ITEM 8B – One Twelve

The published resolution included several typographical errors. Please replace that resolution with the attached. The only changes are “typo” corrections.

The attached, more detailed programming information was provided by the applicant.

ITEM 8C – Music Barn Apartments

The attached comment was inadvertently not included in the published packet.
Resolution No. 2015-

Resolution approving a conditional use permit, with lot area variance, for a twelve-resident licensed residential care facility at 12401 Minnetonka Boulevard

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

Section 1. Background.

1.01 One Twelve has requested a conditional use permit, with lot area variance, to operate a twelve resident licensed residential care facility at 12401 Minnetonka Boulevard.

1.02 The property is legally described as:

To be inserted

1.03 On May 7, 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 §300.16 Subd. 2 outlines the general standards that must be met for granting a conditional use permit. These standards are incorporated into this resolution by reference.

2.02 City Code §300.16 Subd. 3(g) outlines the following specific standards that must be met for granting a conditional use permit for such facilities:

1. 3,000 square feet of lot area for each overnight resident, based on proposed capacity;
2. 300 square feet of residential building area for each overnight resident, based on proposed capacity;

3. in R-1 and R-2 districts, for new construction including additions, a floor area ratio (FAR) that is no more than 100% of the highest FAR of the homes within 400 feet of the lot lines and within 1,000 feet of the lot along the street where it is located, including both sides of the street. The FAR applies to an existing structure only if it seeks to expand. The city may exclude a property that the city determines is not visually part of the applicant's neighborhood and may add a property that the city determines is visually part of the applicant's neighborhood. The city may waive or modify the floor area requirement where:

   a) the proposed use would be relatively isolated from the rest of the neighborhood by slopes, trees, wetlands, undevelopable land, or other physical features; or

   b) the applicant submits a specific building design and site plan, and the city determines that the proposed design would not adversely impact the neighborhood character because of such things as setbacks, building orientation, building height, or building mass. In this case, the approval is contingent upon implementation of the specific site and building plan.

4. no external building improvements undertaken in R-1 and R-2 districts which alter the original character of the home unless approved by the city council. In R-1 and R-2 districts, there must be no exterior evidence of any use or activity that is not customary for typical residential use, including no exterior storage, signs, and garbage and recycling containers;

5. traffic generation: a detailed documentation of anticipated traffic generation must be provided. In order to avoid unreasonable traffic impacts to a residential neighborhood, traffic limitations are established as follows:

   a) in R-1 and R-2 districts, the use is not be permitted on properties that gain access by private roads or driveways that are used by more than one lot;

   b) the use must be located on, and have access only to, a collector or arterial roadway as identified in the comprehensive plan;
c) the use must prepare, and abide by, a plan for handling traffic and parking on high traffic days, such as holidays, that has been reviewed and approved by city staff.

6. no on-street parking to be allowed. Adequate off-street parking will be required by the city based on the staff and resident needs of each specific facility. In R-1 and R-2 districts, the parking area must be screened from the view from other R-1 and R-2 residential properties. Private driveways must be of adequate width to accommodate effective vehicle circulation and be equipped with a turnaround area to prevent backing maneuvers onto public streets. Driveways must be maintained in an open manner at all times and be wide enough for emergency vehicle access. Driveway slope must not exceed 8 percent unless the city determines that site characteristics or mitigative measures to ensure safe vehicular circulation are present. Adequate sight distance at the access point must be available;

7. all facilities to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

8. landscape buffering from surrounding residential uses to be provided consistent with the requirements contained in section 300.27 of this ordinance. A privacy fence of appropriate residential design may be required to limit off-site impacts. Landscape screening from surrounding residential uses may be required by the city depending on the type, location and proximity of residential areas to a specific facility;

9. submission of detailed program information including goals, policies, activity schedule, staffing patterns and targeted capacity which may result in the imposition of reasonable conditions to limit the off-site impacts;

10. submission of a formal site and building plan review if a new building is being constructed, an existing building is being modified, or the city otherwise determines that there is a need for such review; and

11. additional conditions may be required by the city in order to address the specific impacts of a proposed facility.
2.03 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. Practical difficulties means: (1) The proposed use is reasonable; (2) the need for a variance is caused by circumstances unique to the property, not created by the property owner, and not solely based on economic considerations; and (3) the proposed use would not alter the essential character of the surrounding area.

Section 3. Findings.

3.01 The proposal meets the general conditional use permit standards outlined in City Code §300.16 Subd.2.

3.02 The proposal meet all but one of the specific conditional use permit standards outlined in City Code 300.16 Subd.3(g)

1. The subject property is 16,500 square feet in size. As such a variance is required.

2. The existing building is 4,375 square feet in size, exceeding the 3,600 square feet required for 12 residents.

3. No new construction is proposed.

4. No external building improvements are proposed.

5. The property is located on an arterial road and includes an 18 space parking lot. One Twelve indicates that no family gatherings, holidays, or parties take place on site. The only visitors allowed are those dropping off or picking up clients, guest speakers, and spiritual advisors.

6. The property includes an 18 space parking lot. The applicant indicates that drivers/parkers at the proposed twelve-resident facility would include:

- three day time staff members,
- one staff member during the evening/night,
- six to seven residents,
- an occasional guest speakers, and
- an occasional spiritual advisor.
The existing parking lot could accommodate all of these drivers/parkers even were all to be on site at the same time, which is no anticipated.

7. Per a condition of this resolution, the facility must conform to conform to the requirements of the Minnesota state building code, fire code, health code, and all other applicable codes and city ordinances;

8. The subject property is bordered on three sides by public rights-of-way. Further, it is located over 600 feet from the closest single-family home and screened from the residential area by significant topography and vegetation.

