Agenda
Minnetonka City Council
Regular Meeting, Monday, September 28, 2015
6:30 P.M.
Council Chambers

1. Call to Order
2. Pledge of Allegiance
3. Roll Call: Bergstedt-Wagner-Ellingson-Allendorf-Acomb-Wiersum-Schneider
4. Approval of Agenda
5. Approval of Minutes: None
6. Special Matters:
   A. Retirement recognition of Mark Stock
      Recommendation: Recognize Mark Stock
7. Reports from City Manager & Council Members
8. Citizens Wishing to Discuss Matters Not on the Agenda
9. Bids and Purchases:
   A. Bids for water treatment plant #11 electrical rehabilitation
      Recommendation: Award contract to Electrical Installation & Maintenance Co. (majority vote)
10. Consent Agenda - Items Requiring a Majority Vote:
    A. Resolution appointing election judges and the absentee ballot board for the November Municipal General Election
    B. Resolution approving a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road
    C. Resolution approving a floodplain alteration permit for a Purgatory Creek water management project, generally located east of County Road 101 and north of Creek View Trail

Minnetonka City Council meetings are broadcast live on channel 16. Replays of this meeting can be seen during the following days and times: Mondays, 6:30 pm, Wednesdays, 6:30 pm, Fridays, 12:00 pm, Saturdays, 12:00 pm. The city’s website also offers video streaming of the council meeting. For more information, please call 952.939.8200 or visit eminnetonka.com
D. Resolution amending the Water Resources Management Plan

E. Resolution approving a concurrent detachment from Minnetonka and annexation to Eden Prairie of a property located at the southeast intersection of Highway 62 and Shady Oak Road

11. Consent Agenda - Items Requiring Five Votes:

A. Resolution approving a conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive

   Recommendation: Adopt the resolution approving the conditional use permit

12. Introduction of Ordinances:

A. Items concerning Cherrywood Pointe at 2004 Plymouth Road:

   1) Ordinance rezoning properties from R-1 to PUD;
   2) Master development plan; and
   3) Site and building plan review.

   Recommendation: Introduce the ordinance and refer to the planning commission (4 votes)

13. Public Hearings:

A. Resolutions for special assessment of 2014-2015 projects

   Recommendation: Hold the public hearing and adopt the resolutions (4 votes)

B. Secondhand dealer license for Best Buy Stores, LP at 12411 Wayzata Blvd

   Recommendation: Open the public hearing and continue to October 26, 2015 (4 votes)

14. Other Business:

A. Resolution approving an interim use permit for a home occupation at 25 Milbert Road

   Recommendation: Adopt the resolution approving the interim use permit (4 votes)

15. Appointments and Reappointment: None

16. Adjournment
City Council Agenda Item #6A
Meeting of September 28, 2015

**Brief Description:** Retirement recognition of Detective Mark Stock

**Recommended Action:** Recognize employee

**Background**

It is the practice of the city council to recognize the contributions of retiring city of Minnetonka employees.

**Mark Stock, 16 years of service**

Detective Mark Stock is retiring after 16 years of service with the City of Minnetonka. Mark joined the Minnetonka Police Department on October 4, 1999, as a police officer. Mark had previously worked as a paramedic for 19 years with North Ambulance Service, Health Span Ambulance Service, Waconia Ambulance and also served as a team paramedic on the Bloomington and Minneapolis Police Departments Emergency Response Units.

Mark worked as a patrol officer from 1999 until May of 2004. In June of 2004 he was assigned to the Investigations Unit as a detective working a variety of cases to include investigating white collar crime. During the height of the home mortgage fraud epidemic Mark gained respect from a number of local, state and federal agencies and the Hennepin County Attorney’s office due to his ability to investigate these highly complex crimes. His attention to detail led to several multi-million dollar fraud cases being successfully prosecuted. During his time as a detective, Mark presented numerous safety talks to employees at Minnetonka businesses and financial institutions over the years, helping them to respond during crises situations, such as a robbery.

Prior to being assigned to investigations as a detective, Mark served as a field training officer, bike patrol officer, and was a SWAT team member for 10 years. Three of those years he was assigned to the Hennepin County Weapons of Mass Destruction team that specialized in responding to biological hazards.

Thank you for your 16 years of dedicated service. Your many contributions to the City of Minnetonka and our residents are greatly appreciated!

**Recommendation**

Recognize Detective Mark Stock for his service.

Submitted through:
Geralyn Barone, City Manager

Originated by:
Jeffrey J. Sebenaler, Chief of Police
City Council Agenda Item #9A
Meeting of September 28, 2015

Brief Description: Bids for water treatment plant #11 electrical rehabilitation

Recommended Action: Award contract to Electrical Instrumentation & Maintenance Co.

Background:

The 2015-2019 Capital Improvements Program (CIP) provides for the refurbishment of electrical equipment contained in water treatment plant #11 located on Excelsior Boulevard.

Electrical components such as the main breaker panel, motor control center and variable frequency pump drives will be replaced with new components. Similar projects have been completed at other water plants with the most recent being water treatment plant #15 in the southwest part of the city.

On Tuesday, September 8, 2015, bids were received for the upgrade of water treatment plant #11. Two bids were received and they are tabulated as follows:

- Electrical Instrumentation & Maintenance Co. $231,000.00
- Kilmer Electric Co., Inc. $249,000.00
- Engineer's Estimate $260,000.00

Upon approval, the contractor will order materials which have an extended production time and will begin removal of the current components. A majority of the work will be undertaken during winter with completion in the spring of 2016.

This project is contained in the 2015-2019 Capital Improvements Program with funding from the Utility Fund.

Recommendation:

Based on the recommendation of the city’s consultant engineer and past experience with this contractor, staff recommends that:

The electrical renovation of water treatment plant #11 be awarded to Electrical Instrumentation & Maintenance Co. in the amount of $231,000.00.

Submitted Through:
Geralyn Barone, City Manager
Merrill King, Finance Director

Originated by:
Brian Wagstrom, Public Works Director
Brief Description: Resolution appointing election judges and absentee ballot board for the November Municipal General Election

Recommended Action: Adopt the resolution

Background

The city council is being asked to consider a resolution appointing election judges and absentee ballot board for the November Municipal General Election for the four ward council seats. All three school districts also have elections for school board members. The Minnetonka School District has two ballot questions.

Polling places will be staffed with four election judges throughout the day. As in the past, the city offers four shifts for our election judges to work: 6 a.m. to 11 a.m., 11 a.m. to 2 p.m., 2 p.m. to 4 p.m., and 4 p.m. to close.

In the spring Hennepin County issued a request for proposals for a countywide purchase of electronic pollbooks. As part of the RFP process, vendors are required to provide their product for use in the Minnetonka Municipal General Election. The county has determined that two vendors met the requirements in phase one of the RFP and will be used in our city in November. KNOWiNK out of St. Louis, Missouri will be used in Ward 1 Precinct F (Minnetonka Community Center) and Ward 3 Precinct D (St. Luke Presbyterian Church). Tenex Software Solutions out of Tampa, Florida will be used in Ward 2 Precinct A (Minnetonka Community Center) and Ward 4 Precinct B (Minnetonka School District Center).

In accordance with the approved 2015 budget, election judges will be paid $10.25/hour, assistant lead judges will be paid $10.75/hour and lead judges will receive $11.25/hour.

Recommendation

Staff recommends that the city council adopt a resolution appointing the election judges for the November 5, 2013 Municipal General Election.

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. A Municipal General Election for Council Member Ward 1, Council Member Ward 2, Council Member Ward 3, and Council Member Ward 4 will be held on November 3, 2015. The City Council is required by law to appoint election judges to serve at the polling places on Election Day.

1.02. Voting will occur at all 23 precincts in the city. Election judges will serve at the polling places and assist with absentee ballot processing.

Section 2. Council Action.

2.01. The City Council hereby authorizes the city clerk to select from the attached list of individuals to serve as election judges for the November 3, 2015 Municipal General Election and as the city’s absentee ballot board.

2.02. The City Council also appoints all members appointed to the Hennepin County Absentee Ballot Board as authorized under M.S. 204B.21, subd 2 under the direction of the county election manager to serve as members of the Minnetonka Absentee Ballot Board.

2.03. The City Council also authorizes the city clerk to make emergency appointments of election judges to fill last-minute vacancies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

ATTEST:

David E. 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 September 28, 2015.

____________________________________
David E. Maeda, City Clerk
List of Active Judges for Council

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City Council Agenda Item #10B  
Meeting of September 28, 2015

**Brief Description**  
Resolution approving a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road

**Recommendation**  
Adopt the resolution approving the conditional use permit

**Background**

In 2014, the city reviewed and approved a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road. The facility – Unleashed – would have occupied roughly three-fourths of the existing building, as well as some new outdoor space. Unleashed would have provided boarding/daycare service for up to 180 dogs. Unleashed was unable to execute a lease agreement with the property owner and the building has remained vacant.

**Proposal**

For many years, Auntie Ruth’s Furry Friends has operated a pet boarding and daycare facility at 12201 Minnetonka Boulevard. As this site will soon be undergoing a major redevelopment, Auntie Ruth’s is proposing to relocate to the 14901 Minnetonka Industrial Road property. The business would occupy the entirety of the building, as well as some new outdoor areas. In addition to providing boarding/daycare for up to 170 pets, Auntie Ruth’s would include a small retail space, grooming services, agility training, and would host occasional indoor agility competitions. The proposed business would be different than the previously approved business, and so requires a new/different conditional use permit.

**Planning Commission Hearing**

The planning commission considered the request on September 10, 2015. The staff report from that meeting is attached and various plans and documents describing the proposed project may be found on pages A1–A8. Staff recommended approval of the request, noting:

- The proposed facility would meet the general conditional use permit standards as outlined in city code.

- The proposed facility was reasonable, given the variety of land uses that are permitted and conditionally-permitted with the industrial district and both the real and perceived conditions associated with those uses.
At the meeting, a public hearing was opened to take comment; no comments were received.

Planning Commission Recommendation

On a 4-0 vote, the commission recommended that the city council approve the permit. Meeting minutes may be found on page A18.

Since Planning Commission Hearing

There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.

Staff Recommendation

Adopt the resolution approving a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road. (See pages A13–A17.)

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

Originator:  Susan Thomas, AICP, Principal Planner
MINNETONKA PLANNING COMMISSION
September 10, 2015

Brief Description  Conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road

Recommendation  Recommend the city council adopt the resolution approving the conditional use permit

Background

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Proposal

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<table>
<thead>
<tr>
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<th>Unleashed</th>
<th>Auntie Ruth’s</th>
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<tbody>
<tr>
<td>Indoor Space</td>
<td>17,500 sq.ft.</td>
<td>25,000 sq.ft.</td>
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<tr>
<td>Outdoor Space</td>
<td>8,000 sq.ft.</td>
<td>2,700 sq.ft.</td>
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<tr>
<td>Number of Animals</td>
<td>180 dogs</td>
<td>170 animals</td>
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<td>Hours of Operation</td>
<td>6:30 a.m. to 7:00 p.m. M-F</td>
<td>6:00 a.m. to 8:00 p.m.</td>
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<td>7:00 a.m. to 11:00 a.m. and 3:00 p.m. to 7:00 p.m. S-S</td>
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<tr>
<td>Services</td>
<td>Boarding, daycare, grooming</td>
<td>Boarding, daycare, grooming, retail, agility training, weekend agility competitions</td>
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Primary Questions and Analysis

A land use proposal is comprised of many details. In evaluating a proposal, staff first reviews these details and then aggregates them into a few primary questions or issues. The following outlines both the primary questions associated with the proposed boarding/daycare facility and staff’s findings.

- **Is the proposed use reasonable?**

  Yes. The subject property is zoned I-1, industrial. Within the industrial zoning district a variety of land uses are permitted and conditionally-permitted that are not obviously compatible with residential, office, or commercial uses. For instance, warehousing, manufacturing, processing, and outside storage are permitted in the industrial district; vehicle towing businesses, auto body repair and painting businesses, and waste transfer facilities are conditionally-permitted uses.

  The variety of permitted and conditionally-permitted uses in the industrial district may have both real and perceived conditions associated with noise, odor, light, and storage not typical of uses in residential, office, and commercial districts. The proposed pet boarding/daycare facility may have conditions similar to permitted and conditionally-permitted industrial uses. As such, the proposed facility would be a reasonable use within the industrial district.

- **Is proposed parking adequate?**

  Yes. City code does not contain specific parking requirements for animal boarding or daycare facilities in non-residential districts. In the past, staff has calculated requirements using the parking standard associated with “dog kennels,” which are conditionally-permitted in residential zoning districts. Based on this standard, Auntie Ruth’s would require 27 parking stalls. The available 113 parking stalls on site would exceed this requirement. Interestingly, the proposed use would require less parking than an office user of the building.

<table>
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<th>Required Rate</th>
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<td>Auntie Ruth’s</td>
<td>1/employee and 1/10 animals</td>
<td>27</td>
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<tr>
<td>General Office User</td>
<td>1/250 sq. ft.</td>
<td>100</td>
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Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road. (See page A13–A17.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

**Surrounding Uses**
- Northerly: industrial building; zoned I-1
- Easterly: industrial building; zoned I-1
- Southerly: industrial building; zoned I-1
- Westerly: industrial building; zoned I-1

**Planning**
- Guide Plan designation: mixed use
- Zoning: I-1

**Business**
The applicant has provided the following information regarding Auntie Ruth’s.

- **Staffing:** Staffing would be based on occupancy. The maximum number of employees on site would be 10. The building would not be staffed overnight.

- **Hours of Operation:** The building would generally be open for the variety of services provided from 6:00 a.m. to 8:00 p.m. seven days a week.

- **Animals:** It is anticipated that the facility would accommodate: 100 boarding dogs, 40 daycare dogs, 20 boarding cats, and 10 “small critters” for a total of 170 animals.

- **Outside:** As currently proposed, animals could be outside during the hours of 7:00 a.m. to 7:00 p.m. Animals would be supervised at all times when staff is present, whether outdoors or indoors.

- **Waste Management:** Solid waste would be placed in appropriate containers and ultimately picked up by a waste treatment provider. The specific provider and pick-up times have not been determined as of yet.

- **Pet Friendly Grass:** Pet-friendly synthetic turf would be installed in the outdoor play area. The installation includes a layer of antimicrobial aggregate, which neutralizes odor associated with dog urine, and a layer of synthetic turf. As a condition of approval, the owner must: (1) supply information acceptable to the city engineer indicating that the antimicrobial layer will absorb the urine; or (2) remove asphalt and decompact the soil under the play area to allow for absorption; or (3) install an infiltration area and mechanism to channel urine to the area.
Building Remodel

The interior of the 25,000 square-foot building would be significantly remodeled to accommodate Auntie Ruth’s. As proposed, an indoor agility course would be constructed in the rear of the building. Large dog, small dog, cat, and “exotics” boarding areas, indoor play areas, a veterinary technician station, grooming center, retail space, and business offices would occupy the remainder of the building.

While minor relative to the interior changes, changes would also be made to the exterior of the building. A small awning and fenced-in play areas would be constructed on the west side of the building. The building may be repainted and new/additional windows installed.

Parking

City code does not contain specific parking requirements for animal boarding or daycare facilities in non-residential districts. In the past, staff has used the parking standard associated with “dog kennels,” which are conditionally- permitted in residential zoning districts. Based on this standard, the proposed 113 parking stalls at Auntie Ruth’s facility would exceed required parking. Interestingly, the proposed use would require less parking than an office user of the building.

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As proposed, Auntie Ruth’s would be hosting agility training and competitions. It is anticipated that up to 80 dogs could compete in the weekend competitions. In theory, even were each dog driven to the competitions in a separate car, parking could be accommodated on site. Nevertheless, staff has included a condition of approval allowing the city council to impose limits on competitions should parking become an issue in the future.

Number of Dogs

In recent years, city staff has informally established a “dog-to-building-size” ratio for dog boarding and daycare facilities. The proposed facility would fall within the ratio.

<table>
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<td>Informal City Ratio</td>
<td>301 dogs</td>
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<td>Proposed Ratio</td>
<td>170 animals</td>
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<td>ASPCA Standard*</td>
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CUP Standards

While the zoning ordinance does not contain specific standards associated with animal boarding or daycare facilities in the industrial district, commercial kennels are permitted as interim uses in residential districts, with specific associated standards. Staff reviewed the applicant’s proposal in light of these standards; this review is for informational purposes only.

1) A minimum lot size of two acres.

**Finding:** The intent of this requirement is to ensure perceived nuisances – noise, traffic, refuse – do not substantially impact a residential neighborhood. As the proposed facility would be located in an industrial district, this standard is not applicable.

2) Must be located next to a collector or arterial street, as identified in the comprehensive plan, or otherwise located so that access to the site will not conduct significant traffic on local residential streets.

**Finding:** The proposed facility would be accessed by Minnetonka Industrial Road via Williston Road. As the proposed facility would be located in an industrial district, this standard is not applicable.

3) Exterior storage, including refuse, must be screened from adjacent properties or public streets.

**Finding:** As a condition of approval, the outdoor play area and trash area would be screened by 6-foot privacy fencing.

4) Must not include a crematory.

**Finding:** No crematory is proposed.

5) Parking areas for patrons must be screened from adjacent properties.

**Finding:** The intent of this requirement is to ensure perceived nuisances – including parking – do not substantially impact a residential neighborhood. As the proposed facility would be located in an industrial district, this standard is not applicable.

6) A minimum setback of 100 feet must be maintained between the kennels and all property lines.
Finding: The intent of this requirement is to ensure perceived nuisances – noise, traffic, refuse – do not substantially impact a residential neighborhood. As the facility would be located in an industrial district, and all kennels would be located inside, this standard is not applicable.

7) All dogs and cats must be kept within an enclosed building at all times, except for supervised walks.

Finding: Animals would be kept within the building or within the fenced area on the west side of the site. The animals would be supervised both inside and outside.

8) Must not cause annoyance or disturbance to another person by frequent howling, yelping, barking, or other kinds of noise. This paragraph shall only apply when the noise has continued for a 5-minute period. This requirement shall apply to the cumulative barking from the kennel, including one or several dogs.

Finding: Regardless of zoning district, this condition seems applicable and has been included as a condition of approval.

9) Must provide at least one parking space per employee and one parking space for each ten kennel cages.

Finding: The proposal would meet this parking requirement, as detailed in the “Parking” section of this report.

10) Must maintain a valid city kennel license and must comply with all applicable city and state building, health, and maintenance standards.

Finding: Regardless of zoning district, this condition is applicable and has been included as a condition of approval.

11) Shall be subject to site and building plan review, pursuant to section 200.27 of this ordinance.

Finding: The proposal would meet this requirement, as outlined in the “Site and Building Plan Standards” section of this report.

12) Shall be subject to a reasonable limitation on the total number of animals or the size of the facilities. This will be determined
by the city based on the size of the property, the use of adjoining properties, and the existence of buffering and other appropriate factors.

**Finding:** Regardless of zoning district, this condition is applicable. As a condition of approval, the facility may provide boarding or daycare service for a maximum of 170 animals at any one time.

**SBP Standards**

The proposed facility would meet the site and building plan standards as 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 this 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 areas;

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.

**Signs**

One wall sign and one freestanding sign would be allowed on site, as follows:

**Freestanding sign:**
- monument style sign;
- 60 square feet maximum copy and graphic area;
- 90 square feet maximum total monument size;
- 10 foot maximum height.

**Wall sign:**
- individual mounted letters;
- total surface area of all building signs shall not exceed 5 percent of the building face upon which the signs are located up to a maximum 150 square feet.

No “off premise” signs are allowed. In other words, though the property is located in the middle of the industrial district, no signs would be permitted on Williston Road directing clients to the site.

**Neighborhood Comments**

The city sent notices to 68 area property owners and received the attached comments. (See pages A9–A12.)

**Motion Options**

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the conditional use permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the conditional use permit. This motion must include a statement as to why denial is recommended.
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.

Deadline for Decision

November 23, 2015
Location Map

Project: Auntie Ruth's
Applicant: ARFF, LLC
Address: 14901 Minnetonka Industrial Rd
(98044.15a)
Conditional Use Permit Application Information

Project Narrative for the proposed full service dog daycare/boarding facility at 14901 Minnetonka Industrial Road

Legal Description

Lot 5, Block 1, Minnetonka Industrial Park, Hennepin County, Minnesota
PID: 16-117-22-43-0015

I. Project Description

Auntie Ruth’s is one of the leading Premier Dog/Cat Daycare and Boarding Facility’s in the Twin Cities. We work positively and our methods are gentle and non-harmful to the emotional and physical well being of each pet we care for. By offering daycare, boarding, non-social playtime, and additional amenities for our younger and older friends, we are designed to help keep your pet comfortable no matter what their quirks and needs are. We are a non-discriminatory facility and accept all ages and stages of life. We also even have a special program for dogs that don’t always like being around other dogs.

Our mission is provide the most professional service possible and the best level of pet care possible. How we want to do that is to create or build a better relationship between you and your pet. We want you to feel good about being a pet owner, and we also want your pet to be the best they can be. We are a transparent company and will always give you feedback so you can best care for your pet. Care is all encompassing and we feel that both owner and pet care provider should both be on the same page with your pet in order to provide the best care.

Our facility offers a special geriatric and orthopedic area that also includes suites with heated flooring to help with arthritis and stiff joints, we also offer a wonderful cat room with additional private suites and large cat play area. We have 3 indoor play spaces and 3 outdoor play spaces, a large agility and training center, retail nook, grooming center, and we have Certified Veterinarian Technicians on to make sure that all of the pets that come to Auntie Ruth’s are well cared.

II. Owner’s Bios

Martin McKinley has spent his entire career in financial services. He was the president & CEO of Wells Fargo Business Credit for over 20 years. Martin recently sold his interest in Fordham Capital Partners, a specialty finance company he co-founded in 2009.

Martin is a resident of Mountain Village, Colorado where he was recently elected Mayor Pro Tem.

Mike McKinley has been the co-owner of Auntie Ruth’s Furry Friends a pet boarding and daycare facility in Minnetonka for the past three years. Mike facilitates the care for dogs, cats, and other small household pets. Mike has helped establish and grow Auntie Ruth’s mission to
provide the best quality of care for his clients including those with special needs such as geriatric and convalescent pets providing a valuable service to his community.

Mike’s care for animals extends beyond Auntie Ruth’s with his involvement with dog fostering and rescue. Mike has fostered and helped place numerous pets in homes over the years including his own two boxers.

**Annie Haubenhofer** has been working in the animal industry for over 8 years. She has 8 years of experience in the boarding/daycare industry and 3 years as CEO/Proprietor for Auntie Ruth’s. Annie also volunteers for the Minnesota Boxer Rescue, Upper Midwest Great Dane Rescue, and the Midwest Animal Rescue. Annie has worked widely with rehabilitating and rehoming dogs. She is also a CPDT and has worked under Inga From a very prominent dog trainer with behavioral expertise. Annie is currently working to become a CPDT-KA or CPDT-KSA which is a high level certified trainer that has put in over 500 hours of training to demonstrate her professionalism and knowledge of dog behavior and training.

**III. Site Features: Existing**

The facility would inhabit the old St. Jude location on Minnetonka Industrial Road. The address of the property is 14901 Minnetonka Industrial Road, Minnetonka, MN 55305.

The building is a single story 25,000 square foot property and was constructed between 1968/1978. It has approximately 125 parking spaces.

**IV. Site Features: Proposed**

Indoor area will be built out to include; Retail/Lobby, Kennels/suites, Grooming, Multipurpose center (Agility, training, competitions, events), Storage, Indoor play areas, Offices, Vet Tech station, Cattery, Special Needs area.

Outside area will have about 8,000 square feet of outdoor yards with privacy fences and an installation for additional shade for the yards. There may be some additional exterior building modifications including; painting, potential front entrance modifications, and signage installation on the exterior. There would potentially be some front window modifications due to low light inside building.

**V. Additional Information**

**General Info**

How many dogs boarding: 100 Boarding  
How many dogs daycare:  40 Daycares  
Total Dogs: 140  
How many cats boarding: 20  
How many small critters: 10  
How many staff: 10/per day during peak periods, 6/per day during non peak periods.
Staffing
Staffing will be based on occupancy. The maximum number of employees on site would be around 10 during busy times down to a minimum of 3 employees during the slow times. The building would not be staffed overnight.

Operating Hours
Weekdays: 6am – 8pm (office hours 7am – 7pm)
Weekends: 6am – 8pm (office hours 9am – 6pm)
Outside Play area use/ Turf: K9Grass
Waste Management: Collected and thrown in the appropriate bins
Ratio of sq/ft per dogs/cats:

Parking
How many parking spots to employees: 10 spaces
How many parking spots per dog: 12 spaces
Customers: 8 stalls
Competition Staff: 2 (included in competitor number)
Competitors: 40

Multipurpose Area
Operating Hours:
Weekday evenings 6pm – 9pm
Weekends: 7am – 9pm
How many staff: 1 – 2 trainers
How many people: 8 clients

Agility competition
How many dogs competing: 80
How many people competing: Approx 42 (including staff)
How many judges: 1 judge 1 ring for AKC
Where are the dogs going to go to the bathroom? Outside elimination area with installed poop bag holder and container

Outside Area: Depending on the weather conditions and occupancy level, dogs could be outside during the hours of 7:00am to 7:00pm. Dogs would be supervised at all times, whether in the outdoor or indoor areas.

Waste Management: Waste will be cleaned up immediately by the dog handlers. Solid waste will be placed in appropriate containers and ultimately picked up by a waste treatment provider once per week or sooner based on need. The waste collection containers would be screened by a 6-foot privacy fence adjacent to the outdoor dog play area and convenient for waste management pickup. The specific provider and pick-up day/times have yet to be determined.

Parking Lot Filtration: The fenced outdoor dog play area will have a filtration system installed underneath the artificial grass that will be antimicrobial and will help reduce odors in the yards.
To sanitize the yards we will be using environmentally safe cleaners that will be used to keep the grass clean and sanitary for the pets that will be out in the yards.

**Sustainability:** We will be diligent on our efforts to reduce our energy and water costs by creating an efficient work environment including lighting, water usage, and waste materials. We intend on using as many recycled materials within our environment which also lends a great deal into pet safety and pet friendly materials.

**CUP standards – Retail and service Uses**
The proposed commercial kennel meets the general conditional use permit standards as outlined in City Code 300.21

**CUP Standards – Commercial Kennel**
While the zoning ordinance does not contain specific standards associated with commercial kennels in the industrial district, such kennels are conditionally permitted in residential districts, with specific conditional use permit standards associated with them.

