entity would be its own subscriber. You can confirm:
    - There is no partnership or joint venture between them?
    - They have not united together for the same purpose?
    - There is no common owner between them?
    - They are not part of the same corporate family – not affiliates, corporate subunits, nor otherwise related companies?
    - They are independent companies?

• **Do different legal names and Federal Tax ID number constitute a different subscriber?**
  Not necessarily. Having a different legal name and/or a different Federal Tax ID does not by itself show that these are not the same subscriber.

• **As an elementary school, our bills are paid by the district. Who is the “retail customer”?**
  Generally speaking, elementary schools and high schools in the same district are considered one legal entity and therefore together could not have more than a 40% interest in one garden.

**What should I do if I still have questions?**
Most customers should have very little difficulty determining their eligibility. But if you are unsure of your legal structure, we recommend you discuss this option with your legal representative and then contact [srcmn@xcelenergy.com](mailto:srcmn@xcelenergy.com) to help determine your eligibility for Solar*Rewards Community.
Brief Description  Off-sale liquor licenses for Minnesota Fine Wine & Spirits, LLC, (DBA Total Wine) 14200 Wayzata Blvd.

Recommendation  Continue the public hearing and grant the license

Background

The city has received an application from Minnesota Fine Wines & Spirits, LLC (DBA Total Wine) for an off-sale intoxicating liquor license, for use at 14200 Wayzata Blvd.

In 2016, the applicant applied for an off-sale liquor license at the shopping center containing Whole Foods and Office Depot on Plymouth Road. At that time, the proposal included purchasing assets of the Big Top Liquor store. At the September 12 city council meeting, the council voted on the request from Total Wine for an off-sale liquor license. The motion to grant the license failed with a vote of 4 in favor and 3 opposed. Since a supermajority of 5 was needed to grant the license, no license was approved.

Current Application

The applicant submitted a new application in February proposing a new location in the former Golfsmith site at Ridgedale Festival Center near Toys “R” Us at 14200 Wayzata Blvd.

The application continues to include the purchase of assets of Big Top Liquor, and now includes the additional purchase of a liquor store in Minnetonka, US Liquor & Wine, located in the Country Village Shopping Center (Hwy 7/Co Rd 73) with the intent of closing those businesses.

The purchase agreement for Big Top Liquor was established with the previous application. Big Top Liquor confirmed their agreement with Minnesota Fine Wine & Spirits, LLC. US Liquor & Wine provided a letter of intent for the purchase of assets while still working through the final details of the purchase agreement. A liquor license is not transferable or available for purchase. Because a business may not purchase or “buy” a license, Minnesota Fine Wine & Spirits, LLC is required to apply and obtain their own license. The lease with KIR Minnetonka, L.P., the landlord for Ridgedale Festival Center, is contingent upon city council approval of the liquor license. The timeframe to complete the construction of the new space is 5-6 months. The licenses for Big Top Liquor and US Liquor & Wine would be surrendered or revoked prior to issuance of the certificate of occupancy for Total Wine.
Business Ownership

Minnesota Fine Wines & Spirits, LLC (“Applicant”) is a Minnesota limited liability company. It has two classes of members, which are Class A and Class B. The Class A members are David J. Trone and Robert L. Trone. Each of the Class A members owns a 5% membership interest.

Effective January 30, 2017, David and Robert Trone have relinquished their positions as officers of Minnesota Fine Wines & Spirits, LLC. David Trone and Robert Trone each remain a Class A Member of the Applicant, each owning 5%. Kevin A. Peters is now the President/CEO and Thomas A. Haubenstricker is the Secretary/Treasurer. Both Mr. Peters and Mr. Haubenstricker are employees of the Total Wine organization. Mr. Peters and Mr. Haubenstricker have submitted applications for background checks, which have been completed by the police department.

The Class B members is comprised of five trusts, each of whose membership interest has a limited right to vote, all exercised by the trustees (who are over 21 years of age) and not the beneficiaries. The beneficiaries of the trusts are the children of David Trone and Robert Trone. The trusts are passive investors, are not involved in the operations of the business and have very limited voting rights, such as only on selling the business to third parties.

The Beneficiaries have no control over the applicant, the trusts, the management or the operation of applicant’s business.

The ownership structure is listed below:

<table>
<thead>
<tr>
<th>Class A Members</th>
<th>Ownership %</th>
</tr>
</thead>
<tbody>
<tr>
<td>David J. Trone</td>
<td>5%</td>
</tr>
<tr>
<td>Robert L. Trone</td>
<td>5%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class B Members</th>
<th>Ownership %</th>
</tr>
</thead>
<tbody>
<tr>
<td>MCT 2013 LLC Receiving Trust</td>
<td>11.25%</td>
</tr>
<tr>
<td>JET 2013 LLC Receiving Trust</td>
<td>11.25%</td>
</tr>
<tr>
<td>NRT 2013 LLC Receiving Trust</td>
<td>11.25%</td>
</tr>
<tr>
<td>RTJ 2013 LLC Receiving Trust</td>
<td>11.25%</td>
</tr>
<tr>
<td>SPT 2013 Trust</td>
<td>45.00%</td>
</tr>
</tbody>
</table>

Business Operations

Hours of operation are proposed from 9:00 a.m. to 10:00 p.m., Monday through Saturday. Because of the state law change allowing Sunday sales, the city is evaluating how that affects current and future off-sale licenses. A final floor plan is attached and includes a retail floor area, a classroom for consumer and employee education, and a small stock room.
Each store employs about 50 employees. At any given time during the day, 15-20 employees are in the store. A store manager or assistant manager is present in the store at all times during retail hours.

Total Wine’s application identifies safeguards against under-age sales by carding all customers. In addition, all employees undergo alcohol awareness training online through SureSellNow.com, both immediately after employment and annually thereafter.

**City Council Policy 6.1**

The city council has established a policy that will consider the following criteria prior to issuing liquor licenses:

Off-sale establishments provide intoxicating liquor that will be consumed in environments that are not monitored. An increase in the number of those outlets increases the access to liquor, contributes to public safety concerns, and detracts from the desired image of the city. Accordingly, the city council determines that the 12 off-sale intoxicating liquor licenses existing as of March 22, 2010 are generally adequate to serve the city. However, the council reserves the right not to issue any license even if the number falls below 12. Despite this maximum number, the council will consider, but not necessarily approve, additional off sale intoxicating liquor licenses only if the council finds in its sole discretion that the business:

- offers a distinctive specialty service, or
- is a complementary part of a business that would add positively to the experience of living and working in the city; or
- is part of a village center that is not currently served.

Currently, the council has approved 14 off-sale liquor licenses. Eleven of those licenses are stand-alone liquor stores and two are for 3.2% malt beverage licenses (Target on Co Rd 101 & Glenn’s 1-stop on Minnetonka Blvd). The additional off-sale license was issued to Unmapped Brewing LLC in October 2016 for an off-sale license for growlers. Unmapped Brewing is still in the process of building out the site. If Big Top Liquors and US Liquor & Wine close, the total number of stand-alone liquor stores will be 9 within the city (10 if this license is issued). The current list of off-sale license holders include the following establishments:

<table>
<thead>
<tr>
<th>#</th>
<th>Establishment – Full Service Liquor Stores</th>
<th>Address</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Big Top Liquors</td>
<td>12937 Ridgedale Dr</td>
<td>8,465</td>
</tr>
<tr>
<td>2</td>
<td>Byerlys Wines &amp; Spirits</td>
<td>13081 Ridgedale Dr</td>
<td>3,844</td>
</tr>
<tr>
<td>3</td>
<td>Glen Lake Wine &amp; Spirits</td>
<td>14704 Excelsior Blvd</td>
<td>3,200</td>
</tr>
<tr>
<td>4</td>
<td>Haskell's</td>
<td>12900 Wayzata Blvd</td>
<td>8,100</td>
</tr>
<tr>
<td>5</td>
<td>MGM Wine &amp; Spirits</td>
<td>4795 Co Rd 101</td>
<td>10,400</td>
</tr>
<tr>
<td>6</td>
<td>Strong Liquor</td>
<td>11048 Cedar Lake Rd</td>
<td>2,305</td>
</tr>
<tr>
<td>7</td>
<td>Sundial Wine &amp; Spirits</td>
<td>5757 Sanibel Dr</td>
<td>3,480</td>
</tr>
<tr>
<td>8</td>
<td>The Wine Shop</td>
<td>17521 Minnetonka Blvd</td>
<td>4,500</td>
</tr>
</tbody>
</table>
Total Wine Metro Locations

Total Wine has opened several locations in the metro area, most recently in Eagan. The square footage of each location is listed below, noting that the lease is for 25,775 square feet. Any proposed expansion would require additional review by the city council for an amended licensed premise.

<table>
<thead>
<tr>
<th>Location</th>
<th>Square Footage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bloomington</td>
<td>17,310</td>
</tr>
<tr>
<td>Woodbury</td>
<td>20,517</td>
</tr>
<tr>
<td>Roseville</td>
<td>21,166</td>
</tr>
<tr>
<td>Chanhassen</td>
<td>23,520</td>
</tr>
<tr>
<td><strong>Minnetonka (Proposed)</strong></td>
<td><strong>25,775</strong></td>
</tr>
<tr>
<td>Eagan</td>
<td>26,266</td>
</tr>
<tr>
<td>Burnsville</td>
<td>28,687</td>
</tr>
<tr>
<td>Maple Grove</td>
<td>29,981</td>
</tr>
</tbody>
</table>

Land Use/Zoning

The city did receive a modification to the façade and that was reviewed by the planning commission last week. That item is later in the agenda.

Traffic and Parking

Traffic Study
A traffic study for the proposed Total Wine development at the Ridgedale Festival Center location was conducted by the city’s traffic consultant. The study evaluated traffic and parking impacts of the proposed development along with recommendations for necessary improvements that may be necessary to accommodate Total Wine at the Ridgedale Festival Center location. A similar study was conducted in 2016 for a proposed Total Wine location at the Whole Foods/Office Depot shopping center. (See attachments).

Parking Review
The parking supply at Ridgedale Festival Center was evaluated to determine if adequate parking exists to accommodate the proposed Total Wine development. The center provides a total of 573 parking spaces to tenants. Parking observations were taken on 5 time periods over two weekdays and a Saturday in February. The observations found that the percent of parking spaces occupied by vehicles ranged between 18 – 28%. Stated otherwise, 412 to 468 parking spaces were available at any time.
The existing parking supply was reviewed using city ordinance minimums and Institute of Traffic Engineers (ITE) Parking Generation Manual, 4th Edition. The parking review concluded that:

- Based on city code minimums, the center has a surplus of 23 parking spaces.
- Based on ITE, the liquor store has a parking demand between 66 and 77 spaces. The demand would result in a surplus of 335 and 359 spaces.
- Additionally, the large surplus of spaces would also accommodate peak holiday season parking when parking demand increases between 40 to 50 percent.

Traffic Review
A review of traffic operations in the immediate area was performed to determine if the proposed Total Wine development would impact baseline conditions. The study area includes the section of the Wayzata Blvd. North Frontage Road from Cheshire Lane to Plymouth Road.

A capacity analysis indicates that the study intersections currently operate at an acceptable overall LOS C or better during the weekday p.m. and Saturday midday peak hours.

Results of the year 2019 build intersection capacity analysis indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS D or better during the Weekday p.m. and Saturday midday peak hours with the existing roadway geometry and traffic controls. The consultant recommended a few improvements that would contribute to improving operations to near existing conditions:

- Perform signal optimization of the Plymouth Road/Wayzata Blvd intersection to help operations maintain near existing conditions.
- Restripe the Plymouth Road/North Frontage Road intersection as shown in the traffic report.
- Removal of the bus lane on northbound Plymouth Road south of the I-394 on/off ramps to provide additional left turn stacking for westbound North Frontage Road vehicles.

Proposal Feedback
Staff has provided a public notice to the surrounding property owners (97 notices), all current off sale liquor license holders, the Minnesota Licensed Beverage Association, posted information on the city’s web site and placed a notification sign on the property. See attached feedback received regarding the proposal.

Recommendation
Application information and license fees have been submitted. The police department performed a background check on the new officers and updated the report since the last application. The police report is attached. Staff recommends that the city council
continue the public hearing from March 6 and grant the license with the following conditions:

- The improvements identified in the traffic report for the area roadways will be paid for by the applicant.
- The licenses for the other store locations that are being purchased by the applicant will be surrendered or revoked prior to certificate of occupancy of the Total Wine location.

The applicant received the estimates for the road improvements at the time the report was being generated and are considering those costs. Staff will report back to the council as to the applicant’s response.

Submitted through:
   Geralyn Barone, City Manager

Originated by:
   Julie Wischnack, AICP, Community Development Director
   Kathy Leervig, Community Development Coordinator
Additional Information

July 1, 2015 Study Session Report

SIRI ENTERPRISES  
11333 Highway 7  
Minnetonka, MN  55305  

April 4, 2017  

City of Minnetonka  
Attention: Kathy Leervig  
Community Development Coordinator  
14600 Minnetonka Blvd.  
Minnetonka, MN  53545  

Re:  Off Sale Liquor License No. OFL-15  

Dear Ms. Leervig:  

As you know, Siri Enterprises LLC ("Siri") is the licensee pursuant to that certain Minnetonka, Minnesota Off Sale Liquor License No. OFL-15 ("Existing License"), for the operation of an off-sale retail liquor store operating under the name of "US Liquor & Wine" ("Business") located at 11333 Highway 7, in Minnetonka, Minnesota ("Premises").  

Please be advised that effective as of April 4, 2017, Siri has entered into an Asset Purchase Agreement ("Purchase Agreement") with Minnesota Fine Wines & Spirits, LLC ("Buyer") to sell certain assets of Siri related to the Business. The Purchase Agreement is contingent upon Buyer obtaining a new liquor license for the off-sale/retail sale of alcoholic beverages from the City of Minnetonka ("New License").  