The proposal meets the variance standard outlined in City Code §300.07 Subd. 1(a):

1. Purpose and Intent of the Ordinance: The intent of the lot area requirement for conditionally permitted residential care facilities is to ensure that larger facilities are located on larger sites that can accommodate or buffer the facilities’ presumed higher levels of activity and exterior evidence of occupancy. The subject property meets this intent. Though smaller than required, the facility would be located within a building originally designed and constructed as an office building, served by a parking lot with ample parking spaces, and situated on a major arterial roadway.

2. Consistency with Comprehensive Plan: The subject property is guided for mixed-use development. The requested lot size variance would not result in a land use contrary to this designation.

3. Practical Difficulties: There are practical difficulties in complying with the ordinance:

   a) Reasonableness. The requested variance is reasonable, as the intent of the ordinance standard is met. Though smaller than required, the facility would be located within a building originally designed and constructed as an office building, served by a parking lot with ample parking spaces, and situated on a major arterial roadway.

   b) Unique Circumstance. The subject property is unique. It is oddly-shaped, and bordered on three sides by public rights-of-way. Further, it is located over 600 feet from the closest
single-family home and screened from the residential area by significant topography and vegetation.

c) Character of Locality. The requested variance would not alter the essential character of the area. Rather, it would provide reasonable use of a long vacant building

Section 4. City Council Action.

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

1. Prior to occupancy by more than six residents:
   a) This resolution must be recorded with Hennepin County.
   b) The facility must be brought into compliance with all requirements of the Minnesota state building code, fire code, and health code.
   c) Submit detailed program information including goals, policies, activity schedule, and staffing patterns.

2. The existing planters adjacent to Minnetonka Boulevard must be landscaped.

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

4. 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 May 18, 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 May 18, 2015.

__________________________________
David E. Maeda, City Clerk
RE: CUP & Variation Stipulations  

May 7, 2015

To The City of MNTKA P&Z, Council & Staff

This letter is to serve and satisfy the questions brought forth by the City staff concerning day to day operations of One Twelve at 12401 Minnetonka Boulevard, Minnetonka Boulevard, Minnetonka, MN 55305.

Goal:
To assist individuals already stable in recovery from alcohol and drug addiction. Our program is designed to accept residents from a Primary Residential Treatment facility into our Medium Intensity Long Term Residential Facility and assist them in expounding on newly learned coping skills, job searches, living skills and integration back into the community so that may surpass their active addiction and become high functioning members of society.

Policies:
There are over 30 policies in the client handbook given to each client outlining behavior expectations, within the facility and most importantly outside the facility. Clients are required to follow 9:30pm curfew seven days a week with up three hour passes granted during each day and eight hours on the weekend. All clients are Breathalyzed and drug screened on a daily basis. Clients that are not staying clean & sober are referred to and taken to a higher level of care. There are no on-site visiting hours permitted at this location due to its size. Clients are required to participate in therapeutic recreation 2-4 times per week in addition to be taken to the grocery store. All clients participate in 20+ hours of group process with a licensed counselor in addition to 1-3 hours per week of 1:1 counseling with their Licensed counselor. Many clients are also engaged in secondary therapy to address manageable mental health issues.

Staffing:
During the day there are three-four staff members on site. In the evening hours, there are one-two staff members on-site at all times with emergency protocol in place to have an additional five staff members on-site within 3-5 minutes. Normal business hours are 8am-5p after which time the doors are locked except for emergency escape. We do not accept clients with arson or criminal sexual conduct charge on their record.

Best Regards,

Benjamin Palmby  
Director of Operations  
ben@onetwelve.org

One Twelve

One Twelve is a residential treatment center for men designed to assist the alcohol and drug dependent individual in the transition to a sober and productive life. We are committed to promoting personal discipline, a strong work ethic, and a spiritual foundation of service and involvement in Alcoholics & Narcotics Anonymous.
Julie, Elise, Susan and Loren,

Richard Anderson and his wife, Sandra, were two of the ten neighbors who attended last week’s neighborhood meeting for the Minnetonka Music Barn. Richard and I met after the meeting and I further explained the proposed Music Barn development. While they raised questions at the meeting, they now support the development as evidenced in his e-mail below.

See you tonight.

Jay

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From: Richard Anderson [mailto:risa2948@hotmail.com]
Sent: Monday, April 20, 2015 4:28 PM
To: Jay Jensen
Subject: APPROVAL of SHELTER CORPORATION APPLICATION FOR BUILDING PERMIT et al

Monday, 20 Apr 2015

Mr. Jay Jensen
Shelter Corporation
1600 Hopkins Crossroad
Minnetonka, MN

Dear Mr. Jensen:

re: 750 and 740 Shady Oak Road, Minnetonka, MN ("SITE")

The undersigned are trustees of the Sandra J. Anderson Revocable Trust and the Richard W. Anderson Revocable Trust, which Trusts are the fee owners of a residence at 11623 Lone Lake Ridge, Minnetonka, MN 55343 that is located about 600 feet due north of subject SITE. You have applied
for a multi-family Building Permit on the SITE.

We have examined the SITE’s Hennepin County Real Estate Tax records, architectural sketches of the proposed Floor and Site plans and have received your comments about the proposed development.

Based on all the facts, we approve issuance of the Building Permit. The Project will be helpful to the community.

Yours truly.

SANDRA J. ANDERSON REVOCABLE TRUST     RICHARD W. ANDERSON REVOCABLE TRUST

By _______________________________    By___________________________
Trustee                                                                    Trustee

An executed copy will be mailed.