**Site and Building Plan Standards**
The proposed commercial kennel meets the general conditional use permit standards as outlined in City Code 300.27 Subd.5.
Good morning Council member Wiersum and Ms Thomas
I am writing to in in response to the Public Hearing / council meetings scheduled for Auntie Ruth's Furry Friends at 14901 Mtka Industrail Road. My name is Jeff Jensen and I live at 14830 Walker Place and I am a 15 year resident of Minnetonka. I an very much opposed to this facilty. Just to make this clear--I am a dog owner-- (1) dog. There are several in the neighborhood and I love my dog. I also love the peace and quiet of my neighborhood. I will admit that if one dog starts barking--they all start barking. I keep a short leash on my dog as regards to her barking. (pun intended)

I have been to the Home Depot in Eden Prairie and there is a dog boarding facility across Valley View Road from the Home Depot. If you have not been in the area I would suggest that you and other members take a trip down there to understand what I am speaking about. I have been at the Home Depot at all different times of the day--early am-later in the evening, every day of the week --and there has NOT been one time I haven't heard the dogs barking. I am not sure how many dogs are at that facility at any given time and I am not certain how much noise 170 dogs can make--but if this is the capacity of the facility than we should also investigate the noise level of 170 barking dogs as well. I know, because I have read the ordinance, that if a dog barks for more than 5 minutes it is considered a "nuisance "

There are several other reasons why I an opposed but the noise of the dogs needs to be looked into. The city does all kinds of "studies" like traffic studies, water shed studies, water use studies.... In short, I would like your help and support. Please let me know what else I can do or need to do going forward.

Jeff
Williston Ridge LLC

September 2, 2015

City of Minnetonka
14600 Minnetonka Boulevard
Minnetonka, MN 55345

RE: Auntie Ruth’s Furry Friends Proposal – 14901 Minnetonka Industrial Road

Dear Mayor and City of Minnetonka Council Members,

I am a manager and part owner of Williston Ridge LLC, which recently purchased 6 buildings. I and the other owners of Williston Ridge LLC oppose the proposed conditional use permit for a kennel operated as a dog day care and boarding facility at 14901 Minnetonka Industrial Road.

Our 6 buildings and the proposed kennel building are part of a 13-building campus. Our buildings surround the proposed kennel building on the north, east, and south. Our buildings contain 355,000 square feet of office and light manufacturing space. Our principal tenant is St. Jude Medical and Cargill. Although the site is zoned industrial, these tenants and our ownership have been good neighbors to the adjacent residential areas as it relates to noise and upkeep at the property.

We participated in the planning commission meetings and city council meetings when the site was being considered for Unleashed (180 pet daycare and boarding facility). Our principal concern with the kennel remains the noise that the use would generate. Council, at that time, addressed our concern by putting conditions on the permit that provided for a check-in date to review potential noise violations and ability to put restrictions on permit or pull permit if a problem was presented. This would provide a set date to confirm the applicant has taken sufficient steps to address the above concerns and to the extent they are problems it provides an opportunity for the council to address unforeseen concerns and to put in place additional limitations and restrictions in place on the conditional use permit. They also requested additional detail related to number of dogs and the management of problem dogs in the outdoor area.

Below are the suggestions we presented at the time Unleashed CUP was being considered. We hope you take this information into consideration as you review the Auntie Ruth’s application for a similar CUP. Our suggestions to limit impact on neighboring buildings were:

1. All animals be kept inside the facility
2. Set a higher threshold for noise violations for the facility
3. Limit the number of dogs allowed in the outdoor areas
4. Limit the times the dogs are allowed in the outdoor areas
5. Reduce the size of outdoor area
6. Enforcing setback and site acreage requirements for a commercial kennel
7. Increasing natural sound, sight and run-off barriers
8. Requiring modifications to site access and parking availability to minimize impact of customers dropping off animals

If you are interested in the background and reasoning for the proposed suggestions below is a more detailed summary:

- **All dogs to be kept inside facility** - I-1 zoning requires all uses to be conducted within enclosed buildings with a few limited exceptions. Outdoor dog enclosures are not one of the listed exceptions. We believe the most effective way to ensure the kennel does not unduly affect neighbors would be to require it to comply with I-1 zoning principle that all uses should occur within the enclosed building.

- **Set a higher threshold for noise violation for the facility** – the current code for a noise violation provides for a 5-minute period. It is within the council’s purview based on section 6 of the code: “The city council may reasonably add or revise conditions to address any future unforeseen problems. In particular, the city council may add or revise conditions to address disturbance caused by frequent howling, yelping, or barking.” We think the council should put off until later the completely foreseeable noise problem.

- **Limit the number of dogs allowed in the outdoor areas** – this was done at Adogo located at 12800 Wayzata Blvd location. A maximum of 10 dogs were allowed in the outdoor area at a time with employee supervision at all times.

- **Limit the times the dogs are allowed in the outdoor areas** – this was done at Adogo located at 12800 Wayzata Blvd location. Above and beyond the 10 dogs allowed in the outdoor areas, the Adogo was asked to provide a schedule of outdoor time. Adogo suggested 30 min windows for a total of 2 hours of outdoor play and potty time. Hours provided were 6:30 AM, 1:00 PM, 4:00 PM and 7:30 PM.

- **Reduce the size of outdoor area** – in the other two Adogo locations the outdoor area was roughly 30 to 35 percent of the proposed enclosed area. At Auntie Ruth’s the outdoor area is nearly 45 percent of the proposed enclosed area allowing for a larger population of dogs generating a higher level of noise.

- **Enforce setback requirements** – the code minimum setback for commercial kennels is 100 feet between the kennels and all property lines. The code should be enforced where the use was contemplated and similar concerns exist therefore increasing the
distance between the perceived nuisance and existing orderly light industrial environment.

- **Increase the sight and sound buffers for the outdoor area** – where I-1 zoning does permit outside uses, such as vehicle storage, it requires screening. We think an 8,000 square foot outdoor dog enclosure serving up to 180 dogs should not be permitted without making sure the adverse effects on neighbors will be adequately mitigated, particularly where the lot is small and the enclosure would be within earshot of hundreds of employees. The two most recently approved kennel included an 8 foot opaque fence with soundproofing on the interior. The approved plans for those locations also included additional berming, trees and shrubs to create a visual and sound buffer for neighbors.

- **Mitigate drop-off and pick-up effects.** Pick-up and drop-off are instances of high levels of anxiety and stimulation that typically provoke higher levels of barking and other undesirable behavior. We request the applicant consider adding visual and sound buffers at this location to minimize impact to neighboring properties.

Our hope is that the size, design and use of space are addressed to limit noise on the front-end of the CUP and to the extent that there are concerns in the future the CUP would have a reasonable provision to address unforeseen concerns and to put in place additional limitations and restrictions on the CUP.

Sincerely,

Kristin Myhre  
Director  
Eagle Ridge Partners LLC

Cc: Mr. John C. Scholz, Eagle Ridge Partners LLC  
Mr. Robert Stanek, CarVal Investors
Resolution No. 2015-

Resolution approving a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Auntie Ruth’s Furry Friends (ARFF, LLC.) is requesting a conditional use permit to operate a pet boarding and daycare facility.

1.02 The property is located within the industrial (I-1) zoning district at 14901 Minnetonka Industrial Road. It is legally described as: LOT 005, BLOCK 001, MINNETONKA INDUSTRIAL PARK.

1.03 On September 10, 2015, the planning commission held a hearing on the application. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. General Standards.

2.01 City Code §300.21, Subd.2, lists the following general standards that must be met for granting of a conditional use permit:

1. The use is consistent with the intent of this ordinance;

2. The use is consistent with the goals, policies and objectives of the comprehensive plan;

3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city’s water resources management plan;

5. The use is in compliance with the performance standards specified in Section 300.28 of this ordinance; and

6. The use does not have an undue adverse impact on the public health, safety or welfare.

Section 3. Specific Standards.

3.01 City Code §300.21 does not specifically regulate animal boarding or daycare facilities in the industrial (I-1) zoning district. However, such uses are similar to permitted storage uses and to conditionally-permitted service uses.

3.02 City Code §300.20. Subd.4(l) states that uses similar to those specifically outlined as conditional uses may be conditionally-permitted.

Section 4. Findings.

4.01 The proposed facility would meet the general conditional use permit standards as outlined in City Code §300.21, Subd.2.

4.02 Within the industrial zoning district a variety of land uses are permitted and conditionally-permitted that are not obviously compatible with residential, office, or commercial uses. For instance, warehousing, manufacturing, processing, and outside storage are permitted in the industrial district; vehicle towing businesses, auto body repair and painting businesses, and waste transfer facilities are conditionally-permitted uses.

4.03 The variety of permitted and conditionally-permitted uses in the industrial district may have both real and perceived conditions associated with noise, odor, light, and storage not typical of uses in residential, office, and commercial districts. The proposed pet boarding/daycare facility may have conditions similar to permitted and conditionally-permitted industrial uses. As such, the proposed facility would be a reasonable use within the industrial district.

4.04 The proposed use represents a logical and feasible adaptive reuse of an existing building.

Section 5. City Council Action.
The above-described conditional use permit is approved, subject to the following conditions:

1. Prior to issuance of a building permit:
   a) This resolution must be recorded with Hennepin County;
   b) The applicant must apply for and obtain a city kennel license; and
   c) The applicant must submit for staff’s review and approval:
      1) A waste management plan detailing how often animal waste will be removed from the site; and
      2) A management plan for the outdoor play area.

2. Prior to opening the facility, the applicant must do one of the following:
   a) Supply information acceptable to the city engineer indicating that the exterior aggregate layer will absorb the urine;
   b) Remove asphalt and decompact the soil under the play area to allow for absorption; or
   c) Install an infiltration area and mechanism to channel urine from the play area to the infiltration area.

3. The maximum number of boarded/daycare animals on the site is limited to 170.

4. All outdoor play areas must be enclosed with six-foot tall, solid wood fencing. The fence must be kept in good repair, as required under City Code §525.015.

5. The facility must conform to all provisions of:
   a) City Code §850 – Noise Regulations;
   b) City Code §300.28 Subd. 5 – Performance Standards; Regulating Odor; and
   c) City Code §925 – Animal Control Regulations
6. An update on the facility operations must be provided to the city council after 6 months of operation.

7. The city council may reasonably add or revise conditions to address any future unforeseen problems. In particular, the city may add or revise conditions to:
   a) Address disturbance caused by frequent howling, yelping or barking.
   b) Address parking issues caused by agility competitions.

8. Any change to the approved use that results in a significant change in the character or operation of the facility requires a revised conditional use permit.

9. Failure to obtain and maintain a valid city kennel license or comply with building, health and maintenance requirements outlined in city code will render this conditional use permit null and void.

10. This resolution does not approve any signs. Separate sign permits must be submit for staff review and approval.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. 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 September 28, 2015.

__________________________________
David E. Maeda, City Clerk

Seal
This item is tentatively scheduled to be reviewed by the city council at its September 28, 2015 meeting.

C. Conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road.

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

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

Annie Haubenhofer and Michael McKinley, applicants, introduced themselves and provided a history of Auntie Ruth’s. They stated that they need to relocate the business due to the building that currently houses the business being sold. The business provides daycare and boarding for dogs, cats, and smaller animals including those with special needs. Her relationship with the neighbors at the previous location was always positive.

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

Chair Kirk noted that the conditions would be the same as the approval for Unleashed. Thomas added that the city has not received a complaint regarding Auntie Ruth’s in the last 5 years.

Magney moved, second by Knight, to recommend that the city council adopt the resolution on pages A13-A17 of the staff report approving a conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road.

Magney, Calvert, Knight, and Kirk voted yes. O’Connell and Odland were absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its September 28, 2015 meeting.

D. Conditional use permit with a variance for a dental clinic at 13059 Ridgedale Drive.

Chair Kirk introduced the proposal and called for the staff report.
City Council Agenda Item #10C
Meeting of September 28, 2015

Brief Description
Resolution approving a floodplain alteration permit for a Purgatory Creek water management project, generally located east of County Road 101 and north of Creek View Trail

Recommendation
Adopt the resolution approving the permit

Proposal
In 2008, the city council adopted a resolution petitioning the Riley Purgatory Bluff Creek Watershed District (RPBCWD) to do to a water management project. The purpose of the project was to address significant erosion problems along a channelized area of Purgatory Creek, just east of County Road 101. (See pages A1–A6.)

RPBCWD is now proposing to undertake the project. As planned, thirteen areas along a roughly 1,100 foot stretch of the creek will be stabilized through a variety of techniques, including re-grading of the creek banks, installation of vegetated reinforced slopes, and installation of natural materials to deflect and dissipate water flow. The project will result in both fill and excavation of floodplain in excess of 1,000 square feet and 20 cubic yards. As such, a floodplain alteration permit is required. (See pages A7–A32.)

Planning Commission Hearing
The planning commission considered the request on September 10, 2015. The staff report from that meeting is attached. Staff recommended approval of the permit, noting:

- The existing erosion problem has had a “detrimental effect on water quality and stream habitat.” (See page A7.) The project, including floodplain alteration, will improve this situation.

- The alteration is the direct result of a city petition to improve the existing condition.

- The project includes fill of 355 cubic yards of floodplain and creation of 896 cubic yards of floodplain area, resulting in a significant increase in floodplain storage.

At the meeting, a public hearing was opened to take comment; no comments were received. Following the public hearing, the commission asked general questions about creek bank erosion, tree loss, and ecological restoration.

Planning Commission Recommendation
On a 4-0 vote, the commission recommended that the city council approve the permit. Meeting minutes may be found on pages A38–A39.
Since Planning Commission Hearing

There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.

Staff Recommendation

Adopt the resolution approving a floodplain alteration permit for a Purgatory Creek water management project, generally located east of County Road 101 and north of Creek View Trail. (See pages A34–A37.)

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

Originator: Susan Thomas, AICP, Principal Planner
MINNETONKA PLANNING COMMISSION  
September 10, 2015

**Brief Description**  
Floodplain alteration permit for a Purgatory Creek water management project, generally located east of County Road 101 and north of Creek View Trail.

**Recommendation**  
Recommend the city council adopt the resolution approving the permit

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**Proposal**

In 2008, the city council adopted a resolution petitioning the Riley Purgatory Bluff Creek Watershed District (RPBCWD) to do to a water management project. The purpose of the project was to address significant erosion problems along a channelized area of Purgatory Creek, just east of County Road 101. (See pages A1–A6.)

RPBCWD is now proposing to undertake the project. As planned, thirteen areas along a roughly 1,100 foot stretch of the creek will be stabilized through a variety of techniques, including re-grading of the creek banks, installation of vegetated reinforced slopes, and installation of natural materials to deflect and dissipate water flow. The project will result in both fill and excavation of floodplain in excess of 1,000 square feet and 20 cubic yards. As such, a floodplain alteration permit is required. (See pages A7–A32.)

**Staff Analysis**

Staff finds that the proposed floodplain alteration is reasonable for several reasons:

- The existing erosion problem has had a “detrimental effect on water quality and stream habitat.” (See page A7.) The project, including floodplain alteration, will improve this situation.

- The alteration is the direct result of a city petition to improve the existing condition.

- The project includes fill of 355 cubic yards of floodplain and creation of 896 cubic yards of floodplain area, resulting in a significant increase in floodplain storage.

**Staff Recommendation**

Recommend the city council adopt the resolution approving the floodplain alteration permit for a Purgatory Creek water management project. (See page A34–A37.)

Originator: Susan Thomas, AICP, Principal Planner
Supporting Information

**Surrounding Land Uses**
- Northerly: Multi-family homes; zoned R-1
- Easterly: Multi-family homes; zoned PUD
- Southerly: Two-family homes; zoned R-2
- Westerly: County Road 101

**Planning**
- Guide Plan designation: open space
- Zoning: R-2

**Ordinances and Compliance**
The stretch of Purgatory Creek that is within the project area is located within the shoreland overlay zoning district, the floodplain overlay zoning district, and contains a floodplain forest woodland preservation area. The area and project are, therefore, regulated by several ordinances.

<table>
<thead>
<tr>
<th>Area</th>
<th>City Code</th>
<th>Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHORELAND</td>
<td>300.25</td>
<td>Any change to the course or cross section of a public water must be approved by the Minnesota department of natural resources (DNR).</td>
<td>DNR permit required</td>
</tr>
<tr>
<td></td>
<td>Subd. 11(c)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FLOODPLAIN</td>
<td>300.24</td>
<td>Floodplain alteration or disturbance of over 1,000 square feet or 20 cubic yard requires a floodplain alteration permit</td>
<td>See “Floodplain Alteration” section below</td>
</tr>
<tr>
<td></td>
<td>Subd. 9(a)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TREES</td>
<td>300.28</td>
<td>Trees may be removed without mitigation if done in conjunction with a city-approved ecological restoration plan.</td>
<td>See “Revegetation” section below</td>
</tr>
<tr>
<td></td>
<td>Subd. 19(b)1(d)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Interestingly, the project area does not include any wetland that
is regulated by city ordinance.

**Floodplain Alteration** The proposed stabilization project will meet the general and
specific standards pertaining to floodplain alteration as outlined
in city code:

**General Standards – City Code 300.24 Subd.9(c)**

1) The magnitude of the alteration is appropriate relative to the
size of the floodplain district.

**Finding:** The proposed floodplain alteration will impact just
1,100 linear feet of the entirety of Purgatory Creek.

2) The amount of any increase in buildable area is appropriate
in comparison to the amount of buildable area before
alteration.

**Finding:** The alteration will not increase buildable area.

3) The alteration would not negatively impact the hydrology of
the floodplain.

**Finding:** The alteration will improve the functionality and
aesthetic of the floodplain.

4) Floodplain mitigation areas would not negatively impact
adjacent properties.

**Finding:** The alteration will improve existing erosion
conditions; thereby, positively impacting adjacent properties.

5) The alteration would meet the intent of the city’s water
resources management plan and the subdivision and zoning
ordinances;

**Finding:** The alteration has been reviewed by the city’s water
resources engineer and found to be consistent with the water
resources management plan and city ordinances.

6) The alteration would not adversely impact governmental
facilities, utilities, services or existing or proposed public
improvements; and

**Finding:** The alteration proposed is the direct result of a city
request.
7) The alteration would not have an undue adverse impact on the public health, safety or welfare.

Finding: The purpose of the alteration is to improve existing erosion conditions. The alteration is proposed as the direct result of a city request.

Specific Standards – City Code 300.24 Subd.9(d)

1) Water storage must be maintained and provided in an amount at least equal to that filled unless acceptable hydrologic engineering data has been presented and approved by the city engineer indicating that conditions have changed such that the floodplain characteristics would be maintained even with proposed floodplain fill.

Finding: The proposal will result in a net increase in floodplain storage area.

2) Floodplain fill area must be located no more than 20 feet from any existing or proposed structure, except where required by the city engineer to achieve a required evacuation route.

Finding: No existing building would be impacted or new building constructed.

3) Where floodplain alteration is required for construction of a driveway, the driveway must be no wider than 12 feet and must be located to minimize impact to the floodplain.

Finding: No driveway construction is proposed.

4) Floodplain alteration, including the creation of compensatory water storage, must not result in removal of regulated trees, adversely impact wetlands or existing wetland buffers, or be located within public easements. The city council may waive this condition if the proposed alteration would improve existing site conditions.

Finding: The proposal will result in removal of trees within a floodplain forest. However, under the tree ordinance, such removal is allowed if done in conjunction with a city approved ecological restoration plan.

Revegetation The tree ordinance allows tree removal done in conjunction with a city-approved ecological restoration plans. RPBCWD plans to
revegetate areas of tree removal through the planting of trees, shrubs, and herbaceous ground cover.

**Root Wads**

**Rock Vanes**

In addition to re-grading the creek banks and revegetating the slopes, the RPBCWD proposal includes installation of “root wads” and “rock vanes.” Essentially, these are natural forms of erosion control. “Root wads” are trees with roots exposed placed on the outside bend of a creek to deflect water flow. “Rock vanes” are rocks placed along the creek bank or with the creek bed to dissipate water flow. (See page A33.)

**Neighborhood Comments**

The city sent notices to 18 area property owners. No comments have been received. These owners have also previously been invited by RPBCWD to various public meetings regarding the project.

**Motion Options**

The planning commission has three options:

1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the floodplain alteration permit.

2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the floodplain alteration permit. This motion must include a statement as to why denial is recommended.

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.

**Deadline for Decision**

November 23, 2015
Location Map

Project: Riley Purgatory Bluff Creek Watershed District
PIN: 31-117-22-34--054
(15027.15a)

This map is for illustrative purposes only.
RESOLUTION NO. 2008-115

RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO PETITION THE RILEY-PURGATORY-BLUFF CREEK WATERSHED DISTRICT FOR THE PURGATORY CREEK IMPROVEMENTS.

BE IT RESOLVED by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. The Riley-Purgatory-Bluff Creek Watershed District completed a Use Attainability Analysis for Purgatory Creek.

1.02. The analysis identified various water quality improvements that could be performed to help maintain or improve the water quality in Purgatory Creek and downstream water bodies.

1.03. State statute allows the city to petition the Riley-Purgatory-Bluff Creek Watershed District to study, complete, and substantially fund the improvements.

1.04. Hennepin County has planned to upgrade County Road 101 along a portion of Purgatory Creek between County Road 62 and County Road 3 in 2012-2013.

Section 2. Council Action.

2.01. The City Council hereby authorizes the Mayor and City Manager to petition the Riley-Purgatory-Bluff Creek Watershed District to undertake a basic water management improvement in accordance with State statutes and district policies.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 29, 2008.

[Signature]
Janis A. Callison, Mayor

ATTEST:

[Signature]
David E. Maeda, City Clerk
ACTION ON THIS RESOLUTION:

Motion for adoption: Allendorf
Seconded by: Schneider
Voted in favor of: Allendorf, Wiersum, Hiller, Schneider, Ellingson, Callison
Voted against:
Abstained:
Absent: Wagner
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 September 29, 2008.

________________________________________
David E. Maeda, City Clerk
PETITION OF THE CITY OF MINNETONKA TO
RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
FOR THE PURGATORY CREEK IMPROVEMENT PROJECT

I. AUTHORITY

The City of Minnetonka petitions the Riley Purgatory Bluff Creek Watershed District, pursuant to
the provisions of the Minnesota Statutes Sections 103D.201, 103D.605, 103D.705, and 103D.905,
to undertake a basic water management project for Purgatory Creek.

II. PURPOSE

The purpose of the project is to reestablish, improve, enhance and protect Purgatory Creek, which
has deteriorated due to urbanization of the watershed. Implementing the recommendations from the
2004 Purgatory Creek Use Attainability Analysis (UAA) will improve the physical characteristics
of Purgatory Creek by providing the stream with the ability to continue to meander naturally
without excessive bank erosion and improve the ability of the stream to convey flood flows
effectively without degradation. Improving the stream bank and riparian vegetation will improve
the resistance of the stream to erosion and prevent excessive siltation of downstream water bodies.
The Purgatory Creek UAA is incorporated by reference.

The project’s goals, objectives, and benefits include the following:

• Correct severe erosion conditions and undertake side slope stabilization along the degraded
  reaches of the creek to reduce future erosion and sedimentation.
• Enhance habitat along most reaches of the channel to make it more suitable for aquatic and
  waterfowl habitat.
• Improve the safety of pedestrians, bicyclists and motorists using roads and trails adjacent to
  the creek.
• Enhance the scenic and recreational value of the creek.
• Improve the water quality flowing through and discharging from this reach of Purgatory
  Creek.
• Protect public infrastructure and adjacent private property from impacts resulting from
  continued erosion and sedimentation.
• Establish a partnership between the district, the City of Minnetonka, and Hennepin County
during the corridor reconstruction of County Road 101 to improve water quality and
recreational value that would not otherwise be available.

III. GENERAL DESCRIPTION OF WORK PROPOSED AND PURPOSES

The project includes several improvements to meet the goals, benefits and objectives outlined in
Section II.

The project includes stabilizing the Purgatory Creek embankments by shaping them to desired
slopes and reinforcing them with rip rap or gabions, wood fiber blanket and native landscaping.
This improvement will reduce and mitigate severe creek bank erosion; improve water clarity and
associated aquatic ecosystem habitat; preserve the flow capacity of the creek; reduce future
maintenance costs; and protect property and infrastructure, including a significant sanitary sewer
line, adjacent to the creek.
The project includes construction of a pond or bioretention basin along Purgatory Creek west of County Road 101. This improvement will provide treatment for the County Road 101 stormwater prior to directly discharging into Purgatory Creek, which currently occurs, and will directly contribute to meeting the district’s water management goals for all downstream water bodies.

Native landscape establishment including native grasses, shrubs and trees will be provided as part of the improvements throughout the project area. Landscaping improvements serve many purposes including native habitat enhancement; improved erosion control through vegetative cover and deep root structure; and increased scenic value of the creek corridor.

Improvements include replacement of the existing creek crossing under County Road 101 with a new creek and recreational trail underpass, which will improve pedestrian safety in this area. A missing trail segment and/or boardwalk will be constructed along Purgatory Creek from Covington Park to County Road 101. This trail will provide access to the regional trails and provide extended recreational use of the creek corridor.

While this project is primarily located within public easement and/or public right-of-way, easement acquisition will be a necessary element of this project to accommodate the proposed improvements. This project is planned to be constructed in cooperation with the City and Hennepin County and coordinated with the reconstruction of County Road 101, scheduled for 2012-13.

IV. DESCRIPTION OF THE LANDS OVER WHICH THE PROPOSED IMPROVEMENTS ARE LOCATED

The land involved with the proposed project area is wholly within the City of Minnetonka and is directly tributary to Purgatory Creek.

V. GENERAL DESCRIPTION OF THE PART OF THE DISTRICT AFFECTED

The affected lands include the riparian areas of Purgatory Creek. Generally, the affected areas are east of Covington Park, south of Red Cherry Lane and north of Clearview Drive. This stretch of Purgatory Creek is approximately 2,000 feet long and includes the crossing of County Road 101.

VI. NEED AND NECESSITY FOR THE PROPOSED IMPROVEMENT

Past development and the proposed expansion of County Road 101 within the Purgatory Creek watershed has and will cause increased amounts of surface water runoff into the water system. The City of Minnetonka recognizes the need for the Purgatory Creek Improvement Project to increase water quality, protect property and infrastructure, and reduce future maintenance costs associated with the creek. The city recognizes the necessity of recreational assets within the District and the scenic value of Purgatory Creek. The project is necessary to address erosion control problems, enhance downstream water quality, enhance the ecology of the creek system, and provide better recreational opportunities and aesthetics.

VII. THE PROPOSED IMPROVEMENT WILL BE CONDUCIVE TO THE PUBLIC HEALTH, CONVENIENCE AND WELFARE

The City of Minnetonka petitions for the project because it will be conducive to the public health, convenience and welfare of the District and the City. Completion of the project and associated recreational improvements will preserve and enhance the public use and enjoyment of Purgatory Creek and the adjacent parks and trails, all of which are significant natural resources of the District and region.
VIII. FINANCING OF THE PROPOSED IMPROVEMENT

The project is of common benefit to the District and is subject to Minnesota Statutes Section 103D.905, Subdivision 3, providing for the project financing of the basic water management features of the project.

IX. PROJECT ABANDONMENT

The City of Minnetonka hereby states and acknowledges that it will pay all costs and expenses that may be incurred by the activities described in this petition in the event the project is dismissed, no construction contract is let, or the City withdraws its project petition.