Please also be advised that if the New License is obtained and the sale contemplated by the Purchase Agreement is consummated, Siri will relinquish the Existing License to the City, effective as of the closing of the sale pursuant to the Purchase Agreement ("Closing Date").  

Please also be advised that as of such Closing Date, Siri will have terminated the operation of business as US Liquor & Wine at the Premises and will not operate for business within the City of Minnetonka under, pursuant to, or in connection with the Existing License, in any manner whatsoever and/or at any location.
If you have questions, please let me know.

Very truly yours,

SIRI ENTERPRISES LLC

By: [Signature]
Ravikumar Jasthi, Chief Manager
March 2, 2017

Re: Off Sale Liquor License No. OFI-14
Recertification of Purchase Agreement

Dear Ms. Leervig:

As you know, Applebaum, LLC ("Applebaum") is the licensee pursuant to that certain Minnetonka, Minnesota Off Sale Liquor License No. OFI-14 ("Existing License"), for the operation of an off-sale retail liquor store operating under the name of "Big Top Liquors" ("Business") located at 12937 Ridgedale Drive in Minnetonka, Minnesota ("Premises").

As you also know, as described in that certain letter dated April 20, 2016 (a copy of which is attached hereto) ("City Notice"), Applebaum has entered into an Asset Purchase Agreement ("Purchase Agreement") with Minnesota Fine Wines & Spirits, LLC ("Buyer") to sell certain assets of Applebaum related to the Business. Importantly the Purchase Agreement is contingent upon Buyer obtaining a new liquor license for the off-sale/retail sale of alcoholic beverages from the City of Minnetonka ("New License"). Due to delays in the issuance of the New License to Buyer, Applebaum and Buyer have amended the Purchase Agreement to provide for a delayed Closing Date, whereby Applebaum would only relinquish its Existing License as described in the following paragraph.

This will reaffirm that if, and only if, the New License is obtained by Buyer and the sale contemplated by the Purchase Agreement is consummated with all conditions satisfied, Applebaum will relinquish its Existing License to the City, effective as of the closing of the sale pursuant to the Purchase Agreement ("Closing Date").

If you have questions, please let me know.

Very truly yours,

APPLEBAUM, LLC

By: [Signature]

Its [Title]
EXHIBIT B
Form of City Notice

APPLEBAUM, LLC
1574 University Avenue
St. Paul, MN 55104

April 20, 2016

City of Minnetonka
Attention: Kathy Leervig
Community Development Coordinator
14600 Minnetonka Blvd.
Minnetonka, MN 53545

Re: Off Sale Liquor License No. OFL-14

Dear Ms. Leervig:

As you know, Applebaum, LLC ("Applebaum") is the licensee pursuant to that certain Minnetonka, Minnesota Off Sale Liquor License No. OFL-14 ("Existing License"), for the operation of an off-sale retail liquor store operating under the name of "Big Top Liquor" ("Business") located at 12937 Ridgedale Drive in Minnetonka, Minnesota ("Premises").

Please be advised that effective as of April 20, 2016, Applebaum has entered into an Asset Purchase Agreement ("Purchase Agreement") with Minnesota Fine Wines & Spirits, LLC ("Buyer") to sell certain assets of Applebaum related to the Business. The Purchase Agreement is contingent upon Buyer obtaining a new liquor license for the off-sale/retail sale of alcoholic beverages from the City of Minnetonka ("New License").

Please also be advised that if the New License is obtained and the sale contemplated by the Purchase Agreement is consummated, Applebaum will relinquish the Existing License to the City, effective as of the closing of the sale pursuant to the Purchase Agreement ("Closing Date"). At this time, the parties anticipate that the Closing Date will occur no earlier than January 15, 2017.

Please also be advised that as of such Closing Date, Applebaum will have terminated the operation of business as Big Top Liquor at the Premises and will not operate for business within the City of Minnetonka under, pursuant to, or in connection with the Existing License, in any manner whatsoever and/or at any location.

If you have questions, please let me know.
Very truly yours,

APPLEBAUM, LLC

By: [Signature]

[Signature]

DOCS:95047138-v15
Policy Number 6.1
Standards and Criteria for the Issuance of Liquor Licenses

Purpose of Policy: This policy establishes standards and criteria that the city council will apply in its consideration of on and off-sale liquor licenses. Further, this policy describes city council expectations for establishments holding liquor licenses within the city.

Introduction
This policy applies to all establishments having on or off-sale liquor licenses in the city of Minnetonka.

Standards
It is expected that all establishments holding liquor licenses will be operated in accordance with the following standards:

- **Type of Establishment**
  The proposed liquor license should be considered in terms of the type of establishment being proposed and the propriety of having the establishment at the proposed location. On-sale liquor licenses will only be issued to establishments whose primary business is the sale of food. Consistent with this objective, city ordinance requires that at least 50% of the gross sales receipts of the establishment be from the sale of food.

- **Cooperation and Liaison with the City**
  Liquor license holders are encouraged to interact and work in cooperation with the city staff regarding any problems, concerns, or questions relating to the operation of their establishments. Liquor license holders are also encouraged to participate in any public health or safety programs that are offered by the city.

- **Material Alterations of Establishments**
  As required by ordinance, liquor license holders must report any internal changes to the establishment that materially enlarges, expands, reconfigures, or alters the site of the area connected with the consumption of liquor or the type of service offered by the establishment. Such changes must be reported to the community development director for review by the city council prior to beginning any alterations and before building permits can be issued.

  Material alterations include changes such as creation of a sit down bar or lounge area, expansion in size of the bar or lounge area, addition of a dance floor or entertainment area, or any other changes that alter the site or services offered in an establishment. This provision is not meant to include decorative or housekeeping improvements, or minor remodeling that does not affect the type of service offered by the establishment.

- **Conditioning Authority**
  The city council or staff may, upon the issuance or renewal of a liquor license,
impose reasonable conditions upon the license to promote the provisions of this policy.

Criteria
The city council will consider the following criteria prior to issuing liquor licenses:

- **Off-Sale Licenses**
  Off-sale establishments provide intoxicating liquor that will be consumed in environments that are not monitored. An increase in the number of those outlets increases the access to liquor, contributes to public safety concerns, and detracts from the desired image of the city. Accordingly, the city council determines that the 12 off-sale intoxicating liquor licenses existing as of March 22, 2010 are generally adequate to serve the city. However, the council reserves the right not to issue any license even if the number falls below 12. Despite this maximum number, the council will consider, but not necessarily approve, additional off sale intoxicating liquor licenses only if the council finds in its sole discretion that the business:
    a. offers a distinctive specialty service, or
    b. is a complementary part of a business that would add positively to the experience of living and working in the city; or
    c. is part of a village center that is not currently served.

- **Land-Use/Zoning**
  The proposed liquor license must be consistent with the Guide Plan and zoned appropriately. It is expected that liquor establishments will be located in existing and planned commercial areas of the city. The liquor license application will be considered in conjunction with the site plan review.

- **Traffic**
  The proposed liquor license will be considered in terms of traffic generated by the establishment and the effect of such traffic on the surrounding street system. It is expected that liquor establishments will be located in areas able to accommodate the additional traffic generated by the liquor operation. The cost of an additional traffic analysis that might be required because of unusual circumstances with the location of the establishment will be paid by the applicant. This cost is not considered a part of the investigation or license fee.

- **Parking**
  The proposed liquor license will be considered in terms of the amount of parking needed for the establishment. It is expected that adequate on-site parking will be provided to accommodate all customers and employees. To determine whether adequate parking exists, the council will use the zoning ordinance as a guideline, and may consider other factors such as: the nature of the establishment, the type of development in which it will occur, the amenities (dance floor, entertainment, etc.) which will be offered by the establishment, and any other matter which might affect the parking requirements.
• **Proximity to Schools, Churches, Youth Oriented Facilities, etc.**

The proposed liquor license should be considered in terms of proximity of the establishment to schools, churches, and youth related and other public facilities. It is expected that liquor establishments will be located in areas that minimize the impact on such facilities.

City staff will submit a written report examining each of these criteria to accompany an on or off-sale liquor license application at the time of consideration by the city council.

Adopted by Resolution No. 84-7533
Council Meeting of July 23, 1984

Amended by Resolution No. 2003-077
Council Meeting of August 25, 2003

Amended by Resolution No. 2010-030
Council Meeting of March 22, 2010

Amended by Resolution No. 2015-055
Council Meeting of July 13, 2015
To: Loren Gordon, AICP, City Planner
   City of Minnetonka
From: Matt Pacyna, PE, Senior Associate
   Tom Sachi, PE, Senior Engineer
Date: April 25, 2017
Subject: Total Wine Traffic and Parking Study

Introduction

SRF has completed a traffic and parking study for the proposed Total Wine development within the existing Ridgedale Festival Center along Wayzata Boulevard in the northeast quadrant of the I-394/I-494 interchange in Minnetonka (see Figure 1: Project Location). The proposed development would replace the former Golfsmith within the shopping center. Therefore, the main objectives of this study are to review existing operations within the study area, evaluate traffic and parking impacts of the proposed development, and recommend any necessary improvements to accommodate the proposed development. The following information provides the assumptions, analysis, and recommendations offered for consideration.

Existing Conditions

Existing conditions were reviewed to establish a baseline to identify any future impacts associated with the proposed development. The evaluation of existing conditions includes intersection turning movement counts, field observations, and an intersection capacity analysis.

Data Collection

Turning movement counts were collected from 8:00 a.m. to 10:00 p.m. on both a weekday and Saturday at the existing Ridgedale Festival Center driveways to identify the existing site trip generation and an hourly traffic volume profile along Wayzata Boulevard. The daily traffic volume profile along Wayzata Boulevard, shown in Figure 2, indicates that weekday traffic volumes generally peak during the midday (12:00 p.m.) and p.m. (4:00 p.m.) peak hours. Traffic volumes along Wayzata Boulevard on Saturday also peaked during the midday, but were generally lower than the weekday midday and p.m. peak hours.
Project Location

Total Wine Traffic Study
City of Minnetonka, MN

Figure 1
In addition to the driveway counts, peak period intersection turning movement counts were collected at the following locations between February 23 and February 25, 2017. The data was collected during the weekday p.m. (4:15 p.m. to 5:15 p.m.) and Saturday midday (1:15 p.m. to 2:15 p.m.) peak hours.

- Wayzata Boulevard/Cheshire Parkway
- Wayzata Boulevard/Horn Drive
- Plymouth Road/North I-394 Ramp
- Plymouth Road/Wayzata Boulevard

Intersection turning movement counts were also collected during the Friday p.m. peak hour. However, these counts were determined to be lower than the typical weekday p.m. peak hour and therefore were not reviewed further.

Observations were completed to identify roadway characteristics (i.e. roadway geometry, posted speed limits, and traffic controls) within the study area and the existing parking supply/demand at the site. Further discussion regarding parking is provided later in this memorandum. Average daily traffic volumes were provided by the Minnesota Department of Transportation.

Plymouth Road is primarily a four-lane divided roadway immediately adjacent to the proposed development, while Wayzata Boulevard is a two-lane roadway. The posted speed limit along each study area roadway is 30 miles per hour (mph), except Plymouth Road, which is posted at 35 mph. The Plymouth Road intersections at Wayzata Boulevard and the I-394 North Ramps are signalized, while the Ridgedale Festival Center driveways and the Wayzata Boulevard/Horn Avenue intersection are side-street stop controlled. The Wayzata Boulevard/Cheshire Lane intersection is all-way stop controlled. Existing geometrics, traffic controls, and volumes are shown in Figure 3.
Intersection Capacity Analysis

An existing intersection capacity analysis was completed for the weekday p.m. and Saturday midday peak hours to establish a baseline condition to which future traffic operations can be compared. The a.m. peak hour was not evaluated since the proposed development is not expected to be open during that time. The study intersections were analyzed using Synchro/SimTraffic (Version 9).

Capacity analysis results identify a Level of Service (LOS), which indicates the quality of traffic flow through an intersection. Intersections are given a ranking from LOS A through LOS F. The LOS results are based on average delay per vehicle, which correspond to the delay threshold values shown in Table 1. LOS A indicates the best traffic operation, with vehicles experiencing minimal delays. LOS F indicates an intersection where demand exceeds capacity, or a breakdown of traffic flow. Overall intersection LOS A through LOS D is generally considered acceptable in the Twin Cities Metro Area.

Table 1 Level of Service Criteria for Signalized and Unsignalized Intersections

<table>
<thead>
<tr>
<th>LOS Designation</th>
<th>Signalized Intersection Average Delay/Vehicle (seconds)</th>
<th>Unsignalized Intersection Average Delay/Vehicle (seconds)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>≤ 10</td>
<td>≤ 10</td>
</tr>
<tr>
<td>B</td>
<td>&gt; 10 - 20</td>
<td>&gt; 10 - 15</td>
</tr>
<tr>
<td>C</td>
<td>&gt; 20 - 35</td>
<td>&gt; 15 - 25</td>
</tr>
<tr>
<td>D</td>
<td>&gt; 35 - 55</td>
<td>&gt; 25 - 35</td>
</tr>
<tr>
<td>E</td>
<td>&gt; 55 - 80</td>
<td>&gt; 35 - 50</td>
</tr>
<tr>
<td>F</td>
<td>&gt; 80</td>
<td>&gt; 50</td>
</tr>
</tbody>
</table>

For side-street stop controlled intersections, special emphasis is given to providing an estimate for the level of service of the side-street approach. Traffic operations at an unsignalized intersection with side-street stop control can be described in two ways. First, consideration is given to the overall intersection level of service. This takes into account the total number of vehicles entering the intersection and the capability of the intersection to support these volumes.

Second, it is important to consider the delay on the minor approach. Since the mainline does not have to stop, the majority of delay is attributed to the side-street approaches. It is typical of intersections with higher mainline traffic volumes to experience high levels of delay (i.e. poor levels of service) on the side-street approaches, but an acceptable overall intersection level of service during peak hour conditions.

Results of the existing intersection capacity analysis shown in Table 2 indicate that the study intersections currently operate at an acceptable overall LOS C or better during the weekday p.m. and Saturday midday peak hours with the existing geometric layout and traffic controls. Westbound queues along Wayzata Boulevard reach approximately 220 feet during the weekday p.m. peak hour, which nearly extend to the adjacent office building access along the south side of Wayzata Boulevard.
Relatively minor queuing occurs along Plymouth Road between Wayzata Boulevard and the I-394 North Ramps. These Plymouth Road queues are primarily due to the close intersection spacing, which results in limited vehicle storage. The traffic signal timing is currently programmed to provide a twice-per-cycle left-turn phase, which limits the amount of time that northbound queues extend to the adjacent intersection (i.e. approximately 10 percent of the Saturday midday peak hour). No other significant delay or queuing issues were identified.

Table 2 Existing Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Weekday P.M. Peak Hour</th>
<th>Saturday Midday Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS</td>
<td>Delay</td>
</tr>
<tr>
<td>Plymouth Road and Wayzata Boulevard</td>
<td>C</td>
<td>22 sec.</td>
</tr>
<tr>
<td>Plymouth Road and I-394 North Ramps</td>
<td>B</td>
<td>14 sec.</td>
</tr>
<tr>
<td>Wayzata Boulevard and Horn Drive(1)</td>
<td>A/B</td>
<td>12 sec.</td>
</tr>
<tr>
<td>Wayzata Boulevard and Cheshire Lane(2)</td>
<td>A</td>
<td>9 sec.</td>
</tr>
</tbody>
</table>

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

(2) Indicates an unsignalized intersection with all-way stop control, where the overall LOS is shown.

Proposed Development

The proposed development, shown in Figure 4, would encompass a portion of the existing Ridgedale Festival Center, formerly occupied by Golfsmith. The existing shopping center has a total of approximately 120,000 square feet of retail space, which is split between several tenants. If approved, Total Wine would initially consume 25,775 square feet, with a potential to increase an additional 2,500 square feet if neighboring leases become available. Hours of operation are expected to be 8:00 a.m. to 10:00 p.m., Monday thru Saturday and 11:00 a.m. to 6:00 p.m. on Sunday.

The proposed development was assumed to be fully operational by the year 2018. Access to the proposed development is not expected to change, with three full access driveways along Wayzata Boulevard remaining. The existing parking lot, which has approximately 573 spaces, is also not expected to change. Additional parking information is provided later in this memorandum.

Year 2019 Conditions

To identify potential impacts associated with the proposed development, traffic forecasts for year 2019 conditions (i.e. one-year after opening) were developed. The year 2019 conditions take into account general area background growth and traffic generated by the proposed development. The following sections provide details on the background traffic forecasts, estimated trip generation, and intersection capacity analysis for year 2019 conditions.
Total Wine Traffic Study
City of Minnetonka, MN

Figure 4

Site Plan

Total Wine
25,775 Square Feet

North

Wayside Boulevard
Background Traffic Growth

To account for general background growth in the area, an annual growth rate of one (1) percent was applied to the existing peak hour traffic volumes to develop year 2019 background traffic forecasts. This growth rate is generally consistent with historical trends within the study area and future growth projections within the Twin Cities Regional Travel Demand Model.

Trip Generation

To account for traffic impacts associated with the proposed development, a trip generation estimate for the weekday p.m. and Saturday midday peak hours as well as on a weekday daily basis were developed. The existing and future trip generation estimate for the site, shown in Table 3, was developed using a combination of existing traffic counts collected at the site driveways, customer data provided by Total Wine, driveway counts collected at a local Total Wine in Chanhassen, MN on March 16 and March 18, 2017, and the Institute of Transportation Engineers (ITE) Trip Generation Manual, Ninth Edition. For Total Wine specifically, the trip generation estimate was based on the customer data from three other Twin Cities Total Wine stores and the vehicular counts collected in Chanhassen.

Table 3 Trip Generation Estimate

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>Weekday P.M. Peak Hour Trips</th>
<th>Saturday Midday Peak Hour Trips</th>
<th>Weekday Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td>Existing Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shopping Center (1)</td>
<td>94,225 SF</td>
<td>94</td>
<td>123</td>
<td>193</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shopping Center (1)</td>
<td>94,225 SF</td>
<td>94</td>
<td>123</td>
<td>193</td>
</tr>
<tr>
<td>Total Wine Liquor Store (2)</td>
<td>25,775 SF</td>
<td>170</td>
<td>170</td>
<td>225</td>
</tr>
<tr>
<td>Subtotal</td>
<td>120,000 SF</td>
<td>264</td>
<td>293</td>
<td>418</td>
</tr>
<tr>
<td>Multi-Use Reduction (15% PM, 25% Saturday)</td>
<td>-26</td>
<td>-26</td>
<td>-56</td>
<td>-56</td>
</tr>
<tr>
<td>Total Site Trips</td>
<td>238</td>
<td>267</td>
<td>362</td>
<td>354</td>
</tr>
<tr>
<td>Pass-By Trip Reduction (3)</td>
<td>-36</td>
<td>-36</td>
<td>-43</td>
<td>-43</td>
</tr>
<tr>
<td>Net New System Trips</td>
<td>+108</td>
<td>+108</td>
<td>+126</td>
<td>+126</td>
</tr>
</tbody>
</table>

(1) Based on actual driveway counts collected February 23 and February 25, 2017. Golfsmith was not open for business, which accounts for 25,775 SF of the 120,000 SF shopping center.
(2) Based on locally collected data in Chanhassen MN (March 2017) and customer data provided by Total Wine.
(3) Applied to only the new land uses on site.

Utilizing locally collected data at a similar store is considered the most accurate approach, particularly when looking at a more unique land use. Based on this information, the data presented in Table 3 represents a conservative approach relative to typical weekday and Saturday conditions since the Chanhassen data was collected the day before and after St Patrick’s Day. Furthermore, this assessment does not account for Sunday liquor sales, which are expected to begin in Summer 2017, and may potentially reduce the peak demands that are currently observed.
Results of the trip generation estimate indicates the proposed development is expected to generate an additional 288 weekday p.m. peak hour, 338 Saturday midday peak hour, and 2,125 weekday daily trips to/from the site. This includes a 15-percent weekday p.m. peak hour and 25-percent Saturday midday peak hour multi-use reduction, which accounts for motorists that complete a trip to one or more land use within the site. Once fully operational, the site is expected to generate 505 weekday p.m. peak hour, 716 Saturday midday peak hour, and 4,650 weekday daily trips.

A portion of the proposed development trips are expected to be from vehicles already traveling along Plymouth Road or Wayzata Boulevard that will now divert their trip to the proposed development before continuing to their destination (i.e. pass-by trips). Pass-by percentages for Total Wine were assumed to be similar to percentages for a supermarket land use within the ITE Trip Generation Manual, Ninth Edition. Taking into account the pass-by trip reductions, as well as the existing site trips, the resultant net new traffic volume impact to the adjacent roadway network due to the proposed development is approximately 216 weekday p.m. peak hour, 252 Saturday midday peak hour, and 1,590 weekday daily trips.

Trips generated were distributed to the study area based on the directional distribution shown in Figure 5, which was developed based on existing travel patterns. Future year 2019 build conditions are shown in Figure 6.

Other Comparisons

As previously noted, utilizing locally collected data at a similar store is considered the most accurate approach. To provide some perspective if locally collected data was not available, the ITE Trip Generation Handbook would typically be referenced. Since ITE does not provide a specific trip generation rate for a liquor store, the supermarket rate provides a reasonable comparison as they are compatible land uses and liquor stores are often a land use within a grocery store. An additional comparison is provided that illustrates how the former Golfsmith would have generated trips based on the ITE approach, which was closed during data collection. These comparisons are summarized in Table 4, which do not include any multi-use reductions previously illustrated in Table 3.

Table 4 Trip Generation Comparison

<table>
<thead>
<tr>
<th>Land Use Type (ITE Code)</th>
<th>Size</th>
<th>Weekday P.M. Peak Hour Trips</th>
<th>Saturday Midday Peak Hour Trips</th>
<th>Weekday Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>In</td>
</tr>
<tr>
<td>Total Wine Liquor Store (1)</td>
<td>25,775 SF</td>
<td>170</td>
<td>170</td>
<td>225</td>
</tr>
<tr>
<td>ITE Supermarket Approach (854)</td>
<td>25,775 SF</td>
<td>107</td>
<td>107</td>
<td>134 (2)</td>
</tr>
<tr>
<td>Former Golfsmith (861)</td>
<td>25,775 SF</td>
<td>23</td>
<td>25</td>
<td>47</td>
</tr>
</tbody>
</table>

(1) Based on locally collected data in Chanhassen MN (March 2017) and customer data provided. Does not include multi-use reductions.
(2) Based on data from the ITE Trip Generation Manual. The Saturday peak hour was estimated to be 25 percent higher than the weekday p.m. due to a lack of ITE data available for Saturday conditions.
Directional Distribution
Total Wine Traffic Study
City of Minnetonka, MN

Figure 5
Year 2019 Intersection Capacity Analysis

To determine if the existing roadway network can accommodate year 2019 build traffic forecasts, a detailed intersection capacity analysis was completed. Results of the year 2019 build intersection capacity analysis shown in Table 4 indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS D or better during the Weekday p.m. and Saturday midday peak hours with the existing roadway geometry and traffic controls. However, northbound queues along Plymouth Road, in particular the northbound left-turn movement at Wayzata Boulevard, are expected to extend beyond the available storage approximately 75 to 85 percent of the Saturday midday peak hour and approximately 5 to 10 percent of the p.m. peak hour. These queues significantly impact the adjacent I-394 North Ramp intersection, creating additional delay and queuing.

To address the northbound Plymouth Road queuing under build conditions, signal timing improvements (i.e. optimization) are recommended. By optimizing the signal timing parameters to accommodate the forecasted year 2019 traffic volumes, overall intersection operations will improve along Plymouth Road and the northbound queuing impacts from Wayzata Boulevard to the I-394 North Ramp will be reduced to approximately 10 percent of the Saturday midday peak hour (comparison shown in Table 5). These queues are similar to existing conditions. A detailed intersection capacity analysis comparison between existing and future build conditions is included within the Appendix.

Table 5 Year 2019 Build Intersection Capacity Analysis

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Weekday P.M. Peak Hour</th>
<th>Saturday Midday Peak Hour</th>
<th>Saturday Midday Peak Hour (Optimized Timing)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LOS (Delay)</td>
<td>LOS (Delay)</td>
<td>LOS (Delay)</td>
</tr>
<tr>
<td>Plymouth Road and Wayzata Boulevard</td>
<td>C (28 sec.)</td>
<td>C (28 sec.)</td>
<td>C (27 sec.)</td>
</tr>
<tr>
<td>Plymouth Road and I-394 North Ramps</td>
<td>B (15 sec.)</td>
<td>D (46 sec.)</td>
<td>C (24 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Horn Drive (1)</td>
<td>A/B (14 sec.)</td>
<td>A/C (16 sec.)</td>
<td>A/C (16 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and East Access (1)</td>
<td>A/C (16 sec.)</td>
<td>A/C (16 sec.)</td>
<td>A/C (16 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Center Access (1)</td>
<td>A/B (13 sec.)</td>
<td>A/B (13 sec.)</td>
<td>A/B (13 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and West Access (1)</td>
<td>A/B (10 sec.)</td>
<td>A/B (10 sec.)</td>
<td>A/B (10 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Cheshire Lane (2)</td>
<td>B (10 sec.)</td>
<td>A (9 sec.)</td>
<td>A (9 sec.)</td>
</tr>
</tbody>
</table>

(1) Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.
(2) Indicates an unsignalized intersection with all-way stop control, where the overall LOS is shown.

Although signal optimization would improve operations, the intersection should be monitored to determine if additional timing modifications or infrastructure improvements are needed post development. This should occur approximately six (6) to 12 months after opening to allow travel patterns to normalize and would include new traffic counts and analysis, if necessary.
In addition to the signal timing changes, coordination with Metro Transit should occur to determine the possibility of utilizing the northbound left-turn lane at the Plymouth Road and I-394 North Ramps intersection. This lane is currently striped to avoid general traffic from utilizing this lane in favor of current Metro Transit bus access to the adjacent park-and-ride. By converting the dedicated transit lane into an advanced left-turn lane for all motorists, northbound queuing and conflicts along Plymouth Road would be further minimized. If local stakeholders were agreeable to this modification, additional communication infrastructure between the signal controller and Metro Transit buses would be necessary, as well as potentially signal pole/indication modifications and corridor retiming. Detailed infrastructure needs would be identified through design development.

The westbound queues along Wayzata Boulevard at Plymouth Road are expected to increase slightly from approximately 220 feet up to approximately 250 feet during the peak period. These queues will continue to impact access to the adjacent office building to the south. Additionally, the eastbound approach of Wayzata Boulevard at Plymouth Road is expected to have 95th percentile queues that extend approximately 350 feet during the p.m. peak hour. However on average, the eastbound queue is approximately 150 feet, and is not expected to be an issue.

A potential improvement that could be incorporated to improve operations within the study area, particularly during off-peak periods, would be to restripe the east and west approaches of Wayzata Boulevard to allow removal of the current split-phased signal operations. By removing the split-phased operations, additional signal timing flexibility can be achieved. This type of improvement could be incorporated along with the signal infrastructure/timing modifications previously identify. An illustration of the restriping configuration is shown in the Appendix.