CITY OF MINNETONKA

____________________________
Mayor of City of Minnetonka

CITY OF MINNETONKA

____________________________
City Manager
Project Description
The proposed project, Purgatory Creek Stabilization at Highway 101, includes stabilization of portions of an approximately 1,100-foot long reach of Purgatory Creek beginning approximately 1,000 feet downstream of Highway 101 in Minnetonka, Minnesota and progressing downstream. Erosion has been documented on much of this reach, with detrimental effects on water quality and stream habitat. Within this reach, Purgatory Creek is highly incised and disconnected from its floodplain (see attached site photos) This project would provide stabilization at 13 targeted sites of high erosion susceptibility within the reach using a variety of methods, including rood wads, rock vanes, bank grading, and vegetated reinforced soil slopes (VRSS) (see attached plan sheets). All soil material excavated from the project would be hauled off-site for appropriate disposal.

Additional Submittal Materials
Property legal description, wetland documentation, grading plan, erosion control, tree protection plan, and landscape plan are included as attachments to this permit application. Please note that the tree protection plan and landscape plan are included with the project plan sheets.

Storage Capacity Calculations
Construction activities at east of the 13 erosion sites will result in changes to the channel’s storage capacity. As shown in the table below, net storage capacity of the channel is planned to increase.

<table>
<thead>
<tr>
<th>Site</th>
<th>Total Fill at Site (yd³)</th>
<th>Total Cut at Site (yd³)</th>
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<tbody>
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<tr>
<td>Project Total</td>
<td>355</td>
<td>896</td>
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</table>
**Additional Permits**
The following permit applications for the proposed project and are currently pending approval. Copies of these permit applications are attached to this information package.

- U.S. Army Corps of Engineers Section 404 Permit
- Minnesota Department of Natural Resources Work in Public Waters Permit
- Riley Purgatory Bluff Creek Watershed District Permit
- City of Minnetonka Grading, Filling, and Excavation Permit

**Written Statement of Intended Use**
Upon construction completion, the project area will be returned to its pre-project use as an undeveloped, urban stream corridor and riparian area.

**Easement Status**
Barr Engineering is currently in the process of obtaining permanent easements of private properties and an access agreement of public property for project work. A general project agreement with the City of Minnetonka to complete a project on City-owned property is also under development. These documents will be forwarded once finalized.
EASEMENT LEGAL DESCRIPTION
OUTLOT A, DONNAY’S CREEK VIEW HILLS
SECTION 31, T117, R22
HENNEPIN COUNTY, MINNESOTA

Temporary Construction Easement Legal Description:

A temporary construction easement over, under, and across Outlot A, DONNAY’S CREEK VIEW HILLS, Hennepin County, Minnesota, lying south of the following described line:

That part of Outlot A lying south of a line 425.00 feet south of and parallel with the north line of the Southeast Quarter of the Southwest Quarter of said Section 31, Township 117, Range 22.

Not a boundary survey. Subdivision lines are approximate based on record plats and do not reflect a field survey or subdivision.
Memorandum

To: Ms. Jo Colleran
From: Shanna Braun
Subject: Wetland Determination for Stabilization of Purgatory Creek at Highway 101
Date: July 29, 2015

Ms. Colleran,

This wetland determination memorandum has been prepared by Barr Engineering Co. (Barr) on behalf of the Riley Purgatory Bluff Creek Watershed District (District) in support of a stream stabilization project on Purgatory Creek near Highway 101 (Figure 1). The proposed project is located within Hennepin County, Minnesota in the City of Minnetonka, within Township 117 North, Range 22 West, Section 31. The project area is located in an urban setting and is located on property owned by the City of Minnetonka.

The proposed project includes stabilizing portions of an approximately 1,100-foot long reach of Purgatory Creek beginning approximately 1,000 feet downstream of Highway 101. Erosion has been documented on much of this reach, with detrimental effects on water quality and stream habitat. Within this reach, Purgatory Creek is highly incised and disconnected from its floodplain (see attached site photos). This project would provide stabilization at 13 targeted sites of high erosion susceptibility within the reach (Figure 1) using a variety of methods, including root wads, rock vanes, bank grading, and vegetated reinforced soil slopes (VRSS). All soil material excavated from the proposed project would be hauled off-site for appropriate disposal.

Construction is planned to begin in fall 2015, with the majority of grading, excavation, and stabilization measures constructed during this time. Revegetation efforts are planned to take place in spring 2016, once conditions are suitable.

The project area is defined as the creek channel, its banks, and construction access corridors. The results of field reviews conducted on June 18 and November 4, 2014 determined that no wetlands are located in the project area. These findings were discussed at a meeting on February 6, 2015, attended by City of Minnetonka, District, and Barr staff.

Methods

Prior to conducting the field visits, existing data were reviewed. These data include the United States Fish and Wildlife Service National Wetlands Inventory (NWI), United States Department of Agriculture –
Natural Resources Conservation Service Statewide SSURGO soil data, and the Minnesota Department of Natural Resources Public Waters (PWI) inventory (see Figure 1).

The NWI mapped a large wetland complex to the east of the project area, with no other mapped wetlands within the project area. As shown on the attached figure, this wetland has a Cowardin classification of PEM1Ad (palustrine, emergent, persistent, temporarily flooded, partially drained/ditched). Soils in the project area are primarily non-hydric, with some hydric soils present towards the eastern portion of the project area. Purgatory Creek is included on the PWI.

Results

Through the project area, Purgatory Creek is deeply incised, with steep banks 3 to 12 feet tall and is disconnected from its floodplain (see attached site photos). Vegetation in the immediately adjacent riparian area is dominated by glossy buckthorn (*Rhamnus cathartica*) and Tatarian honeysuckle (*Lonicera tatarica*). The creek channel contained no submergent or emergent vegetation, and the banks were sparsely vegetated, primarily with buckthorn saplings and Kentucky bluegrass (*Poa pretensis*). Reed canary grass (*Phalaris arundinacea*) becomes dominant vegetation further downstream of the project area. The PEM1Ad wetland mapped by the NWI is located at the eastern end of the project area; however, it is separated from erosion control sites 23 and 24 by a constructed berm. NWI mapping in vicinity of erosion control sites 23 and 24 does not accurately reflect the berm alignment (i.e. the mapping shows the berm crossing the Purgatory Creek channel, but the berm actually does not). This wetland is outside the project area and would not be impacted by construction activities.

Based on the lack of dominant hydrophytic vegetation and hydrology indicators aside from the creek channel itself, it was determined that the project area is non-wetland.
Figure 1

NATIONAL WETLAND INVENTORY
AND HYDRIC SOILS MAP
Purgatory Creek at Highway 101 Survey
Riley Purgatory Bluff Creek Watershed District
Minnetonka, Minnesota

Purgatory Creek Centerline
Observed Areas of Erosion

- Hydric Soils (100%)
- Mostly Hydric Soils (66 - 99%)
- Partially Hydric Soils (33 - 66%)
- Mostly Non-Hydric Soils (1 - 32%)

Soil Map Unit Name label example:

Lester-Metea complex
Area 12, photo 1 – approx. 50 feet long, 8 feet tall

Area 12, photo 2 – approx. 50 feet long, 8 feet tall

Area 12, photo 3 – approx. 50 feet long, 8 feet tall

Area 13 - approx. 40 feet long, 8 feet tall

Water Management Project
Area 14 – approx. 40 feet long, 8 feet tall

Area 15 - approx. 35 feet long, 6-8 feet tall

Area 16 – approx. 25 feet long, 8-10 feet tall

Area 17 – approx. 40 feet long, 3 feet tall
Area 18 – approx. 50 feet long, 3-6 feet tall

Area 19 - approx. 40 feet long, 6 feet tall

Area 20, photo 1 – approx. 40 feet long, 6-12 feet tall

Area 20, photo 2 – approx. 40 feet long, 6-12 feet tall
Area 21 – approx. 15 feet long, 7 feet tall

Area 22 – approx. 30 feet long, 6-8 feet tall

Area 23 – approx. 30 feet long, 6 feet tall

Area 24 – approx. 35 feet long, 6 feet tall
**SITE TABLE**

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<thead>
<tr>
<th>Site</th>
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<th>End Station</th>
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**CROSS VANE TABLE**

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**ROCK VANE TABLE**

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**ROOT WAD TABLE**

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**Sections:** 12 through 17

**Legend:**
- **BM:** Baseline
- **BM R:** BM Cut
- **BM F:** BM Fill
- **BM G:** BM Ground
- **GW:** Waterline
- **GW F:** GW Fill
- **GW G:** GW Ground
- **ND:** Nighttime

**Note:** All stacked slopes and ramps at 3:1 slope unless otherwise noted.
<table>
<thead>
<tr>
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**LEGEND**

- **---** = Total Cut
- **---** = Total Fill
- **---** = Existing Ground
- **---** = Storm Sewer
- **---** = Grading

**SECTIONS: 19 THROUGH 24**
NOTES:
1. ANCHOR PATTERN 1/2 ANC./M for 2:1:1 < SLOPES < 2:1:1
2. TREATED WIRE MESH, METAL, GEOTEXTILE, AND PLASTIC SLOW CAN BE USED TO ANCHOR TRENCH TO THE GROUND SURFACE.

DETAIL: INITIAL ANCHOR TRENCH

NOTES:
1. SECURE AT T IS INTERMEDIATE, SANDY, AND COMPACT SOIL.

DETAIL: INTERMITTENT CHECK SLOT

NOTES:
1. SECURE AT T IS INTERMEDIATE, SANDY, AND COMPACT SOIL.
2. CHECK SLOTS TO BE PLACED EVERY 2-3 FEET ALONG FLOW LINE.

DETAIL: TERMINAL CHANNEL ANCHOR TRENCH

NOTES:
1. SECURE AT T IS INTERMEDIATE, SANDY, AND COMPACT SOIL.

DETAIL: RIP RAP TOE PROTECTION
1. Preseed and install plants according to specifications.
2. Use sprayer heads set lower than containers, see all sides.
3. Remove the top 3" of clay soil before containering, see all sides.
4. Remove the top 3" of clay soil before containering, see all sides.
5. Plant seedlings in containers, see all sides.
6. Use the top 3" of clay soil before containering, see all sides.
7. Use the top 3" of clay soil before containering, see all sides.
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17. Use the top 3" of clay soil before containering, see all sides.
18. Use the top 3" of clay soil before containering, see all sides.
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)
PURGATORY CREEK AT HWY 101 CREEK STABILIZATION, RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT

CONTRACTOR:
The project is located in the southwest area of the City of Henderson. The project consists of four parallel channels with a total length of 1.5 miles. The channels will be constructed using an open channel design with concrete and riprap reinforcement. The project will include the following improvements:

- Construction of four parallel channels
- Installation of concrete and riprap reinforcement
- Improvement of access roads

PRELIMINARY DESIGN:
- The project will include the following features:
  - Construction of four parallel channels
  - Installation of concrete and riprap reinforcement
  - Improvement of access roads

CONTRACTOR:
The contractor shall prepare and submit a construction schedule and a plan for the installation of the project. The schedule shall include the following:

- The sequence of construction activities
- The required materials and equipment
- The estimated duration of each activity

CONTRACTOR:
The contractor shall ensure that all work is performed in accordance with the approved plans and specifications. The contractor shall be responsible for any damages to adjacent property and shall be liable for any violations of local regulations.

CONTRACTOR:
The contractor shall submit a final inspection report to the owner within 30 days of the completion of the project. The report shall include the following:

- A summary of the project
- A list of all work performed
- A list of all materials used
- A list of all labor hours worked

ISSUED FOR PERMITTING:
RILEY PURGATORY BLUFF CREEK WATERSHED DISTRICT
STORM WATER POLLUTION PREVENTION PLAN (SWPPP)
PURGATORY CREEK AT HWY 101 CREEK STABILIZATION
BARR CONSULTANTS & ENGINEERS, INC.
23/27-0053.14
RPBCWD
2006-06
Resolution No. 2015-

Floodplain alteration permit for a Purgatory Creek water management project, generally located east of County Road 101 and north of Creek View Trail

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 In 2008, the city council adopted resolution 2008-115 petitioning the Riley Purgatory Bluff Creek Watershed District (RPBCWD) to undertake a basic water management project along Purgatory Creek. The primary goal of the requested project was to correct existing erosion issues.

1.02 RPBCWD is now proposing to undertake the project. As planned, thirteen areas along a roughly 1,100 foot stretch of the creek will be stabilized through a variety of techniques, including re-grading of the creek banks, installation of vegetated reinforced slopes, and installation of natural materials to deflect and dissipate water flow.

1.03 The project will result in both fill and excavation of floodplain in excess of 1,000 square feet and 20 cubic yards. As such, a floodplain alteration permit is required.

1.04 On September 10, 2015, the planning commission held a hearing on the project. The applicant was provided the opportunity to present information to the commission. The commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended the city council approve the floodplain alteration permit.

Section 2. General Standards.

2.01 City Code §300.24 Subd. 9(c), states that in reviewing alteration permits, the city will consider whether general standards are met. These standards are incorporated by reference into this resolution.
2.02 City Code §300.24 Subd. 9(d), states that an alteration permit will not be granted unless certain specific standards are met. These standards are incorporated by reference into this resolution.

Section 3. Findings.

3.01 The proposal is the direct result of a city request.

3.02 The proposal will meet the general standards outlined City Code §300.24 Subd. 9(c):

1. The proposed floodplain alteration will impact just 1,100 linear feet of the entirety of Purgatory Creek.

2. The alteration will not increase buildable area.

3. The alteration will not negatively impact the hydrology of the floodplain. Rather, the alteration will improve the functionality and the aesthetic of the floodplain.

4. The alteration will improve existing erosion conditions, positively impacting adjacent properties.

5. The alteration will meet the intent of the city’s water resources management plan and the subdivision and zoning ordinances.

6. The alteration will not adversely impact governmental facilities, utilities, services or existing or proposed public improvements. In fact, the proposed alteration is the direct result of a city request.

7. The alteration will not have an undue adverse impact on the public health, safety or welfare. The purpose of the alteration is to improve existing erosion conditions.

3.03 The proposal will meet the specific standards outlined in City Code §300.24 Subd. 9(d):

1. The alteration will result in a net increase in floodplain storage area.

2. The alteration will not result in construction of any building or driveway.

3. The proposal will result in removal of trees within a floodplain forest.
However, under the tree ordinance, such removal is allowed if done in conjunction with a city-approved ecological restoration plan.

Section 4. City Council Action.

4.01 The above-described floodplain alteration permit is hereby approved based on the findings outlined in section 3 of this resolution.

4.02 Approval is subject to the following conditions:

1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, except as modified by the conditions below:

   - Purgatory Creek at HWY 101 Restoration Project permitting plan set, dated June 22, 2015

2. A grading permit is required. Unless authorized by appropriate staff, no site work may begin until a complete grading permit application has been submitted, reviewed by staff, and approved.

   a) The following must be submitted for the grading permit to be considered complete.

      1) An electronic PDF copy of all required plans and specifications.

      2) Three full size sets of construction drawings and sets of project specifications.

      3) A construction management plan. The plan must be in a city approved format and must outline minimum site management practices and penalties for non-compliance.

   b) Prior to issuance of a grading permit:

      1) Install erosion control, tree and wetland protection fencing and any other measures identified on the SWPPP for staff inspection. These items must be maintained throughout the course of construction.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.
Resolution No. 2015-

__________________________

Terry Schneider, Mayor

Attest:

__________________________

David E. 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 September 28, 2015.

__________________________

David E. Maeda, City Clerk
A. Floodplain alteration permit for a Purgatory Creek water management project located east of County Road 101 and north of Creek View Trail.

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

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

Clair Blazer, administrator for the Riley/Purgatory Creek Watershed District, stated that the application came from a city-based petition. The area has severe erosion. Phosphorous is being released into the water and traveling downstream. Watershed district staff are excited to do the project. It is a partnership between the city and the watershed.

Knight asked if the erosion occurs naturally or if there is a specific cause. Ms. Blazer explained that creek banks do erode naturally, but the landscape has been changed dramatically which has caused an increased rate of flow and the amount of precipitation has increased from 100 years ago. This case deals with steep banks. Eventually, the bank shelf will collapse and increase sediment traveling to the creek. Purgatory Creek flows into the Minnesota River which is considered impaired for sediment.

In response to Calvert’s question, Thomas explained an error in the staff report. The tree ordinance allows trees to be removed for this type of activity, but also requires restoration of the area. Staff will correct the error prior to review of the city council.

Chair Kirk noted that the area is owned by the city, townhome associations, and private properties. Ms. Blazer stated that easements would need to be acquired. Restoration would be done in a way to minimize impact. The work would be done in the winter.

Calvert asked how much grading would be done and the impact to the trees. Colleran confirmed that grading would be done impacting critical root zones of various trees. The area has more of a floodplain forest characteristic. Elm, silver maples, and cottonwoods are lowland species. They will tolerate more root disturbance. Everything would be done to minimize impact to the critical root zones.

The public hearing was opened. No testimony was submitted and the hearing was closed.
Chair Kirk noted that the project would improve the conditions for trees and vegetation when completed. Colleran provided an illustration showing how the existing erosion cuts into the root systems. Erosion will kill the trees if left unchanged. The wooded character would be established again. The root wads would take hold right away and do a good job of holding the soils.

Knight asked what would be done to prevent invasive species from taking over. Colleran expected garlic mustard to grow in the upland region. In the wetter areas, the garlic mustard would die out because it cannot tolerate the wet condition. It would be made sure that the plant material would be stabilizing and functioning. There is buckthorn currently growing in the area. The project is not an invasive species restoration area.

**Magney moved, second by Odland, to recommend that the city council adopt the resolution on pages A34-A37 of the staff report approving the floodplain alteration permit for a Purgatory Creek water management project.**

**Magney, Calvert, Knight, and Kirk voted yes. O’Connell and Odland were absent. Motion carried.**

This item is tentatively scheduled to be reviewed by the city council at its September 28, 2015 meeting.

**B. Interim use permit for a home occupation at 25 Milbert Road.**

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

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

Chair Kirk asked if all of the buildings on the property had building permits. Thomson answered affirmatively.

Steve Hemingway, 25 Milbert Road, applicant, works out of his house as an artist. He has been working with Thomson to address a complaint from a neighbor. He has been operating his business for 17 years. He does a limited number of custom ordered pieces a year. The studio is a private place. He enjoys peace and quiet while he works. He constructed metal boxes to contain the sawdust and smell. He sent a video that shows the process. Smoke escapes through the edges for 2 minutes. He uses wet sand on the edges of the boxes to keep the smoke down. Not a lot of smoke escapes. The residual smell from the
City Council Agenda Item #10D
Meeting of September 28, 2015

Brief Description
Resolution amending the Water Resources Management Plan

Recommendation
Adopt the resolution approving the amendment

Background
The city’s Water Resources Management Plan (WRMP) was adopted in 2009. Among other things, the WRMP establishes a wetland management system. Within the system, wetlands are placed into one of four management categories based on the wetland’s function, perceived resource significance, and susceptibility to stormwater inputs.

<table>
<thead>
<tr>
<th>Category</th>
<th>Management Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preserve</td>
<td>• Avoid and preserve&lt;br&gt;• No change in hydrology&lt;br&gt;• No increase in nutrient or sediment loads</td>
</tr>
<tr>
<td>Manage 1</td>
<td>• Minimize impacts&lt;br&gt;• Control change in hydrology&lt;br&gt;• No increase in nutrient or sediment loads</td>
</tr>
<tr>
<td>Manage 2</td>
<td>• Minimize impacts&lt;br&gt;• Control change in hydrology, to a lesser degree than Manage 1&lt;br&gt;• No increase in nutrient or sediment loads</td>
</tr>
<tr>
<td>Manage 3</td>
<td>• Consider for restoration or enhancement&lt;br&gt;• Where necessary, use for flood storage&lt;br&gt;• No increase in nutrient or sediment loads</td>
</tr>
</tbody>
</table>

The city’s WRMP classifies the wetland at 2312 Oakland Road as a Manage 1 wetland. However, the Minnehaha Creek Watershed District classifies the wetland as a Preserve wetland. In 2015, the function and value of the wetland was evaluated using the most recent Minnesota Routine Assessment Method (MNRAM). The MNRAM concluded that the wetland is a Preserve wetland.

An amendment to the WRMP would ensure consistency between city information and watershed district information, as well as accurately reflect the MNRAM evaluation.

Staff Recommendation
Adopt the resolution approving the amendment to the Water Resources Management Plan. (See pages A2–A4.)

Through: Geralyn Barone, City Manager
         Julie Wischnack, AICP, Community Development Director
Originator: Susan Thomas, AICP, Principal Planner
LOCATION MAP

Water Resources Management Plan Amendment
2312 Oakland Road

SUBJECT PROPERTY
Resolution No. 2015-

Resolution approving an amendment to the Water Resources Management Plan for the City of Minnetonka

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. On August 3, 2009, the city council adopted resolution number 2009-061 approving the city’s Water Resources Management Plan (WRMP).

1.02. There is a large wetland generally located at 2312 Oakland Road. The city’s WRMP classifies the wetland as a Manage 1 wetland. However, the Minnehaha Creek Watershed District classifies the wetland as a Preserve wetland.

1.03. In 2015, the function of value of the wetland was evaluated using the most recent Minnesota Routine Assessment Method (MNRAM). The MNRAM concluded that the wetland is a Preserve wetland.

1.04. An amendment to the WRMP would ensure consistency between city information and watershed district information, as well as accurately reflect the MNRAM evaluation.

Section 2. Council Action.

2.01. The city council hereby approves the amendment to re-classify the wetland generally located at 2312 Oakland Road as a Preserve wetland in the Water Resources Management Plan for the City of Minnetonka as illustrated on Exhibit A.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

___________________________
Terry Schneider, Mayor

Attest:

___________________________
David E. Maeda, City Clerk
Action on this resolution:

Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent: Wagner
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 September 28, 2015.

----------------------------------------
David E. Maeda, City Clerk
City Council Agenda Item #10E
Meeting of September 28, 2015

Brief Description
Resolution approving a concurrent detachment from Minnetonka and annexation to Eden Prairie of a property located at the southeast intersection of Highway 62 and Shady Oak Road

Recommendation
Adopt the resolution requesting concurrent detachment and annexation

Background
The subject property is an unaddressed, undeveloped lot located south of Highway 62 and east of Shady Oak Road. The property – which is technically located in the city of Minnetonka – is roughly 19,250 square feet in size. However, based on its configuration and location abutting state right-of-way, the property contains just 750 square feet of buildable area. (See pages A1–A2.)

TOLD Development has requested the municipal boundary between Minnetonka and Eden Prairie be modified. Detachment from Minnetonka and annexation to Eden Prairie would facilitate platting and further development of the adjacent gas station property. The city of Eden Prairie estimates that such development would generate approximately $25,000 in total taxes. Of that amount, $3,000 would be from the portion currently located in Minnetonka. Without the city boundary changes, the development scenario is unable to occur, as the building could not meet minimum building code requirements; among other city requirements. Currently, the city's portion of property taxes is approximately $150.00 per year. (See page A3.)

Staff Analysis
Staff finds that the detachment/annexation proposal is reasonable as:

1. The property is the only lot within the city of Minnetonka located south of Highway 62.
2. The only access to the property from Minnetonka would be via the on-ramp to eastbound Highway 62.
3. Given the size, configuration, limited buildable area, and building code restrictions, it is highly unlikely the property would develop independently.

Staff Recommendation
Adopt the joint resolution requesting concurrent detachment from Minnetonka and annexation to Eden Prairie. (See pages A4–A7.)

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

Originator: Susan Thomas, AICP, Principal Planner
Buildable Area...
Hi Steve,

In speaking with the City of Minnetonka regarding the potential detachment of a parcel from Minnetonka and annexation into EP for a proposed development, one of the questions that Mtka has was an estimate of the amount of taxes that would be generated by the parcel upon development.

Below is the link for a general depiction of the concept plan to date. Can you provide me with an estimate? If you need any additional information, please let me know.

Thank you!
City of Eden Prairie  
Resolution No. 15- 

City of Minnetonka  
Resolution No. 2015-___

JOINT RESOLUTION REQUESTING CONCURRENT DETACHMENT FROM MINNETONKA AND ANNEXATION TO EDEN PRAIRIE OF CERTAIN LANDS PURSUANT TO MINNESOTA STATUTES SECTION 414.061

WHEREAS, certain real property, approximately 0.44 acres in size, legally described on Exhibit A attached hereto and incorporated herein and depicted on the survey thereof attached hereto and incorporated herein as Exhibit B (the “Annexation Property”) is located in the City of Minnetonka; and

WHEREAS, the Annexation Property abuts real estate along its southerly border that is located in the City of Eden Prairie; and

WHEREAS, TOLD Development (“Developer”) desires to use the Annexation Property to facilitate the platting and development of a commercial development; and

WHEREAS, the City of Minnetonka, the City of Eden Prairie and the Developer desire that the entire plat of the yet unnamed development be located within the boundaries of one municipality; and

WHEREAS, the City of Minnetonka and the City of Eden Prairie desire to modify their municipal boundary in order to allow the platting and development of the unnamed development; and

WHEREAS, to modify the boundary the City of Minnetonka desires to detach and the City of Eden Prairie desires to attach the Annexation Property pursuant to Minnesota Statutes Section 414.061.

NOW, THEREFORE, BE IT RESOLVED:

1. The City of Minnetonka and the City of Eden Prairie jointly request that the Office of Administrative Hearings – Municipal Boundary Adjustment concurrently detach the Annexation Property from the City of Minnetonka and annex the same to the City of Eden Prairie at the earliest possible date.

2. The city clerk for each city is directed to submit this Joint Resolution to the Office of Administrative Hearings – Municipal Boundary Adjustments for the purposes set forth herein.

3. The City of Minnetonka and the City of Eden Prairie agree that, within 30 days of receipt of this Resolution, passed and adopted by each party, the Office of Administrative
Hearings – Municipal Boundary Adjustments, may review and comment, but shall order the concurrent detachment and annexation consistent with the terms of this Resolution.

4. The City of Minnetonka has designated a Comprehensive Plan Land Use Guiding of Low Density Residential and a Zoning District designation of Single Family Residential for the Annexation Property. These designations most closely resemble the City of Eden Prairie Comprehensive Plan Land Use Guiding of Low Density Residential and a Zoning District designation of R1-13.5. Upon annexation into the City of Eden Prairie, the Comprehensive Plan Land Use Guiding shall be Low Density Residential and the Zoning District designation shall be R1-13.5. These designations shall be in place until such time as the Developer makes application to request Comprehensive Plan Land Use Guiding and Zoning District designation as a part of the overall site development review process.

Adopted by the City Council of the City of Minnetonka on September 28, 2015.

____________________________
Terry Schneider, Mayor

ATTEST:

____________________________
David E. 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 at a meeting held on September 28, 2015.

____________________________
David E. Maeda, City Clerk

(Seal)
Passed and adopted by the City Council of the City of Eden Prairie on the 6th day of October, 2015.

___________________________
Nancy Tyra-Lukens, Mayor

ATTEST:

______________________________
Kathleen Porta, City Clerk

CERTIFICATION

The undersigned, being the duly qualified Clerk of the City of Eden Prairie, hereby certifies the foregoing Resolution No. _____ is a true and correct copy of a resolution presented to and adopted by the Council of the City of Eden Prairie at a duly authorized meeting thereof held on the 6th day of October, 2015, as shown by the minutes of the aforesaid meeting in possession of the undersigned.

______________________________
Kathleen Porta, City Clerk

(Seal)
EXHIBIT A

Legal Description

THAT PART OF THE SW 1/4 OF THE SW 1/4 DESC AS FOL COM AT THE NW COR OF SEC 1-116-22 TH ON AN ASSUMED BEARING OF N 87 DEG 01 MIN 59 SEC E ALONG THE S LINE OF SAID SW 1/4 OF THE SW 1/4 A DIS OF 47.27 FT TO THE PT OF BEG TH N 6 DEG 16 MIN 29 SEC W 7.74 FT TH N 56 DEG 19 MIN 50 SEC E 96.26 FT TH N 77 DEG 06 MIN 08 SEC E 198.93 FT TH S 29 DEG 35 MIN 59 SEC E 102.01 FT TO THE S LINE OF SAID SW 1/4 OF THE SW 1/4 TH W ALONG SAID S LINE TO BEG
City Council Agenda Item #11A  
Meeting of September 28, 2015

**Brief Description**  
Resolution approving a conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive

**Recommendation**  
Adopt the resolution approving the conditional use permit

**Proposal**

Park Dental is proposing to locate a dental clinic in the former Wanderer’s Chinese Restaurant space at Ridge Square North. The proposed dental clinic would be 5,100 square feet in size, and would be located within the existing building. There would be no exterior expansions of the building or property. (See pages A1–A10.) The proposal requires:

- **Conditional Use Permit.** By city code, a medical clinic is generally defined as any space 2,000 square feet and greater used for patient examination. Medical clinics are allowed only by conditional use permit.

- **A locational variance.** By city code, a conditional use permit standard associated with medical clinics is that they not be located adjacent to low density residential areas. Ridge Square North abuts single-family residential properties to the west.

**Planning Commission Hearing**

The planning commission considered the request on September 10, 2015. The staff report from that meeting is attached. Staff recommended approval of the permit, noting:

- The proposed dental clinic would generate less traffic and would have less parking demand than the restaurant tenant that previously occupied the space.

- Although the property is adjacent to single-family residential properties, the vehicle access for the clinic tenant would be directly from Ridgedale Drive, which only serves other commercial properties. The site would not have access through a residential area or from a local residential street.

At the meeting, a public hearing was opened to take comment; no comments were received. Staff noted the city had received four written comments after publication of the report; all of the comments were in support of the proposal. (See pages A17–A20.)

**Planning Commission Recommendation**

On a 4-0 vote, the commission recommended that the city council approve the permit. Meeting minutes may be found on page A21.
Since Planning Commission Hearing

There have been no changes to the proposal or additional information received since the planning commission’s meeting on this item.

Staff Recommendation

Adopt the resolution approving a conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive. (See pages A11–A16.)

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

Originator: Susan Thomas, AICP, Principal Planner
MINNETONKA PLANNING COMMISSION
September 10, 2015

Brief Description
Conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive

Recommendation
Recommend the city council adopt the resolution approving the conditional use permit

Project No. 15029.15a
Property Ridge Square North, 13059 Ridgedale Drive
Applicant PDG, P.A.
Property Owner Ridge Square North LLP
Proposal Park Dental is proposing to locate a dental clinic in the former Wanderer’s Chinese Restaurant space at Ridge Square North. The proposed dental clinic would be 5,100 square feet in size, and would be located within the existing building. There would be no exterior expansions of the building or property. (See narrative and plans on pages A1-A6.)

Proposal Requirements
The proposal requires:

- **Conditional use permit**: Hospitals and medical clinics on property designated for office, retail, or service commercial uses are conditional uses in the PID/Planned I-394 zoning district. Therefore, a conditional use permit is required.

- **Variance**: One of the conditional use permit standards for medical clinics is that they must not be located adjacent to low density residential areas. Ridge Square North abuts single-family residential properties to the west. Therefore, a variance from this conditional use permit standard is required.

Approving Body
The planning commission makes a recommendation to the city council, which has final authority to approve or deny the request. (City Code §300.06 Subd. 4)
Site Features
The Ridge Square North shopping center is located on the west side of Ridgedale Drive, adjacent to Byerly’s. The shopping center was constructed in 1982 and is 82,000 square feet in size. Ridge Square North includes a mix of retail, service-commercial and restaurant uses. Current tenants include Noodles & Company, New Uses, UPS Store, and 2nd Swing Golf. The site has two access points from Ridgedale Drive. Parking is provided in both the front and back of the property with a substantial amount of parking available at the back of the building.

Building Use
The applicant is proposing to locate a Park Dental office in the northeast corner of the Ridge Square North building. The tenant space was occupied by Wanderer’s Garden from 1997 until last year. The proposed dental office would be a new location for the existing Park Dental located at 13911 Ridgedale Drive. The proposed clinic would be 5,100 square feet in size.

Proposed Parking
Ridge Square North originally included a movie theater as one of its tenants. Therefore, the site includes a significant amount of surface parking and currently exceeds the parking requirements. The site has 563 parking stalls. Based on the current tenants and the proposed dental clinic, the site would require 458 parking stalls. Therefore, the site has adequate on-site parking to meet the city’s parking requirements.

Traffic
The city’s traffic consultant, SRF Consulting Group, conducted a traffic study for the proposed clinic. (See pages A7-A10.) The traffic study concluded that:

- The Ridge Square North property currently generates fewer total trips than would be expected based on the Institute for Transportation Engineers (ITE) estimates for a shopping center. This is based on the current mix of tenants within the center. The site generates fewer trips in the morning peak, evening peak hour, and total daily trips. The site generates more trips during the midday peak hour than ITE estimates, which indicates a high lunch time use.

- The proposed dental clinic would generate fewer total trips than the restaurant that previously occupied the tenant space. The clinic would generate more trips in the a.m. peak hour, but fewer trips throughout the rest of the day. The morning peak hour is currently the least busy time of day for Ridge Square North in terms of traffic.
Ridge Square North would generate a total of 281 p.m. peak hour trips, which includes the proposed dental clinic. This is less than the 338 p.m. peak hour trips allocated to the subject property in the Planned I-394 traffic analysis ordinance.

Staff Analysis

Staff finds that the proposed dental clinic is an appropriate use of the property:

- The proposed dental clinic would generate less traffic and would have less parking demand than the restaurant tenant that previously occupied the space.

- The clinic would be located within an existing multi-tenant shopping center. The shopping center contains a mix of other commercial and retail uses that operate similarly to a dental clinic in terms of traffic generation, parking demand, noise, and exterior lighting. The dental clinic would not create any additional impacts to the residential properties.

- Although the property is adjacent to single-family residential properties, the vehicle access for the clinic tenant is directly from Ridgedale Drive, which only serves other commercial properties. The site would not have access through a residential area or from a local residential street.

Staff Recommendation

Recommend that the city council adopt the resolution approving a conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive. (See pages A11-A16.)

Originator: Jeff Thomson, Planner
Through: Susan Thomas, AICP, Principal Planner
### Supporting Information

#### Surrounding Land Uses

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northerly</td>
<td>Ridgehaven Mall, zoned PID, Planned I-394 district, and guided for commercial uses in the comprehensive plan</td>
</tr>
<tr>
<td>Easterly</td>
<td>Highland Bank redevelopment, zoned PUD/Planned Unit Development, and guided for mixed use</td>
</tr>
<tr>
<td>Southerly</td>
<td>Ridge Square South, zoned PID and guided for mixed use</td>
</tr>
<tr>
<td>Westerly</td>
<td>Single-family homes, zoned R-1 and guided for low density residential uses</td>
</tr>
</tbody>
</table>

#### Planning

- Guide Plan designation: Mixed Use
- Zoning: PID/Planned I-394 District

#### Medical Clinics

By city code definition, a medical clinic is “a freestanding structure or, in the case of multiple tenant buildings, a total occupied space of 2,000 square feet or greater used for patient examination and treatment by physicians, dentists, optometrists, psychologists or other health care professionals and where patients are not lodged overnight.”

#### CUP Standards

The proposal would meet the general conditional use permit standards as outlined in City Code §300.21 Subd.2:

1. The use is consistent with the intent of this ordinance;
2. The use is consistent with the goals, policies and objectives of the comprehensive plan;
3. The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements;
4. The use is consistent with the city's water resources management plan;
5. The use is in compliance with the performance standards specified in section 300.28 of this ordinance; and
6. The use does not have an undue adverse impact on the public health, safety or welfare.
The proposal would meet the specific conditional use permit standards as outlined in City Code §300.31 Subd. 4(b)2(d):

1. Shall not be adjacent to low density residential areas;

   **Finding:** The Ridge Square North property abuts single-family residential properties to the west. The applicant has requested a variance from this standard.

2. Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

   **Finding:** The property has direct access to Ridgedale Drive, which is defined as a major collector street in the comprehensive plan.

3. Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

   **Finding:** The proposed dental clinic would not have emergency vehicle service. The clinic would provide general and specialty family dentistry services, and clients would not arrive to the clinic by an emergency vehicle.

4. May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

   **Finding:** The clinic would be 5,100 square feet in size, so a detailed parking study is not required. The site has adequate on-site parking to accommodate the proposed dental clinic and meet the city’s parking requirements.

---

**Variance Standard**

A variance may be granted from the requirements of the zoning ordinance when: (1) it is in harmony with the general purposes and intent of the ordinance; (2) it is consistent with the comprehensive plan; and (3) when an applicant establishes that there are practical difficulties in complying with the ordinance. Practical difficulties mean that the applicant proposes to use a property in a reasonable manner not permitted by the ordinance, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and, the variance if granted, would not alter the essential character of the locality. (City Code §300.07)
<table>
<thead>
<tr>
<th>Neighborhood Comments</th>
<th>The city sent notices to 129 area property owners and received no comments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Motion Options</td>
<td>The planning commission has three options:</td>
</tr>
<tr>
<td></td>
<td>1. Concur with the staff recommendation. In this case a motion should be made recommending the city council adopt the resolution approving the conditional use permit.</td>
</tr>
<tr>
<td></td>
<td>2. Disagree with staff’s recommendation. In this case, a motion should be made recommending the city council deny the conditional use permit. This motion must include a statement as to why denial is recommended.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
</tbody>
</table>

| Deadline for Decision | October 19, 2015 |
Location Map

Project: Park Dental Ridgepark
Applicant: PDG, PA
Address: 13059 Ridgedale Dr
(15029.15a)

This map is for illustrative purposes only.
Application for Conditional Use Permit and Variance

PDG, P.A.
(Park Dental Ridgepark)

13059 Ridgedale Drive
Minnetonka, MN

August 20, 2015

Project Overview

PDG, P.A. (“Park Dental”) requests approval of a Conditional Use Permit to allow for a relocation of their existing location at 13911 Ridgedale Drive to the Ridge Square North building at 13059 Ridgedale Drive. Park Dental has served this community since March 1984 and is excited for this opportunity to update their physical location to better serve the needs of their patients.

The space under consideration is a 5,113 square foot space formerly occupied by the Wanderer’s Chinese restaurant within the Planned I-394 Zoning District. It compares to their existing site within the same zoning district consisting of 4,925 square feet. This space is on the northeast corner of the Ridge Square North building and provides ample parking, visibility, and access for patients and staff.

CUP Purpose and Intent

The proposed Park Dental location meets the requirements for the City Conditional Use Permit standards as follows:

The Use is in the Best Interest of the City
Park Dental has provided dental services to the surrounding community from the existing location for the past 31 years. Additionally, there are currently nearly 1,400 active Park Dental Patient households within the 55305 zip code.

The Use is Compatible with Other nearby Uses
Dental uses fit in very well with retail co-tenants and often operate from an external perspective very similar to retail users. Patients generally arrive via their own vehicle and stay for a short appointment before leaving again, similar to the traffic for restaurants, stores, or other retail uses. Additionally, there are several other medical uses within the Planned I-394 Zoning District including North Memorial Clinic, OBGYN West, Minnesota Eye Consultants, Swanson Family Dentistry, Cross Dental, Ridgehill Dentistry, Center for Smile Enhancement and several other medical and dental users.

The use is consistent with the intent of this ordinance
The location, size and design of this Park Dental location are consistent with the standards, purposes and procedures of the City’s ordinances and similar in size to their existing location within the same zoning district. The site will now be approximately 240 feet further away from residential uses and in an area that is more amenable to a dental office.
The use is consistent with the goals, policies and objectives of the comprehensive plan
This use is consistent with the goals, policies and objectives of the comprehensive plan. The use as a tenant within the Ridge Square development will not impact the properties ability to potentially eventually be redeveloped as called out within the 2030 Comprehensive Plan. Further, the dental office’s hours of 7a-8p Monday-Thursday, 7a-4p Friday and by appointment for children on Saturdays is more amenable to nearby residential uses than many other retail uses such as restaurants and other stores as the area redevelops.

The use does not have an undue adverse impact on governmental facilities, utilities, services or existing or proposed improvements
This use, with no changes to the exterior site plan, would have no impact on governmental facilities, utilities, services or existing or proposed improvements.

The use is consistent with the city’s water resources management plan
This use is consistent with the city’s water resources management plan and will save water as the practice currently uses a wet-ring vacuum and will be installing a dry vacuum system that does not use water at the new location.

The use is in compliance with the performance standards specified in section 300.28 of this ordinance
This use would be in compliance and very consistent with the performance standards specified in section 300.28 of the ordinance. No exterior flickering or flashing lights would be used, there would not be exterior vibrations, smoke, odor, radiation in excess of standards of the MN Dept of Health, excessive heat or humidity, electromagnetic activity, explosive hazards, unregulated liquid or solid waste, or parking issues. We are submitting for a traffic study through the City as well.

The use does not have an undue adverse impact on the public health, safety or welfare.
This use will have a positive impact on public health, safety and welfare through continuing to provide a basic and necessary service to the community.

Hospitals and medical clinics on property designated for office, retail or service commercial uses:
- Shall not be adjacent to low density residential areas;
We are requesting a variance to this requirement due to the overall development being adjacent to residential uses. Our specific suite will be approximately 400 feet from residential uses which compares to the existing suite which is approximately 160 feet from residential uses which has not had any issues over the past 31 years with that adjacency.

- Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan
This site and our premises has direct access to Ridgedale Drive which is a “Major Collector” as defined in the comprehensive plan

- Shall not have emergency vehicle access adjacent to or located across a street from any residential use
There is no access, emergency or otherwise, adjacent to or located across a street from any residential use
<table>
<thead>
<tr>
<th>#</th>
<th>Clinic Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Park Nicollet Clinic</td>
</tr>
<tr>
<td>2</td>
<td>Wayzata Children’s Clinic</td>
</tr>
<tr>
<td>3</td>
<td>OBGYN West</td>
</tr>
<tr>
<td>4</td>
<td>Achieve Health Chiropractic Clinic</td>
</tr>
<tr>
<td>5</td>
<td>Jonathan Dental</td>
</tr>
<tr>
<td>6</td>
<td>Hannon &amp; Sandler P.A. Dentistry</td>
</tr>
<tr>
<td>7</td>
<td>Dental ER Plus General Dentistry</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>#</th>
<th>Clinic Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>North Memorial Clinic</td>
</tr>
<tr>
<td>9</td>
<td>Engstrand Family Dental</td>
</tr>
<tr>
<td>10</td>
<td>Affiliated Eye Care</td>
</tr>
<tr>
<td>11</td>
<td>Swanson Family Dentistry</td>
</tr>
<tr>
<td>12</td>
<td>Dr. Sudit Dentistry</td>
</tr>
<tr>
<td>13</td>
<td>Minnesota Eye Consultants</td>
</tr>
<tr>
<td>14</td>
<td>Cross Dental Care</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Letter</th>
<th>Clinic Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Park Dental Ridgapark</td>
</tr>
<tr>
<td>B</td>
<td>Future Park Dental</td>
</tr>
</tbody>
</table>

PDG, P.A. – Application for CUP and Variance
Page 3
PARK DENTAL
13059 RIDGEDALE DR.
Memorandum

To: Jeff Thomson, Associate Planner
   City of Minnetonka

From: Matthew Pacyna, PE, Senior Associate
       Emily Gross, EIT, Engineer

Date: September 3, 2015

Subject: Minnetonka Park Dental Traffic Study

Introduction

As requested, SRF has completed a traffic review of the proposed Minnetonka Park Dental office located at the former Wanderers Garden restaurant within the Ridge Square North shopping center in the City of Minnetonka (see Figure 1: Project Location). The purpose of this review is to compare the actual trip generation between the Ridge Square North shopping center and the Institute of Transportation Engineers (ITE) Trip Generation Manual, as well as between the former Wanderers Garden restaurant and the proposed Park Dental office. Results of the comparison will be used to determine if additional traffic analysis is necessary.

Existing Conditions

SRF collected turning movement counts at the two existing Ridge Square North shopping center driveways during typical hours of operations (6:00 a.m. to 10:00 p.m.). The counts were conducted on Saturday, August 22, 2015 and Tuesday, August 25, 2015. It should be noted that at the time of the traffic counts, the Wanderers Garden restaurant was closed.

Actual traffic volumes collected for the existing Ridge Square North shopping center were compared to trip generation estimates using the ITE Trip Generation Manual, 9th Edition. While the existing Ridge Square North shopping center consists of approximately 81,947 square feet, the proposed Park Dental leasable area (5,113 square feet) is not currently occupied. Therefore, for comparison purposes the existing trip generation estimates were based on the current 76,834 square feet of occupied space. All of the current tenants in the building are considered general retail/service commercial, except for the Noodles & Co. high-turnover restaurant, which is approximately 2,900 square feet.

Results of the trip generation comparison shown in Table 1 indicate that compared to the average ITE trip generation estimate, the existing Ridge Square North generates 69 fewer a.m. peak hour, 130 additional midday peak hour, 40 fewer p.m. peak hour, and 729 fewer daily trips on a typical weekday. On a typical Saturday, Ridge Square North generates 14 fewer midday peak hour and 1,279 fewer daily trips. In general the driveway counts were lower than the ITE average rate except during the weekday midday peak hour, indicating that the Ridge Square North is a high lunch time use generator.
### Table 1 – Existing Trip Generation Comparison

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>Weekday A.M. Peak Hour Trips</th>
<th>Midday Peak Hour Trips (1)</th>
<th>P.M. Peak Hour Trips</th>
<th>Daily Trips</th>
<th>Saturday Midday Peak Hour Trips</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>ITE Trip Generation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shopping Center (820)</td>
<td>73,934 SF</td>
<td>44</td>
<td>147</td>
<td>129</td>
<td>132</td>
<td>143</td>
<td>3,342</td>
</tr>
<tr>
<td>High-Turnover Restaurant (932)</td>
<td>2,900 SF</td>
<td>17</td>
<td>6</td>
<td>3</td>
<td>17</td>
<td>11</td>
<td>369</td>
</tr>
<tr>
<td>Ridge Square North Total</td>
<td>61</td>
<td>41</td>
<td>153</td>
<td>132</td>
<td>149</td>
<td>154</td>
<td>3,711</td>
</tr>
<tr>
<td>Driveway Counts</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ridge Square North</td>
<td>76,834 SF</td>
<td>20</td>
<td>202</td>
<td>213</td>
<td>116</td>
<td>147</td>
<td>2,982</td>
</tr>
<tr>
<td>Difference</td>
<td>-41</td>
<td>-28</td>
<td>+49</td>
<td>+81</td>
<td>-33</td>
<td>-7</td>
<td>-729</td>
</tr>
</tbody>
</table>

(1) Since ITE does not provide a trip rate for the weekday midday peak hour, trips were estimated using the hourly traffic volume percentages and the p.m. peak hour trip estimates from the ITE Trip Generation Manual for both the shopping center and high-turnover restaurant land uses.

### Proposed Development

The Minnetonka Park Dental offices are proposed to be located in the former Wanderers Garden restaurant within the Ridge Square North building. The proposed development will consist of 5,113 square feet, which is the same square footage occupied by the former Wanderers Garden. Trip generation estimates were once again developed using the ITE Trip Generation Manual, 9th Edition to compare the proposed dental office with the former high-turnover restaurant. Results of the trip generation comparison shown in Table 2 indicate that the proposed dental office will generate fewer weekday and Saturday trips during the peak hours and on a daily basis, except during the weekday a.m. peak hour. A 13 trip increase is expected during the weekday a.m. peak hour.

### Table 2 – Proposed Trip Generation Comparison

<table>
<thead>
<tr>
<th>Land Use (ITE Code)</th>
<th>Size</th>
<th>Weekday A.M. Peak Hour Trips (1)</th>
<th>Midday Peak Hour Trips (2)</th>
<th>P.M. Peak Hour Trips</th>
<th>Daily Trips</th>
<th>Saturday Midday Peak Hour Trips</th>
<th>Daily Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estimated Former Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High-Turnover Restaurant (932)</td>
<td>5,113 SF</td>
<td>0</td>
<td>27</td>
<td>29</td>
<td>30</td>
<td>20</td>
<td>650</td>
</tr>
<tr>
<td>Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical-Dental Office (720)</td>
<td>5,113 SF</td>
<td>10</td>
<td>11</td>
<td>8</td>
<td>5</td>
<td>13</td>
<td>185</td>
</tr>
<tr>
<td>Difference</td>
<td>+10</td>
<td>+3</td>
<td>-16</td>
<td>-21</td>
<td>-25</td>
<td>-7</td>
<td>-465</td>
</tr>
</tbody>
</table>

(1) When in operation, Wanderers Garden was not open during the a.m. peak hour and therefore generated minimal trips. No trips were assumed for the high-turnover land use during the a.m. peak hour.

(2) ITE does not provide information about the trip rate or hourly breakdown for weekday midday trips at a medical-dental office land use. Saturday midday trips were assumed to be approximately the same for a weekday midday peak hour.
I-394 Ordinance
The proposed land use change to Ridge Square North was also compared to the PID parcel trip allocation based on the current I-394 Ordinance. The parcel’s current trip allocation is 338 p.m. peak hour trips. The p.m. peak hour trips for Ridge Square North were compared to the current ordinance using both the actual traffic volumes collected at the existing Ridge Square North shopping center driveways and the trip generation estimates developed using the average ITE trip generation estimates. Results of the I-394 Ordinance trip generation comparison shown in Table 3 indicate that with the proposed development, Ridge Square North is expected to generate approximately 17 to 57 fewer p.m. peak hour trips based on the ITE trip generation estimate and actual traffic volumes, respectively.

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Land Use (ITE Code)</th>
<th>Size</th>
<th>Weekday P.M. Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>I-394 Ordinance</td>
<td></td>
<td></td>
<td>In</td>
</tr>
<tr>
<td>Ridge Square North</td>
<td>Shopping Center (820)</td>
<td>73,934 SF</td>
<td>132</td>
</tr>
<tr>
<td></td>
<td>High-Turnover Restaurant (932)</td>
<td>2,900 SF</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>Medical-Dental Office (720)</td>
<td>5,113 SF</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>154</td>
</tr>
<tr>
<td></td>
<td>P.M. Peak Hour Total</td>
<td></td>
<td>321</td>
</tr>
<tr>
<td></td>
<td>Difference</td>
<td></td>
<td>-17</td>
</tr>
<tr>
<td>Ridge Square North</td>
<td>Ridge Square North</td>
<td>76,834 SF</td>
<td>116</td>
</tr>
<tr>
<td>Actual Traffic Volumes</td>
<td>Medical-Dental Office (720)</td>
<td>5,113 SF</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Subtotal</td>
<td></td>
<td>121</td>
</tr>
<tr>
<td></td>
<td>P.M. Peak Hour Total</td>
<td></td>
<td>281</td>
</tr>
<tr>
<td></td>
<td>Difference</td>
<td></td>
<td>-57</td>
</tr>
</tbody>
</table>

Conclusions
The proposed Park Dental office is expected to generate fewer trips than the former high-turnover restaurant that occupied the same leasable area. Based on this information there is not expected to be a significant impact to area roadways and no further traffic analysis is recommended.
Resolution No. 2015-

Resolution approving a conditional use permit, with variance, for a dental clinic at 13059 Ridgedale Drive

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 PDG, P.A. and Ridge Square North LLP have requested a conditional use permit, with variance, for a dental clinic.

1.02 The property is located at 13059 Ridgedale Drive. It is legally described on Exhibit A.

1.03 On September 10, 2015, the planning commission held a hearing on the proposal. The applicant was provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the permit.

Section 2. STANDARDS.

2.01 City Code §300.21, Subd. 2, outlines the general standards that must be met for granting conditional use permits on properties designated for office use. Those standards are incorporated here by reference.

2.02 City Code §300.31 Subd.(4)b(2) outlines the general standards that must be met for granting conditional use permits in the PID zoning district. Those standards are incorporated here by reference.

2.03 City Code §300.31 Subd.(4)b(2)d outlines the specific standards that must be met for hospitals and medical clinics located in the PID zoning district:

1. Shall not be adjacent to low density residential areas;
2. Shall have direct access from the site to a collector or arterial street as defined in the comprehensive plan;

3. Shall not have emergency vehicle access adjacent to or located across a street from any residential use; and

4. May be required to submit a detailed parking analysis for uses exceeding 10,000 square feet. Additional parking may be required based on this analysis.

2.04 By City Code §300.07 Subd. 1, a variance may be granted from the requirements of the zoning ordinance when: (1) the variance is in harmony with the general purposes and intent of this ordinance; (2) when the variance is consistent with the comprehensive plan; and (3) when the applicant establishes that there are practical difficulties in complying with the ordinance.

Section 3. Findings.

3.01 The proposal meets the general and specific conditional use permit standards, as outlined in City Code §300.21, Subd. 2 and City Code §300.31 Subd.(4)b(2) and Subd.(4)b(2)d

3.02 The proposed meets the variance standards as outlined in City Code §300.07:

1. INTENT OF THE ORDINANCE: The intent of requiring that medical clinics be separated from residential properties is to ensure that potential nuisance issues associated with such uses do not negatively impact the residential character of an area. The proposal meets this intent. The medical clinic would be located within an existing multi-tenant shopping center. The shopping center contains a mix of other commercial and retail uses that operate similarly to a dental clinic in terms of traffic generation, parking demand, noise, and exterior lighting. The dental clinic would not create any additional impacts to the residential properties.

2. CONSISTENT WITH COMPREHENSIVE PLAN: The land use policies of the comprehensive plan suggest that greater density/intensity and mix of land uses should be encouraged were access is available and supported by regional transportation systems. The requested variance would allow for the location of a medical clinic along Ridgedale Drive, Plymouth Road, and Interstate
394, which is a regional transportation corridor consisting of vehicle and pedestrian facilities and transit service.