Future Plymouth Road Improvements

The City has identified future improvements along Plymouth Road throughout the study area. One improvement includes an additional southbound left-turn lane from Plymouth Road to the I-394 Westbound On-Ramp, which would provide dual left-turn lanes and added vehicle storage. This improvement would be expected to reduce the westbound 95th percentile queues along Wayzata Boulevard at Plymouth Road by approximately 50 feet during both the weekday p.m. and Saturday midday peak hours. The other planned improvement along Plymouth Road is at the I-394 South Ramp intersection, where additional capacity improvements are planned to reduce delays and queues from Cartway Lane. Improvements at the I-394 South Ramp intersection are not expected to impact the study area north of I-394.
Parking Review

Parking observations were completed to identify the current parking supply and demand (i.e. utilization) for the site to help determine if there will be sufficient parking on-site if/when the Total Wine store is open. Observations indicate that there are approximately 573 existing parking spaces on site, none of which are dedicated to a specific tenant. Therefore, the entire site was reviewed as one parking area from strictly a parking supply and demand perspective. It should be noted that a portion of the parking lot (approximately 72 spaces) is used by Morrie’s Mazda and Goodwill employees. A breakdown of the approximate parking areas is shown in Figure 7 to provide a perspective of the parking demand throughout the lot.

Five time periods were reviewed to identify the peak parking demand for the site. These time periods included both weekday and Saturday peak periods. A summary of the parking observations for the entire site is provided in Table 6.

Table 6 Parking Observations

<table>
<thead>
<tr>
<th>Condition</th>
<th>Weekday (February 23 and 24, 2017)</th>
<th>Saturday (February 25, 2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12:30 p.m.</td>
<td>4:30 p.m.</td>
</tr>
<tr>
<td>Supply</td>
<td>573</td>
<td>573</td>
</tr>
<tr>
<td>Demand</td>
<td>161</td>
<td>113</td>
</tr>
<tr>
<td>Surplus/(Deficit)</td>
<td>412</td>
<td>460</td>
</tr>
<tr>
<td>Percent Occupied</td>
<td>28%</td>
<td>20%</td>
</tr>
</tbody>
</table>

The proposed development is not planning to provide any additional parking. To determine if the existing parking supply will meet the demand for the site, a detailed parking review was completed using both the Minnetonka City Code as well as the *ITE Parking Generation Manual, 4th Edition*. The following information summarizes the parking demand review.

1) The minimum parking requirement based on Minnetonka City Code (Chapter 3, Section 300.28) states that for a neighborhood retail development, the minimum number of parking spaces required is 4.5 spaces per 1,000 square feet of gross floor area. Given the proposed development is expected to remain as a 120,000 square foot building, a total of 540 spaces are required, which results in a 23 space surplus.

2) The weekday ITE 85th percentile demand for a 25,775 square foot liquor store is 77 spaces, which is expected to occur during the p.m. peak period. Combining the expected 85th percentile demand (77 spaces) with the observed weekday peak parking utilization (161 spaces), the total 85th percentile parking demand for the entire site is expected to be 238 spaces. This represents a 335 space surplus.
Figure 7

Peak Parking Utilization (Midday Weekday)

Total Wine Traffic Study
City of Minnetonka, MN

Legend
S - Supply
D - Demand

Wayzata Boulevard

Mainly utilized by Morrie’s and Goodwill Employees

North
3) The Saturday ITE 85th percentile demand for a 25,775 square foot liquor store is 66 spaces, which is expected to occur during the midday peak period. Combining the expected 85th percentile demand (66 spaces) with the observed weekday peak parking utilization (148 spaces), the total 85th percentile parking demand for the entire site is expected to be 214 spaces. This represents a 359 space surplus.

4) Based on observations at the Chanhassen Total Wine, it is likely the parking demand numbers could be increased (i.e. doubled) from the values presented by ITE. If this were to occur, there is still expected to be sufficient supply.

Results of the parking demand review indicate that no parking issues are expected for the proposed development site. Additionally, due to the large surplus of parking available, no issues are expected during the peak holiday season, when parking near shopping centers increased 40 to 50 percent over a typical day.

**Site Plan Review**

A review of the proposed site plan was completed to identify any issues and recommend potential improvements with regard to site access, circulation, and parking. In general, there are no major issues with the current site. However, taller shrubs/landscaping at the driveways should be trimmed to improve sight lines to Wayzata Boulevard. Due the curve of the roadway, low hanging branches partially obstruct the view of oncoming motorists.
Conclusions and Recommendations

The following study conclusions and recommendations are offered for consideration:

1) Study intersections currently operate at an acceptable overall LOS C or better during the weekday p.m. and Saturday midday peak hours with the existing geometric layout and traffic controls.
   a. Westbound queues along Wayzata Boulevard nearly extend to the adjacent office building access along the south side of Wayzata Boulevard.
   b. Relatively minor queuing occurs along Plymouth Road between Wayzata Boulevard and the I-394 North Ramps due to the close intersection spacing.

2) The existing shopping center has a total of approximately 120,000 square feet, which is split between several tenants. If approved, Total Wine would initially consume 25,775 square feet, with the potential to expand an additional 2,500 square feet if leases become available.

3) The proposed development is expected to generate an additional 288 weekday p.m. peak hour, 338 Saturday midday peak hour, and 2,125 weekday daily trips to/from the site when compared to the existing land use (excluding the former Golfsmith).
   a. The resultant net new traffic volume impact to the adjacent roadway network is approximately 216 weekday p.m. peak hour, 252 Saturday midday peak hour, and 1,590 weekday daily trips, which accounts for pass-by trip reductions for motorists already within the area.

4) Results of the year 2019 build intersection capacity analysis indicate that all of the study intersections and proposed access locations are expected to operate at an acceptable overall LOS D or better during the weekday p.m. and Saturday midday peak hours with the existing roadway geometry and traffic controls.
   a. Northbound queues along Plymouth Road, in particular the northbound left-turn movement at Wayzata Boulevard, are expected to extend beyond the available storage approximately 75 to 85 percent of the Saturday midday peak hour and approximately 5 to 10 percent of the p.m. peak hour. These queues significantly impact the adjacent I-394 North Ramp intersection, creating additional delay and queuing.

5) To address the northbound Plymouth Road queuing under build conditions, signal timing improvements (i.e. optimization) are recommended.
   a. By optimizing the signal timing parameters to accommodate the forecasted year 2019 traffic volumes, overall intersection operations will improve along Plymouth Road and the northbound queuing impacts from Wayzata Boulevard to the I-394 North Ramp will be reduced to approximately 10 percent of the Saturday midday peak hour. These queues are similar to existing conditions.
6) The Plymouth Road/Wayzata Boulevard intersection should be monitored to determine if additional timing modifications or infrastructure improvements are needed post development. This should occur approximately six (6) to 12 months after opening to allow travel patterns to normalize and would include new traffic counts and analysis, if necessary.

7) Coordination with Metro Transit should occur to determine the possibility of utilizing the northbound left-turn lane at the Plymouth Road and I-394 North Ramps intersection.
   a. This lane is currently striped to avoid general traffic from utilizing this lane in favor of current Metro Transit bus access to the adjacent park-and-ride. By converting the dedicated transit lane into an advanced left-turn lane for all motorists, northbound queuing and conflicts along Plymouth Road would be further minimized. If local stakeholders were agreeable to this modification, additional communication infrastructure between the signal controller and Metro Transit buses would be necessary, as well as potentially signal pole/indication modifications and corridor retiming. Detailed infrastructure needs would be identified through design development.

8) A potential improvement that could be incorporated to improve operations within the study area, particularly during off-peak periods, would be to restripe the east and west approaches of Wayzata Boulevard to allow removal of the current split-phased signal operations.
   a. By removing the split-phased operations, additional signal timing flexibility can be achieved. This type of improvement could be incorporated along with the signal infrastructure/timing modifications previously identify.

9) A portion of the parking lot (approximately 72 spaces) was observed being used by Morrie’s Mazda and Goodwill employees.

10) No parking issues are expected for the proposed development site, including during the peak holiday season.

11) Taller shrubs/landscaping at the driveways should be trimmed to improve sight lines to Wayzata Boulevard.
APPENDIX
## Intersection Capacity Analysis Comparison - Level of Service (Delay)

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Weekday P.M. Peak Hour</th>
<th>Saturday Midday Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
<td>Year 2019 Build</td>
</tr>
<tr>
<td>Plymouth Road and Wayzata Boulevard</td>
<td>C (22 sec.)</td>
<td>C (28 sec.)</td>
</tr>
<tr>
<td>Plymouth Road and I-394 North Ramps</td>
<td>B (14 sec.)</td>
<td>B (15 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Horn Drive (1)</td>
<td>A/B (12 sec.)</td>
<td>A/B (14 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and East Access (1)</td>
<td>A/B (12 sec.)</td>
<td>A/C (15 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Center Access (1)</td>
<td>A/B (11 sec.)</td>
<td>A/B (13 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and West Access (1)</td>
<td>A/B (10 sec.)</td>
<td>A/B (10 sec.)</td>
</tr>
<tr>
<td>Wayzata Boulevard and Cheshire Lane (2)</td>
<td>A (9 sec.)</td>
<td>B (10 sec.)</td>
</tr>
</tbody>
</table>

1. Indicates an unsignalized intersection with side-street stop control, where the overall LOS is shown followed by the worst approach LOS. The delay shown represents the worst side-street approach delay.

2. Indicates an unsignalized intersection with all-way stop control, where the overall LOS is shown.
I'd like to voice my support for Total Wines
"New " application for a liquor license at the former Golfsmith location in Minnetonka.
I believe the new site eliminates the " traffic " concerns of the 1st location. The purchase of "2" additional liquor stores by Total Wine would leave the city with a " net loss " of one liquor license. This, I believe, should alleviate concern by the dissenters on the 1st vote that the city " is adequately served".
I hope this email will be shared with all of the Council.
Warm regards
Dave Dunn
2320 Rivendell Ln
Mtka Mn 55305

Sent from my iPhone
Hi Kathy,

I just wanted to take this opportunity to tell you how very happy I am as new business owner in Minnetonka to learn about the Total Wine request for the Ridgedale Festival Shopping Center.

My business, Naturepedic Organic Mattress Gallery is also located in the Ridgedale Shopping Center and I am thrilled to learn that such a great brand that draws so many people, 7 days a week (now!), will be my new neighbor.

Although many of us who enjoy the adult beverages that Total Wine sells will continue to support our longtime friends at Haskells, as a business owner, I know this is a good thing for the overall climate of the Ridgedale area and Minnetonka, in general to have Total Wine as a local business that can cater to those that want convenient choices and are in our location.

The customer base that I target will also shop at Total Wine and the added traffic will likely be a major benefit to me as a new small business.

Please let me know if I can be of any other help in this matter.

Thank you,

Karna Hatzigeorgiou
Naturepedic Organic Mattress Gallery
Owner/Operator
14200 Wayzata Blvd
Minnetonka MN
Hi Kathy,
I want to make my opposition to Total Wine coming into the Ridgedale Festival Center known. As a resident of the area, I see pretty big traffic implications. If it was thought that there would be traffic problems with Total Wine next to Whole Foods, think of how hard it will be to turn down the frontage road on the west side of Plymouth Rd. With the short turn lane that is there, the additional traffic will cause backups on Plymouth Road as well as the ramp from 394. See the attachment. As someone who drives the area every day just trying to get home, this is bad.

I also am unhappy about the small liquor store acquisitions, particularly Big Top. I am a long time patron of the Applebaum family businesses, and hate to see a local family owned business be put out. The Applebaums are long time residents of Minnetonka, and profits from their businesses are put back into the community. This will not be the case with Total Wine.

Please do not allow Total Wine to come into the Ridgedale Festival Center.

Thanks,
Heidi Gray
MINNETONKA POLICE DEPARTMENT
Liquor License Application Investigation Report

Legal name of establishment: Minnesota Fine Wines & Spirits
Establishment name: Total Wine & More
Address: 14200 Wayzata Blvd
Type: Off Sale Intoxicating Liquor

Applicant – President: Kevin Peters
Applicant – Secretary / Treasurer: Thomas Haubenstricker
Manager: Robert Jackson

The city has received an application for a liquor license from Kevin Peters and Thomas Haubenstricker for Total Wine & More for use at a proposed business located at 14200 Wayzata Blvd in Minnetonka. The application was received on February 9th, 2017.

Pursuant to Minnetonka City Ordnance Section 600 and Minnesota State Statute 340.403a, a background check was performed on both applicants and the store manager. The background check for each consisted of computer checks, criminal history checks as allowed by state statute and other public intelligence resources. No statutory disqualifiers were noted for any of the applicants. Per Minnetonka Ordinance 600.020, both Peters and Haubenstricker meet the requirements of “Persons Eligible” to obtain a license provided that proposed Manager R. Jackson maintains his residency requirements of within 75 miles from City Hall. No other notable information was discovered during the investigation.

The applicant has provided all documents required by the Minnetonka City Ordinance. This license criminal background check was completed by Sgt. Troy Denneson under the direction of Police Chief Boerboom.
C. Off-sale liquor licenses for Minnesota Fine Wine and Spirits, LLC (DBA Total Wine), 1005 Plymouth Road

Community Development Director Julie Wischnack gave the staff report.

Wagner asked if the parking and traffic study would address doubling of the use if Office Depot would vacate its current building. Wischnack explained that the traffic consultants included the entire site and square footage of each use in addition to the adjacent property on the south. She requested that the traffic engineer provide an estimate of customer counts during peak-business hours. If the proposed use expanded in the future, then the liquor license would have to be reviewed and approved by the city council at that time.

Schneider agreed. He noted that the applicant has expressed interest in expanding the business into the Office Depot space when it would be available. Taking that into consideration would allow for improvements to be done now to mitigate the potential future impact.

Wiersum understood the benefits and challenges of the site. There is already a stacking situation when driving south and turning west on Wayzata Boulevard. There is also stacking and difficulty making turns on Plymouth Road when waiting to get on the onramp to Interstate 394. He would like the applicant’s data regarding the amount of traffic the existing stores generate. Wischnack stated that the traffic consultant does have a customer count provided by the applicant.

The public hearing was opened.