3. PRACTICAL DIFFICULTIES:

   a) REASONABLENESS and UNIQUE CIRCUMSTANCES: The requested variance is reasonable given the unique circumstance. Although the property is adjacent to single-family residential properties, the vehicle access for the medical clinic tenant is directly from Ridgedale Drive, which only serves other commercial properties. The site would not have access through a residential area or from a local residential street. This is not common to other office properties in the I-394 district.

   b) CHARACTER OF LOCALITY: The requested variance would not negatively impact the character of the locality. The area already includes a mix of land uses, including commercial, retail, office, and high density residential.


4.01 The above-described conditional use permit is approved, subject to the following conditions:

1. Subject to staff approval, the property must be developed and maintained in substantial conformance with the following plans:

   • Floor plan dated June 29, 2015
   • Building elevation dated June 29, 2015

2. Prior to issuance of a building permit, this resolution must be recorded with Hennepin County.

3. There may be no emergency vehicle access for the proposed dental clinic.

4. The city council may reasonably add or revise conditions to address any future unforeseen problems.

5. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.
Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

David E. 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 meeting held on September 28, 2015.

David E. Maeda, City Clerk
EXHIBIT "A"

LEGAL DESCRIPTION

Lots 1 and 2, Block 1, Ridge Square Second Addition, according to the plat thereof on file and of record in the office of the County Recorder in and for Hennepin County, Minnesota.

Together with an easement for parking over all that part of Ridge Square described as follows:

All of Lot 2, Block 1, RIDGE SQUARE, except that part deeded to the City of Minnetonka as per Document No. 4564114.

All that part of Lot 1, Block 1, RIDGE SQUARE, which lies Easterly and Northerly of the following described line: Beginning at the Southwest corner of said Lot 2; thence South 27 degrees 09 minutes 01 seconds West, a distance of 262.06 feet; thence South 89 degrees 59 minutes 31 seconds East to the East line of said Lot 1 and there terminating.

Except that part of said Lots 1 and 2 described as follows: Commencing at the Southwest corner of said Lot 2; thence South 27 degrees 09 minutes 01 seconds West, a distance of 262.06 feet; thence South 89 degrees 59 minutes 31 seconds East a distance of 146.50 feet to the actual point of beginning of the tract of land to be described; thence South 89 degrees 59 minutes 31 seconds East a distance of 365.13 feet; thence North 16 degrees 00 minutes 29 seconds West a distance of 39.96 East; thence Northwesterly, 20.67 feet, along a tangential curve to the left having a radius of 16.00 feet; thence North 89 degrees 59 minutes 31 seconds West a distance of 270.00 feet; thence North 36 degrees 00 minutes 29 seconds West a distance of 50.00 feet; thence North 24 degrees 59 minutes 31 seconds East a distance of 204.00 degrees 59 minutes 31 seconds East a distance of 204.00 feet; thence Northerly, Westerly and Southwesterly 125.66 feet along a tangential curve to the left, having a radius of 40.00 feet and a central angle of 180 degrees; thence South 24 degrees 59 minutes 31 seconds West, tangent to last described curve, a distance of 256.84 feet; thence South 36 degrees 00 minutes 29 seconds East, a distance of 94.40 feet to the point of beginning.

For purposes of this description the North line of said Lot 1 is assumed to bear North 89 degrees 56 minutes 49 seconds West.

Subject to an easement for parking over all that part of Ridge Square Second Addition described as follows:

All that part of Lots 1 and 2, Block 1, RIDGE SQUARE SECOND ADDITION, which lies Easterly and Northerly of the following described line: Commencing at the Northwest corner of said Lot 2; thence Easterly along the Northerly line of said Lot 2, a distance of 176 feet to the actual point of beginning of the line to be described; thence Southerly, deflecting 90 degrees to the right, a distance of 25 feet; thence Westerly, deflecting 90 degrees to the right, a distance of 31 feet; thence Southerly, deflecting 90 degrees to the left, a distance of 82 feet; thence Easterly, deflecting 90 degrees to the left, a distance of 20 feet; thence Southerly deflecting 90 degrees to the right, a distance of 478 feet; thence Westerly, deflecting 90 degrees to the right, a distance of 20 feet; thence Southerly, deflecting 90
degrees to the left, a distance of 109 feet; thence Easterly, deflecting 90 degrees to the left, a distance of 20 feet; thence Southerly, deflecting 90 degrees to the right, a distance of 20 feet; thence Easterly, deflecting 90 degrees to the left, a distance of 500 feet and there terminating.

Except that part of said Lots 1 and 2 described as follows: Commencing at the Northwestern corner of said Lot 2; thence Easterly along the Northerly line of said Lot 2, a distance of 194 feet; thence Southerly, deflecting 90 degrees to the right, a distance of 100 feet to the actual point of beginning of the tract of land to be described; thence continuing Southerly along last described course, a distance of 492 feet; thence Southeasterly, deflecting 45 degrees to the left, a distance of 80.61 feet; thence Easterly, deflecting 45 degrees to the left, a distance of 255 feet; thence Easterly, Northeasterly and Northerly, 62.83 feet along a tangential curve to the left, having a radius of 40 feet and a central angle of 90 degrees; thence Northerly, tangent to last described curve, a distance of 20 feet; thence Northerly, Northwesterly and Westerly, 62.83 feet along a tangential curve to the left, having a radius of 40 feet and a central angle of 90 degrees; thence Westerly, tangent to last described curve, a distance of 212.00 feet; thence Northwesterly, deflecting 45 degrees to the right, a distance of 42.43 feet; thence Northerly, deflecting 45 degrees to the right, a distance of 344 feet; thence Northeasterly, deflecting 45 degrees to the right, a distance of 42.43 feet; thence Easterly, deflecting 45 degrees to the right, a distance of 135.00 feet; thence Easterly, Northerly and Westerly, 125.66 feet, along a tangential curve to the left, having a radius of 40 feet and a central angle of 180 degrees; thence Westerly, tangent to last described curve, a distance of 200 feet; thence Southwesterly, deflecting 45 degrees to the left, a distance of 49.50 feet to the point of beginning.
September 6, 2015

To the Planning Commission and City Council:

I am writing to support the granting of a conditional use permit and variance for Park Dental in Ridge Square North.

For many years my dentist was Hannon & Sandler in the Highland Bank Building. Having a family dentist located within walking distance was a huge convenience, especially when the kids were younger. Hannon & Sandler was forced to close its Minnetonka office last fall as part of the Highland Bank redevelopment project.

We are happy to welcome Park Dental to the neighborhood, and encourage you to approve the application.

The vast majority of the residents attending the Ridgedale Village Vision planning meetings earlier this year expressed the desire that the Ridge Square North center NOT be transformed to provide housing, but rather that it continue to provide a mix of commercial and retail services for area residents.

I encourage you to continue supporting proposals like this one, which brings services to the neighborhood without exceeding the peak trip allocation under the Planned I-394 Ordinance.

Robert Bertelsen
13513 Larkin Drive
Minnetonka, MN 55305
Mr. Thomson,

I am writing to you regarding Park Dental's proposal for development in Ridge Square North. As a homeowner directly behind this building, I welcome the dentist office as an addition. I think a dentist office is a unique service currently not being provided and adds a stabilizing factor to the building as it seems such a renovation from a restaurant is no small change. I cannot imagine the resulting traffic will be over burdensome and such a service benefits a large sector of our community.

Lastly, it cannot be overlooked that it adds a sense of balance when taking the adjacent business, Nothing Bundt Cakes, into consideration.

Would you be so kind as to add my comments to the packet being prepared for the Planning Commission? Thank you.

Audra Johnson
Attorney-at-Law

The Law Office of Audra Johnson
13419 Larkin Drive
Minnetonka, MN 55305

Direct: (513) 290-6120

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Jeff, Susan, and Julie,

Thank you for providing the notice and I just wanted to reach out to express our excitement and support for adding Park Dental to the surrounding Ridgedale area.

Regards,

JUSTIN WING
Senior Leasing Associate

CSM Corporation | 500 Washington Ave. S., Ste. 3000 | Minneapolis, MN 55415
Email: susan.thomas@csmcorporation.com

From: Jean Crosby
Sent: Monday, August 31, 2015 11:53 AM
To: Kelly Ramstad; Brian Averbeck; Justin Wing
Subject: Bonaventure - Public Hearing Regarding Park Dental

Attached is a notice regarding a public hearing on Sept. 10, 2015, and City Council meeting Sept. 28, 2015, regarding a Park Dental Clinic in Ridge Square North.

From: ColorCopier
Sent: Monday, August 31, 2015 11:40 AM
To: Jean Crosby
Subject: Attached Image
Please submit our comments to the Planning Commission for their public hearing on the Park Dental proposal on September 10, and also to the City Council for their hearing on this project on September 28. Thank you.

We live directly behind Ridge Square North and fully support the proposal by Park Dental to locate a dental clinic in the space vacated by Wanderer's Chinese Restaurant.

We are aware that many of our neighbors lost their convenient dental office when the Highland Bank Project was approved. This would provide those neighbors another option if they so choose. Although we still strongly disapprove of the Highland Bank project, this will also provide convenient dental services to residents in the apartment complex. We appreciate new and existing businesses in Ridge Square North and South as they provide convenient and varied shopping and services for many in this area.

We see no reason to reject the conditional use permit for this medical clinic. It will be welcomed by those of us in the low density residential properties.

Thank you.

Kamel and Patricia Aossey
13501 Larkin Drive
Minnetonka, MN  55305
D. Conditional use permit with a variance for a dental clinic at 13059 Ridgedale Drive.

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

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

Dr. Chris Steele, applicant, stated that his practice has been looking for additional space in the Ridgedale area. This is a great opportunity. He was available for questions.

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

Chair Kirk noted that the city received letters from neighbors in support of the proposal.

Calvert acknowledged that traffic would not be an issue.

Knight moved, second by Calvert, to recommend that the city council adopt the resolution on pages A11-A16 of the staff report approving a conditional use permit with variance for a dental clinic at 13059 Ridgedale Drive.

Magney, Calvert, Knight, and Kirk voted yes. O'Connell and Odland were absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its September 28, 2015 meeting.

9. Adjournment

Calvert moved, second by Magney, to adjourn the meeting at 8:10 p.m. Motion carried unanimously.

By: ________________________
Lois T. Mason
Planning Secretary
City Council Agenda Item #12A  
Meeting of September 28, 2015

**Brief Description**  
Items concerning Cherrywood Pointe, at 2004 Plymouth Road:

1) Ordinance rezoning properties from R-1 to PUD;
2) Master development plan; and
3) Site and building plan review.

**Recommendation**  
Introduce the ordinance and refer it to the planning commission.

**Background**

In March 2015, the city council conducted concept plan review for redevelopment of the existing residential property at 2004 Plymouth Road. The plan contemplated construction of a four-story, senior rental building. The building would contain approximately 129 units and include a mixture of independent, assisted, and memory care units. The building would be served by a surface parking lot adjacent to Plymouth Road, as well as underground parking. At that time, the council generally expressed that the use may be appropriate, but that preservation of the site’s wetlands, woodlands, and slopes would be of significant importance. (See pages A1–A13.)

**Proposal**

United Properties Residential has now submitted formal applications and plans for redevelopment of the property. The plans differ from the concept in building footprint, and number and type of units. As proposed, a four-story Cherrywood Pointe senior rental building would be constructed on the site. The 99 units within the building would be a combination of assisted living and memory care units. Both underground and surface parking would be provided. (See pages A15–A39.)

The proposal requires:

- **Rezoning.** The subject property is currently zoned R-1, low-density residential. The applicant requests that the property be rezoned to planned unit development (PUD).

- **Master Development Plan.** By city code, review and approval of a master development plan is required in conjunction with a rezoning to PUD.

- **Site and Building Plan Review.** By city code, site and building plan review is required for construction of any multi-family residential building.
Issue Identification

The purpose of introducing an ordinance is to give the city council the opportunity to review a new application before referring it to the planning commission for a recommendation. Introducing an ordinance does not constitute an approval. The planning commission review of the proposal is tentatively set for October 15, 2015.

Based on preliminary review of the proposal, staff has identified three issues that will be particularly analyzed as the formal review continues:

- **Public Benefit.** By city code, PUD zoning may be considered when the city finds that its use would result in one of several public benefits. Staff will formulate a professional opinion regarding the proposal’s public benefit.

- **Natural Resource Impact.** The proposed site and grading plan will be particularly reviewed for consistency with the city’s natural resources ordinances.

- **Traffic and Parking.** A traffic and parking study will be conducted to determine the proposal’s anticipated trip generation and impact to the area levels of service, and to suggest any necessary improvements to Plymouth Road. In addition, the study will evaluate the amount and location of parking on the site.

Staff Recommendation

1. Generally discuss the use of PUD zoning for the proposed redevelopment, thereby providing direction to city staff and the applicant.

2. Introduce the rezoning ordinance and refer it to the planning commission. (See pages A41–A44.)

3. Approve or modify the proposed notification area on page A46.

Submitted through:
Geralyn Barone, City Manager
Julie Wischnack, AICP, Community Development Director

Originated by:
Susan Thomas, AICP, Principal Planner
SUPPORTING INFORMATION

Rezoning

The subject property is located just outside of the Planned I-394 District (PID). It is zoned R-1. However, it also identified within Traffic Analysis District 12 of the PID. By code, “all property in a traffic analysis district area which is not yet zoned planned I-394 district shall become part of the associated separate zoning district upon rezoning.” Essentially, the Cherrywood Pointe request is for rezoning from R-1 to PUD within the PID.

R-5 v. PUD

Staff has received questions from both property owners and council members regarding the code requirement difference between R-5 zoning and PUD zoning. The chart below is intended to generally outline the requirements of each district.

<table>
<thead>
<tr>
<th></th>
<th>R-5</th>
<th>PUD</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front Yard Setback</td>
<td>50 ft</td>
<td>n/a</td>
<td>50 ft</td>
</tr>
<tr>
<td>Side Yard Setback</td>
<td>1.5 x height</td>
<td>n/a</td>
<td>22 ft</td>
</tr>
<tr>
<td>Rear Yard Setback</td>
<td>1.5 x height</td>
<td>n/a</td>
<td>+190 ft</td>
</tr>
<tr>
<td>Parking Lot Setback</td>
<td>20 ft</td>
<td>n/a</td>
<td>11 ft</td>
</tr>
<tr>
<td>FAR</td>
<td>1.0</td>
<td>n/a</td>
<td>0.93</td>
</tr>
<tr>
<td>Building Height</td>
<td>Controlled by setbacks and FAR</td>
<td>n/a</td>
<td>59 ft</td>
</tr>
<tr>
<td>Floodplain Setback</td>
<td>20 ft</td>
<td>20 ft</td>
<td>28 ft</td>
</tr>
<tr>
<td>Floodplain Vertical Separation</td>
<td>2 ft</td>
<td>2 ft</td>
<td>8+ ft</td>
</tr>
<tr>
<td>Wetland Setback</td>
<td>35 feet</td>
<td>35 ft</td>
<td>35 ft</td>
</tr>
<tr>
<td>Tree Protection</td>
<td>See “Tree Protection” paragraph below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steep Slopes</td>
<td>See “Steep Slope” paragraph below</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Public Benefit Standard – PUD requirement only

The purpose of the PUD zoning district is to provide a district that grants flexibility from certain subdivision and zoning regulations in order to realize public benefits that may not otherwise be achieved through non-PUD development. By City Code 300.22 Subd.2, PUD zoning may be considered by the city when it would result in one of the following public benefits:

- Greater preservation of existing natural resources, in number or quality, than would otherwise be provided under non-PUD development;
- Provision of affordable housing;
- Provision of a housing type or target housing price that is desirable to the city;
- A mix of land use types;
- Development that is compatible with existing, surrounding development type and intensity that is no longer allowed in other existing zoning districts; or
- Greater energy conservation through building and site design than would otherwise be achieved under non-PUD development; 
- Other public benefits as recognized by the city.

Because R-5 zoning is a traditional zoning district, without flexible standards, a realization of a public benefit is not specifically required for R-5 development.

**Tree Ordinance – R-5 and PUD Requirements**

City Code 300.28 Subd.19, regulates tree removal/impact. However, the regulations vary depending on: (1) what type of work is being proposed on what type of property; and (2) whether the trees to be removed are within a woodland preservation area, or are high-priority or significant trees. Essentially, the ordinance specifically restricts tree removal only on properties where is a subdivision is occurring. In the case of construction on an existing lot, tree removal is not restricted, but mitigation is required. The following matrix outlines the ordinance.

<table>
<thead>
<tr>
<th></th>
<th>Woodland Preservation</th>
<th>High Priority Trees</th>
<th>Significant Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subdivision</strong></td>
<td>Removal limited to 25% of WPA area</td>
<td>Removal limited to 35% of HP trees</td>
<td>Trees may be removed without mitigation only:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(1) within the basic tree removal area*; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) within the width of required easements for public and private streets and utilities, including areas required for surface water ponding.</td>
</tr>
<tr>
<td><strong>Vacant Lots, Redevelopment, Site Improvements</strong></td>
<td>Trees may be removed without mitigation:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) within the basic tree removal area*; and</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) within the width of required easements for public and private streets and utilities, except that only significant trees may be removed in areas of required surface water ponding. The removal of woodland preservation area trees or high priority trees for surface water ponding must be mitigated.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Woodland Preservation Area (WPA)*

*High Priority Trees (HP)*

*Significant Trees*
Lots with Existing Principal structures

Trees may be removed without mitigation if the principal structure has been in existence and not expanded for at least 2 years after final inspection or issuance of a certificate of occupancy.

* Basic Tree Removal is defined as:

a. within the areas improved for reasonably-sized driveways, parking areas and structures without frost footings and within ten feet around those improvements;

b. within the footprints of, and 20 feet around, buildings with frost footings;

c. within the footprints of, and 10 feet around, structures with post footings such as decks or porches, if the structure is located at or outside of the area allowed by item b; and

d. in areas where trees are being removed for ecological restoration in accordance with a city-approved restoration plan

**Steep Slope Ordinance – R-5 and PUD Requirements**

A steep slope is one that: (1) rises at least 25 feet; (2) has an average grade of 20%; and (3) is a least 100 feet wide. The city steep slope ordinance does not prohibit construction on or near a steep slope. Rather, by City Code 300.28 Subd.20:

1. The city may require that a property be rezoned and developed as a planned unit development to utilize flexible development standards to preserve steep slopes.

2. Construction, development, grading, filling, and any other method of alteration may occur on a steep slope only if they meet the standards of this ordinance and are approved by the city.

3. The city will approve steep slope development only if the city can make the following findings.

   • The property is physically suitable for the design and siting of the proposed development. The proposed development will preserve significant natural features by minimizing disturbance to existing topographical forms.

   • The development will not result in soil erosion, flooding, severe scarring, reduced water quality, inadequate drainage control, or other problems.

   • The proposed development provides adequate measures to protect public safety.
Location Map

Project: Cherrywood Pointe
Applicant: United Properties Residential
Address: 2004 Plymouth Rd
(15002.15b)

This map is for illustrative purposes only.
CONCEPT PLAN
**Development Summary**

**Option 6 / 5 Story U Shape**

- **157,688 Finished SF**
- **27,179 Garage SF**
- **129 Units / 132 Beds**
- **97 Total Parking**
- **1,222 sf/unit Avg.**

<table>
<thead>
<tr>
<th>Garage</th>
<th>73 Indoor Parking</th>
</tr>
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<tbody>
<tr>
<td>LL Floor</td>
<td>11 Memory Care Units</td>
</tr>
<tr>
<td>18,652 sf</td>
<td>5 Care Suite Units</td>
</tr>
<tr>
<td>1st Floor</td>
<td>23 Memory Care Units</td>
</tr>
<tr>
<td>40,528 sf</td>
<td>4 Assisted Living Units</td>
</tr>
<tr>
<td>2nd Floor</td>
<td>26 Assisted Living Units</td>
</tr>
<tr>
<td>32,508 sf</td>
<td></td>
</tr>
<tr>
<td>3rd Floor</td>
<td>30 Assisted Living Units</td>
</tr>
<tr>
<td>33,000 sf</td>
<td></td>
</tr>
<tr>
<td>4th Floor</td>
<td>30 Assisted Living Units</td>
</tr>
<tr>
<td>33,000 sf</td>
<td></td>
</tr>
<tr>
<td>Courtyard</td>
<td>5,750 sf</td>
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<tr>
<td>24 Parking Spaces</td>
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**Unit Summary**

<table>
<thead>
<tr>
<th>Memory Care</th>
<th>Unit Type</th>
<th>LL</th>
<th>1st</th>
<th>Total</th>
</tr>
</thead>
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<tr>
<td>LL straps</td>
<td>10</td>
<td>21</td>
<td>31</td>
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<tr>
<td>MC Single</td>
<td>15</td>
<td>15</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MC Double</td>
<td>23</td>
<td>23</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Care Suite</td>
<td>30</td>
<td>30</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2436</td>
<td>2436</td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Assisted Living</th>
<th>Unit Type</th>
<th>1st</th>
<th>2nd</th>
<th>3rd</th>
<th>4th</th>
<th>Total</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>MC Single</td>
<td>1</td>
<td>2</td>
<td>8</td>
<td>8</td>
<td>8</td>
<td>24</td>
<td>27%</td>
</tr>
<tr>
<td>MC Double</td>
<td>2</td>
<td>10</td>
<td>12</td>
<td>12</td>
<td>36</td>
<td>40%</td>
<td></td>
</tr>
<tr>
<td>Studio</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>4</td>
<td>4%</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>4</td>
<td>26</td>
<td>30</td>
<td>30</td>
<td>90</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Cherrywood of Minnetonka**

2004 Plymouth Road
Site Plan - Option 5
Scale 1" = 40'-0"

Cherrywood of Minnetonka
2004 Plymouth Road

1st Floor Summary
Total SF: 40,528 sf
27 Units

Memory Care
21 - Single Units
2 - Double Units

Assisted Living Units
2 - One Bed + Den Units
2 - Two Bed Units
Garage / LL Floor Summary

Total SF: 45,831 sf
16 Units
73 Garage Parking (.82 AL Ratio)

5 - Care Suites
10 - Single Memory Care
1 - Double Memory Care
only plats half of the lots now. He hoped the same types of analysis that goes into an R1 development would eventually be applied and acted upon.

Reid Schulz, Landform Professional Services, said he was speaking on behalf of the applicant, Lakewest Development. Last year the applicant came forward with a 22 lot proposal for the same seven parcels. The revised 12 lot proposal addressed some of the concerns that were raised. He said at the December neighborhood meeting the neighbors were generally very supportive of the plan based primarily on the reduction of the number of lots.

Bergstedt said the proposal was in his ward and when the concept plan was discussed last year, he thought it was way too dense for the property. He commended the applicant for revising the proposal and listening to comments that were made. He said this was a big step because it was the first time the city used the R1A zoning. He agreed the ordinance may need to be tweaked in the future as necessary but he thought this was a very good first project.

Bergstedt moved, Wiersum seconded a motion to adopt Ordinance No. 2015-08 rezoning portions of the properties at 5290 and 5300 Spring Lane, 5325 Co Rd 101, 5301 and 5311 Tracy Lynn Terrace, and two properties with unassigned addresses from R-1 to R-1A. All voted “yes.” Motion carried.

B. Concept Plan for Cherrywood Pointe Senior Cooperative at 2004 Plymouth Road

Gordon gave the staff report.

Brian Carey, United Properties, said there was a tremendous growth in the senior population. The city’s seniors are very committed to the city and want to remain living in Minnetonka. By moving into the cooperative, it would free up housing for younger families. The younger families are more apt to invest long term in the homes. By allowing the seniors to turn over their homes the city would be fostering a lot of families with younger kids coming into the city. This would increase the number of school aged children. He showed photos of other Applewood Pointe facilities. Although the facility was not in the Ridgedale visioning area, he said his company very much embraces that vision.

Susan Farr with Ebenezer said the company loved the location and when seniors give up their homes they want to move to a location close to their church and their bank. The proximity of retail and restaurants in the area
makes the location attractive for the cooperative. Seniors want to remain active and give back to the community. The children visiting their parents would also benefit from the businesses in the area.

Carey showed slides indicating the proposed building’s proximity to neighboring properties. There would be shared access with the drive to the north to address traffic issues on Plymouth Road. A right turn exit only lane would be added. The building footprint would be 40,500 square feet. There would be a 5,750 square foot courtyard in the center and green space around the building. Neighbors expressed preference for a classical design to the building. He said there were concerns about the natural landscape, the quality of the wetlands and the runoff. Complete below grade stormwater retention would be included. Peak runoff rates would be controlled and sediment and phosphorus removal would be provided. The 25 foot buffer area on the west side of the property would be filled with wetland buffer material.

Wagner said the comments he received indicated an understanding the area was zoned R5 but there also was a woodland preservation area. He asked how that impacted staff’s opinion about the project. This would be an issue that would have to be dealt with during the planning commission and council process. Gordon said consideration of any of the site’s features would be part of any zoning review. There appeared to be some steep slopes on the property. There was a number of layers of environmental information. There was a tree inventory completed, but city staff had not confirmed all of the trees, the species and the health to be fully informed about a woodland preservation area. All this would have an influence on where the building was sited and how much of the slopes and trees would be impacted. Wagner noted the level of detail would be provided if an application comes forward. Gordon said that was correct.

Wagner said the staff report indicated the zoning would probably be PUD. The city did not have a lot of R5 guided properties that had not been developed. He asked staff what some of the considerations were related to R5 zoning versus a PUD. Gordon said although there was not an application the assumption was the zoning would not be R5 because the building would not fit where the R5 envelope would be on the property. If an application came in, it would be reviewed under R5 zoning. Even with R5 zoning all the environmental factors have to be considered in siting the building. Last year the city adopted a new PUD ordinance that included a public benefits provision that was required to qualify for a PUD. The applicant would have to demonstrate that there was something publically valuable to qualify for a PUD. This had not been defined. Wischnack said a PUD proposal might help protect more of the trees and the wetlands on the site. She said it was sometimes misunderstood that a PUD was used.
to help avoid something like setbacks. Typically staff applies a PUD to do as much preservation as possible. This was why staff indicated in its report that a PUD might be possible. Wagner said his biggest concern was the number of steep slopes on the property and how the woodland preservation area would be considered with the R5 zoning.

Wiersum said if the process proceeds he would like some guidance about density in this type of development. There were 39 memory care rooms with a size of 490 square feet including the bathroom. One bedroom units average about 750 square feet. Two bedroom units average about 1,000 square feet. If this was an apartment or condominium proposal the building would likely be twice as big because the square footage for each unit would be much greater. He said he would like to better understand the impact of this type of facility. The number of parking stalls wasn’t very many compared to the number of units. A lot of the residents would not be driving or driving daily. He would like some context when considering the proposal. He believed this type of housing was needed in the city but he wanted to understand the impacts.

Schneider said the idea of having an assisted living facility in the Ridgedale area made good sense. Traffic issues on Plymouth Road are sensitive and he couldn’t think of a lower traffic generator than an assisted living facility. For other senior facilities adequate surface level guest parking was a concern. Having a management plan if the surface level parking wasn’t adequate was important. He said the use was not a big concern for him but the more significant issue was how the building’s footprint would fit into the topography. A much more detailed analysis of the grading, buffer zones, etc. was needed. More time would need to be spent on site impacts, grading, tree preservation and steep slopes. Understanding the tradeoffs would probably be a major focus of the discussion as the plan goes through the planning process.

Allendorf said if the site issues could be addressed he thought the location was a good one for the facility. He agreed with the comments about the benefits of the residents getting out to the nearby amenities. He compared this to the Rowland Road proposal that wasn’t near anything.

Annette Bertelsen, 13513 Larkin Drive, said there was not a lot of discussion at the planning commission meeting about the unique natural features of the property. In addition to the wetlands, there is native oak woodland brushwood on an area of the property. The tree ordinance indicates if the continuous area outside of the subject property is at least two acres it is a woodland preservation area. One and a half acres of the subject property is a woodland preservation area. This is a key thing to consider. The quality of the woodlands should also be considered. There
are at least five different species of trees including two different types of oak. There is a fairly dense understory throughout. Another thing to consider is the slope. The southern part definitely is a steep slope and the western side may qualify under the ordinance. She said it was better to clarify this sooner rather than later. The combination of the oak preservation area adjacent to wetlands and on a steep slope is important to note because there is a lot of references to the interplay in the city’s ordinances. The ordinances also provide a lot of subjectivity for the council to make its decision. She noted the difference between natural and native vegetation. A smaller scale development concentrated on the north and east parts of the property might be more in the city’s best interests.

Kay Johnson, 2227 Platwood Road, said she was very concerned about the natural resources of the site and the density of the plan. The area to the south has about 15 units per acre and this plan would have around 45 units per acre. She questioned what would happen if the assisted living units were not built but became apartments instead. The property is sandwiched between two properties with three story buildings. She would like to see this building be three stories high as well. Wischnack said staff runs the numbers if the building were converted to an apartment building at some point. The reason this is done is to ensure there is enough site area and to consider either parking or amenities if the building transforms someday.

Wagner noted he received a number of letters and a few calls indicating a strong passion about the natural resources.

15. Appointments and Reappointments:

A. Appointment of advisors for the 2015 Local Board of Appeal and Equalization

Schneider moved, Bergstedt seconded a motion to appoint Mr. Powers, Mr. Johnson, Mr. Kriedberg and Ms. Miller as advisors for the 2015 Minnetonka Local Board of Appeal and Equalization. All voted “yes.” Motion carried.

16. Adjournment

Wiersum moved, Wagner seconded a motion to adjourn the meeting at 8:13 p.m. All voted “yes.” Motion carried.

Respectfully submitted,
CURRENT APPLICATION
Cherrywood of Minnetonka
2004 Plymouth Road

UNIT SUMMARY

<table>
<thead>
<tr>
<th>Level</th>
<th>Unit Type</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Garage Care Suite</td>
<td>6</td>
</tr>
<tr>
<td>1st</td>
<td>1 Bed</td>
<td>1</td>
</tr>
<tr>
<td>1st</td>
<td>2 Bed</td>
<td>2</td>
</tr>
<tr>
<td>1st</td>
<td>MC Unit</td>
<td>21</td>
</tr>
<tr>
<td>2nd</td>
<td>1 Bed</td>
<td>7</td>
</tr>
<tr>
<td>2nd</td>
<td>1 Bed + Den</td>
<td>6</td>
</tr>
<tr>
<td>2nd</td>
<td>2 Bed</td>
<td>6</td>
</tr>
<tr>
<td>2nd</td>
<td>Guest Suite</td>
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<tr>
<td>2nd</td>
<td>Studio</td>
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</tr>
<tr>
<td>3rd</td>
<td>1 Bed</td>
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<td>3rd</td>
<td>1 Bed + Den</td>
<td>8</td>
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<tr>
<td>3rd</td>
<td>2 Bed</td>
<td>7</td>
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<tr>
<td>3rd</td>
<td>Studio</td>
<td>2</td>
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<tr>
<td>4th</td>
<td>1 Bed</td>
<td>7</td>
</tr>
<tr>
<td>4th</td>
<td>1 Bed + Den</td>
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<td>4th</td>
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<td>7</td>
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<tr>
<td>4th</td>
<td>Studio</td>
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MC Unit and Suite Mix

<table>
<thead>
<tr>
<th>Assisted Living Mix</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Bed</td>
</tr>
<tr>
<td>1 Bed + Den</td>
</tr>
<tr>
<td>2 Bed</td>
</tr>
<tr>
<td>Studio</td>
</tr>
</tbody>
</table>

54 Garage Parking

RADIAL DESIGN
4-Story With Garage

Scale  1" = 30'-0"

FINISHED SF

- LL SF: 7,500
- Level 1 SF: 28,810
- Level 2 SF: 26,880
- Levels 3 & 4 SF: 27,430
- Total Finished SF: 117,260

UNFINISHED SF

- Garage SF: 20,090
- Total SF: 137,350
- Total Units: Approx. 99
- Garage Parking: Approx. 53
- Surface Parking: Approx. 35
- Total Parking: Approx. 88

FAR = TOTAL SF / SITE = 117,260 SF / 152,460 SF = 0.77
3.5 ACRES = 152,460 SF

*Side and rear yard setbacks based on 1.5 x the height of the 4-story building.

*Approx. FFE = 972'
Cherrywood of Minnetonka
2004 Plymouth Road

CRITICAL ROOT IMPACT
2/17/15 Footprint  105 Trees Removed
4/23/15 Footprint  87 Trees Removed
Current Footprint  69 Trees Removed
Cherrywood of Minnetonka

2004 Plymouth Road

4-Story - Woodland Impact | A1.3 | 08/21/15
Cherrywood of Minnetonka

2004 Plymouth Road

Cross Section Exhibit  |  A10  |  08/21/2015
50 PARKING SPACES

50' Front Yard Setback

6 STORY W/ GARAGE
22,000 SF FOOTPRINT
87'-2" CALCULATED BUILDING HEIGHT

105'-6" Building Setback

WOODLAND AREA
27,421 S.F.
6% OF TOTAL AREA

GARAGE
R-5 ZONING
6 story with garage
112,000 Finished s.f.
18,000 s.f. Garage

50 surface parking
50 garage parking

Garage 18,000 s.f.
LL Floor 4,000 s.f.
1st Floor 18,000 s.f.
2nd Floor 18,000 s.f.
3rd Floor 18,000 s.f.
4th Floor 18,000 s.f.
5th Floor 18,000 s.f.
6th Floor 18,000 s.f.
Total 130,000 s.f.

Cherrywood of Minnetonka
2004 Plymouth Road
Cherrywood of Minnetonka

2004 Plymouth Road

GRADING AND DRAINAGE PLAN | C4.0 | 08/21/15
Cherrywood of Minnetonka

2004 Plymouth Road

Tree Preservation Plan | L1.0 | 08/21/15

Total WPA Caliper Inches Impacted or Removed: 98 cal. inches

Summary of WPA Replacement Trees (See Landscape Plan):
- (6) 3" B&B Quaking Aspen - 18 cal. inches
- (6) 3" B&B Bur Oak - 18 cal. inches
- (8) 3" B&B Red Oak - 24 cal. inches
- (6) 3" B&B Swamp White Oak - 18 cal. inches

Total High Priority Tree Inches Impacted or Removed: 66 cal. inches

Summary of H.P. Replacement Trees (See Landscape Plan):
- (1) 3" B&B Red Maple - 3 cal. inches
- (1) 3" B&B Kentucky Coffee Tree - 3 cal. inches
- (10) 3" B&B Quaking Aspen - 30 cal. inches
- (1) 3" B&B Red Oak - 3 cal. inches
- (3) 3" B&B Swamp White Oak - 9 cal. inches
- (4) 3" American Linden (Basswood) - 12 cal. inches
- (1) 2.5" B&B Autumn Brilliance Serviceberry - 2.5 cal. inches
- (1) 2.5" B&B Blue Beech - 2.5 cal. inches
- (1) 1.5" B&B Pagoda Dogwood - 1.5 cal. inches

Total Significant Tree Inches Impacted: 0 cal. inches

Woodland Preservation Area:
- Total Existing WPA Area on Site: 57,662.15 SF
- Impacted WPA Area: 13,243.14 SF or 22.97%
- Remaining Undisturbed WPA Area: 44,419.01 SF or 77.03%

Trees Removed:
- Aspen
- Basswood
- Black Cherry
- Blue Beech
- Dogwood
- Maple
- Robinia
- Serviceberry
- Willow
- White Ash
Cherrywood of Minnetonka
2004 Plymouth Road
Landscape Enlargement 'A' | L3.0 | 08/21/15
Cherrywood of Minnetonka

2004 Plymouth Road

Landscape Enlargement 'C' & 'D'

08/21/15
Cherrywood of Minnetonka

2004 Plymouth Road

Landscape Notes | L6.0 | 08/21/15
SHREDDED WOOD MULCH:
SHREDDED WOOD MULCH SHALL BE INSTALLED AT A 4" COMPACTED DEPTH PLACED TO THE EDGE OF THE PLANTING BED. PLANTS NOT IN A PLANTING BED SHALL HAVE A 4' DIA. MULCHED AREA. MULCH SHALL BE PULLED AWAY FROM DIRECT CONTACT WITH THE TREE TRUNK OR PLANT STEM. MULCHED AREA SHALL FORM A WELL AROUND PLANTS OR PLANTING BEDS.

SPRING TO MID-SUMMER PLANTING:
FERTILIZE AT THE TIME OF PLANTING WITH A SLOW-RELEASE, BALANCED FERTILIZER. USE ACCORDING TO MANUFACTURER'S INSTRUCTIONS. MIX FERTILIZER IN WITH BACKFILL OR BROADCAST IN A DIAMETER AROUND THE PLANT.

LATE SUMMER TO FALL PLANTINGS:
USE A FERTILIZER WITHOUT NITROGEN FOR DECIDUOUS TREES. DO NOT APPLY ANY FERTILIZER TO EVERGREEN TREES AND SHRUBS PLANTED IN LATE SUMMER OR EARLY FALL.

CONTAINER STOCK:
DIG THE PLANTING HOLE TWO TO THREE TIMES WIDER THAN THE SIZE OF THE CONTAINER, OR TO THE EDGE OF THE PLANTING BED AS INDICATED ON THE PLANS, AND AT THE SAME DEPTH AT WHICH THEY GREW IN THE NURSERY. SCARIFY THE SIDES AND BOTTOM OF THE PLANTING PIT. PLACE PLANT IN PLANTING PIT AND SET PLANTS VERTICALLY. WHEN MOVING PLANTS, LIFT FROM BENEATH THE ROOT BALL, DO NOT BREAK OR LOOSEN THE ROOTBALL. SET PLANTS ON SOLID UNDISTURBED SOIL OR THOROUGHLY COMPACTED BACKFILL SOIL SO THE TOP OF THE SOIL IS AT FINISHED GRADE OR SLIGHTLY ABOVE, NOT TO EXCEED TWO INCHES.

BACKFILL PLANTING BED WITH ORIGINAL SOIL. BREAK UP CLODS OF SOIL. IF SOILS ARE POOR (IE: HEAVY CLAYS, SAND, OR COMPACTED), BACKFILL CAN BE A MIXTURE OF 1/3 SOIL AMENDMENT WITH 2/3 ORIGINAL SOIL. DO NOT USE PEAT AS PART OF BACKFILL IN CLAY SOILS. REMOVE ALL ROCKS AND DEBRIS FROM BACKFILL. THOROUGHLY WATER TO SETTLE THE PLANTS AND FILL VOIDS WITHIN TWO HOURS OF PLANTING. INSTALL MULCH WITHIN 48 HOURS OF WATERING.

BALLED AND BURLAPPED STOCK:
ROOTS OF ALL BALLED AND BURLAPPED STOCK SHALL FILL THE SOIL BALL, BE FREE OF KINKS, CIRCLING AND GIRDLING, AND THE UPPERMOST ROOTS SHALL NOT BE MORE THAN FOUR INCHES BELOW THE TOP OF THE SOIL BALL. TRANSPORT ROOTS SHALL BE SYMMETRICAL AROUND THE TRUNK / STEM OF THE PLANTS. SOIL BALLS MUST BE CENTERED OR NO MORE THAN 10% OFF CENTER.


BACKFILL PLANTING PIT WITH ORIGINAL SOIL. MOUND TO THE TOP OF THE ROOTBALL, BREATHE OUT CLOSER OF SOIL. IF SOILS ARE POOR (IE: HEAVY CLAYS, SAND, OR COMPACTED), BACKFILL CAN BE A MIXTURE OF 1/3 SOIL AMENDMENT MIXED WITH 2/3 ORIGINAL SOIL. DO NOT USE FEAT AS PART OF BACKFILL IN CLAY SOILS. REMOVE ALL ROCKS AND DEBRIS FROM BACKFILL. THEN WATER PLANT AND BURLAPPED AREA TO SETTLE PLANTS AND FILL VOIDS WITHIN TWO HOURS OF PLANTING. CIRCULOUS WIRE BASKETS FROM THE TOP 1/2 OF THE ROOTBALL AND CONTINUE BACKFILLING REMAINING PLANTING PIT WITH ORIGINAL SOIL. THOROUGHLY WATER A SECOND TIME TO SETTLE PLANTS AND FILL VOIDS WITHIN TWO HOURS OF PLANTING. PLACE SPECIFIED MULCH WITHIN 48 HOURS OF THE SECOND WATERING. PROVIDE SUPPORT IF NECESSARY.

CONTAINER STOCK:
IF THE PLANTING HOLE IS TOO SMALL FOR THE CONTAINER, OR TO THE EDGE OF THE PLANTING BED AS INDICATED ON THE PLANS, AND AT THE SAME DEPTH AT WHICH THEY GREW IN THE NURSERY. FOR ADDITIONAL PLANTING BED PREPARATION, SEE PLANTING NOTES.

REPLACE CONTAINER (BY CUTTING IF NECESSARY) IF ROOTS ARE GROWING IN A SPRAIN, AROUND THE SOIL MASS, USE A SHARP KNIFE TO SCORE THE OUTSIDE OF THE SOIL MASS VERTICALLY, JUST DEEP ENOUGH TO CUT THE NET OF THE ROOTS, AND MAKE A CROSS-CROSS CUT ACROSS THE BOTTOM OF THE SOIL MASS.

SET PLANT ON SOLID UNDISTURBED SOIL OR THOROUGHLY COMPACTED BACKFILL SOIL, SO THE TOP OF THE SOIL IS AT FINISHED GRADE OR SLIGHTLY ABOVE, NOT TO EXCEED TWO INCHES.

BACKFILL PLANTING BED WITH ORIGINAL SOIL. MOUND TO THE TOP OF THE ROOTBALL, BREATHE OUT CLOSER OF SOIL. IF SOILS ARE POOR (IE: HEAVY CLAYS, SAND, OR COMPACTED), BACKFILL CAN BE A MIXTURE OF 1/3 SOIL AMENDMENT MIXED WITH 2/3 ORIGINAL SOIL. DO NOT USE FEAT AS PART OF BACKFILL IN CLAY SOILS. REMOVE ALL ROCKS AND DEBRIS FROM BACKFILL.

THOROUGHLY WATER TO SETTLE THE PLANTS AND FILL VOIDS WITHIN TWO HOURS OF PLANTING. INSTALL MULCH WITHIN 48 HOURS OF WATERING. WATER A SECOND TIME TO SETTLE PLANTS AND FILL VOIDS WITHIN TWO HOURS OF PLANTING. PLACE SPECIFIED MULCH WITHIN 48 HOURS OF THE SECOND WATERING. PROVIDE SUPPORT IF NECESSARY.

SPRING TO MID-SUMMER PLANTING:
PLANTS NOT IN A PLANTING BED SHALL HAVE A 4' DIAM. MULCHED AREA. MULCH SHALL BE PULLED AWAY FROM DIRECT CONTACT WITH THE TREE TRUNK OR PLANT STEM. BUILDING AREA SHALL FORM A WELL AROUND PLANTS OR PLANTING BEDS.
ORDINANCE AND NOTIFICATION AREA
ORDINANCE NO. 2015-

Ordinance rezoning the existing property at 2004 Plymouth Road from R-1, low density residential, to PUD, planned unit development

The City Of Minnetonka Ordains:

Section 1.

1.01 The property at 2004 Plymouth Road is hereby rezoned from R-1, low density residential, to PUD, planned unit development.

1.02 The property is legally described in EXHIBIT A.

Section 2.

2.01 This ordinance is based on the following findings:

1. The rezoning would provide public benefit, as:

   a) .

   b) .

2. The rezoning would be consistent with the intent of the zoning ordinance and of the comprehensive guide plan.

3. The rezoning would be consistent with the public health, safety, and welfare.

Section 3.

3.01 Approval is subject to the following conditions:
1. The site must be developed and maintained in substantial conformance with the following plans:

   a) 
   b) 

   The above plans are hereby adopted as the master development plan for CHERRYWOOD POINTE OF MINNETONKA.

2. Development must further comply with all conditions as outlined in City Council Resolution No. 2015-XXX, adopted by the Minnetonka City Council on ____________, 2015.

Section 4. A violation of this ordinance is subject to the penalties and provisions of Chapter XIII of the city code.

Section 5. This ordinance is effective immediately.

Adopted by the city council of the City of Minnetonka, Minnesota, on __________, 2015.

Terry Schneider, Mayor

ATTEST:

____________________________________________
David E. Maeda, City Clerk

ACTION ON THIS ORDINANCE:

Date of introduction:
Date of adoption:
Motion for adoption:
Seconded by:
Voted in favor of:
Voted against:
Abstained:
Absent:
Ordinance adopted.

Date of publication:

I certify that the foregoing is a correct copy of an ordinance adopted by the city council of the City of Minnetonka, Minnesota at a regular meeting held on ____________, 2015.

David E. Maeda, City Clerk

Date:
EXHIBIT A

That part of the Northeast Quarter of the Northeast Quarter, Section 10, Township 117, Range 22
described as commencing at the Northeast corner of said Northeast Quarter of the Northeast Quarter;
then on an assumed bearing of South 88 degrees 47 minutes 45 seconds West, along the North
line of said Northeast Quarter of the Northeast Quarter, a distance of 118.72 feet; thence South 10
degrees 22 minutes West a distance of 315.75 feet to the actual point of beginning; thence North 10
degrees 22 minutes East, a distance of 256.43 feet; thence Northerly along a tangential curve to the
left having a radius of 184.95 feet, a distance of 58.41 feet, more or less to the North line of said
Northeast Quarter of the Northeast Quarter; thence South 88 degrees 47 minutes 45 seconds West
along said North line a distance of 683.26 feet to a point 711.31 feet West from the Northeast
corner of said Northeast Quarter of the Northeast Quarter; thence South 1 degree 12 minutes 15
seconds East, a distance of 310 feet; thence North 88 degrees 43 minutes 25 seconds East, a
distance of 529.27 feet, more or less to the point of beginning, located in Hennepin County,
Minnesota.

Torrens Property - Certificate of Title No. 457296.
400 FT
NOTICE AREA

Legend

- Streets
- Parcels

Cherrywood Pointe
2004 Plymouth Road
City Council Agenda Item #13A
Meeting of September 28, 2015

Brief Description: Resolutions for special assessment of 2014-2015 projects

Recommended Action: Hold the public hearing and adopt the resolutions

Background

The process for special assessment includes numerous communications with parcel owners and opportunities for prepayments of the assessments. Prior to determining the property must be assessed, division staff associated with the specific type of assessment have notified or worked with the property owners regarding the associated work financed by the city. After determination of assessment, staff sends a notice of public hearing to each property owner and publishes a notice in the newspaper in late August.

At its meeting of August 31, 2015, the city council adopted the necessary resolutions pertaining to the levying of 2015 special assessments and scheduled the public hearing for 6:30 p.m. on September 28, 2015. Staff has received payments to prepay five (5) assessments, including the city court fine, since the August 31, 2015 meeting date. After the public hearing this evening, property owners are given thirty (30) days to prepay assessments or partial assessments without an interest charge. After this first prepayment deadline, property owners are given up to thirty-two (32) additional days to pay the full amount with interest until required certification to the county on November 30.

Attached are the resolutions necessary for adopting the special assessments for these projects. These resolutions are separated by type of project and length of time to spread the special assessments in each category.

- Privately Installed Sewer and Water Improvement Projects. No projects to be assessed this year.

- Nuisance Abatement Projects. There are 42 nuisance abatement projects (including diseased tree removals) in which the city has incurred costs totaling $77,866.29. These projects are proposed to be specially assessed in accordance with Minnesota statutes and city council policies regarding the levying of these nuisance abatement projects. These interest rates are benchmarked to the current Aaa municipal bond rate. The term and interest rate for each assessment is as follows:
### Nuisance and Tree Term and Interest Structure

<table>
<thead>
<tr>
<th>Assessment Amount</th>
<th>Term</th>
<th>Interest Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;$1,000</td>
<td>1 year</td>
<td>2.28%</td>
</tr>
<tr>
<td>$1,000-2,999</td>
<td>3 years</td>
<td>2.87%</td>
</tr>
<tr>
<td>$3,000-5,000</td>
<td>5 years</td>
<td>3.27%</td>
</tr>
<tr>
<td>&gt;$5,000</td>
<td>10 years</td>
<td>4.20%</td>
</tr>
</tbody>
</table>

### 2015 Nuisance Abatements – Project No. 4894 (1-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-425</td>
<td>3327</td>
<td>Shores Blvd</td>
<td>17-117-22-24-0069</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-429</td>
<td>16834</td>
<td>Excelsior Blvd</td>
<td>32-117-22-21-0061</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-445</td>
<td>5114</td>
<td>Clear Spring Rd</td>
<td>29-117-22-32-0037</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-447</td>
<td>10604</td>
<td>Crestridge Dr</td>
<td>01-117-22-31-0012</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-448</td>
<td>14222</td>
<td>Bellevue Dr</td>
<td>27-117-22-32-0014</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-452</td>
<td>12916</td>
<td>Shady Dale Rd</td>
<td>22-117-22-44-0009</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-453</td>
<td>810</td>
<td>Sunset Dr S</td>
<td>03-117-22-14-0023</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-457</td>
<td>3105</td>
<td>Shores Blvd</td>
<td>17-117-22-21-0004</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-458</td>
<td>4261</td>
<td>Woodhill Rd</td>
<td>22-117-22-32-0001</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-459</td>
<td>4815</td>
<td>Ridge Rd</td>
<td>30-117-22-23-0104</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-439</td>
<td>15309</td>
<td>Skyview Rd</td>
<td>21-117-22-24-0044</td>
<td>$268.33</td>
</tr>
<tr>
<td>N-446</td>
<td>12202</td>
<td>Pioneer Rd</td>
<td>26-117-22-21-0066</td>
<td>$368.33</td>
</tr>
<tr>
<td>N-451</td>
<td>114</td>
<td>Xenium La S</td>
<td>03-117-22-12-0060</td>
<td>$392.76</td>
</tr>
<tr>
<td>N-454</td>
<td>3520</td>
<td>Meadow La</td>
<td>17-117-22-31-0018</td>
<td>$436.65</td>
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<tr>
<td>N-456</td>
<td>16624</td>
<td>Elm Dr</td>
<td>29-117-22-42-0011</td>
<td>$739.64</td>
</tr>
<tr>
<td>N-424</td>
<td>2908</td>
<td>Plymouth Rd</td>
<td>15-117-22-11-0020</td>
<td>$804.98</td>
</tr>
</tbody>
</table>

Subtotal: $4,693.99
There are 18 properties in the diseased tree removals project this year in which the city has incurred costs. Some property owners have paid part of the total cost. It is proposed that these projects be specially assessed for the remaining cost of the abatement in accordance with Minnesota statutes and city council policies regarding the levying of these nuisance abatement projects. The terms for the 2015 diseased tree assessments will be based on the assessment amount similar to the nuisance abatement assessments. The special assessment amount on each parcel is as follows:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-450</td>
<td>16906</td>
<td>Minnetonka Blvd</td>
<td>17-117-22-24-0032</td>
<td>$1,412.58</td>
</tr>
<tr>
<td>N-432</td>
<td>4826</td>
<td>Royal Oaks Dr</td>
<td>27-117-22-14-0069</td>
<td>$1,536.65</td>
</tr>
<tr>
<td>N-455</td>
<td>5117</td>
<td>Beacon Hill Rd</td>
<td>28-117-22-41-0050</td>
<td>$2,904.98</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal</strong> $5,854.21</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-438</td>
<td>11806</td>
<td>Cedar Lake Rd</td>
<td>11-117-22-43-0015</td>
<td>$3,141.63</td>
</tr>
<tr>
<td>N-434</td>
<td>12525</td>
<td>Ridgemount Ave W</td>
<td>02-117-22-22-0014</td>
<td>$3,619.19</td>
</tr>
<tr>
<td>N-428</td>
<td>3320</td>
<td>Chippewa Rd</td>
<td>13-117-22-13-0081</td>
<td>$4,880.91</td>
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<tr>
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<td></td>
<td></td>
<td><strong>Subtotal</strong> $11,641.73</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
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</thead>
<tbody>
<tr>
<td>N-430</td>
<td>5109</td>
<td>Baker Rd</td>
<td>27-117-22-41-0039</td>
<td>$6,528.16</td>
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<tr>
<td>N-442</td>
<td>2895</td>
<td>Ella La</td>
<td>11-117-22-33-0069</td>
<td>$15,090.60</td>
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<td></td>
<td></td>
<td><strong>Subtotal</strong> $21,618.76</td>
</tr>
</tbody>
</table>
### 2015 Diseased Tree Removal – Project No. 4902 (1-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-32</td>
<td>3516</td>
<td>Arbor La</td>
<td>14-117-22-31-0033</td>
<td>$65.47</td>
</tr>
<tr>
<td>T-2</td>
<td>3704</td>
<td>Cardinal Rd</td>
<td>15-117-22-33-0049</td>
<td>$83.32</td>
</tr>
<tr>
<td>T-55</td>
<td>14723</td>
<td>Oakways Ct</td>
<td>04-117-22-41-0038</td>
<td>$95.22</td>
</tr>
<tr>
<td>T-28</td>
<td>1908</td>
<td>Welland Ave</td>
<td>01-117-22-34-0024</td>
<td>$130.95</td>
</tr>
<tr>
<td>T-57</td>
<td>18521</td>
<td>Beaverwood Rd</td>
<td>30-117-22-24-0034</td>
<td>$249.97</td>
</tr>
<tr>
<td>T-54</td>
<td>16700</td>
<td>Picha La</td>
<td>32-117-22-42-0029</td>
<td>$327.37</td>
</tr>
<tr>
<td>T-49</td>
<td>4835</td>
<td>Deerwood Dr</td>
<td>27-117-22-13-0030</td>
<td>$392.76</td>
</tr>
<tr>
<td>T-26</td>
<td>14618</td>
<td>Oakwood Rd</td>
<td>21-117-22-14-0004</td>
<td>$630.91</td>
</tr>
<tr>
<td>T-30</td>
<td>3600</td>
<td>Druid La</td>
<td>17-117-22-31-0069</td>
<td>$534.38</td>
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<tr>
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<td></td>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
</tr>
</tbody>
</table>