Edward Cooper, vice president of public affairs and community relations of Total Wine and More, stated that the company he represents is seen as a leader in the retail sector and fits into the city’s economic strategy for the Ridgedale area. Total Wine and More is a provider of a distinctive specialty service and has a desire to assist with further development of the Ridgedale Center area and work with the city to address issues of public safety. The store would host wine, beer, and spirits classes. The store would sell Minnesota products. Team members would be active in serving the community. The use would be interested in expanding into the neighboring space. The company is committed to its team members. The
company is family owned. A typical store employs 50 team members and 75 percent are full time employees who have benefits. There is an exemplary training program to protect against sales to minors and theft. He believes Total Wine and More has the best record in the industry to prevent sales to minors. The company has been around since 1991. A store has never been closed.

Ted Farrell, representing Haskell's located at 12900 Wayzata Boulevard, stated that Haskell's is also a family business. It has been at that location for 42 years. He wondered about the proximity of two large retailers that are very unique and specialize in all kinds of products and services. He was concerned with traffic causing safety issues. The traffic is brutal now.

Chris Erickson, representing The Wine Shop and Spasso located at 17523 Minnetonka Boulevard, stated that Big Top Liquors has not been a successful store because there is a limited amount of consumption. There are more breweries providing alcohol now. He believed the applicant is targeting Haskell's stores. A Total Wine store was located near Haskell's stores in Chanhassen and Burnsville. He did not approve of that. He is happy to compete on a level playing field. The proposed building sold a few years ago for $9.365 million. The tax value is $5.9 million. He questioned how the tax value is $4 million less than the sale price. The government is subsidizing Whole Foods and looking to subsidize Total Wine by giving them a discount on property taxes. That creates an uneven playing field. He suggested doubling the property taxes on the proposed site or cutting his property taxes in half to create a level playing field. The corporation is located in Maryland. He questioned why the city would want to subsidize an out of state business at the expense of local businesses.

Allendorf recalled that the proximity argument was used by a representative of the Tonka Bottle Shop when the public hearing for The Wine Shop liquor license was held. Erickson said that the difference is that over 50 percent of the wine sold at The Wine Shop is consumed in the restaurant. The Wine Shop sells very little beer or spirits. The business models are different which has allowed both businesses to be successful.

John Johannson, of Welsh Companies located at 4350 Baker Road and a principal owner of the proposed property, clarified that the Whole Foods property is a separate parcel and was purchased after a bankruptcy of the loan, redeveloped, and sold right away. That property was the $9 million sale price. He owns the adjacent Office Depot site and has no plans on selling. His property’s tax assessment by square footage is similar to The Wine Shop’s. He does not believe that the city subsidizes businesses’ property taxes. It is a fair playing field.
Larry Barenbaum, a partner at Big Top Liquors in Ridge Square, clarified that the business pays rent on over 8,500 square feet, not 5,000 as the previous speaker mentioned. Total Wine has changed the scope of the business for the better. The consumer benefits by the incredible operation that he has witnessed. There have been improvements over the years to address safety concerns caused by traffic. America provides a competitive retail world. Haskell's is a good retailer in this city and knows how to compete to make it better for their customers. He has a high level of regard for everyone he has dealt with at Total Wine.

The public hearing was closed.

Wiersum moved, Bergstedt seconded a motion to continue the public hearing to September 12, 2016. All voted “yes.” Motion carried.
C. Off-sale liquor license for Minnesota Fine Wine & Spirits, LLC, (DBA Total Wine) 1005 Plymouth Road.

Community Development Director Julie Wischnack and traffic consultant Matt Pacyna, of SRF Consulting, provided the staff report.

Acomb asked if the traffic study considers the proposed use a regional or local draw. Pacyna clarified that the study assumes that the majority of trips would be local, but allows for some regional trips. There are other Total Wine stores in the region. Customer-count data was used to determine the amount of traffic that the site would generate.

Allendorf asked if the office-building owner would be amenable to moving the entrance from the north side to the southeast side as shown in Option B. Wischnack answered that the property recently sold and the new owner has not yet been identified.

Wagner stated that traffic counts and the internal-traffic pattern were a concern for him when he first learned of the location. Pacyna explained that the average number of trips per square foot was calculated for Total Wine stores located in the twin cities. That number was applied to a store with 13,500 square feet to provide the base number of trips for Scenario 1. Scenario 2 was based on a building with 23,000 square feet and Scenario 3 was based on a building with 33,000 square feet. Market conditions also impact the number of trips.

Wagner asked if during peak travel times some parking stalls would be unusable because of vehicles stacking. Pacyna looked at the overall demand for the site and estimated that there would be 50 to 60 extra parking stalls during peak travel times. The additional exit would prevent stacking of more than 3 or 4 vehicles at a time.
Edward Cooper, vice president of public affairs for Total Wine, applicant, stated that he appreciated the opportunity to speak. He reiterated what he told the council in July which is that Total Wine gives customers what they deserve: price, service, selection, and store experience. Total Wine has a record of being a responsible retailer to customers and employees. A Total Wine store has never been closed due to failing to get a license. The application meets all requirements. He listened when the city said it wanted no new liquor licenses in the Ridgedale-village area. He relied on the city's independent parking and traffic study. The applicant supports Option B. The consumers in the west metropolitan area overwhelmingly support Total Wine coming to Minnetonka. He is consistently asked when a Total Wine will open in Minnetonka. He was available for questions.

The public hearing was continued.

Andrew Mullin, Wayzata resident and councilmember, stated that he identified the proposal's issue to be public safety concerns in regard to traffic and the desired image of the city. He read from Policy 6.1 regarding the increase in the number of liquor outlets contributing to residents' access to liquor and detracting from the desired image of the city. The council reserves the right to deny a liquor license even if the number of liquor licenses falls below 12. Mullin did not see Total Wine as an ordinary liquor store. It is a superstore. The business model is disruptive and hides behind advocating for the consumer while ignoring local practices in many states. He had concerns about the applicant and its business practices following local and state regulations for a controlled substance. He asked councilmembers to consider the traffic safety concerns and how Total Wine would relate to the city.

John Wolf, 825 East Lake Street, Minneapolis, stated that:

- Six and a half years ago he applied for a liquor license for a business called "Crazy Johnny's." His license was denied because of an exclusion included in Policy 6.1. The changes to Policy 6.1 were done to prevent something like this license from happening.
- He questioned what assets Big Top Liquor is selling to Total Wine. It might make more sense if Total Wine would be located in Big Top Liquor's location. What is being proposed is the same as what he proposed six and a half years ago.
- He questioned if this is a race to see who gets the liquor license if Big Top closes. He stated that a new liquor license application needs to meet one of three requirements: offer a distinctive, specialty service; be a complementary part of a business that would
add positively to the residents or workers in Minnetonka; or be part of a village center not currently being served.

- He guessed that Big Top may make $2 million per year. The average Total Wine store makes $20 million per year. The council may as well issue 10 liquor licenses instead of one.
- There is a build-out in the plans for 32,000 square feet. That would represent 41 percent of gross retail square footage of liquor businesses in Minnetonka. A store with 32,000 square feet would be Total Wine’s largest store in Minnesota.
- There is no way that this should be considered or approved.

Bob Bertelsen, 13513 Larkin Drive, stated that:

- The application does not meet the criteria to obtain a liquor license.
- There are currently 13 liquor licenses in Minnetonka right now.
- The Ridgedale-village study promotes a variety of businesses.
- Target’s liquor license was denied because the area is already served.

Ted Farrell, 12900 Wayzata Boulevard, president of Haskell’s, stated that:

- Haskell’s has operated in Minnetonka for over 40 years. He accepts competition with open arms.
- The traffic is a safety concern. The traffic counts in the study were completed July 7, 2016 and July 9, 2016 so traffic would be down those days. He hired SPAC to lay strips down to count traffic. Traffic increases at 10 a.m. and does not slow down until 6 p.m. It stays at 230 vehicles almost all day.
- Total Wine is all about volume and being big.
- Council denied Target’s liquor license because it found that the County Road 101 and Highway 7 area was adequately served by liquor stores.
- Haskell’s is within 1,200 feet of the proposed site.
- Total Wine is not unique, just big.

Chris Erickson, from Spasso and The Wine Shop located at 17523 Minnetonka Boulevard, stated that:

- He was nearly hit by another vehicle when exiting Wendy’s on the way here. It is a dangerous corner.
- There should be full disclosure of the terms of the sale between Total Wine and Big Top Liquor to determine if a liquor license is being sold. Common sense dictates that a liquor license is being
sold. The process should be delayed until the terms of the sale are disclosed to the public.

- He looked at the property taxes for the wrong building the last time he spoke at the city council meeting. He estimated that the property taxes on the proposed parcel must be raised $94,000 a year or decrease the property taxes for Spasso and The Wine Shop $22,000 to “create a level playing field.”
- He estimated that three local stores would be put out of business to provide an unfair tax advantage for a company from Bethesda, Maryland.
- The market is already saturated. There is not enough consumption to support the proposed store.

James Smisek, 400 Kenmar Circle, stated that:

- He has lived in the area for 14 years. The traffic in the area is already really congested. The proposed store would cause major problems, especially during Thanksgiving, New Years, and Christmas.
- The store would be a little too big for the space.

Jim Slattery, a Plymouth resident, read from a newspaper that stated that Total Wine was fined for pricing products in violation of Connecticut’s minimum pricing law.

Tom Taylor, chair of the public policy committee for the Burnsville Chamber of Commerce, stated that:

- Burnsville went through a similar experience when Total Wine applied for a liquor license in Burnsville.
- The Burnsville City Council found no reason to turn down the application. Two years later, one of four liquor stores that opened just before Total Wine started operating closed.
- Total Wine has been a positive impact on the community. It has the ability to draw customers in from the region. The patrons shop at multiple places once in the area.
- The other liquor stores have adjusted.
- Total Wine has supported a number of non-profit organizations in a number of ways. He appreciates that.

John Johannson, of Welsh Companies located at 4350 Baker Road, clarified that he is the sole owner of the proposed property. He pays close to $5 per square foot in property taxes. He does not receive a subsidy. He is happy to be part of the community.
The public hearing was closed.

There was a short recess.

Schneider noted the additional letters and emails staff received after the agenda was distributed. There were 23 comments in support and 1 comment opposed to the proposal.

Allendorf asked about the timing of the traffic study. Pacyna said that SRF has studied the area numerous times over the years. The study set out to determine the amount of trips that the site is generating each day. The study was completed in July and provides a good, average, data point. He also looked at average daily traffic volumes published by the Minnesota Department of Transportation (MNDOT) to determine a true, average, daily, traffic condition. His findings were consistent with MNDOT’s findings, so he feels confident with the results.

Wagner confirmed with Heine that Total Wine challenged the lawfulness of the Connecticut statute that set a minimum price. Total Wine settled with the state.

Wiersum asked if Total Wine had been found guilty in Connecticut, then would the company have been qualified to obtain a liquor license in Minnesota. Heine stated that a conviction of the violation for which Total Wine was charged in Connecticut would constitute a significant violation of state law regulating the sale of alcoholic beverages.

Allendorf asked staff to explain the difference between 11 stand-alone liquor licenses and 14 liquor licenses. Wischnack explained that the 11 stand-alone liquor licenses refer to liquor stores that operate separately from another use such as a restaurant.

Wiersum questioned if the application should be tabled until Big Top Liquors would no longer have an operating liquor license. Wischnack stated that many factors go into determining whether Minnetonka issues a liquor license including the number of existing liquor stores, density, proximity, uniqueness, and geography. She noted that timing may also play a part.

Schneider confirmed with Heine that it would not be improper for the council to consider the 2017 liquor license application as it has been provided by Total Wine. The city council could table action on the application until all 2017 liquor applications would be considered.
Wagner saw the traffic challenges for the site. He liked Option B of the traffic report. He was comfortable with the traffic study since it took a conservative approach associated with a 31,000 square-foot store. The store could be a regional draw to the area. He was glad that counts from existing Total Wine stores had been used. His biggest concern with the proposal is safety from a traffic and internal traffic pattern standpoint. He strongly favored Option B which would provide a controlled, left-hand turn. That made him feel better about the site. The proposal might improve current conditions of the site. Burnsville found that Total Wine has solid policies and a record of preventing underage sales. The council purposefully chose not to include a proximity limit in the policy.

Wiersum agreed with Wagner's comments regarding the traffic study. It is a challenging site. The proposal would improve the traffic flow and he liked the three-way stop which would increase safety. He believes that Minnetonka is adequately served from a liquor perspective. Minnesota statutes state that cities of first class are limited to not more than one off-sale liquor license for each 5,000 of population. Minnetonka has 50,000 people, so he felt that 10 liquor stores would be appropriate. Total Wine’s proposal of a 13,556 square-foot store would be a significant intensification of the liquor business in the city. Total Wine aspires to expand its size significantly. If Big Top would close and Total Wine would have a 33,000 square-foot store, then Total Wine would have 41 percent of the liquor store square footage in the city. The proposed store would be a regional draw. He questioned if the city’s goal is to be a regional draw for liquor purchases or to adequately provide liquor for the residents which is occurring already. His preference would be to deny or table action until Big Top is closed and, at that time, consider the application.

Allendorf looked at the state requirements and read the administrative judge’s review of the Burnsville application. He did not see a reason for people to call the applicant “big and bad.” He empathized with Taylor’s experience in Burnsville. It is similar to many people’s reactions to new developments which are a change and can be scary, but usually work out pretty well. Total Wine is proposing a new business model for the city. He does think it fits in Policy 6.1. He has gotten a number of calls from stand-alone-liquor-store owners. He heard what they said. He is not legally allowed to vote “no” on something in an attempt to protect another business. Competition makes each business better. He supports granting the license.

Acomb stated that Policy 6.1 recognizes that off-sale establishments increase access to alcohol, contribute to public-safety concerns, and
detracts from the desired image of Minnetonka. It also provides broad discretion regarding the number of liquor licenses approved. She voted to deny Target’s liquor license because she felt that area was already adequately served, she had access concerns, and she did not like possible implications in regard to underage consumption. The traffic study did not take into account that the use would be a regional draw, so she felt skeptical about it. Other Total Wine locations have had police officers directing traffic. She did not want to create that type of situation. She felt that the Ridgedale area does have enough liquor stores and she has concerns with access and public safety issues, so she does not support the application.