### 2015 Diseased Tree Removal – Project No. 4902 (3-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-13</td>
<td>11321</td>
<td>Friar La</td>
<td>14-117-22-41-0026</td>
<td>$1,190.42</td>
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<tr>
<td>T-39</td>
<td>3907</td>
<td>Victoria St</td>
<td>21-117-22-21-0009</td>
<td>$1,473.14</td>
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<tr>
<td>T-67</td>
<td>12814</td>
<td>Excelsior Blvd</td>
<td>27-117-22-11-0021</td>
<td>$2,019.94</td>
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<tr>
<td>T-73</td>
<td>2216</td>
<td>Black Oak Dr</td>
<td>11-117-22-12-0034</td>
<td>$2,872.80</td>
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<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
</tr>
</tbody>
</table>

### 2015 Diseased Tree Removal – Project No. 4902 (5-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-48</td>
<td>n/a</td>
<td>Baker Rd &amp; Brenwood Tr</td>
<td>22-117-22-43-0002</td>
<td>$3,142.13</td>
</tr>
<tr>
<td>T-52</td>
<td>16436</td>
<td>Eagle Ridge Dr</td>
<td>20-117-22-42-0059</td>
<td>$3,321.68</td>
</tr>
<tr>
<td>T-72</td>
<td>n/a</td>
<td>Hwy 7 &amp; Shady Oak Rd</td>
<td>23-117-22-13-0067</td>
<td>$4,152.10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
</tr>
</tbody>
</table>
### 2015 Diseased Tree Removal – Project No. 4902 (10-year term)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-71</td>
<td>2901</td>
<td>Oak Lea Ter</td>
<td>16-117-22-11-0029</td>
<td>$5,631.94</td>
</tr>
<tr>
<td>T-69</td>
<td>4866</td>
<td>Hamilton Rd</td>
<td>28-117-22-23-0050</td>
<td>$7,743.10</td>
</tr>
</tbody>
</table>

Subtotal $13,375.04

### Recommendation

Hold the public hearing and adopt the following attached resolutions:

1. Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, one-year assessment term.
2. Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, three-year assessment term.
3. Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, five-year assessment term.
5. Resolution adopting special assessments for 2015 Diseased Trees Project No. 4902, one-year assessment term.
7. Resolution adopting special assessments for 2015 Diseased Trees Project No. 4902, five-year assessment term.
Submitted through:
  Geralyn Barone, City Manager
  Perry Vetter, Assistant City Manager
  Merrill King, Finance Director
  Colin Schmidt, City Assessor
  John Weinand, Environmental Health Supervisor
  Emily Ball, City Forester

Originated by:
  Denise Ostlund, Assessment Specialist
Resolution No. 2015-

Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, one-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Nuisance Abatement Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-425</td>
<td>3327</td>
<td>Shores Blvd</td>
<td>17-117-22-24-0069</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-429</td>
<td>16834</td>
<td>Excelsior Blvd</td>
<td>32-117-22-21-0061</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-445</td>
<td>5114</td>
<td>Clear Spring Rd</td>
<td>29-117-22-32-0037</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-447</td>
<td>10604</td>
<td>Crestridge Dr</td>
<td>01-117-22-31-0012</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-448</td>
<td>14222</td>
<td>Bellevue Dr</td>
<td>27-117-22-32-0014</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-452</td>
<td>12916</td>
<td>Shady Dale Rd</td>
<td>22-117-22-44-0009</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-453</td>
<td>810</td>
<td>Sunset Dr S</td>
<td>03-117-22-14-0023</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-457</td>
<td>3105</td>
<td>Shores Blvd</td>
<td>17-117-22-21-0004</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-458</td>
<td>4261</td>
<td>Woodhill Rd</td>
<td>22-117-22-32-0001</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-459</td>
<td>4815</td>
<td>Ridge Rd</td>
<td>30-117-22-23-0104</td>
<td>$168.33</td>
</tr>
<tr>
<td>N-439</td>
<td>15309</td>
<td>Skyview Rd</td>
<td>21-117-22-24-0044</td>
<td>$268.33</td>
</tr>
<tr>
<td>N-446</td>
<td>12202</td>
<td>Pioneer Rd</td>
<td>26-117-22-21-0066</td>
<td>$368.33</td>
</tr>
<tr>
<td>N-451</td>
<td>114</td>
<td>Xenium La S</td>
<td>03-117-22-12-0060</td>
<td>$392.76</td>
</tr>
<tr>
<td>N-454</td>
<td>3520</td>
<td>Meadow La</td>
<td>17-117-22-31-0018</td>
<td>$436.65</td>
</tr>
<tr>
<td>N-456</td>
<td>16624</td>
<td>Elm Dr</td>
<td>29-117-22-42-0011</td>
<td>$739.64</td>
</tr>
<tr>
<td>N-424</td>
<td>2908</td>
<td>Plymouth Rd</td>
<td>15-117-22-11-0020</td>
<td>$804.98</td>
</tr>
</tbody>
</table>

Subtotal $4,693.99
Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in a single installment in the same time and manner as the payment of real estate taxes with interest at the rate of 2.28 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.

2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

David E. 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 meeting held on September 28, 2015.

_____________________________________
David E. Maeda, City Clerk
Resolution No. 2015-

Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, three-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Nuisance Abatement Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-450</td>
<td>16906</td>
<td>Minnetonka Blvd</td>
<td>17-117-22-24-0032</td>
<td>$1,412.58</td>
</tr>
<tr>
<td>N-432</td>
<td>4826</td>
<td>Royal Oaks Dr</td>
<td>27-117-22-14-0069</td>
<td>$1,536.65</td>
</tr>
<tr>
<td>N-455</td>
<td>5117</td>
<td>Beacon Hill Rd</td>
<td>28-117-22-41-0050</td>
<td>$2,904.98</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$5,854.21</td>
</tr>
</tbody>
</table>

Subtotal

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in 3 equal annual installments in the same time and manner as the payment of real estate taxes with interest at the rate of 2.87 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.
2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

David E. 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 meeting held on September 28, 2015.

David E. Maeda, City Clerk
Resolution No. 2015-
Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, five-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1.  Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Nuisance Abatement Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-438</td>
<td>11806</td>
<td>Cedar Lake Rd</td>
<td>11-117-22-43-0015</td>
<td>$3,141.63</td>
</tr>
<tr>
<td>N-434</td>
<td>12525</td>
<td>Ridgemount Ave W</td>
<td>02-117-22-22-0014</td>
<td>$3,619.19</td>
</tr>
<tr>
<td>N-428</td>
<td>3320</td>
<td>Chippewa Rd</td>
<td>13-117-22-13-0081</td>
<td>$4,880.91</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
</tr>
</tbody>
</table>

Section 2.  Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in 5 equal annual installments in the same time and manner as the payment of real estate taxes with interest at the rate of 3.27 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.
2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

__________________________________________
David E. 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 meeting held on September 28, 2015.

__________________________________________
David E. Maeda, City Clerk
Resolution No. 2015-

Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, ten-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Nuisance Abatement Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>N-430</td>
<td>5109</td>
<td>Baker Rd</td>
<td>27-117-22-41-0039</td>
<td>$6,528.16</td>
</tr>
<tr>
<td>N-442</td>
<td>2895</td>
<td>Ella La</td>
<td>11-117-22-33-0069</td>
<td>$15,090.60</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Subtotal</td>
<td>$21,618.76</td>
</tr>
</tbody>
</table>

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in 10 equal annual installments in the same time and manner as the payment of real estate taxes with interest at the rate of 4.20 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.

2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.
2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

__________________________
David E. 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 meeting held on September 28, 2015.

__________________________
David E. Maeda, City Clerk
Resolution No. 2015-

Resolution adopting special assessments for 2015 Diseased Trees Project No. 4902, one-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Diseased Tree Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-32</td>
<td>3516</td>
<td>Arbor La</td>
<td>14-117-22-31-0033</td>
<td>$65.47</td>
</tr>
<tr>
<td>T-2</td>
<td>3704</td>
<td>Cardinal Rd</td>
<td>15-117-22-33-0049</td>
<td>$83.32</td>
</tr>
<tr>
<td>T-55</td>
<td>14723</td>
<td>Oakways Ct</td>
<td>04-117-22-41-0038</td>
<td>$95.22</td>
</tr>
<tr>
<td>T-28</td>
<td>1908</td>
<td>Welland Ave</td>
<td>01-117-22-34-0024</td>
<td>$130.95</td>
</tr>
<tr>
<td>T-57</td>
<td>18521</td>
<td>Beaverwood Rd</td>
<td>30-117-22-24-0034</td>
<td>$249.97</td>
</tr>
<tr>
<td>T-54</td>
<td>16700</td>
<td>Picha La</td>
<td>32-117-22-42-0029</td>
<td>$327.37</td>
</tr>
<tr>
<td>T-49</td>
<td>4835</td>
<td>Deerwood Dr</td>
<td>27-117-22-13-0030</td>
<td>$392.76</td>
</tr>
<tr>
<td>T-26</td>
<td>14618</td>
<td>Oakwood Rd</td>
<td>21-117-22-14-0004</td>
<td>$630.91</td>
</tr>
<tr>
<td>T-30</td>
<td>3600</td>
<td>Druid La</td>
<td>17-117-22-31-0069</td>
<td>$534.38</td>
</tr>
</tbody>
</table>

Subtotal $2,510.35

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in a single installment in the same time and manner as the payment of real estate taxes with interest at the rate of 2.28 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.
2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

David E. 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 meeting held on September 28, 2015.

David E. Maeda, City Clerk
Resolution No. 2015-

Resolution adopting special assessments for 2015 Diseased Trees Project No. 4902, three-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Diseased Tree Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-13</td>
<td>11321</td>
<td>Friar La</td>
<td>14-117-22-41-0026</td>
<td>$1,190.42</td>
</tr>
<tr>
<td>T-39</td>
<td>3907</td>
<td>Victoria St</td>
<td>21-117-22-21-0009</td>
<td>$1,473.14</td>
</tr>
<tr>
<td>T-67</td>
<td>12814</td>
<td>Excelsior Blvd</td>
<td>27-117-22-11-0021</td>
<td>$2,019.94</td>
</tr>
<tr>
<td>T-73</td>
<td>2216</td>
<td>Black Oak Dr</td>
<td>11-117-22-12-0034</td>
<td>$2,872.80</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Subtotal</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$7,556.30</strong></td>
</tr>
</tbody>
</table>

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in 3 equal annual installments in the same time and manner as the payment of real estate taxes with interest at the rate of 2.87 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year’s interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.
2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

__________________________
Terry Schneider, Mayor

Attest:

__________________________
David E. 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 meeting held on September 28, 2015.

__________________________
David E. Maeda, City Clerk
Resolution No. 2015-

Resolution adopting special assessments for 2015 Diseased Trees Project No. 4902, five-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Diseased Tree Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-48</td>
<td>n/a</td>
<td>Baker Rd &amp; Brenwood Tr</td>
<td>22-117-22-43-0002</td>
<td>$3,142.13</td>
</tr>
<tr>
<td>T-52</td>
<td>16436</td>
<td>Eagle Ridge Dr</td>
<td>20-117-22-42-0059</td>
<td>$3,321.68</td>
</tr>
<tr>
<td>T-72</td>
<td>n/a</td>
<td>Hwy 7 &amp; Shady Oak Rd</td>
<td>23-117-22-13-0067</td>
<td>$4,152.10</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Subtotal</td>
<td>$10,615.91</td>
</tr>
</tbody>
</table>

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in 5 equal annual installments in the same time and manner as the payment of real estate taxes with interest at the rate of 3.27 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.
2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

David E. 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 meeting held on September 28, 2015.

David E. Maeda, City Clerk
Resolution No. 2015-

Resolution adopting special assessments for 2015 Diseased Trees Project No. 4902, ten-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Diseased Tree Projects at the following properties lying within the City of Minnetonka:

<table>
<thead>
<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>T-71</td>
<td>2901</td>
<td>Oak Lea Ter</td>
<td>16-117-22-11-0029</td>
<td>$5,631.94</td>
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<tr>
<td>T-69</td>
<td>4866</td>
<td>Hamilton Rd</td>
<td>28-117-22-23-0050</td>
<td>$7,743.10</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Subtotal</td>
<td>$13,375.04</td>
</tr>
</tbody>
</table>

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.

2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in 10 equal annual installments in the same time and manner as the payment of real estate taxes with interest at the rate of 4.20 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.
2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

Terry Schneider, Mayor

Attest:

David E. 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 meeting held on September 28, 2015.

David E. Maeda, City Clerk
### City Council Agenda Item #13B
#### Meeting of September 28, 2015

**Brief Description**  
Secondhand dealer License for Best Buy Stores, LP at 12411 Wayzata Blvd

**Recommendation**  
Open the public hearing and continue to October 26, 2015

### Background

In September, Best Buy announced a partnership with Macy’s department stores to start testing mini-boutiques inside Macy’s. Best Buy plans to test licensed consumer electronics departments in ten Macy’s stores, slated to open in November 2015. One of those locations will be at the Ridgedale Macy’s.

Best Buy currently holds two secondhand dealer licenses within the city. One license is held at the main Best Buy location at 13513 Ridgedale Drive and also at the Best Buy Mobile store within Ridgedale Mall.

Best Buy employees will staff the 400 square foot space offering smartphones, tablets, smart watches, audio devices such as Bluetooth speakers and headphones, and accessories. The program will also allow for trade-in’s which requires a secondhand dealer license from the city.

### Secondhand Dealer License

A secondhand dealer is defined in Minnetonka City Code Section 610 as a person in the business of buying, or receiving as “trade-in,” secondhand items that are in one or both of the following categories: (a) consumer electronics, including peripherals and electronic media, and (b) jewelry and gemstones. A secondhand dealer does not include a person who buys or receives fewer than 25 such items within any period of 12 consecutive months. A secondhand item means tangible personal property that has been previously used, rented, owner, or leased.

### Business Ownership

Best Buy entered into a limited partnership agreement in 2004 between BBC Property Co., a Minnesota corporation, as General Partner and BBC Investment Co, a Nevada Corporation, as limited Partner. No police background check will be performed as Best Buy is a publicly traded company and was investigated previously for licenses already issued.
Business Operations

Best Buy will operate in the same manner as the Best Buy Mobile store within Ridgedale Mall. Any transaction in which a trade-in was allowed will create a billable transaction that is reported through the Automated Pawn System (APS).

Best Buy is firmly committed to preventing fraud and not facilitating the sale of stolen property. Best Buy cooperates with the police department with a default recordkeeping and reporting procedure at each store, even when no regulation applies. Best Buy Stores, LP outlined the following store Policy/Rules for their secondhand program:

- Limited number of product types for in store trade-in.
- Program designed to support the sale of NEW products.
- Items purchased from sellers exchanged for Best Buy Gift cards ONLY.
- All purchased items will be shipped out-of-store for processing.
- Cooperation with Law Enforcement in the investigation of theft, etc.
- Sellers must be 18 years of age or older.
- Required Government issued Identification with photo to verify identity.
- Electronic records created and maintained, submitted to APS system.
- No property accepted with obliterated, de-faced, removed serial numbers.
- Serialized items are retained for 30 days beyond the in-store hold period.

Recommendation

Application information and fees for the secondhand dealer license have been submitted to the city. Staff recommends that the city council open the public hearing and continue it to October 26, 2015.

Submitted through:
  Geralyn Barone, City Manager
  Julie Wischnack, AICP, Community Development Director

Originated by:
  Kathy Leervig, Community Development Coordinator
City Council Agenda Item #14A
Meeting of September 28, 2015

**Brief Description**  Resolution approving an interim use permit for a home occupation at 25 Milbert Road

**Recommendation**  Adopt the resolution approving the interim use permit

**Background**

Amy and Steven Hemingway own the property at 25 Milbert Road. For the past 17 years the owners have operated a ceramic business from the property as an accessory use to the existing single-family home. The city recently received a complaint about the business; the complaint specifically noted concerns about a smoke smell when an outdoor kiln is in use. Since receiving the complaint, city staff has had multiple conversations with the property owners about the business. City staff – a planner, the fire marshal, and environmental health specialist – have also visited the property on several occasions to inspect the site and observe the operations, including the use of the outdoor kiln. (See pages A1–A5.)

**Request**

But for a student that assists the owners on a part-time basis, staff has determined that the ceramics business complies with all provisions of the city’s home occupation ordinance, as well as all nuisance ordinances. An interim use permit is required in order to have an employee who does not reside on the property. The property owners are requesting such permit.

**Planning Commission Hearing**

The planning commission considered the request on September 10, 2015. The staff report from that meeting is attached. Staff recommended approval of the permit, noting:

- The student employee does not create any adverse impacts on surrounding properties. The outside employee creates minimal additional traffic and parking demands, and the business would continue to comply with all of the home occupation standards with the employee.

- The home occupation does not have impacts on the surrounding area above and beyond those allowed for all residential properties. Staff recognizes that the business sometimes creates an odor. However, the odor complies with the city’s noxious odor ordinance, is limited in duration, and is similar to the odor that would be created by outdoor wood fires. Such fires are allowed on single-family residential properties. The interim use permit to allow for an employee would not increase the amount of smoke or odor created by the ceramics business.
At the meeting, a public hearing was opened to take comment. Four area property owners addressed the commission. An adjacent owner was opposed to the home occupation in general, expressing significant concern about the odor and possible safety issues associated with the business. The other owners spoke in support of the business, several commenting that the business did not negatively impact the neighborhood.

Following the public hearing, both staff and the commission chair reiterated that the request being considered was not whether or not the business could operate, but whether an employee who did not reside on the property should be allowed. But for this employee, the business would simply be allowed.

Planning Commission Recommendation

On a 4-0 vote, the commission recommended that the city council approve the permit. Meeting minutes may be found on pages A12–A15.

Since Planning Commission Hearing

Staff has revised the resolution since the planning commission meeting. The changes were for outline and formatting purposes only. No changes were made to the findings or conditions. There have been no changes to the actual interim use permit request or additional information received.

Staff Recommendation

Adopt the resolution approving an interim use permit for a home occupation at 25 Milbert Road. (See pages A7–A11.)

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

Originator: Susan Thomas, AICP, Principal Planner
Brief Description  Interim use permit for a home occupation at 25 Milbert Road

Recommendation  Recommend the city council adopt the resolution approving the interim use permit

Proposal

Amy and Steven Hemingway own the property at 25 Milbert Road. For the past 17 years the owners have operated a ceramic business from the property as an accessory use to the existing single-family home. The owners are now requesting an interim use permit, which would allow them to have one outside employee. (See narrative and plans on pages A1-A5.)

Home Occupation Ordinance

The city has a home occupation ordinance that addresses businesses operated on residential properties. The intent of the ordinance is to ensure the character and integrity of residential areas is maintained. The current ordinance was adopted in 2012. It provides standards regulating home occupations and also distinguishes between home occupations that have minimal impact and those that have the potential to adversely impact neighboring properties. In general, the ordinance defines an adverse impact as an impact that is beyond what would be characteristic of a typical residential use.

Home occupations are regulated three different ways by the ordinance, or can be divided into three categories. In all cases, home-based business are allowed only as accessory uses to residential properties. That is, the business use of the property must be secondary to the residential use.

1. The first category of home occupations are permitted occupations. These are permitted as accessory uses provided specific standards are met; there are no approvals or permits required from the city as long as the standards are met. The specific standards are included in the “Supporting Information” section of this report. The majority of home occupations in the city fall under this category.

2. The second category of home occupations are prohibited uses. These occupations are those that are known to adversely impact surrounding properties due to the nature of the businesses. For instance, landscaping companies, automobile or equipment sales, and automobile repair businesses frequently have outside storage of vehicles or associated
equipment. Additionally, these business result in regular traffic due to customer visits, deliveries, etc. This creates increased traffic and parking on the property that directly impacts neighbors.

(3) The third category of home occupations are those that fall between permitted and prohibited. These are the types of businesses that do not necessarily have operations that impact surrounding properties, but have the potential to impact surrounding properties depending on the actual operation of the businesses. These businesses require an interim use permit. The interim use permit allows the city to review the business operations, provide an opportunity for public input, and place conditions on the operation. City staff has determined that the proposed ceramics business requires an interim use permit.

Proposed – Permitted Home Occupation

The owners’ longstanding ceramics business consists of an office within the home, and an art studio that is located in a detached structure behind the garage. The majority of the equipment for the business is located in the detached structure, including several smaller kilns. The art studio also includes one kiln that is located outside of the detached structure, between the detached structure and the attached garage. The kiln is covered by a permanent, open-sided canopy structure. The property owners create ceramic pieces within the art studio, and some of the pieces are fired in the outside kiln. The majority of the ceramic pieces are sold off-site at the owners’ gallery in Minneapolis or through other galleries and vendors in the region. The property owners state that it is not common for customers to visit the property to order or purchase their ceramic products. There is no gallery space located within the home or art studio. The property owners open the art studio to the public for visits and tours one time per year as part of the Lake Minnetonka studio tour. The applicants’ narrative provides details on the type of ceramics that are created, and the process that is used to create the pieces. (See pages A2–A4.)

In general, the business has operated within the specific standards of the home occupation ordinance, and has been allowed as a permitted home occupation. However, earlier this year, the city received a complaint about the business. This is the first complaint that the city has received about this business. The complaint specifically noted concerns about a smoke smell when the outdoor kiln is in use.

City staff has had multiple conversations with the property owners about the business. City staff has also visited the property on multiple occasions to inspect the site and observe the operations, including the use of the outdoor kiln. Staff was represented by a planner, the fire marshal, and environmental health specialist. The outdoor kiln itself does not create a noticeable odor when it is in use. The only odor that was observed by city staff was when the ceramic pieces were removed from the kiln. The process that the owners use for their pieces include placing the ceramic pieces in sawdust or newspaper when the pieces are removed from the kiln. The pieces are then quickly
covered with a can or steel box which creates the desired finish on the ceramic pieces. The process produces smoke from the time it is placed in the sawdust and when it is covered, and this smoke does have a noticeable odor.

However, city staff has determined that the outdoor kiln use complies with the city's ordinances. The only odor that is created by the business is when the pieces are removed from the kiln and placed in sawdust or newspaper, which creates a small, contained fire. The smoke creates an odor which is very short in duration (less than a minute) and has the same smell as a wood burning fire. The applicants' narrative states that the outdoor kiln is not used on a daily or even weekly basis. The owners use the outdoor kiln approximately once a month for two to six hours. The odor complies with the city's noxious odor ordinance, is limited in duration, and is similar to the odor that would be created by outdoor wood fires, which are allowed on single-family residential properties. City staff finds that the odor does not impact surrounding properties in a manner atypical of a residential use. Therefore, city staff finds that the outdoor kiln use complies with the city's home occupation ordinance.

**Proposed – Interim Use Home Occupation**

In discussing the business operations with the owners, city staff learned that a Hopkins High School student works part-time at the art studio. The student is interested in a career in art. City staff has determined that the student is considered an employee of the business since he helps the owners with the operation of the business and assists in the production of the ceramic pieces. The city's home occupation ordinance provides that a home occupation that includes an outside employee requires an interim use permit. Therefore, city staff determined that the current business requires an interim use permit.

**Staff Analysis**

Staff finds that the applicants' proposal is reasonable.

- The home-based business complies with all of the city’s standards for home occupations, except for having an employee that does not live on the property. The specific standards and staff's findings are outlined in the “Supporting Information” section of this report.

- The outside employee does not create any adverse impacts on surrounding properties. The outside employee creates minimal additional traffic and parking demands, and the business would continue to comply with all of the home occupation standards with the outside employee.

- The home-based business does not increase negative impacts to surrounding properties than would otherwise be allowed by the city’s ordinances for residential properties. Staff recognizes that the business sometimes creates a noticeable odor. However, the odor complies with the city’s noxious odor
ordinance, is limited in duration, and is similar to the odor that would be created by outdoor wood fires, which are allowed on single-family residential properties. In addition, the interim use permit to allow for an outside employee would not increase the amount of smoke or odor created by the ceramics business.

**Staff Recommendation**

Recommend that the city council adopt the resolution approving an interim use permit for a home occupation at 25 Milbert Road. (See pages A7–A10.)

Originator: Jeff Thomson, Planner
Through: Susan Thomas, AICP, Principal Planner
## Supporting Information

<table>
<thead>
<tr>
<th>Project No.</th>
<th>15024.15a</th>
</tr>
</thead>
<tbody>
<tr>
<td>Property</td>
<td>25 Milbert Road</td>
</tr>
<tr>
<td>Applicant</td>
<td>Amy and Steve Hemingway</td>
</tr>
</tbody>
</table>

### Surrounding Land Uses

- **Northerly:** Sunset Hills Elementary School, located in the city of Plymouth
- **Easterly:** Single-family home zoned R-1 and guided for low density residential uses
- **Southerly:** Single-family home zoned R-1 and guided for low density residential uses
- **Westerly:** Single-family home zoned R-1 and guided for low density residential uses

### Planning

- Guide Plan designation: Low density residential
- Zoning: R-1/Low density residential

### Home Occupation Standards

The proposal would meet the specific standards for home occupations as outlined in City Code §300.15 Subd.14:

1) The home occupation must be clearly secondary to the residential use and not change the nature of the residential use;

   **Finding:** The property is primarily used as the residence for the owners. The owners reside and live in the property on a permanent basis. The ceramics business is a secondary use and does not change the nature of the residential use.

2) No more than 25% of the habitable area of the dwelling may be devoted to a home occupation. A home occupation is not permitted to conduct any of the business in an attached garage or a detached accessory building or outside of any building.

   **Finding:** The ceramics business office only occupies a small portion of the house, less than 25% of the total area. The ceramics is located in a detached
accessory building. However, this prohibition from being located in a detached building was added as part of a 2012 ordinance update. Prior to that, the city’s home occupation ordinance allowed home occupations to be located in detached structures.

The operation from the detached building and kiln structure predates the ordinance restriction. The applicant has operated the business out of the detached structure since 1998, and out of the covered kiln structure since 2009. This has been verified through city building permit records for each of these structures. Use of the detached and covered kiln structures are allowed under the city’s non-conforming use ordinance. The non-conforming use ordinance states that a use which was conforming at the time it was started, but becomes non-conforming due to a change to city’s ordinance can continue as long as there is no expansion, enlargement, or intensification of the use. The use of these structures has not changed or expanded since 2012, and city staff finds that the home business is in compliance with the non-conforming use ordinance for this standard.

3) There must be no exterior evidence of the occupation, including no exterior storage or signs.

Finding: There is no exterior evidence of the home occupation. All of the materials and products associated with the ceramics business are stored inside of the detached structure. In addition, there are no signs on the property identifying the business. There is no visual evidence of the business as viewed from the public street or surrounding properties.

4) There must be no exterior alterations to the dwelling that involve construction features not customarily found in dwellings, except where required to comply with fire and building code requirements.

Finding: The detached accessory building and the open-sided kiln structure are the only structures on the property that are used solely for the business. Both of these structures are allowed in the single family residential zoning district, comply with all zoning requirements, and can be found on other single-family residential properties.