Bergstedt appreciated the civility of the audience. The site is not ideal. He struggled to find a reason to deny the application. He would not approve the use in any other village center in the city. This would be a major regional draw for Minnetonka. The traffic study shows that at full buildout, the level of traffic service would not change. Total Wine is a disruptor and has been very successful. He took to heart Taylor’s comments with what happened in Burnsville. He did not see a valid, legal reason to deny the application.

Ellingson did not support the application. He agreed with Wiersum and Acomb. Minnetonka is adequately served by existing stores. He was concerned with public safety consequences of increased alcohol consumption and the public health aspects. He has been to the Total Wine in Bloomington and the parking lot was packed. He was a little skeptical of the traffic study.

Schneider stated that:

- He takes the responsibility of issuing a liquor license seriously. He wants to make decisions based on facts instead of emotion. The goal is to debate issues consistently, fairly, and reasonably to gain understanding.
- Total Wine has a different business model. The whole liquor industry is changing. The microbrewery scene has gone crazy in the twin cities. That increases beer consumption. For that industry to succeed, there will have to be outlets to sell specialty beers. He saw benefits to the large-format store. There is a large selection and educational aspect that no other store in Minnetonka has the capacity to accommodate. That adds an amenity that the city would not have without a large-format store.
- The Ridgedale area is a regional shopping center. The goal is to attract customers from the region. That is a positive goal.
• The bottom line is that change is unsettling, but fighting against the direction that the liquor industry is going is somewhat counterproductive.

• Total Wine has shown competence by not selling to underage patrons and having a successful business.

• Denying the liquor license may be shortsighted. Hours of debate were spent before settling on the number of 12 liquor licenses and it still seems right. Total Wine representatives took that to heart and made sure that the city would not add a liquor license without subtracting one. That could be a condition of approval.

• He supports approving the liquor license. The use would be a disruptor, but not, necessarily, a negative disruptor. The industry will evolve and change and this is part of the evolution of change. Minnetonka has a major regional center that could benefit from the amenity that Total Wine dispenses.

• He has gotten several calls and emails from residents in support of the application.

Wagner considered Total Wine to be a regional draw and that was also included in the traffic study. Most residents he has talked to are excited about the application. The council has a serious duty to uphold public safety and traffic. Total Wine is a well-run company that is bringing innovation to the market.

Schneider agreed with Option B being the best traffic solution. He visits the site often and it is a challenge now. It is a poorly designed intersection. That would not be changed until a successful retail business is approved for that location and the intersection improvements would be made a condition of approval. Option B would be a big improvement.

Allendorf thanked Total Wine representatives for listening to councilmembers over the last couple years. Total Wine is a class operation.

Heine explained that approval of a liquor license requires five votes in favor of the motion to approve. A motion to deny the application would require four votes in favor of the motion to deny. The council could table action to allow additional time to consider the application or direct staff to prepare findings. A vote could be taken and Heine could prepare a statement of reasons for those councilmembers supporting denial of the application to review. Councilmembers could review the written findings and confirm their agreement with the findings or make their decision based on the record as it stands since they have articulated their reasons.
Barone suggested providing the applicant with an opportunity to speak. Schneider invited the applicant to comment.

Mark Jacobson, with Lindquist and Vennum, representing the applicant, stated that he preferred the council table action. Heine noted that Councilmember Bergstedt would be absent for the next regular city council meeting.

Allendorf agreed with Wagner that the reasons given opposing the application do not have much to do with Total Wine, but with beliefs. He did not know what the applicant or anyone else could say to change those beliefs.

Schneider chose to let councilmembers' comments articulate the reasons why the vote to approve the liquor license failed.

Allendorf moved, Wagner seconded a motion to grant the liquor license contingent upon closure of Big Top Liquors at 19237 Ridgedale Drive. Improvements noted in Option B are required to be completed before issuance of the certificate of occupancy. Bergstedt, Wagner, Allendorf, and Schneider voted “yes.” Wiersum, Ellingson, and Acomb voted “no.” Motion failed.
E. Off-sale liquor licenses for Minnesota Fine Wine & Spirits, LLC, (DBA Total Wine) 14200 Wayzata Blvd.

Wischnack gave the staff report.

Ed Cooper, vice president of public affairs and community affairs for Total Wine, said the company was excited about coming to Minnetonka and had worked very hard to show its commitment to the community. The first application was to purchase the Big Top location. This was done for two reasons: to be sensitive to the city’s desire to limit the total number of liquor stores; and to compensate Big Top for its hard work and years spent building its business. The first application included paying for the traffic study and all improvements recommended by the traffic consultant to improve the traffic flow in the area. He said the current application was a response to concerns raised by some of the council members about the traffic flow, by finding a new site with marked improvement in terms of traffic flow. Again, Total Wine will pay for the traffic study to ensure there are no traffic issues. He noted this application addressed the desire by some of the council members to limit the number of stores in the city to twelve by reducing the number to ten.

Wagner noted in the first application there was a delayed opening because there was an existing occupant of the space. He asked if approved, when the target opening date for this proposal would be. Cooper said typically it takes a several months to build the store.
Schneider opened the public hearing at 7:44 p.m.

John Wallace, 1001 Horn Drive, said the new application was to replace U.S. Liquor and equated this with replacing a 7-11 with a Costco. He said the first application was turned down because of traffic concerns. The new proposed location was less accessible. He didn’t see how the intersection could handle the additional traffic Total Wine will generate.

Wischnack noted there was a pending lawsuit before the Court of Appeals related to the previous denial. She said staff would provide an update at the May 1 meeting.

Bergstedt clarified that although Cooper indicated Total Wine was paying for the traffic study, it was the city who selects the engineering firm that will do the study. Wischnack added the applicant is not allowed to talk with the traffic consultant.

Wiersum moved, Wagner seconded a motion to continue the public hearing to May 1, 2017. All voted “yes.” Motion carried.
City Council Agenda Item #14A  
Meeting of May 1, 2017

**Brief Description**  
Amendment to the existing Ridgedale Festival master development plan for façade changes

**Recommendation**  
Adopt the resolution denying the request

**Proposal**

KIR Minnetonka, LLP, the owner of Ridgedale Festival, is requesting an amendment to the shopping center’s existing master development plan. The amendment would allow changes to a 25,775 square foot tenant space most recently occupied by Golfsmith. As proposed, the existing 40-foot wide by 28-foot tall storefront would be increased to 80-foot wide by 37-foot tall. New pillar structures would be constructed to create a covered, outdoor cart storage area. New building materials would be incorporated into the façade and pillars, including stone veneer and exterior insulation and finish system (EIFS) in two different colors and textures. The owner has indicated that the proposed façade improvements are not contingent on any specific future tenant and has specifically noted that the current request does not include signage.

**Planning Commission Hearing**

The planning commission considered the proposal on April 20, 2017. The commission report and associated plans are attached. Staff recommended denial of the request noting:

1. The proposed 37-foot façade would appear disproportionately large relative to the adjacent, existing 18-foot and 25-foot facades.

2. The proposed façade would appear disproportionately large relative to allowable signage. An approved disproportionally large façade may then result in a request for increased signage in order to “correct” the façade/signage disparity.

A public hearing was opened to take comment, but no comments were received. The commission discussed the request. While all commissioners indicated that the viability of the retail center was important, they had differing opinion on whether the size of the proposed size was appropriate.

**Planning Commission Recommendation**

On a 3-2 vote, the commission recommended the city council deny the request
Since Planning Commission Hearing

There have been no changes to the proposal or recommendation since the planning commission hearing.

Staff Recommendation

Staff recommends the city council adopt the resolution denying an amendment to the existing Ridgedale Festival master development plan for façade changes

Through: Geralyn Barone, City Manager
       Julie Wischnack, AICP, Community Development Director
       Loren Gordon, AICP, City Planner

Originator: Susan Thomas, AICP, Assistant City Planner
MINNETONKA PLANNING COMMISSION
April 20, 2017

**Brief Description**  
Amendment to the existing Ridgedale Festival master development plan for façade changes

**Recommendation**  
Adopt the resolution denying the request

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**Background**

It is the current practice of the city to adopt ordinances or resolutions to outline conditions of a development's approval. However, this was not always the case. Throughout the 1980s and mid-1990s, instead of ordinances or resolutions, the city frequently used legal agreements that were jointly signed by a project’s developer and city representatives. A property owner may request a change or amendment to conditions of such agreements. While the city is generally not obligated to approve requested changes, the city is obligated to consider and act upon such requests.

In 1989, the city council approved development of Ridgedale Festival, a roughly 130,000 square foot shopping center located at the I-394/I-494 interchange. The approval, which included a master development plan referencing specific façade plans, was outlined in a signed development agreement.

In 2011, the city council approved an amendment to Ridgedale Festival master development plan. The amendment: (1) approved combination of two anchor tenant spaces and façade improvements for a Toys R’ Us / Babies R’ Us superstore; (2) and removed conditions that were considered “more strict” than requirements outlined in current ordinance.

**Proposal**

KIR Minnetonka, LLP, the owner of Ridgedale Festival, is now requesting an additional amendment to the existing master development plan. The amendment would allow changes to a 25,775 square foot tenant space most recently occupied by Golfsmith. As proposed, the existing 40-foot wide by 28-foot tall storefront would be increased to 80-foot wide by 37-foot tall. New pillar structures would be constructed to create a covered, outdoor cart storage area. New building materials would be incorporated into the façade and pillars, including stone veneer and exterior insulation and finish system (EIFS) in two different colors and textures. The owner indicates that the proposed façade improvements are not contingent on any specific future tenant. Nevertheless, the submitted façade plans and recent liquor license application suggest Total Wine as a possible, near-term tenant. The owner has specifically noted that the current request does not include signage. (See attachments.)
Staff Analysis

Ridgedale Festival was constructed in the 1990s. Staff recognizes that architectural design standards and tenant desires have changed over the last 25+ years. Staff generally supports upgrading façade design and materials on older commercial buildings. However, staff does not support the applicant's specific request.

1. **Disproportionality to Surrounding Facades.** As proposed, the new façade would be 37 feet tall. The applicant has correctly noted that this would be similar to—in fact 4 feet less than—that of the existing Toys R’ Us / Babies R’ Us façade. However, in staff’s opinion, the context of the proposed storefront and The Toys R’ Us / Babies facades are quite different. The proposed improvement would be significantly taller, 12 to 19 feet, than the adjacent facades. Conversely, the 41-foot Toys R’ Us / Babies R’ Us façade is just 7 feet taller than adjacent façades. The proposed façade improvement is disproportional to the facades in this segment of the building. (See attached.)

2. **Disproportionality to Signage.** The property owner has chosen to separate the façade request from any future signage requests. However, staff finds that at Ridgedale Festival façades and signage cannot be independently evaluated. Signage at Ridgedale Festival is regulated by a sign covenant, not the city's sign ordinance. Under this covenant, anchor tenants are permitted to display a wall sign 5 feet in height and 250 square feet in total area. In staff’s opinion, the proposed façade appears disproportionately large compared to the allowed wall signage. (See attached.) If the façade were approved as proposed, staff anticipates a future request would be made to amend the sign covenant allowing for larger signage. Staff further anticipates that the argument for the increased signage would be that the allowable 5-foot tall, 250 square foot sign would appear disproportionally small compared to the recently approved larger façade. In fact, the Total Wine sign illustrated on the façade plans, but not part of this current application, is roughly 9.5 feet in height and 340 square feet in total area. (See attached.)

The square footage of the proposed storefront would be similar in size to the Toys R’ Us / Babies R’ Us façade. However, in staff’s opinion, the design of the two storefronts is notably different. The Toys R’ Us / Babies R’ Us façade includes a significant amount of glass, visually reducing the area on which the retailer’s sign is displayed. Conversely, the proposed façade includes a large amount of EIFS providing a visually larger area on which a sign could be displayed. (See attached.)

Staff Recommendation

Recommend the city council adopt the resolution denying an amendment to the existing Ridgedale Festival master development plan for façade changes

Originator: Susan Thomas, AICP, Assistant City Planner
Through: Loren Gordon, AICP, City Planner
Supporting Information

Surrounding Uses
North: Single-family homes, zoned R-1
East: Goodwill, zoned PID
South: I-394, office buildings beyond
West: I-494, Carlson Center beyond

Planning
Guide Plan designation: Commercial
Zoning: PID, Planned I-394 District

Total Wine
Total Wine recently submitted an application for an off-sale liquor license at the tenant space for which façade improvements are proposed. The city council conducted the first of a required two public hearings on the licensee request on March 6, 2017. The second hearing will be held on May 1, 2017.

From a zoning perspective, a liquor store is considered a commercial land uses. The zoning ordinance does not differentiate between types of stores; in other words, under the ordinance, a liquor store, department store, sporting goods store, and shoe store are all considered equal. Commercial retailers, which by code definition “primarily involve(s) the sale of goods or merchandise to the general public for personal or household consumption,” are permitted uses within buildings on a property designated for commercial use. Given this, it is not within the planning commission’s purview to determine whether Total Wine is – or is not – an appropriate tenant at Ridgedale Center.

SBP Standards
When reviewing changes to existing commercial buildings, specifically changes that require an amendment to an existing master development plan, the city generally evaluates the changes for consistency with site and building plans standards outlined in City Code §300.27 Subd. 5:

1. Consistency with the elements and objectives of the city's development guides, including the comprehensive plan and water resources management plan;

2. Consistency with the ordinance;

3. Preservation of the site in its natural state to the extent practicable by minimizing tree and soil removal and designing grade changes to be in keeping with the general appearance of neighboring developed or developing
4. Creation of a harmonious relationship of buildings and open spaces with natural site features and with existing and future buildings having a visual relationship to the development;

5. Creation of a functional and harmonious design for structures and site features, with special attention to the following:

   a) an internal sense of order for the buildings and uses on the site and provision of a desirable environment for occupants, visitors and the general community;

   b) the amount and location of open space and landscaping;

   c) materials, textures, colors and details of construction as an expression of the design concept and the compatibility of the same with the adjacent and neighboring structures and uses; and

   d) vehicular and pedestrian circulation, including walkways, interior drives and parking in terms of location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement and amount of parking.