5) A home occupation must be in compliance with all applicable fire and building codes.

Finding: The city issued building permits for the two structures that are used for the ceramics business, and they comply with all building code requirements. In addition, the fire marshal has inspected the property and observed the operations of the business and did not find any violations of the fire code.
6) A home occupation must be in compliance with the provisions of the city's nuisance regulations.

**Finding:** The city's environmental staff has inspected the property and observed the business operations and did not find any violations of the city's nuisance regulations.

7) No retail or wholesale sales activity may be conducted on the premises, except by telephone, mail, Internet or other electronic medium. This provision is not intended to exclude garage sales, estate sales, yard sales, rummage sales, and other sales of personal property that have similar parking and traffic patterns.

**Finding:** The business does not have any retail or wholesale sales activity. The sale of the ceramic pieces that are created by the owners are custom ordered by clients or displayed at showrooms or art galleries that are not located on the property.

8) A home occupation must not create additional vehicle trips in excess of 10 trips per day averaged over a period of five days per week. One trip is counted for each vehicle that arrives at the property, and an additional trip is counted for each vehicle that leaves the property.

**Finding:** The property does not have any regular traffic coming to site as part of the business operation. All sales occur at off-site locations. The applicant states that clients would visit the site very rarely, approximately 10 to 12 times per year. The client visits and outside employee would result in less than 10 trips per day.

9) All parking demands generated by the home occupation must be accommodated within a garage and the existing driveway area. Vehicle parking generated by employees, customers, visitors and invitees of the home occupation may not exceed four vehicles parked outside on the property. No vehicles used in connection with the home occupation and no vehicles of employees, customers, visitors and invitees of the home occupation may be parked on public or private streets. Parking for a home occupation in multi-family residential buildings is limited to two parking spaces in external parking areas.

**Finding:** The only parking demand that is generated by the home business would be for one outside employee, and occasional client visits. The limited amount of parking that is needed can be accommodated within the existing driveway.

10) A vehicle used in connection with a home occupation that has exterior ladders, pipes, tools, buckets, tanks, snow plow, vehicle towing equipment, trailers, or any other attachment and a vehicle licensed as a cab or limousine must be parked in a garage when at the site of the home occupation. All vehicle attachments must be stored in an accessory building or screened from public view.
Finding: The property owners do not have any vehicles that are used for the ceramics business.

11) There must be no significant increase in pollution levels of noise, light, air, or other types of pollution outlined in city code section 300.28.

Finding: The ceramics business does not result in any significant increase in noise, light, air or other types of pollution. The operations do not create a significant amount of noise or light. The firing process that is used for the business does create a limited amount of smoke. However, the odor it creates complies with the city’s noxious odor ordinance, is limited in duration, and is similar to the odor that would be created by an outdoor wood fire, which are allowed on single-family residential properties. The odor does not create any impact on surrounding properties that are atypical of a residential use.

12) The following types of uses have a tendency to increase in size or intensity beyond the conditions imposed for home occupations and may adversely affect nearby residential properties. Therefore, the following types of businesses are prohibited as home occupations:

   a. mortuaries;
   b. automobile or equipment sales;
   c. landscaping and lawn maintenance;
   d. massage therapy;
   e. repair, service, and painting of motor vehicles, appliances, and small engines; and
   f. other uses similar to those prohibited by this section, as reasonably determined by the city.

Finding: The ceramics business is not similar to any of these outright prohibited types of business.

IUP Standards

The proposal would meet the general interim use permit standards as outlined in City Code §300.16 Subd.2:

1. The general performance standards in section 300.16, subd. 2 will be met;
2. The use will not delay anticipated development or redevelopment of the site;
3. The use will not be in conflict with any provisions of the city code on an ongoing basis;
4. The use will not adversely affect the adjacent property, the surrounding neighborhood, or other uses on the property where the use will be located;

5. The property on which the use will be located is currently in compliance with all applicable city code standards;

6. The use is allowed as an interim use in the applicable zoning district;

7. The date or event that will terminate the use can be identified with certainty;

8. The use will not impose additional unreasonable costs on the public; and

9. The applicant agrees in writing to any conditions that the city council deems appropriate for the use, including a requirement for a financial security to ensure removal of all evidence of the use upon termination.

Neighborhood
Comments
The city sent notices to 25 area property owners and received comments provided on page A6.

Deadline for
Decision
November 27, 2015
Location Map

Project: Hemingway, Steve & Amy
Address: 25 Milbert Road
(15024.15a)
25 Milbert Road
Prepared by
Steve Hemingway

From the moment we moved into the above address I have been creating artwork from the home I share with my wife Amy. I love to draw and design. Most of the salable work is ceramic. We purchased the home in July of 1996.

When we first moved here I was still teaching art classes at the Minnetonka Center for the Arts. I used part of the home as office space. The 10 by 12 breezeway was where I had two potter's wheels with a kiln in the basement. I also had a Raku kiln in the shed that I would pull out and fire in the backyard.

In September 1998 we built a 20 by 20 foot detached garage in the backyard to use as studio space. There is a 10 by 20 brick patio located in front of the studio. I had two raku kilns located on the patio. In 2009 we built a metal roof over the kilns. There is now one raku kiln located under the roof.

In the year 2000 I was an Artist in Residence at Minnetonka Middle School East. We created a large raku fired celestial wall map to mark the first day of spring in the new millennia. For this project we moved the raku kiln into the interior courtyard of the middle school. We did multi firings over the course of a week to complete the piece. This piece hangs there to this day. I only bring this up to illustrate that if performed carefully this can be a safe procedure.

Raku firing is a modified 16 century Japanese firing technique where the ceramic is removed from the kiln red hot and reduced in any combustible material. I use oak sawdust. The glazes used mature or melt at 1850 degrees Fahrenheit. Depending on the results I wish to obtain I remove the pieces from the kiln anywhere from 1200 to 1650 degrees and bury them in sawdust or if tile set them on newspaper with wood excelsior (see video) then cover with a can for reduction. Reduction is the act of reducing the air to the hot material to extinguish or smother the fire. Vessel forms are reduced by being buried in sawdust in double walled steel boxes I had constructed for this purpose. These boxes are on the patio with the bases
buried in sand. This does create small amounts of smoke. The less the smoke the better the reduction. This process can produce metallic surfaces and distresses the glaze with a crackled surface. Any surfaces left unglazed turns black from the carbon. When pieces have cooled they are hand washed with water. This can be done days after the firing if necessary. Firings are done about every 5 weeks. Many times there is only one piece in the kiln. The kiln fires with propane for about 2.5 hours. Three firings in one day is considered a long day. I have been firing on days with southerly winds on account of the one neighbor who has had a problem with the process. If she has zero tolerance for the smoke my goal is to have zero emissions towards her house.

Not all the work created is raku fired some of the work is fired in oxidation. This is done in an electric kiln located in the studio. These kilns are fired with the same principles as a toaster oven using red hot wire elements to create heat.

The studio is open to the public one weekend a year in early May for the Lake Minnetonka Studio Tour. This is the one time a year we gather finished pieces at our home. Otherwise finished pieces go to our showroom, galleries or to the clients who commission them. We have a showroom in the Arts District in the Nortrup King Building in North East Minneapolis. Being on the tour allows our patrons to see where the work is created. Otherwise our Home and Studio are private.

I have Artist Representatives who market the work as well. Sometimes we will meet at our home. I do a small number of commissions a year for private collections. These clients may also meet at our home if they need to see the work in process. These visits are rare, maybe 10 or 12 a year.

We have friends and neighbors who will occasionally pay a visit and sit and talk while I work in the studio. The people who are closest to me know that work time is not teaching time. This is not a teaching studio. Preferred conversations are outside of the work being executed and account for many fond memories.

Although we see the Midwest as our target audience the work created out of this home studio has been distributed across 4 continents. We do not mass produce table ware. We market the work as Fine Art Raku. Pieces can be viewed throughout the cities in many public and private collections. I feel most proud of the feedback we have had regarding the Pieces located in the areas hospitals. Mayo Clinic in Rochester who has three of our pieces in their collection recently included our work in their publication Art & Healing which was published in association with the Mayo Clinic.
Sesquicentennial 2014.

On the whole creating fine art has never been a very good career choice. Many hear the calling few are chosen. I have been fortunate. I contribute this in a large part to the support I have been given over the years from family, friends, neighbors and the community at large. I feel creating art is part of who I am. I have created art my whole life. I see the pieces as being autobiographical, they tell my story. My attempt is to visually document our existence in time and place. I hope my best work is yet to come.... at this time, in this place.

Steve Hemingway
July 27 2015
August 28, 2015,

To Whom It May Concern,

I have learned that there has been a complaint about an outdoor raku ceramics firing event that took place at Steve Hemingway’s home located at 25 Milbert St., Minnetonka, MN on May 29, 2015.

My name is Terry Chamberlin. At that time, I was the ceramics teacher at Hopkins High School. About 10 of my Advanced Placement students were given special permission from their parents to partake in a firing at Steve’s home. This is a once a year firing demonstration has taken place at Steve’s home for the past few years. The Advanced Placement students from the high school learn about the outdoor firing process called “raku” from me and a special 3 day workshop that Steve co-teaches with me at Hopkins High School. The outdoor firing is the culmination of that workshop. This is the final year that the firing will be held at Steve’s home.

It has been an invaluable and unique opportunity for these few students to watch a ceramic artist at work. The students learn about raku firing first hand at an actual artist’s studio. It is important for the students to watch art being created right here in their own community of Minnetonka. The Advanced Placement students take AP Ceramics their entire senior year. The students who attend the firing tell me it was the highlight of their year in ceramics. It is one thing to study about a process, but a special experience to participate.

I am writing this letter in support of Steve and all that he has done for the Hopkins High School students who have been fortunate to watch him at work. Steve has volunteered countless hours at the high school in many ceramics classes and sparked an interest in ceramics in many students. He also participates each year in our annual fundraiser for the ICA food shelf by coming to the high school to make over 100 bowls for Empty Bowls. Steve is an exceptional asset for the city of Minnetonka and for Hopkins High School.

Please contact me if further clarification is needed.

Sincerely,

Terry Chamberlin

Art Instructor (retired)

Hopkins High School
Resolution No. 2015-

Resolution approving an interim use permit for a home occupation at 25 Milbert Road

Be it resolved by the City Council of the City of Minnetonka, Minnesota, as follows:

Section 1. Background.

1.01 Amy and Steven Hemingway own and live at 25 Milbert road. They operate a ceramic business as an accessory use to the existing single-family home.

1.02 The owners have requested an interim use permit for the home occupation in order to employ a person who does not live at the property.

1.03 The property is legally described as:

The North 130 Feet of the South 650 Feet of the West 148.5 Feet of the East 297 Feet of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter, Section 3, Township 117, Range 22, Hennepin County, Minnesota

1.04 On September 10, 2015, the planning commission held a hearing on the proposal. The applicants were provided the opportunity to present information to the planning commission. The planning commission considered all of the comments received and the staff report, which are incorporated by reference into this resolution. The commission recommended that the city council approve the interim use permit.

Section 2. Standards.

2.01 City Code§300.15 Subd.14(b) outlines that home occupations are allowed in all residential districts as permitted accessory uses if in compliance with the general standards of the ordinance and if all of the people who work in the dwelling unit as part of the home occupation live at the dwelling unit.
2.02 City Code §300.05 Subd. 5 outlines the general standards that must be met for granting an interim use permit. These standards are incorporated into this resolution by reference.

2.03 City Code §300.15 Subd.14(d) outlines the general standards that must be met for home occupations. These standards are incorporated into this resolution by reference.

Section 3. Findings.

3.01 The proposal meets the interim use permit standards as outlined in City Code §300.05 Subd. 5.

3.02 The proposal meets the home occupation standards as outlined in City Code §300.15 Subd.14(d):

1. The property is primarily used as the residence for the owners. The owners reside and live in the property on a permanent basis. The ceramics business is a secondary use and does not change the nature of this residential use.

2. The operation from the detached building and kiln structure predates the ordinance restriction on use of detached buildings for home occupations and, therefore, is allowed under the city’s non-conforming use ordinance.

3. There is no exterior evidence of the home occupation visible from the public street or surrounding properties. All of the materials and products associated with the ceramics business are stored inside of the detached structure. In addition, there are no signs on the property identifying the business.

4. The detached accessory building and the open-sided kiln structure are the only structures on the property that are used solely for the business. Both of these structures are allowed in the single family residential zoning district, comply with all zoning requirements, and can be found on other single-family residential properties.

5. The city issued building permits for the two structures that are used for the ceramics business, and they comply with all building code requirements. In addition, the fire marshal has inspected the property and observed the operations of the business and did not find any violations of the fire code.
6. The city’s environmental staff has inspected the property and observed the business operations and did not find any violations of the city’s nuisance regulations.

7. The business does not have any retail or wholesale sales activity. The sale of the ceramic pieces that are created by the owners are custom ordered by clients or displayed at showrooms or art galleries that are not located on the property.

8. The property does not have any regular traffic coming to site as part of the business operation. All sales occur at off-site locations. The applicants state that clients would visit the site very rarely, approximately 10 to 12 times per year. The client visits and outside employee would result in less than 10 trips per day.

9. The only parking demand that is generated by the home business would be for one outside employee, and occasional client visits. The limited amount of parking that is needed can be accommodated within the existing driveway.

10. The property owners do not have any vehicles that are used for the ceramics business.

11. The ceramics business does not result in any significant increase in noise, light, air or other types of pollution. The operations do not create a significant amount of noise or light. The firing process that is used for the business sometimes create a limited amount of smoke. However, the odor it creates complies with the city’s noxious odor ordinance, is limited in duration, and is similar to the odor that would be created by an outdoor wood fire, which are allowed on single-family residential properties. The odor does not create any impact on surrounding properties that are atypical of a residential use.

12. The ordinance prohibits certain types of home occupations; auto repair and landscape business and similar other businesses that may adversely impact the surrounding area are not allowed. The ceramics business is not similar to these prohibited businesses.


4.01 The above-described interim use permit is approved, subject to the following conditions:
1. Subject to staff approval, the property must be developed and maintained in substantial conformance with written statement dated July 27, 2015.

2. This resolution must be recorded with Hennepin County.

3. There may be no exterior business activity, including the use of the outdoor kiln between the hours of 10:00 p.m. and 7:00 a.m.

4. The owners must control for odors associated with the business to the greatest extent practical. This may include limiting the usage of the outdoor kiln and modifying outdoor operations based on wind and weather patterns that may create greater odor impacts to surrounding properties.

5. The business must not increase odors such that it does not comply with the city’s noxious odor ordinances. The city council may impose additional conditions or revoke the interim use permit if the business operations create any non-compliance with city’s odor or other nuisance regulations.

6. The business must comply with the non-conforming use ordinance for its operations within the detached structures. There may be no enlargement, expansion, or intensification of the use.

7. The business must not have more than one outside employee. Otherwise, the business must comply with all requirements of the city’s home occupation ordinance.

8. The city council may reasonably add or revise conditions to address any future unforeseen problems.

9. Any change to the approved use that results in a significant increase in traffic or a significant change in character would require a revised conditional use permit.

10. This interim use permit is valid until such time that the property is sold, the business is no longer operated from the property, or there is any significant change in use or operations of the business.

11. Violation of any of the interim use standards outlined in City Code §300.15 Subd. 14 or any condition placed upon the interim use permit will result in immediate revocation of the permit.
Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

______________________________
Terry Schneider, Mayor

Attest:

______________________________
David E. 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 meeting held on September 28, 2015.

______________________________
David E. Maeda, City Clerk
B. Interim use permit for a home occupation at 25 Milbert Road.

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

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

Chair Kirk asked if all of the buildings on the property had building permits. Thomson answered affirmatively.

Steve Hemingway, 25 Milbert Road, applicant, works out of his house as an artist. He has been working with Thomson to address a complaint from a neighbor. He has been operating his business for 17 years. He works on a limited number of custom ordered pieces a year. The studio is a private place. He enjoys peace and quiet while he works. He constructed metal boxes to contain the sawdust and smell. He sent a video that shows the process. Smoke escapes through the edges for 2 minutes. He uses wet sand on the edges of the boxes to keep the smoke down. Not a lot of smoke escapes. The residual smell from the sawdust is now contained. Some people find the smell pleasant. If the can is left uncovered, then he can smell it. The solution is containment. He would be more than happy to put a ventilation system in place. If he watches the wind and is careful, the neighbor does not notice.

The public hearing was opened.

Margaret Lund, 111 Milbert Road, stated that:

- She has talked to Mr. Hemingway since June about the smell.
- He allowed another person to use his kiln. She woke up and her house was smokey. She spoke to Mr. Hemingway and he did stop that from happening.
- She cannot hang out her laundry because of this.
- Mr. Hemingway called her and said that he did realize that there is an issue and that he would work on it. On May 29, 2015, he held a class. She told Mr. Hemingway that her house smelled. Mr. Hemingway said that he had a class all day, that she should shut the door to her house, and that if she had a problem she should talk to city staff.
- She provided pictures that show how large some of the art pieces are.
Mr. Hemingway uses copper which is toxic. He makes these 10 feet from her garage. It gets up to 1,800 degrees. He works with sawdust is explosive. Her garage is 10 feet from where he works. Besides the smell that fills her house, it is very toxic. Kids walk by his house to the school.

She feels sick when she smells the stuff. She told him that. He said that it is in her head.

He has been abusive with her and told the neighbors that she has called the police to complain.

He called her a slumlord.

She did not want to live next to a place that has a fire that high. The vapor sticks to things.

It is not o.k. for her to spend more on her taxes than what he does and he has a business there.

She does not understand why it is allowed. She hates that she is in a position to have to go against him.

She wants to be able to open her doors and not be concerned that he will start a fire that he cannot contain.

He uses a lift and wears gloves. She is 10 feet from the fire. It is not right. She cannot deal with it.

Michael Bissonnette, 20 Milbert Road, stated that:

- He and his family have lived there since 1999.
- He supports what the applicants are doing.
- The fumes are not dangerous.
- The neighborhood is great. The applicants are part of the common good.
- He participated in the firings and helped for the fun of it. The lift is there to keep things safe.
- He loves the diversity of the neighborhood and having an artist across the street.
- Another neighbor has recreational fires quite often. He never received a complaint.
- He never smelled anything from the firing at the applicant’s property across the street.
- The applicants are considerate, wonderful people.
- Another neighbor had renters who allowed trash to pile up and it smelled.
- Another neighbor operated a vehicle repair business for 3 years.
Dale Anderson, 106 Milbert Road, stated that:

- He has lived there since 1961.
- He has no problem with anything occurring at the applicant’s property.
- He does not smell anything at his place.
- The applicants are wonderful people.

Kim Darsnick, who rented 111 Milbert Road for 6 years, stated that:

- She rarely got a smell from the kiln when the wind was right.
- She hung her clothes on the line all summer. There was no problem.

Chair Kirk asked staff to address the commission’s purview. Thomson explained that the interim use permit application is specific to the home occupation having an outside employee. Multiple site inspections have been performed by the fire marshal, environmental health staff, and planners to review the odor issue. The use does create an odor. It is fairly brief and is similar to a campfire. Staff found that the use does not violate the odor ordinance or create an adverse impact. The conditions of approval include conditions that specifically address the odor issue. The site would be monitored to ensure compliance with the conditions.

Chair Kirk confirmed with Thomson that the impact of having an outside employee is what the planning commission is considering.

No additional testimony was submitted and the hearing was closed.

Magney confirmed with Thomson that the interim use permit would allow the city staff more control over enforcing complaints regarding smell and smoke.

Chair Kirk asked if the commission could do anything to restrict the smell. Thomson identified that the key question for commissioners to answer is whether having an outside employee would create noncompliance with the smell issue. Staff found that it would not.

Chair Kirk noted that one person firing pottery would cause a certain amount of smell. An additional person would probably increase the production and smell. That is the issue to discuss.

Calvert stated that everyone has neighbors. She encouraged the applicant and people in the neighborhood to work together. She encouraged the applicant to
follow through with utilizing an air purification system. She limited her decision making to whether or not to allow one part-time employee.

Knight and Magney agreed with Calvert.

Chair Kirk believed a conditional approval and the city continuing to monitor the site for smell would be appropriate. He encouraged the applicant to mitigate as much as possible for the smell and consider times of the day and weather conditions to prevent the additional staff person from exacerbating the problem. He has a neighbor who likes to burn often and the smell travels in and out of his house.

Knight moved, second by Magney, to recommend that the city council adopt the resolution on pages A7-A10 of the staff report approving an interim use permit for a home occupation at 25 Milbert Road.

Magney, Calvert, Knight, and Kirk voted yes. O’Connell and Odland were absent. Motion carried.

This item is tentatively scheduled to be reviewed by the city council at its September 28, 2015 meeting.

C. Conditional use permit for a pet boarding and daycare facility at 14901 Minnetonka Industrial Road.

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

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

Annie Haubenhofer and Michael McKinley, applicants, introduced themselves and provided a history of Auntie Ruth’s. They stated that they need to relocate the business due to the building that currently houses the business being sold. The business provides daycare and boarding for dogs, cats, and smaller animals including those with special needs. Her relationship with the neighbors at the previous location was always positive.

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

Chair Kirk noted that the conditions would be the same as the approval for Unleashed. Thomas added that the city has not received a complaint regarding Auntie Ruth’s in the last 5 years.
12A. Items concerning Cherrywood Pointe at 2004 Plymouth Road

Attached are comments received after the council packet was distributed.

13A. Resolutions for special assessment of 2014-2015 projects

Since publication of the council agenda packet, additional information has developed regarding one of the proposed special assessments. The owner of 3105 Shores Blvd has paid the assessment (1-year nuisance) in full. The attached resolution for this assessment has been revised to reflect this payment, and should be adopted in place of the resolution contained within the packet.
Memorandum

To: City Council

From: Julie Wischnack, AICP, Community Development Director

Date: September 28, 2015

Subject: Change Memo for September 28, 2015

12A—Items concerning Cherrywood Pointe at 2004 Plymouth Road

The attached comments were received following distribution of the agenda packet.
-----Original Message-----
From: Geralyn Barone
Sent: Monday, September 28, 2015 10:56 AM
To: David Maeda; Julie Wischnack
Subject: FW: Cherrywood Point notification area

Please include Patty's email in tonight's addendum. Thanks!

-----Original Message-----
From: Patty Acomb
Sent: Monday, September 28, 2015 10:55 AM
To: Geralyn Barone <gbarone@eminnetonka.com>
Cc: Tony Wagner <twagner@eminnetonka.com>; Terry Schneider <tschneider@eminnetonka.com>
Subject: Cherrywood Point notification area

Geralyn,

Since I can't be at the meeting tonight I wanted to pass along my thoughts about the proposed notification area for the Cherrywood Point project. I appreciate the expanded approach of the proposed notification area though I question if it included enough of the neighborhoods directly to the south and south east. I would suggest we also include Meadow Circle, Forest Meadow Dr, Amy Lane, Emerald Trail, Woodbridge Trail, and Abbey Hill Dr. These neighborhoods would potentially feel the impacts of increased development as much, if not more, than the neighborhoods behind Best Buy.

Thanks and have a great meeting,

Patty Acomb
Minnetonka City Council
pacom@eminnetonka.com
952-807-863
From: Tony Wagner
Sent: Monday, September 28, 2015 2:45 PM
To: Geralyn Barone <gbarone@eminnetonka.com>
Subject: Fwd: cherrywood point

FYI

Tony Wagner
Council Member, Ward 2
Minnetonka, MN
612-382-5212

Sent from my iPhone, please excuse my brevity.

Begin forwarded message:

From: chancerama
Date: September 28, 2015 at 12:59:59 PM CDT
To: Tony Wagner <twagner@eminnetonka.com>
Subject: Re: cherrywood point

Your welcome..Yes that would be fine! Thank you janice Docherty

Sent on a Virgin Mobile Samsung Galaxy S® III

-------- Original message --------
From: Tony Wagner
Date:09/28/2015 12:29 PM (GMT-06:00)
To: [Redacted]
Subject: Re: cherrywood point

Janice ...
Thank you for your note and thoughts on the proposal. Would you like me to share your feedback with staff and the other council members so that is part of the public record?

Tony

Tony Wagner
Council Member, Ward 2
Minnetonka, MN
612-382-5212

Sent from my iPhone, please excuse my brevity.

On Sep 28, 2015, at 10:20 AM, "chancerama@aol.com" <chancerama@aol.com> wrote:

-----Original Message-----
From: chancerama
To: twager <twager@eminnetonka.com>
Sent: Mon, Sep 28, 2015 10:18 am
Subject: cherrywood point

Dear Tom Wagner
I live in Sherwood court across from the property you plan to build on
I am not able to attend meeting but want you to know that I do not agree with
this idea at all.
To increase traffic and also also an increase of fire trucks and ambulances in
this area which increase with the elder
would really change the peacefulness of the area which is why we moved
here!
Thank you!
Janice Docherty
Resolution No. 2015-

Resolution adopting special assessments for 2015 Nuisance Abatement Project No. 4894, one-year assessment term

Be it resolved by the City Council of the City of Minnetonka, Minnesota as follows:

Section 1. Background.

1.01. Pursuant to proper notice duly given as required by Minnesota statute, the Council has met on September 28, 2015 to hear and to pass upon all objections to the proposed special assessments for 2015 Nuisance Abatement Projects at the following properties lying within the City of Minnetonka:

<table>
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<tr>
<th>Project No.</th>
<th>Street No.</th>
<th>Street Name</th>
<th>PID</th>
<th>Assessment Amount</th>
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<td>15-117-22-11-0020</td>
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Subtotal: $4,525.66

Section 2. Council Action.

2.01. The proposed special assessments listed above are hereby adopted, and each tract of land is found to be benefited by the improvement in the amount of the assessment levied against it.
2.02. The special assessment may be paid within 30 days from the date of this resolution, or may be paid in a single installment in the same time and manner as the payment of real estate taxes with interest at the rate of 2.28 percent per annum. To the first installment of each assessment will be added interest on the entire assessment from the date of this resolution to December 31 of the year in which the first payment is payable. Subsequently, one year's interest on the remaining balance will be added to each subsequent installment. Any property owner may pay the entire unpaid balance of the assessment against his/her property at any time with interest accrued to December 31 of the year in which the payment is made, provided the payment is made before November 30 in the first year and before November 15 in subsequent years.

2.03. The owner of any property assessed may, at any time within 30 days following the adoption of this resolution, pay all or part of the assessment to the city, provided that partial payments are made in increments of not less than $100 and provided that any balance remaining unpaid is not less than $100 no interest will be charged on the amount paid.

2.04. The city clerk is directed to transmit a certified duplicate of this assessment to the county auditor to be extended on the property tax lists and to be collected and paid over in the same manner as other municipal taxes.

Adopted by the City Council of the City of Minnetonka, Minnesota, on September 28, 2015.

_____________________________
Terry Schneider, Mayor

Attest:

_____________________________
David E. 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 meeting held on September 28, 2015.

______________________________

David E. Maeda, City Clerk