6. Promotion of energy conservation through design, location, orientation and elevation of structures, the use and location of glass in structures and the use of landscape materials and site grading; and

7. Protection of adjacent and neighboring properties through reasonable provision for surface water drainage, sound and sight buffers, preservation of views, light and air and those aspects of design not adequately covered by other regulations which may have substantial effects on neighboring land uses.

**FINDINGS:** The proposed façade changes would not create a functional and harmonious design for structures and site
features. The proposed façade would appear disproportionately large relative to allowed signage.

Neighborhood Concerns

During the 2011 amendment review, some area residents raised concerns about: (1) a gate on site that in not being appropriately use; and (2) activities occurring on the site outside of allowable hours. At that time, staff met with representatives of the police department and building ownership to discuss the issues. A condition of the 2011 approval required that the gate leading to the rear delivery area remain closed between 9:30 p.m. – 7:00 a.m. daily. Upon notification of the current application, area residents expressed that this condition is not being met. Unfortunately, this was the first time since the 2011 approval that planning staff has been contacted regarding the gate/activity issue. The city is not in a position to take action if it is unaware of an issue. Neither, from staff’s perspective, is the city in a position to deny a current application based on the suggestion that conditions of approval have been violated without report and evidence of such violation. Staff encourages residents to report violations to planning staff if they occur during business hours and to the police department if the violations occur outside of business hours.

Pyramid of Discretion

Motion Options

The planning commission has several options:

1. Concur with the staff recommendation. In this case, a motion should be made recommending the city council adopt the resolution denying the request.

2. Disagree with the staff recommendation. In this case, a motion should be made to recommend the city council approve the proposal. This motion should include a statement as to why the proposal is approved.
3. Table the request. In this case, a motion should be made to table the item. The motion should include a statement as to why the request is being tabled with direction to staff, the applicant, or both.

**Voting Requirement**

The planning commission will make a recommendation to the city council. A recommendation to approve the applicant's request requires an affirmative vote a simple majority. At the city council, approval of the applicant’s request similarly requires an affirmative vote a simple majority.

**Neighborhood Comments**

The city sent notice to 48 area property owners and has no written comments to date.

**Deadline for Action**

June 26, 2017
Project: Kimco Realty
Applicant: Patrick McCune
Address: 14200 Wayzata Blvd
Project No. 88085.17a

Location Map

This map is for illustrative purposes only.
2011 FACADE AMENDMENT

General Notes:

1. All exterior concrete block walls to have foam insulation per specifications.
2. All masonry joints shall be tooled concave.
3. ThoroSystem preparation of masonry prior to painting.
4. "Thoro System Products" to match paint colors listed below.

Paint Colors:

A SHERWIN WILLIAMS #6101 "SANDS OF TIME"
B SHERWIN WILLIAMS #6098 "PACER WHITE"
C SHERWIN WILLIAMS #6100 "PRACTICAL BEIGE"
D SHERWIN WILLIAMS #7006 "EXTRA WHITE"
E SHERWIN WILLIAMS "OSHA YELLOW"
F SOBOTEC LTD. WALL PANEL SYSTEM 4mm ALUCOBOND PANEL WITH CLASS 1 ANODIZED CLEAR FINISH.

Additional Information:

- Provide (6) hooks per sign.
- Provide (6) carabiners per banner.
- Provide (6) carabiners per umbrella.
- Location and mounting height with local fire official.
- Sleeve as required.
- See detail 3/A201 for additional information.
- See detail 31/A201 for information on security cameras.
- See detail 32/A201 for temporary banner locations (6'x18').
- Provide (6) carabiners per banner.
- See detail 34/A201 for infill existing storefront opening with metal studs, sheathing & exterior insulation finish system (EIFS), sandpebble finish, painted to match existing adjacent brickwork.
- See specifications for type of EIFS system(s) to be used.
- All exterior concrete block walls to have foam insulation per specifications.

Prototype Updates:

- 0' - 0"
- 2011 58k Rev. 0
- 12/07/10
- 01/07/11
- 02/11/11
- 01/11/11
- Addendum No. 1
- Bulletin No. 1
- A301
- A302
- A304
- A201
- A100
- A501

Project No.: JJK

Drawn by: [Signature]

Checked by: [Signature]

Prototype Designation: 2010 58K Prototype

Store Support Center

One Geoffrey Wayne
Wayway, NJ 07470

Toys "R" Us

Minnetonka, MN

This drawing is the exclusive property of Toys "R" Us. The information shown may not be used nor the drawings reproduced without permission.

T.O.M. 27' - 8"

FIN. FLR 24' - 8"

Scale = 3/32" = 1'-0"
07 March, 2017

Loren Gordon – City Planner, AICP
City of Minnetonka – Planning & Zoning
14600 Minnetonka Blvd
Minnetonka, MN 55345

RE: Proposed Exterior Elevation Improvements @ 14200 Wayzata Blvd – Former Golfsmith Retail Outlet

Dear Mr. Gordon,

The property management group, KIR Minnetonka, L.P., is proposing to modify the exterior elevation at the corner entrance location to the former Golfsmith retail outlet. The prospective future tenant has requested that the exterior entryway be improved to enhance the visibility of the location & to more closely match their current branding.

The dimensions of the current storefront are 40'-2" wide x 28'-0" tall. The proposed improvements will increase the size of the storefront to 80'-10" wide X 37'-0" tall. Part of this increase in size will allow for an area to protect customer shopping carts under a new open canopy, immediately to the East of the customer entry area.

It is the intention of the landlord to move forward with these improvements & they will not be contingent upon any particular tenant signing a lease in the near future. The signage indicated on the enlarged edifice is currently included for reference purposes only. We are not looking for signage approval at this time as we are limiting this requested review to have you only evaluate the exterior building modifications.

Truly,

Welsh Architecture, LLC

KIR Minnetonka, L.P.

Thomas (Tom) G. Winterer
Senior Project Manager

Patrick A. McCune
Authorized Agent

Welsh Architecture, Suite 400, 3450 Baker Road, Minnetonka, Minnesota 55343-8695

Page 1 of 1
Elevation Remodeling Study for:
Current Golfsmith Premises at
Ridgedale Festival - 14200 Wayzata Blvd
Minnetonka, MN 55305

CURRENT PROPOSAL
Elevation Remodeling Study for:
Current Golfsmith Premises at
Ridgedale Festival - 14200 Wayzata Blvd
Minnetonka, MN 55343
Elevation Remodeling Study for:
Current Golfsmith Premises at
Ridgedale Festival - 14200 Wayzata Blvd
Minnetonka, MN 55305

Exterior Elevations

ALLOWABLE SIGNAGE
Elevation Remodeling Study for:
Current Golfsmith Premises at
Ridgedale Festival - 14200 Wayzata Blvd
Minnetonka, MN 55305

Exterior Elevations

ALLOWABLE SIGNAGE

20.57 ft

80.20 ft

25.01 ft

82.74 ft

52x2387
FAX: 952.897.7740

4350 Baker Road, Suite 400, Minnetonka, MN 55343
TEL. 952.897.7874
The next planning commission meeting will be May 4, 2017.

6. Report from Planning Commission Members: None

7. Public Hearings: Consent Agenda: None

8. Public Hearings

A. Amendment to the existing Ridgedale Festival master development plan for façade changes.

Chair Kirk introduced the proposal and called for the staff report.

Thomas reported. She recommended denial of the request based on the findings and subject to the conditions listed in the staff report.

Knight asked what would happen if tenants adjacent to the proposal would want a façade similar to the current proposal. Thomas stated that that application would be reviewed by the planning commission at that time.

Chair Kirk asked if the adjacent façades extend to the height of the roof line. Thomas referred the question to the applicant. Gordon noted that the roof heights increase from the west to east and get taller nearer to the Toys R Us site. The roof heights are equal in proportion to the parapet heights.

Chair Kirk asked if there is a correlation between a store’s square footage and the size restriction of a sign. Thomas answered affirmatively. There is a sign covenant that allows an anchor store to have a 5-foot tall, 250-square-foot sign.

Calvert asked if any of the other signs for the building would be improved. Mr. Gibson stated that a canopy is being considered for the adjacent facades.

Dan Gibson, representing Kimco Realty Corporation, part owner of the building and applicant, stated that Kimco Realty is the largest owner of open-air shopping centers in the country. The goal is to be sensitive to communities, but be driven by what retailers need. The applicant wants to make the 25,000-square-foot space viable again. One vacancy can cause a prolonged vacancy. The proposal would help the situation. It would not feel out of place. The small tenants want an anchor that will attract customers to the site.

Chair Kirk asked for the square footage of the Total Hockey site. Mr. Gibson answered 8,700 square feet.
Powers asked where the proposal has worked in other locations. Mr. Gibson responded “everywhere.” The location at Arbor Lakes in Maple Grove is an example. The tenant would apply for sign approval. He added that limited signage is a deterrent to retail.

Tom Winter, of Welsh Architecture, representing the applicant, explained that the façade plans would create a cohesive unit. The proposal would be four feet lower than the Toys R Us façade. The width of the proposed façade was increased to identify the space as an anchor tenant. The tower helps to balance the other two anchor tenants.

The public hearing was opened. No testimony was submitted and the hearing was closed.

In response to Schack’s question, Mr. Winter explained that from the top of the Toys R Us parapet, it drops 7 feet to the next level and 10 feet to the lowest level.

Schack wants malls and retailers to be viable, but the proposal does seem like a lot.

Powers likes the proposal. It is a commercial area. He likes the variation in heights. It is a strong-looking structure. He supports the proposal, but he would still like to see other areas that have done the proposal successfully.

Knight agreed with Powers. He likes the idea of varying the heights of the building. He did not like the idea of having a large amount of space above the doors and windows compared to Toys R Us. He supports the proposal.

Chair Kirk thought the proposal would be too big. What exists now is too low, but he would prefer something in between. The proposal would have a lot of blank space. He was frustrated that the sign plan would not be reviewed at the same time as the canvas. He preferred decreasing the height four or five feet.

Calvert was also conflicted. She still did not like the very large “Macy's” letters on Ridgedale Center. It is a commercial area and she wants the businesses to be viable, but she was not convinced that a façade so much higher than the store on the west would be attractive. She was concerned with the size of the canvas looking like a billboard.
Powers noted that outdoor retail centers are not doing well. He did not know if the height would be appropriate, but a retailer has to be visible. He would like additional pictures of existing similar signs.

Schack agreed that some increase would be appropriate, but the west side of the proposal seems really extreme.

Calvert understood the need to draw attention to a store, but there are reasons for sign regulations. The height differential between the top of the façade and the western most store front would be too extreme.

**Powers moved, second by Calvert, to recommend that the city council adopt the resolution denying an amendment to the existing Ridgedale Festival master development plan for façade changes.**

**Calvert, Schack, and Kirk voted yes. Knight and Powers voted no. Sewall and O’Connell were absent. Motion passed.**

**B. Items concerning Ridgedale restaurants at 12415 Wayzata Boulevard.**

Chair Kirk introduced the proposal and called for the staff report.

Gordon reported. He recommended approval of the application based on the findings and subject to the conditions listed in the staff report.

Calvert asked how four restaurants on one pad would impact the master development plan. Gordon explained the history of the site. The style of restaurants is changing.

Chair Kirk asked if the site would have walkability. Gordon pointed out proposed sidewalks on the site plan. The site would be much more walkable than it is now.

Powers asked if the sidewalks would be handicap accessible. Gordon answered in the affirmative.

Ben Freeman, representing General Growth Properties, applicant, thanked the commissioners for their consideration. He appreciated staff’s input. The proposal is an opportunity to invest in and improve Ridgedale Center. The company is proud of how far the center has come and excited to continue the momentum with the current proposal. There has been an evolution in restaurant demand. He envisioned pads two and three being used by single users. He looked forward to...
City Council Agenda Item #15A
Meeting of May 1, 2017

Brief Description
Appointments to the 2040 Minnetonka Comprehensive Guide Plan Steering Committee

Recommendation
Approve the appointments

Background
At the October 17, 2016 study session, the council expressed interest in creating a steering committee to oversee the preparation of the 2040 comprehensive plan update due in 2018. The council indicated the group should include between 12 and 15 representatives comprised of members of city council, various advisory boards and commissions, persons serving on the Imagine Minnetonka committee, residents (including new community members), and businesses. The council also indicated that committee members must be able to make time commitments to serve on the committee at each meeting as topics are very iterative.

As background, a steering committee oversaw the preparation of the 2008 comprehensive plan. The group was chaired by then-Mayor Jan Callison and included representatives from the city’s various advisory boards and commissions and general citizens, with a balance by ward and gender. The committee oversaw the drafting of various elements of the plan and helped shepherd it through the public input and review process. The fundamental role of the committee was to vet information while providing a consistent voice of the community throughout the process. The committee was relied upon by staff, the planning commission and city council.

Over the past two months, information about serving on the comprehensive plan steering committee was posted on the city’s website and published in the February Minnetonka Memo. The postings resulted in the submittal of a number of applications from interested residents.

Appointment of Steering Committee Members
At the October study session, the council expressed interest in appointing steering committee members with a broad community perspective. Staff suggested a committee of 12 people comprised of the following groups:

- City council
- Planning commission
- Economic development advisory commission
- Park board
- Charter commission
- Senior citizen advisory board
- Imagine Minnetonka steering committee
• Business community
• Residents – diversity of age / ethnicity / interests

The city council interviewed applicants on March 20 and April 17, 2017. The following are recommended to be appointed to the comprehensive plan steering committee:

<table>
<thead>
<tr>
<th>Name</th>
<th>Group Representative</th>
</tr>
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<tbody>
<tr>
<td>Terry Schneider</td>
<td>Chair</td>
</tr>
<tr>
<td>Brad Wiersum</td>
<td>City Council</td>
</tr>
<tr>
<td>Brian Kirk</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Rebecca Schack</td>
<td>Planning Commission</td>
</tr>
<tr>
<td>Melissa Johnson</td>
<td>EDAC</td>
</tr>
<tr>
<td>Madeline Seveland</td>
<td>Park Board</td>
</tr>
<tr>
<td>Thomas Scott</td>
<td>Senior Advisory Board</td>
</tr>
<tr>
<td>Steve Adams</td>
<td>School District</td>
</tr>
<tr>
<td>Jerry Nystuen</td>
<td>Housing</td>
</tr>
<tr>
<td>Colbert Boyd</td>
<td>Imagine Minnetonka</td>
</tr>
<tr>
<td>Lance Reschke</td>
<td>Resident</td>
</tr>
<tr>
<td>Zach Robins</td>
<td>Resident</td>
</tr>
<tr>
<td>Matt Henry</td>
<td>Resident</td>
</tr>
</tbody>
</table>

**Recommendation**

To approve the recommended appointments to the 2040 Minnetonka Comprehensive Guide Plan Steering Committee.

Respectfully submitted,
Terry Schneider
Mayor
Addendum
Minnetonka City Council
Meeting of May 1, 2017

13A - Off-sale liquor licenses for Minnesota Fine Wine & Spirits, LLC, (DBA Total Wine) 14200 Wayzata Blvd

Attached is change memo from the community development director with changes to the recommended conditions of approval.

Also attached are correspondence received after the council packet was distributed.
Memorandum

To: City Council
From: Julie Wischnack, AICP, Community Development Director
Date: May 1, 2017
Subject: Change Memo for May 1, 2017

13A Off-sale liquor license for Minnesota Fine Wine & Spirits, LLC (DBA Total Wine), 14200 Wayzata Blvd.

The following replaces the conditions of approval in the staff report:

Staff recommends that the city council continue the public hearing from March 6 and take the following action on the license application:
By motion, approve the application of Minnesota Fine Wine & Spirits, LLC (DBA Total Wine) for an off-sale liquor license at 14200 Wayzata Boulevard, subject to the following conditions, which are conditions of the license under City Code section 600.060, subd. 7:

- The licenses for the liquor stores at 11333 Highway 7 and 12937 Ridgedale Drive must be surrendered before the city will issue the license for Minnesota Fine Wine & Spirits.
- Minnesota Fine Wine & Spirits must dismiss its pending appeal regarding the denial of the license for premises at 1005 Plymouth Road before the city will issue the license for 14200 Wayzata Boulevard.
- The applicant must provide the city with written acceptance of and agreement to the following requirements, before the city will issue the license for 14200 Wayzata Boulevard:
  - The applicant must reimburse the city’s costs for its efforts to obtain the following traffic improvements:
Performing signal optimization of the Plymouth Road/Wayzata Blvd. intersection to assist in maintaining road operations at or near the existing condition;

Restriping the Plymouth Road/North Frontage Road intersection as shown in the traffic report;

Removing the bus lane on northbound Plymouth Road south of the I-394 on/off ramps to provide additional left turn stacking for westbound North Frontage Road vehicles, and install and synchronize a new signal arm.

- The costs that must be reimbursed include all out-of-pocket costs incurred to obtain the necessary approvals and to implement approved solutions, including the city’s traffic consultant costs and any construction, equipment or installation costs incurred directly by the city or charged to the city by other agencies such as Metropolitan Transit or MnDOT. The applicant’s reimbursement obligation applies to city costs in requesting the listed improvements, even if the city ultimately is unable to implement one or more of the listed improvements because another agency refuses to approve the city’s request.

- The applicant’s obligation to reimburse the city’s costs is subject to a maximum limitation of 80 percent of the city’s out-of-pocket costs, up to a maximum of $100,000. The applicant must pay its share within 30 days after invoice by the city.

The following comments were received following distribution of the packet.

From: MICHAEL HAPPE
Sent: Saturday, April 29, 2017 5:48 AM
To: pacomb@eminnetonka.com; bellingson@eminnetonka.com; bwiersum@eminnetonka.com
Cc: tschneider@eminnetonka.com; dallendorf@eminnetonka.com; twagner@eminnetonka.com; tbergstedt@eminnetonka.com
Subject: Total Wine & Spirits

Dear Commissioners Acomb, Ellingson and Wiersum,

I am writing to ask you to vote YES and approve a liquor license for Minnesota Fine Wine & Spirits (Total Wine & Spirits) on Monday night.

I have no affiliation or personal connection to Total Wine (other than as an occasional customer at the Edina store).
As a Minnetonka resident, I submit that this would be a good organization, for service in our city. Total Wine a high quality retailer - with clean, sharp stores, great customer service, broad selections and outstanding prices. Their presence would thus be of value to the residents of Minnetonka and improve an area that could use some positive retail redevelopment.

We do not need an artificial, subjectively limited number of liquor store. Especially when considering the addition of a "best of breed" operator for our community....this would be good for the City of Minnetonka.

Thanks very much!

Mike Happe

16385 Ringer Road

From: Deb McMillan
Sent: Monday, May 01, 2017 8:41 AM
To: Terry Schneider <tschneider@eminnetonka.com>; Dick Allendorf <dallendorf@eminnetonka.com>; Patty Acomb <pacomb@eminnetonka.com>; Bob Ellingson <bellingson@eminnetonka.com>; Tony Wagner <twagner@eminnetonka.com>; Brad Wiersum <bwiersum@eminnetonka.com>; Tim Bergstedt <tbergstedt@eminnetonka.com>
Cc: Geralyn Barone <gbarone@eminnetonka.com>; Shannon Full <Shannon@twinwest.com>
Subject: City Council Meeting Tonight

All,
Please see the attached letter of support as you consider off-sale liquor licenses for Minnesota Fine Wine & Spirits, LLC this evening. Thank you!

Deb McMillan, IOM
Director of Government Affairs
TwinWest Chamber of Commerce
10700 Old County Road 15, Suite 170
Plymouth, MN 55441
Phone: 763.450.2220
Direct: 763.450.2225
Fax: 763.450.2221
E-mail: deb@twinwest.com

From: annette bertelsen
Sent: Monday, May 01, 2017 10:32 AM
To: Julie Wischnack <jwischnack@eminnetonka.com>
Subject: letter enclosed for tonights city council change memo
Good morning. Can the attached letter please be added to the change memo for tonight’s city council meeting? Please confirm.

Also, I’m always confused about the final destination of change-memo letters. How do letters like this, that go into the change memo, become a part of the official public record? Do they get included with the meeting minutes when the minutes are published for approval? Thanks for clarifying that for us, Julie.

Annette & Bob Bertelsen

From: Mike Mehle  
Date: May 1, 2017 at 8:00:52 AM CDT  
To: Tony Wagner <twagner@eminnetonka.com>  
Subject: We need your approval for Total Wine’s Latest License Request!

Tony,

My wife and I are Ward 2 residents. I read with great interest in the Strib today that Total Wine has again applied for a liquor license in Minnetonka. I see that they are buying the assets of two other local stores which will reduce the total number of liquor retailers in our city, which seemed to be a significant concern of Brad Wiersum in Ward 3 when Total previously applied for a license.

Frankly, I stopped shopping at any of the local stores over a year ago. I shop exclusively at Total Wine either at their location in Edina or their Maple Grove store and I go out of my way, if necessary, to do so because the savings are so good. Due to job losses, our household income is 1/3 of what it was two years ago. And, as senior citizens with almost fixed incomes and Minnetonka already being an expensive place to live (property taxes), we need to save money wherever and however we can. That’s why Total is where we now always shop.

I’m sure that many residents of Minnetonka and the nearby suburbs have made the same switch, particularly those that commute to workplaces near Total Wine’s Chanhassen, Edina or Maple Grove stores. I would think that the City of Minnetonka is losing out on the tax revenue due to that change in spending habits. Citizens of Minnetonka need that revenue to flow back into our community to help reduce or keep at bay some of the tax increases that seem to happen all too frequently.

So, Tony, please vote ‘yes’ to Total’s application and try to convince your fellow council persons and the Mayor that it is prudent for them to do the same.

Thanks for listening!

Mike and Jan Mehle  
2009 Runnymede Ct  
Minnetonka, 55305

From: Mark Heaney
City Council Change Memo – May 1, 2017

Date: May 1, 2017 at 10:02:20 AM CDT
To: <bwiersum@eminnetonka.com>
Cc: <bellingson@eminnetonka.com>, <comments@eminnetonka.com>, Patty Acomb <pacomb@eminnetonka.com>, <dallendorf@eminnetonka.com>, <tbergstedt@eminnetonka.com>, <tschneider@eminnetonka.com>, <twagner@eminnetonka.com>
Subject: Vote No on Liquor Stores

Council-members:

As your constituent, I am requesting that you vote against allowing Target and Total Wine to have liquor licenses in Minnetonka.

We have an excessive level of alcohol available in our community already. We need to cut back on the number of liquor licenses. Alcohol abuse is a scourge on our community and state; significantly increasing drunk driving injuries and deaths, domestic abuse and broken families. Ultimately, children suffer the consequences of this increased alcohol abuse.

We don't need discount liquor stores injecting more cheap booze in Minnetonka.

I hope you'll continue to vote against any measures that do anything other than cut back on the number of liquor licenses.

Thank you.

Mark Heaney
2520 Wellington Circle
Minnetonka, MN 55391

From: Megan Lucy
Sent: Wednesday, April 26, 2017 11:15 AM
To: Brad Wiersum
Subject: Letter from John F. Farrell, Jr. - CEO of Haskell's Wine & Spirits

Re: Granting a liquor license to Total Beverage

Dear Brad Wiersum,

It is hard to understand how one company can be acquiring two new liquor businesses. I was under the impression you could not buy a liquor license in Minnetonka, yet they have agreements in place to acquire two. There is a state regulation that permits only one license per municipality. This seems incongruous. Plus, what is to be purchased? They do not want the name of the business, the inventory, or the real estate. These are real concerns and should not be dismissed as irrelevant.

Sincerely,
Dear Mayor and Council Members,

The TwinWest Chamber of Commerce represents 700 businesses that employ 55,000 people in the west metro, including Minnetonka. As a business organization, it is our mission to support the growth of commerce in the region and ensure that our region is competitive.

We do not seek to favor one business over another, but rather to make sure the playing field is fair to business. Market conditions, supply and demand and an enterprising entrepreneur’s willingness to take a risk should be the defining indicators. Any business willing to meet criteria established by the local jurisdiction for doing business in a community, locate and operate legally in the free market system should be allowed to compete.

Ridgedale Center has recently made a large investment in Minnetonka to improve their competitiveness and continue to meet market demands. As members of the city council, you understand that the Ridgedale Retail Center is regional and attracts consumers from neighboring communities. Minnesota Fine Wines & Spirits has a successful track record and a proven business model that benefits not only consumers, but the neighboring retail businesses as well. We encourage your support of a vital and robust regional retail marketplace in Minnetonka.

Thank you.

Sincerely,

Deb McMillan
Director of Government Affairs, TwinWest Chamber of Commerce

Cc: Geralyn Barone
Based on the chart provided in the staff report, the proposed Total Wine store is five times the average size of a liquor store in our city. If we approve a huge Total Wine, and if two liquor stores exit our city contingent on that approval, it’s like we really end up with 14 liquor stores, not 10, because of the scale involved – and that’s more than our policy calls for.

According to the chart in the staff report, the proposed Total Wine store is equal to 46% of the total full-service liquor store square footage in Minnetonka. A decision on a license of this magnitude should be carefully evaluated against the three things our city policy says are worthy reasons to exceed our desired coverage.

- **Our city’s policy indicates a desire to “serve village centers that are not currently served.”** The Ridgedale Village Center is already served by three liquor stores (four if you count nearby Trader Joe’s, which many residents of the Ridgedale Village neighborhood shop at). If Total Wine enters at the proposed location, and then Big Top and US Liquor exit Minnetonka, the Ridgedale Village Center area will have 60% of the city’s liquor store square footage. How can we possibly serve village centers that are not currently served if we over-serve the Ridgedale Village Center to this degree?

- **Our city’s policy indicates a desire to grant liquor licenses that offer “a distinctive specialty service.”** No one can convincingly argue that Total Wine is introducing a distinctive specialty service when Haskells already provides us with an 8,100 sq. ft. specialty store with expert advice, events, sampling, etc.

- **Our city’s policy indicates a desire to grant liquor licenses that are “a complementary part of a business that would add positively to the experience of living and working in the city.”** Total Wine is not a complementary part of another business. In fact, its business model could strain the viability of two liquor stores that are complementary parts of broader businesses (Lunds/Byerlys and Trader Joe’s), which also happen to be grocery stores, a category which the Ridgedale Village Study listed as important to the long-term success of our village center.

- In contrast, granting a liquor license to Target at Hwy 101 and 7 would represent a complementary service because it gives busy residents the ability to shop for clothes, food and pharmacy items as well as liquor with one convenient stop. In addition, that area of the city is not over-served. Now that two liquor stores have announced a desire to exit Minnetonka, and given that Target applied for a license prior to Total Wine signing contingent deals to buy out two liquor stores in our city, we think the next license that is granted should go to Target.
We recommend you deny the Total Wine application because it will over-serve the Ridgedale Village Area. The reasons to not over-serve any one area/population are all the exact same reasons that Minnesota state statute places limits on the number of on-sale intoxicating liquor licenses that first class cities can issue based upon city population.

Annette and Robert Bertelsen
13513 Larkin Drive, Minnetonka